

Module 13
Documentation Process

INVESTIGATIONS

13.1.0 Unit Goal: Summarize the process of conducting internal investigations.

13.1.1 Identify inmates who violate a facility rule.

- A. Establishment of facts through interviews with:
 - 1. Those directly involved in the violation (inmates and/or correctional officers)
 - 2. The witness to the violation (inmate and/or officer)
 - a. Gather information as to description of the complainant, suspect, witnesses, and any other related investigative facts.
 - b. Obtain and record all pertinent information regarding the offense:
 - 1) Time
 - 2) Date
 - 3) Location where they were when offense occurred
 - 4) What was seen
 - 5) What was heard
 - c. Allow complainant and witnesses to tell own story, then ask pertinent, direct questions.
 - d. Ask open-ended questions without supplying an answer.
 - e. Avoid hearsay information.
 - f. Obtain written statement from witnesses or complainant, whenever necessary and/or available.
 - 3. Advise inmates of rights under Code of Criminal Procedure, Sec. 38.22(2) - When statements may be used
- B. Identification by cell or tank assignment.
- C. Review camera footage and store footage accordingly.

13.1.2 Identify methods for securing and protecting physical evidence.

- A. Criminal law violations:
 - 1. Preserve the crime scene by sealing and guarding the area from contact by other inmates or correctional officers.
 - 2. Identify witnesses and, if possible, secure each in a separate area where they cannot contaminate or destroy evidence or communicate with other witnesses.
 - 3. Notify the appropriate investigators.
 - 4. Document the location of suspected evidence by photographing and/or recording the scene and evidence item, prior to removal.
 - 5. Do not disturb the physical evidence or allow other to do so (exceptions: suicide/suicide attempts, assaults, and other medical emergencies).

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6. Handling of blood or other potential pathogen evidence:
 - a. While wearing protective equipment (gloves, mask, etc.), place items in a paper bag.
 - b. Suspected inmates or victims should remove their clothing and place it into evidence.
 - 1) These items can later be examined to determine presence of blood, stains, hairs, fibers, or other evidence that could directly link the individual to the offense as a witness, suspect, or victim.
7. Do not give information to inmates.
8. Do not leave the scene until relieved by the authority or released by the investigating officer.
- B. General consideration in handling evidence is to preserve its integrity, preserve its value to owner and mark as evidence if possible.
- C. Evidence is located and identified - the person doing this marks on evidence or attaches a tag on evidence showing name of person, date, offense, location found, and case number if available.
- D. If evidence is too small to mark on, or if marking on will alter or damage, then evidence may be placed in an envelope or container that shows necessary identification.

13.1.3 Identify the process of handling administrative rule violations.

- A. Should be handled the same as a criminal investigation.
- B. An exception is that the violation will be investigated by jail personnel.
- C. Administration will decide to treat the case as a criminal or administrative problem, or both.

13.1.4 Define chain of custody.

- A. Chain of custody is the process which records transactions of evidence from person to person since its acquisition by a law enforcement agency.
- B. Chain of custody maintains exactly what happened to evidence from the time it was found until presented in court.
- C. Chain of custody accounts for:
 1. Who found the item
 2. Where it was found
 3. Who took custody and marked it
 4. Who transported it
 5. Where it is being stored

Source: <https://www.scribd.com/document/336607566/Cases-Chain-of-Custody>

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13.1.5 Identify the purpose of following a chain of custody:

- A. To establish evidence was found at the scene
- B. To document the evidence was in control or possession by the suspect
- C. To document the evidence is related to a crime or violation of jail rule
- D. To document the evidence has not been altered:
 - 1. This includes handling of evidence items by non-essential personnel (i.e., supervisors, fellow officers, etc.).
 - 2. The handling of evidence can destroy fingerprints and interfere with fiber and DNA collection.
 - 3. Limit handling to removing items from their location and immediately placing them in an evidence container.
 - 4. Whenever possible, evidence should be moved only by trained personnel or the investigating officer.
- E. To document the evidence has been positively identified
- F. To document the evidence has been accurately collected, marked, and preserved
- G. To document whom the evidence was taken from when it was handed over to the appropriate officials

13.1.6 Identify methods for investigating injured inmates.

- A. Secure the scene.
- B. Aid the injured.
- C. Contact area supervisor.
- D. Identify and isolate witnesses.
- E. Reporting
 - 1. Texas Commission on Jail Standards, Rule 269.1(3) - Record System
 - 2. Texas Commission on Jail Standards, Rule 273.5(7) - Mental Disabilities/Suicide Prevention Plan: Reporting

13.1.7 Identify procedures for investigating a death in custody.

- A. Secure the scene.
- B. Contact supervisor.
- C. Maintain a log of all personnel entering and exiting the scene until an outside investigating agency, appointed by the Texas Commission on Jail Standards, takes over control of the scene.
- D. Upon conclusion of the investigation the report shall be submitted to the Texas Commission on Jail Standards.
- E. Refer to departmental policies.

