

TEXAS COMMISSION ON JAIL STANDARDS

EXECUTIVE DIRECTOR
Brandon S. Wood



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TECHNICAL ASSISTANCE MEMORANDUM

#22-03

TO: All Sheriff's and Jail Administrators
FROM: Brandon S. Wood, Executive Director *BW*
RE: Inmate Handbook Addendum / §251.6 Complaints
DATE: March 3, 2022

Dear Sheriff and Jail Administrator,

The Texas Commission on Jail Standards is required by HB1545 to adopt a change to §251.6 Complaints that requires you to include in your inmate handbook how an inmate can file a complaint with TCJS. It also requires that you post this information prominently in the jail as well. This change was published for comment in the Texas Register and adopted by our board on February 24, 2022. All county jails are required to comply with this revision by April 1, 2022.

In order to ensure all counties incorporate this requirement into their existing Inmate Handbook, we request that you sign the attached addendum and return it to the Commission by March 25, 2022. We will attach it to your approved plan. This will demonstrate that you have amended your Inmate Handbook, and that it complies with the requirements of HB 1545.

Send in **ONLY** the addendum. If you submit the entire Inmate Handbook, it will be returned without approval. The reason for this is if the entire handbook is submitted, it must be reviewed in its entirety to ensure that no other changes have been made. It is our goal to ensure that all counties have updated their Inmate Handbook as quickly as possible.

In addition, please denote on the attached sheet where this information will be posted in your facility. Recommended locations are booking areas, holding cells, multi-purpose rooms, visitation areas and day rooms. Inspectors are required by HB1545 to check that this information is posted.

If you have any questions regarding the submission of the addendum, please contact Lupe Moreno at (512)463-7815 or lupe.moreno@tcjs.state.tx.us or Jason Ross at (512)769-6976 or jason.ross@tcjs.state.tx.us.

Judge Bill Stoudt, Longview, Chair
Dr. Esmaeil Porsa, M.D., Houston, Vice-Chair
Ross Reyes, Melissa

Sheriff Kelly Rowe, Lubbock
Sheriff Raul "Pinky" Gonzales, Refugio
Patricia M. Anthony, Garland

Commissioner Ben Perry, Waco
Duane Lock, Southlake
Monica McBride, Alpine

_____ County

INMATE HANDBOOK ADDENDUM
COMPLAINT PROCESS

The following addendum to the _____ County Inmate Handbook is effective April 1, 2022:

The Texas Commission on Jail Standards will investigate any complaint regarding a violation of minimum jail standards. If you have a complaint about a county jail, you may write to the Texas Commission on Jail Standards. Once your complaint is received, it will be reviewed to determine if the complaint falls within the purview of the Texas Commission on Jail Standards. Non-jurisdictional complaints **will not** be reviewed. If the complaint is determined to be within the purview of the Texas Commission on Jail Standards, it will be reviewed in the order it was received (emergency complaints will be given priority). If your complaint has not been resolved within 45 days of receipt by the Texas Commission on Jail Standards, you will be provided an interim response. If you disagree with the findings of the investigation you may appeal, in writing, to the the Texas Commission on Jail Standards. All appeals must be received within 30 days after the complaint is closed.

Mail complaints to: Complaint Inspector
 Texas Commission on Jail Standards
 P.O. Box 12985
 Austin, TX 78711

Please be aware that The Texas Commission on Jail Standards cannot investigate certain claims, these include:

- Violation of Civil Rights as defined by state or federal statute
- Criminal acts committed by staff or others
- Unjust denial or restriction of privileges prior to a disciplinary hearing (visitation, phone access, commissary, etc.)
- Acts by staff prohibited by departmental policy
- Staff conduct (rudeness or unprofessionalism, etc....)
- Concerns related to your arrest, your attorney, the judge, or your case
- PREA (Prison Rape Elimination Act) Complaints
- Allegations of excessive force

If you have a complaint or concern that is listed above, you are required to use the local grievance process. The Texas Commission on Jail Standards will only review to ensure grievance procedures have been followed and will only override the decision of the Grievance Board or appeal decision if it is determined minimum jail standards have been violated. Alleged criminal acts will be referred to the appropriate law enforcement entity for investigation.

Sheriff's Signature

Date

In addition to including this information within the inmate handbook, it will also be posted within inmate common areas to include _____.