

# TEXAS COMMISSION ON JAIL STANDARDS

EXECUTIVE DIRECTOR  
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## TECHNICAL ASSISTANCE MEMORANDUM

To: Sheriffs and Jail Administrators  
From: Brandon S. Wood, Executive Director  
Date: December 21, 2017  
Subject: Investigation Requirements for Custodial Deaths (as required by SB 1849)

Effective January 1, 2018, Custodial Death Investigations shall be conducted by agencies other than the local law enforcement agency that operates the county jail or facility that is under the purview of the Texas Commission on Jail Standards.

This new rule does not prohibit the local law enforcement agency from assisting in the Custodial Death Investigation. However, the local law enforcement agency should ensure that they establish a protocol with the investigating branch to prevent any contamination of a scene or duplication of services.

For those local law enforcement agencies who currently contact the Texas Rangers for **ALL** Custodial Death Investigations, this practice may be continued but official notification of this arrangement shall still be made to the Commission.

For those local law enforcement agencies who have historically conducted their own Custodial Death Investigations, the following is effective January 1, 2018:

**All deaths shall be investigated by another law enforcement agency/entity (such as the Texas Rangers, District Attorney's Office, Medical Examiner's Office, local police department, etc.) as long as no conflicts of interest exist. A primary and secondary investigating agency/entity shall be submitted for review and approval by the Commission.**

The local law enforcement agency is still responsible for notifying the Commission of all deaths of inmates within 24 hours of the death and will still be responsible for providing all supporting documentation necessary to the Commission.

If your agency does not have a policy in place regarding procedures for notification in the event of a Custodial Death, it is recommended that one is implemented as soon as possible, but in no case later than January 1, 2018.

The attached Custodial Death Notification Roster will need to be completed and submitted to the Commission on Jail Standards for approval no later than December 31, 2017. Please include the name of the County on the notification form. This form will be kept on file at the Commission for future reference. If there are any changes made to the contact names or numbers, the notification form will need to be resubmitted to the Commission for additional **review** and **approval**.

Email notification roster to: [wendy.wisneski@tcjs.state.tx.us](mailto:wendy.wisneski@tcjs.state.tx.us)

or

Fax notification roster to 512-463-3185, Attention: Wendy Wisneski

Judge Bill Stoudt, Longview, Chair  
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Larry S. May, Sweetwater

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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*