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REPORT WRITING

13.2.0 Unit Goal: Summarize key report writing skills and basic grammatical rules.

13.2.1 Identify the reasons to write a report.

- A. Documenting a criminal act
- B. Documenting an institutional violation
- C. Documenting a medical emergency
- D. Documenting a statement related to a complaint
- E. Clear notes and reports can help correctional officers recall information
- F. Proper documentation may prevent litigation

13.2.2 Identify methods for preparing investigative reports.

- A. Good field notes:
 - 1. Always have a method of recording information.
 - a. Notecards
 - b. Personal notebooks
 - 2. Developing a good consistent shorthand is essential to fast note taking.
 - 3. Writing any notes that come to mind during interviews and observations will help keep follow-up questions focused.
 - 4. Clearly identify who did and said what during the incident:
 - a. Officers' actions and statements
 - b. Inmates' actions and statements
 - c. Witness actions and statements
 - 5. Note the sequence, time, and environmental conditions.
 - 6. Note any unusual circumstances.
- B. Establishing all the elements of the incident:
 - 1. When writing reports related to criminal offenses:
 - a. Use the statute as an outline for your report.
 - b. Remember that every element of the offense must be proven beyond a reasonable doubt.
 - c. Never falsify or omit information on a report.
 - d. Pay attention to tiny details when possible.

Instructor Note: Defense attorneys will attack the element of the offense that is the least supported or the one that gives rise to the likeliest defense. Developing the skill to anticipate defense helps officers write stronger reports.

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2. When writing reports related to institutional rule violations:
 - a. Use the rule violation as an outline for the report.
 - b. Address all institutional violations.
 - c. Good reports protect your reputation, job, and ability to testify.
 - d. Never falsify or omit information on a report.
 3. When writing reports related to a relay of information (this includes suicide attempts, medical events, etc.):
 - a. Keep in mind the reason this type of report is written is to relay a factual record of an event to maintain an accurate record for future reference. This is imperative in the event an accusation is made against an officer or the facility.
 - b. Ensure accurate information of all parties involved is recorded, including:
 - 1) Suspects
 - 2) Victims
 - 3) Responding officers
 - 4) Responding medical personnel
 - 5) Witnesses
 - c. Clearly note any circumstances involving officer liability
 - d. Never falsify or omit information on a report.
- C. Include all evidence
1. When describing the scene in a written report use a consistent process to record your observations.
 - a. One technique in descriptive writing is describing from memory; this refers to the observer's ability to visualize the scene by memory and explain the setting.
 - b. Sketching has been known to help officers remember details of an event when struggling to recall a situation.
 - c. Remember to include:
 - 1) Was the floor wet or dry?
 - 2) Was there an abundance of light or was it dark?
 - 3) Was it cold or warm in the area? (This is particularly important when reporting on a death, to qualify the time of death.)
 2. Include names of all officers, and witnesses.
 3. Reference all audio or video material.
 4. Include every step taken to secure evidence when present, up to and including the chain of custody.

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D. Answer all questions

1. When reviewing your report there should be no open-ended questions.
 - a. If medical treatment was required:
 - 1) When did the subject return from receiving medical treatment?
 - 2) What was the condition of the subject upon completion of receiving medical treatment?
 - b. Did you follow up with all statements or accusations to verify their validity?
2. Anytime an escalation in force was required remember to notate de-escalation of force when the subject stops resisting.

13.2.3 Identify sources of information for written reports.

- A. Complainant
- B. Witness
- C. County, city and state records
- D. Informants
- E. Officer Observations

13.2.4 Identify what information is appropriate content for a written report.

- A. Reports should be written from a first-person perspective.
- B. Reports should be written in plain English.
- C. All information should be:
 1. Accurate
 2. Concise
 3. Complete
 4. Clear
 5. Legible
 6. Objective
 7. Grammatically correct
 8. Correctly spelled

13.2.5 Identify inappropriate content for a written report.

Report writers should avoid the use of police jargon such as:

- A. Ten Codes
- B. APB – All-Points-Bulletin
- C. ATW – All the way out
- D. MVA – Motor Vehicle Accident

13.2.6 Identify the appropriate sequence of information in written reports.

- A. Reports should always be written in the order in which the event occurred.
- B. All events being documented in a report will need to be in past tense since these events have already occurred.

13.2.7 Identify the elements of a complete report.

- A. Who?
- B. What?
- C. When?
- D. Where?
- E. Why?
- F. How?

