

TEXAS COMMISSION ON JAIL STANDARDS

EXECUTIVE DIRECTOR
Brandon S. Wood



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August 19, 2015

Dear Sheriff:

Upon the conclusion of the 84th Legislature, new laws were enacted that will require changes to Minimum Jail Standards. The proposed changes to Minimum Jail Standards are enclosed. The formal adoption of the amended minimum jail standards will progress through normal rulemaking procedures as outlined in Title 37 Part 9 Chapter 255 of the Texas Administrative Code. Rulemaking requires the Commission to consider public comments on the proposed rules; **therefore, the enclosed proposed rules are subject to change at the November Commission meeting.** Consequently, please **do not** submit operational plans until after the Commission has adopted the final rule in November. You will be sent a copy of the adopted rules in November.

Below please find information that outlines the enacted legislation, changes to minimum jail standards, and required action of Texas counties.

HB 549 by Johnson and HB 634 by Metcalf

Both HB 549 and HB 634 will require changes to the visitation standards, and jails will need to update their visitation operational plan. HB 549 mandates that county jails provide two **in-person**, noncontact visitation periods of twenty minutes in duration. Certain jails may be exempt from the in-person requirement; however, that exemption will be determined by the Commission, as outlined by the statute.

HB 634 will require jails to provide access by a legal guardian to a jail inmate including placement of the legal guardian on an inmate's visitation list, at the guardian's request. Jails may submit their updated visitation plans to Luz Lozano at any time but **no later than December 15, 2015. Please do not submit your visitation operational plans until after the November Commission meeting.**

HB 875 by Farias

Justice-involved veterans currently make up about 10% of jail populations. While current intake screening forms provide for a self-report mechanism, not all veterans will self-identify while incarcerated. To identify justice-involved veterans, the Department of Veterans Affairs (VA) created the Veterans Reentry Search Service (VRSS) specifically for criminal justice agencies.

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Irene A. Armendariz, Austin
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"The Commission on Jail Standards welcomes all suggestions and will promptly respond to all complaints directed against the agency or any facilities under its purview".

To empower local government to provide safe, secure and suitable local jail facilities through proper rules and procedures while promoting innovative programs and ideas

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HB 875 mandates the use of the VRSS by all facilities under the Commission's purview. VRSS file specifications are enclosed. The VRSS is a web-based application that will allow jails to upload their inmate roster in a Comma Separated Value (CSV) format. How often jails should conduct uploads is dependent on each county's inmate population and is at the discretion of each county.

The VRSS will access the Department of Defense database and will send information back to counties on inmates that have military service. At the same time the VRSS delivers information to counties, the VRSS will also notify the VA's Justice Outreach Officer of a justice-involved veteran.

HB 875 also requires counties to assist identified veterans with applying for federal benefits. The author of the legislation has approved for counties to simply provide a referral card to the identified veteran. The Texas Veterans Commission (TVC) is printing the card (at TVC cost), and the Commission will distribute the cards to counties (at Commission cost).

Once a veteran is identified, either through self-reporting or the VRSS, county officials will simply give the veteran the referral card. Because another state agency is providing the referral cards, please limit issuance to those individuals who self-identify as a veteran or a VRSS-verified veteran. The decision to send in the card is solely left to the veteran and will not require further involvement of the jail. A jail may use commissary funds to place a stamp on the referral card, but it is not required.

A log is enclosed for verification of the use of VRSS and issuance of referral cards. The log or similar document shall be available for inspections. A timeline of VRSS implementation is listed below along with other legislative deadlines.

HB 1140 by Israel

Legislation enacted in 2009 required the Commission on Jail Standards to establish health care standards for pregnant inmates. However, interested parties continue to allege mistreatment within county jails and assert that state officials lack adequate information to evaluate such care across Texas. H.B. 1140 seeks to provide the state with reliable information to assess the status of pregnant inmate care and related procedures in Texas.

To capture the current status of pregnant inmate care, HB 1140 requires the collection of data for a one-time report, including the number of miscarriages. H.B. 1140 reporting will be conducted in two phases. The first phase is the reporting of miscarriage information. **The data collection for miscarriages begins on September 1, 2015 and will conclude on August 31, 2016.** Please report miscarriage data on a monthly basis by the 5th of each month. The Commission has created a reporting form for the reporting of miscarriages and it is enclosed.

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While HB 1140 mandates only reporting the number of miscarriages, we are giving the counties the option to report more-detailed information. Enclosed please also find an optional report with reporting instructions. We urge counties to provide the optional information as it will give policymakers a better understanding of the entire issue when they reconvene in 2017 for the 85th Legislature.

The second phase of H.B. 1140 also requires the reporting of certain policies and procedures of pregnant inmate care that will be due by August 31, 2016. The Commission is required to create a reporting form and will issue the reporting form to counties no later than April 2016.

If you have any questions regarding this letter or any other issue, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in black ink that reads "Brandon S. Wood".

Brandon S. Wood
Executive Director
Texas Commission on Jail Standards

ENCL: Key Dates
Proposed Rules
Pregnant Miscarriage Report
Pregnant Inmate Optional Report and instructions
VRSS File Specification
VRSS Log

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Key dates

- **September 1, 2015**--Counties shall begin collecting the number of miscarriages.
- **September 1, 2015- October 30, 2015**- Counties should investigate ability of Jail Management Software (JMS) or county IT to convert/export inmate roster to CVS format and upload to the VRSS.
- **September 30, 2015**- Deadline for counties to establish a VRSS account with the VA. Web address is <https://vrss.va.gov/>. Counties should begin writing policies and procedures for uploading, receiving, and documenting VRSS data. **Counties are not required to submit VRSS polices to the Commission.**
- **October 5, 2015**-1st monthly report of miscarriage information due to the Commission
- **November 2, 2015**-Counties should be on the VRSS and actively uploading data at least once a day. Counties with major issues with VRSS should report that information to their jail inspector
- **TBD** Distribution of veteran referral cards to counties to be determined. Once counties receive their allotment of referral cards, counties should begin documentation of VRSS verification and distribution to veterans. Because another state agency is providing the referral cards, please limit issuance to those individuals who self-identify as a veteran or a VRSS–verified veteran.
- **December 15, 2015**-Deadline for initial submission of revised visitation plans. Final Commission approval for visitation plans will occur throughout the first half of 2016. Prior to submission, please review for grammar/spelling errors and ensure operational plans comply with all elements of standards. Please know/remember that the Commission has only one staff member to review and approve all operational plans for all 244 facilities.
- **April 2016**-Commission will distribute reporting form for HB 1140 policies and procedures for the care of pregnant inmates
- **August 31, 2016**-End of collection period for miscarriage information
- **September 1, 2016**-H.B. 1140 Pregnant Inmate Policies and Procedures reporting form due from counties
- **September 5, 2016**-last report of miscarriage information. August 2016 is the final miscarriage report and no other miscarriage reporting is required.

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