

# TEXAS COMMISSION ON JAIL STANDARDS

EXECUTIVE DIRECTOR  
Brandon S. Wood



P.O. Box 12985  
Austin, Texas 78711  
Voice: (512) 463-5505  
Fax: (512) 463-3185  
<http://www.tcjs.state.tx.us>  
info@tcjs.state.tx.us

## TECHNICAL ASSISTANCE MEMORANDUM

**To:** All Sheriffs and Jail Administrators  
**From:** Brandon Wood, Executive Director  
**Date:** January 20, 2017  
**Reference:** Book In/Book Out of Inmate(s) with Mental Health Concerns

**Question/Scenario:** An individual has a warrant out for their arrest and they turn themselves in on that charge. The individual has made arrangements to post bond immediately. During intake, the individual provides answers that trigger flags/indicators on the Screening Form for Suicide and Medical/Mental/Developmental Impairments.

What is the Texas Commission on Jail Standards stance on “holding” or delaying the release process in order for mental health professionals to screen or evaluate those individuals that have flags/indicators noted on the Suicide Screening Form?

**Answer/Recommendation:** After meeting with officials from the Texas Association of Counties (TAC) as well as regional legal counsel for TAC, the following was determined that jails have a “reasonable” amount of time to process someone out of jail. However, jail staff cannot deliberately delay the release once the bond has been posted. A deliberate delay could be construed as a violation of one’s civil rights.

### **Recommendations:**

1. If a mental health professional is immediately available, they should be consulted without delaying normal release process. They may be able to initiate an evaluation, if necessary.
2. If not, jail staff may wish to provide the individual with contact information for their local MHMR so that they can make contact upon release.
3. Lastly, it is recommended that jail staff have the individual sign a “No Harm” agreement prior to being released.

This issue was looked at from all directions. In the end, it was determined that there is a greater liability for holding the individual after the bond has been posted versus releasing the individual with the appropriate contact information along with the signed “No Harm” agreement.

If you have any questions or concerns, feel free to contact us at (512) 463-5505.

---

Judge Bill Stoudt, Longview, Chair  
Jerry W. Lowry, New Caney, Vice Chair  
Irene A. Armendariz, Austin

Sheriff Dennis D. Wilson, Groesbeck  
Sheriff Kelly Rowe, Lubbock

Larry S. May, Sweetwater  
Allan D. Cain, Carthage  
Dr. Esmail Porsa, M.D., Parker