13.2.8 Identify the elements of a case summary sheet.

- A. Each case summary sheet includes the following information:
 - 1. Subject's name
 - 2. Charge
 - 3. Date, time, location of offense
 - 4. Synopsis of events
 - 5. Briefly describe what the witnesses can testify to
- B. Include a copy of the complete report.

13.2.9 Identify methods of proofreading reports.

- A. Complete sentences
 - 1. Written communication is an integral part of every day for each officer.
 - 2. Without clear, complete sentences in reports, officer's thoughts cannot be understood by any number of people who rely upon the report and/or notes.
 - 3. Complete sentences include the subject of the sentence as well as the verb and if necessary, the object of the sentence.
- B. Other common sentence errors:
 - 1. Sentence fragments are incomplete sentences. In this instance an important piece of information is left out of the sentence.
 - 2. Run-on sentences occur when punctuation is missed.
 - 3. Run-on sentences may also occur when the writer combines two sentences that are closely related.
 - 4. In law enforcement, the use of pronouns may confuse the reader because there are usually multiple subjects involved in a report.

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5. Spelling is the most common mistake found in reports. While spellcheck and modern technology have improved this; students must remember that they may have corrected the spelling of a word but the spellcheck may have interpreted it as the incorrect word.
- C. Double negatives
1. A double negative is identified when two negative words are used in the same clause.
 2. The following words should be avoided in pairs:
 - a. No
 - b. Not
 - c. Never
 - d. None
 - e. No one
 - f. Nobody
 - g. Nothing
 - h. Nowhere
 - i. Neither
 - j. Conjunctions which create negative words such as the word isn't
- D. Passive Voice vs. Active Voice
1. Reports should be written in what is known as active voice.
 - a. In this sentence structure the subject performs the action.
 - b. Example: Inmate Johnson hit Inmate Romero with a closed fist.
 2. Report writers should avoid using passive voice.
 - a. In this sentence structure the subject receives the action.
 - b. Example: Inmate Romero was hit by Inmate Johnson with a closed fist.
- E. Quotation Marks
1. Quotation marks help the reader to identify the exact words of the speaker.
 2. If you cannot quote someone verbatim, do not use quotation marks.
 3. Example, Sergeant Smith instructed Officer Johnson to, "Go to the Medical Center and get a wheelchair."
 4. If slang or jargon is used in a report, it should only be used as part of a quotation and only if necessary.
 - a. Example: Officer Jones stated, "Let's go, we have a 10-50."
 - b. When possible, the writer should avoid slang or jargon.
 - c. Preferred example: Officer Jones said we should leave to respond to a car crash.

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13.2.10 Demonstrate observation and descriptive skills.

- A. Instructors may use this video link which demonstrates misdirection, a common technique used by inmates to distract officers:
https://www.ted.com/talks/apollo_robbins_the_art_of_misdirection
- B. Instructors may use the scenario included below titled Scenario 1 as an exercise in observation and descriptive skills.
- C. Instructors may use the activity below titled Activity 1 as a supplemental exercise in observation and descriptive skills.

13.2.11 Demonstrate the ability to write a report.

- A. Instructors may use video footage of an incident and require the class to write a report based on their observations.
- B. Instructors may use the scenarios included below to have the class write reports.

13.2.12 Demonstrate the ability to proofread a report.

- A. Instructors should have each student proofread the reports of their peers to demonstrate their ability to identify common report writing errors.
- B. Instructors may utilize the handout below to have the students identify sentence errors.

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Scenario 1: Demonstrating Observation and Descriptive Skills

Setup:

The instructor should orchestrate an interruption in the class at a precise time, where a random person enters the classroom and does some spontaneous action. This interruption should be in clear view of the students and should last no more than 10 seconds.

Student Task:

The students will be required to describe, in writing, the person who entered the classroom and their actions. The students are not allowed to talk during this exercise. The students should include as much detail and description as possible. The students should take approximately 5 minutes for this exercise.

Review of Material:

The instructor should ask the student to read their descriptions aloud until the class has filled in the details. The instructor can write chronological details as the students identify them.

Activity 1: Exercise in Descriptive Writing

Setup:

Collect 10-15 common male and female items. You should choose things that are varied in color, texture, size and weight. Place the items into a box where each item is visible when the student looks from above.

Instruct the students they will be required to describe the “things” on paper, and no talking will be allowed during this exercise.

Allow the student to come up in a group of 4-6 to the box without paper. Give each student exactly 10 seconds to look at (no touching) the “things.” Instruct the group to return to their desk to write down the “things” and descriptions.

Ask all students how many items were in the box?

Allow the students to return to the box, this time for 15 seconds. Students are allowed to pick up items and examine them to improve their descriptions. The student must return the item to the same location they picked it up from. Remind them to check smell, texture, and weight. The students should look for distinguishing marks, the items’ location in the box, and proximity to other things.

Encourage the students to come up with vivid language that describes details about the pieces they examined.

This exercise demonstrates the importance of being able to provide accurate details from memory as an officer with a short exposure to evidence.

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Scenario 2: Demonstrating Observation and Descriptive Skills

Setup:

An inmate has filed the following complaint/grievance:

“Officer _____ was working in my housing unit yesterday at about 3 o’clock pm. I returned from working in the kitchen and this officer groped me during the pat down. I want to file charges for sexual assault.”

Student Task:

The students will be required to describe, in writing, the circumstances surrounding this situation. Each student will be required to describe the inmate, the setting, and their response.

Each student will proofread another student’s statement.

Review of Material:

The students will be required to review their reports to ensure the following was included:

- A. The inmate’s positioning to the officer.
- B. The inmate’s posture while making their complaint.
- C. The context of the complaint.
- D. Any steps the officer took to resolve the issue.
- E. What was the resolution to the initial complaint?
- F. Did the officer document the initial encounter?

In reviewing the proofreading, did the student pay attention to these common sentence errors:

- A. Were the sentences in complete sentences?
- B. Did the student avoid double negatives?
- C. Was the punctuation correct?
- D. How often was spelling an issue?
- E. Were quotations used?
- F. If quotations were used did they reflect a realistic statement?

References:

<https://www.police1.com/investigations/articles/5-keys-to-great-report-writing-g3a3fvJ3Xwyi79ZD/>

Parr, L. A. (2000). Report Writing Essentials. Nevada: Copperhouse Publishing Company.

Rutledge, D., J.D. (2d. Ed). (2000). The New Police Report Manual. Nevada: Copperhouse Publishing Company.

https://www.ted.com/talks/apollo_robbins_the_art_of_misdirection

COURTROOM DEMEANOR AND TESTIMONY

13.3.0 Unit Goal: Summarize some issues encountered during courtroom testimony.

13.3.1 Identify professional demeanor and appearance when appearing in court.

- A. Benefits of professional courtroom demeanor and appearance:
 - 1. The reputation of the correctional officer and the department may be enhanced or diminished by the demeanor and appearance of the officers in court.
 - 2. Courtroom testimony represents a challenge to officers and is a test of:
 - a. True abilities
 - b. Self-control
 - c. Tact
 - d. Obedience
 - e. Personal conduct
 - f. Bearing
 - g. Verbal communication
- B. Courtroom Attire
 - 1. A correctional officer's attire can impact their credibility as viewed by a jury; care should be taken in preparation so clothing is neat, clean, and free from wrinkles.
 - 2. Shoes should be cleaned and polished.
 - 3. Refer to departmental policy.

13.3.2 Identify methods for testifying in court.

- A. Elements of preparation for testimony:
 - 1. Vital to every criminal prosecution is the officers' preparation to testify.
 - 2. Anticipation of logical questions allows for refreshing memory on important information.
 - 3. Have ready a full history of your participation in the case, with any relevant evidence and facts.
 - 4. Conduct a careful study of reports, interviews, photos, evidence, and notes; failure to do so will often result in misstatements, omissions, and contradictions.
- B. Using notes during testimony:
 - 1. The decision to use notes in court must be based on a determination as to whether or not the information can be remembered without the notes.

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2. If the correctional officer had firsthand knowledge of the preparation of the notes and the notes were prepared at the same time as the investigation, the notes may be used by the witness to refresh memory.
3. Once the notes are used by the officer, they are subject to cross-examination and admission into evidence.

13.3.3 Identify proper demeanor when called to testify.

A. First Impression:

1. Approach the court confidently.
2. Walk directly to the witness stand or clerk's desk and prepare to take the oath.
3. Do not look at the accused, the jury, or the judges.
4. Follow the prosecutor's direction.

B. Taking the Oath:

1. While taking the oath, look at the person administering it.
2. Keep right hand at shoulder level, with fingers extended, until the oath is completed.
3. The prosecutor will then begin by directing the officer to be seated and then asking for name, occupation, and department.

13.3.4 Identify the different types of examination.

- A. The initial phase of the trial during which the prosecution presents the evidence demonstrating the guilt of the defendant is usually when the officer is first called to testify.**

1. Direct Examination:

- a. The prosecutor elicits facts from the officer.
- b. Direct testimony to the jury, or to the judge in the absence of a jury, when answering prosecutor's questions.
- c. If defense counsel objects to a question, remain silent until the court has ruled on the objection.
- d. The judge will rule on the objection in one of two ways:
 - 1) "Sustained" (the officer may not answer)
 - 2) "Overruled" (the officer may answer the question)

- 2. Cross Examination:** The defense counsel will begin the questioning after the prosecution has finished with the witness.

- 3. Redirect Examination:** Following the cross examination by the defense attorney, the prosecutor may question the witness to clarify statements or answers given during the cross-examination.

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4. Re-cross Examination: The defense attorney may further question a witness after redirect examination by the prosecutor.
- B. Techniques for effective testimony: A juror's impressions are strongly affected by the way an officer/witness informs the court of the facts discovered during an investigation.
 1. The Principles of Witnessmanship:
 - a. Honesty: present a modest demeanor and display a sincere interest in the accuracy and truth of statements.
 - b. Brevity: most witnesses do not get flustered, confused, or embarrassed if they confine their statements to answering the questions. Be brief and to the point. Do not volunteer information, argue with the attorney, or make spontaneous, unneeded comments.
 - c. Clarity: errors, inconsistencies, and confusion undermine credibility with the jury.
 - d. Objectivity: present an impartial and conscientious picture of a public servant working for the interests of justice. Be courteous, answer directly, and remain poised. The defense counsel will often endeavor to portray the officers as prejudicial and interested to accuse the first person of whom they become suspicious, so remain the objective public servant during testimony.
 - e. Emotional Control: ignore insults, badgering, and innuendoes. A display of anger loses credibility.
 - f. How to be clearly and properly heard.

13.3.5 Identify steps to achieve positive verbal communication and body language.

- A. Speak clearly.
- B. Act in a mature manner.
- C. Make face-to-face contact.
- D. Maintain good sitting posture (i.e., sit up straight).
- E. Show a sense of confidence.
- F. Be respectful.
- G. Address the judge, jury, or whoever asks the questions.
- H. Treat both attorneys equally.

13.3.6 Identify techniques to utilize when being questioned.

- A. Listen.
- B. Do not answer until the meaning of the question is clear.
- C. Ask to repeat or clarify.

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- D. Watch for double questions.
- E. Watch for hypothetical questions.
- F. Be cautious about “yes” or “no” questions.
- G. Don’t say “he/she” did such-and-such. Say “Mr./Ms. Jones” did such-and-such.
- H. Admit your mistakes.
- I. Keep within the limits of what you really know:
 - 1. Correctional officers should answer only the questions they are qualified to answer.
 - 2. "I don't know": does not mean ignorance, only that the facts were not observed directly. This statement closes examination on a point about which the attorney may need to ask additional questions concerning forgotten facts. "That is all I can recall" may be an appropriate statement.
 - 3. "I don't remember": witness is unsure.
 - 4. Opinion evidence should always be based upon facts. Make clear the distinction between opinion and facts. Represent only facts as fact.
- J. Exclusion of witnesses from courtroom:
 - 1. “Under the Rule” – Officers are not to discuss the case with other witnesses and/or jurors.
 - 2. Texas Rules of Evidence, Rule 614 - Excluding Witnesses
 - 3. Code of Criminal Procedure, Art. 36.03 - Invocation of Rule
 - a. Code of Criminal Procedure, Art. 36.05 - Not to Hear Testimony
 - b. Code of Criminal Procedure, Art. 36.06 - Instructed by the Court
 - 4. Officers are to remain near the courtroom.
 - 5. After testifying, the officer should again leave the courtroom and stay nearby.
 - 6. Officers should not leave the area until dismissed by the judge.

13.3.7 Discuss tactics used by defense attorneys.

- A. Courtroom tactics by defense attorney:
 - 1. Challenging the credibility of the prosecution’s witness. Many times, the defense counsel realizes the prosecution has an extensive case against the defendant so the only logical defense must be based on challenging the credibility of the prosecution's witnesses.
 - 2. Some of the tactics defense counsel may use to diminish your credibility:
 - a. Offensive: rapid-fire questioning is intended to confuse the witness and procure inconsistent answers. When faced with such a situation, take time to consider each question, be deliberate in answering, and ask to have the question repeated. Remain calm.

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- b. Condescending defense counsel will be ultra-benevolent in approach to the point of ridicule to give the impression that the witness is inept. When faced with such a situation, ask for the question to be repeated if it was improperly phrased and then answer in a firm and decisive manner.
- c. Friendly defense counsel may be overly courteous to lull the witness into a false sense of security where answers may be given in favor of the defense. When faced with such a situation, stay alert and bear in mind that the defense counsel is attempting to diminish the effect of the testimony.
- d. Badgering/belligerent: intended to provoke to lose emotional control and, therefore, credibility with the jury. When faced with such a situation, ignore the defense counsel's actions, stay calm, speak in a deliberate voice, and give the prosecutor time to make the appropriate objections.

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INMATE RELEASE

13.4.0 Unit Goal: Summarize the process involving inmate release.

13.4.1 Define release.

- A. Release is the discharge or setting free from restraint or confinement.

Source: <http://thelawdictionary.org/release/>

13.4.2 Identify some types of releases.

- A. Time served
- B. Conditional releases
- C. Alternative sentencing
- D. Transfer to other agencies
- E. Dismissal
- F. No bill by Grand Jury
- G. Death
- H. Escape

13.4.3 Define a conditional release.

- A. Conditional release is a discharge from an obligation based on some condition, the failure of which defeats the release.

13.4.4 Identify types of conditional releases.

- A. Bail Bond
- B. Probation
- C. Recognizance
- D. Work Release
- E. Pretrial Release
- F. Community Service
- G. Court Ordered Treatment Programs
- H. Court Ordered Halfway House

13.4.5 Define intermittent sentencing.

- A. Intermittent Sentencing – A sentence consisting of periods of confinement interrupted by periods of freedom (also termed Weekend Sentencing).

Source: <https://definitions.uslegal.com/w/weekend-sentence%20/>

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13.4.6 Differentiate between various types of bonds.

- A. Code of Criminal Procedure, Art. 17.01 - Definition of "Bail."
- B. Bail Bond - When collateral is used to keep a defendant out of jail before the hearing. It's a percent of the total bond. It is taken if the person does not appear in court.
- C. Personal Bond - when a person is released on a pledge to appear in court to answer the charges against him at a later date.

13.4.7 Identify the requisites of a bond.

- A. Code of Criminal Procedure, Art. 17.08 - Requisites of a Bail Bond
- B. Code of Criminal Procedure, Art. 17.04 - Requisites of a Personal Bond

13.4.8 Identify regulations for depositing moneys received for bail bonds.

- A. Code of Criminal Procedure, Art. 103.004 – Disposition of Collected Money

13.4.9 Identify methods for reviewing bond applications.

- A. Check to ensure the names are correct.
- B. Check for property bonds with county clerk.
- C. Cash bond
 - 1. Have principal produce cash or equivalent to satisfy bonds.
 - 2. Produce receipt for the principal person.
- D. Obtain inmate's current address.
- E. Assure bond amount agrees with booking amount.
- F. Obtain name and address of surety (if required).
- G. Assure surety is authorized (if required).
- H. Obtain proper signature from inmate, "same as on document".
- I. Check to be sure that court number agrees with the designated court.
- J. Assure that charge is correct.
- K. Get a fingerprint on the application (if applicable).

13.4.10 Identify methods for recording changes in bond amount or conditions.

- A. Receive information through court procedures.
- B. Assure correctness of written process.
- C. Assure process is legal and properly signed.
- D. Check computer for a change from court (if applicable).

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- E. Update booking cards with caution - only proper procedures according to departmental policy should be used.

13.4.11 Identify circumstances in which an agency may place a hold on an inmate who is making bond.

- A. Code of Criminal Procedure, Art. 17.29 - Accused Liberated
- B. Code of Criminal Procedure, Art. 17.291(b) - Further Detention of Certain Persons

13.4.12 List the importance of comparing bond application to the court document setting bail.

- A. Check if bond has been lowered or raised.
- B. Check for any other agency holds.
- C. Assure the case is docketed in the court authorizing the change.
- D. Contact the court if any part of the proceeding is incorrect.
- E. At such time when inmate is transferred to Texas Department of Criminal Justice:
 - 1. Code of Criminal Procedure, Art. 42.09 - Commencement of Sentence; Status during Appeal; Pen Packet
 - 2. Parole Revocation Disposition (blue warrant)
- F. Release to another agency:
 - 1. Verify identity of agency representative.
 - 2. Verify and copy agency paperwork
 - a. Texas Commission on Jail Standards, Rule 267.2 - Authorization
 - 3. Have officer sign for inmate.
 - 4. Release personal property to officer – inmate signs to acknowledge the release of their property.
- G. At commutation or end of jail sentence and/or fine paid or served.
- H. Upon custodial death of inmate, follow state law and departmental policy for notification of kin, medical examiner, media, etc. (refer to death in custody section).
- I. By court order:
 - 1. Temporary release
 - 2. Sentences during off work time
 - a. Code of Criminal Procedure, Art. 42.031 - Work Release Program
 - b. Code of Criminal Procedure, Art. 42.032 - Good Conduct

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- c. Code of Criminal Procedure, Art. 42.033 - Sentence to Serve Time during Off-Work Hours
- 3. Dismissals
 - a. No-bill (failure to indict)
 - b. Texas Commission on Jail Standards, Rule 265.9 - Bonding
 - c. Code of Criminal Procedure, Art. 17.29 - Accused Liberated
 - d. Code of Criminal Procedure, Art. 17.291 - Further Detention of Certain Persons
 - 1) Under family violence, agency shall hold for four hours after bonding/magistrate, not to exceed 48 hours with magistrate approval
- 4. Work release
 - a. Code of Criminal Procedure, Chapter 42 - Judgment and Sentence
- 5. Habeas Corpus
 - a. Code of Criminal Procedure, Art. 11.01 - What Writ Is
- 6. Bench warrant
 - a. Code of Criminal Procedure, Art. 24.13 - Attachment for Convict Witnesses

13.4.13 Discuss the requirements for bail.

- A. Code of Criminal Procedure, Art. 17.01 - Definition of "Bail"
- B. Code of Criminal Procedure, Art. 17.02 - Definition of "Bail Bond"
- C. Code of Criminal Procedure, Art. 17.08 - Requisites of Bail Bond
- D. Qualifications of sureties for bail
 - 1. Code of Criminal Procedure, Art. 17.031 - Release on Personal Bond
 - 2. Code of Criminal Procedure, Art. 17.032 - Release on Personal Bond of Certain Defendants with Mental Illness or Intellectual Disability
 - 3. Code of Criminal Procedure, Art. 17.06 - Corporation as Surety
 - 4. Code of Criminal Procedure, Art. 17.11 - How Bail Bond is Taken
 - 5. Code of Criminal Procedure, Art. 17.12 - Exempt Property
- E. Code of Criminal Procedure, Art. 17.045 - Bail Bond Certificates
- F. Personal Bond
 - 1. Code of Criminal Procedure, Art. 17.03 - Personal Bond
 - 2. Code of Criminal Procedure, Art. 17.04 - Requisites of a Personal Bond

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Documentation Process

13.4.14 Identify some methods of documenting monetary amounts of bonds required and received.

- A. Code of Criminal Procedure, Art. 17.39 - Records of Bail
- B. Recording necessary for county auditor or treasurer:
 - 1. Code of Criminal Procedure
 - a. Art. 103.004 - Disposition of Collected Money
 - b. Art. 103.009 - Fee Records
 - c. Art. 103.010 - Receipt Book
 - d. Art. 103.011 - Audit
 - e. Art. 103.012 - Penalty
 - 2. Show example of completed records.
- C. Recognize the necessity of collecting the correct amount of monetary fine or bond:
 - 1. Penal Code, Sec. 39.03 - Official Oppression
 - 2. Fines and bonds collected shall reflect court requirements.

Note: Inmate shall be discharged from jail upon serving/working out fine, or remittance thereof (Code of Criminal Procedure, Art. 43.01 - Discharging Judgment for Fine, Code of Criminal Procedure, Art. 43.09 - Fine Discharged)

13.4.15 Identify some methods for verifying eligibility of surety executing bail bond.

- A. Obtain department bondsman list, if applicable.
- B. Compare names on list.
- C. Comply with County Bail Bond Board list for those approved (if applicable).

13.4.16 Explain the importance of comparing bond application to court document setting bail to ensure the bail amount is correct.

- A. Check if bond has been lowered or raised
 - 1. Assure the case is docketed in the court authorizing change.
- B. Contact court if any part of the proceedings is incorrect.

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Documentation Process

13.4.17 Recognize the necessity of informing bonding agent of conditions of a bond.

- A. Conditions of bond may prevent the inmate from being released from jail immediately
 - 1. Immigration and Customs Enforcement holds
 - 2. Domestic violence holds
 - 3. Parole violations
- B. Conditions of bond are generally found on the magistrate's warning
- C. Refer to your departmental policy

13.4.18 Explain the importance of checking for new wants and warrants before releasing an inmate.

Instructor Note: The following information sources should be checked to ensure that a person is not released when wanted by another jurisdiction.

- A. Check for a detainer.
- B. Check local agency records.
- C. Regional records system inquiry.
- D. License Issuance and Driver Records (LIDR) inquiry for HP-44's (Texas Highway Patrol Traffic warrants).
- E. TCIC/NCIC check.

13.4.19 Identify some methods for verifying a warrant and placing a detainer on inmate.

- A. How received?
 - 1. Teletype
 - 2. Telephone
 - 3. Mail
 - 4. Delivered in person
- B. Verification of detainer:
 - 1. Ascertain correct identity of detaining person and agency.
 - a. ID (if in person)
 - b. Teletype address (needs no further ID)
 - c. Telephone - call back
 - d. Documentation by mail

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Documentation Process

2. Ascertain correct identity of inmate.
 - a. Fingerprints
 - b. Photographs
 - c. Personal identification
 - d. Scars, marks, tattoos
3. Appearance before magistrate
 - a. Code of Criminal Procedure, Chapter 14 - Arrest without Warrant
 - b. Code of Criminal Procedure, Chapter 15 - Arrest under Warrant
 - c. Code of Criminal Procedure, Art. 15.16 - How Warrant is Executed
 - d. Code of Criminal Procedure, Art. 15.17 - Duties of Arresting Officer and Magistrate
 - e. Code of Criminal Procedure, Art. 15.18 - Arrest for Out-of-County Offense

13.4.20 Explain the importance of reviewing transfer and release documents for completeness and accuracy.

- A. Review documents:
 1. Court proceedings
 2. Bonds
 3. No bills (failure to indict)
 4. Bench warrants
 5. Warrants or commitment documents
- B. Verbal authorization:
 1. Judges
 2. Sheriff
- C. Check for accuracy:
 1. Names need to be correct
 2. Check charge or charges
 3. Bond amount
 4. Signature of surety, prisoners, judge, or clerk

13.4.21 Identify some methods of verifying the identity of a person picking up an inmate.

- A. Official ID card and commission card, if officer
- B. Known by department
- C. Driver's license - if not officer and named in order to pick up inmate

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Documentation Process

13.4.22 List some methods for making a positive identification of an inmate being released.

- A. Identification
- B. Check for location of inmate on jail log
- C. Check photograph
- D. Check fingerprints
- E. Check scars, marks, and tattoos
- F. Check signature on inmate records
- G. Check signature on bond - compare with known signature

13.4.23 Explain the importance of documenting the type of release when an inmate leaves the facility.

- A. Texas Commission on Jail Standards, Rule 269.1(2)(J) - Record System: Release
- B. Time served
- C. Dismissal
- D. Transfer to other agency
- E. Information should be put on proper form:
 - 1. Booking sheet
 - 2. Inmate permanent files

13.4.24 Identify some methods for returning an inmate's property upon release.

- A. Texas Commission on Jail Standards, Rule 267.5 - Property Return
- B. Review inmate's property and count money with inmate present, issue check if money has been taken.
- C. Check for property released by inmate while in custody:
 - 1. To family or attorney
 - 2. Commissary
 - 3. Fines and court costs
- D. Have inmate sign for property:
 - 1. On book card or sheet
 - 2. If inmate refuses to sign, make note of it and have a witness.

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Documentation Process

13.4.25 Identify methods for dressing-out inmates being released for court or transfer.

- A. Identify correct inmate(s):
 - 1. Verbal contact from authorized employees.
 - 2. Printed court docket.
- B. Secure clothing:
 - 1. Remove the clothing from the property room.
 - 2. Check the clothing against the property sheet.
 - 3. Check name on the property sheet with inmate's identity.
 - 4. Search the clothing.
- C. Secure inmate:
 - 1. Remove the inmate from assigned quarters.
 - 2. Transfer the inmate to dressing area.
 - 3. Have the inmate check the clothing to assure ownership.
 - 4. Have the inmate put the clothing on.
 - 5. Follow departmental policy.
- D. Signing of documents:
 - 1. Obtain the signature of the inmate who is returning jail clothes and receiving their own clothes.
 - 2. Have the officer sign the receipt of same.

13.4.26 Explain the importance of updating a roster with current inmates.

- A. Determine who is in jail
- B. Determine the location of each inmate
- C. Change in charge
- D. Change in bond amount
- E. Change in status: felony to misdemeanor
- F. Change in age, health, etc.
- G. Determine who has been released

13.4.27 Explain the importance of reviewing court lists.

- A. Used to identify and notify inmates of their scheduled court dates.
- B. Keep a current court list.
- C. Determine the location of inmates.
- D. Notify the correctional officer on duty of the time and court.

Module 13

Documentation Process

13.4.28 Explain statutory notification requirements according to state law and department policy.

- A. Statutory notifications required pertaining to sex offenders and under “Stalking Law”
 - 1. Penal Code, Sec. 42.072 - Stalking
 - a. Code of Criminal Procedure, Art. 17.46 - Conditions for a Defendant Charged with Stalking
 - b. Government Code, Sec. 501.006(d) - Emergency Absence
 - 2. Penal Code, Sec. 22.11 - Harassment by Persons in Certain Facilities; Harassment of Public Servant
 - 3. Code of Criminal Procedure, Art. 56A.503 - Notification of Release or Escape
 - a. Code of Criminal Procedure, Art. 26.13 - Plea of Guilty
 - 4. Code of Criminal Procedure, Art. 62.053 - Prerelease Notification
- B. Statutory notification required for victims:
 - 1. Code of Criminal Procedure, Art. 17.29(b) - Accused Liberated
- C. Refer to department policy.