

MINIMUM JAIL STANDARDS

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CHAPTER 251. GENERAL

§ 251.1 Authority

The Texas Legislature created the Commission on Jail Standards in 1975 to implement a declared state policy that all county jail facilities conform to minimum standards of construction, maintenance and operation. In 1983, the Texas Legislature expanded the jurisdiction of the commission to include county and municipal jails operated under vendor contract. In 1991, the Texas Legislature added the requirement for count, payment, and transfer of inmates when precipitated by crowded conditions as well as expanding the commission's role of consultation and technical assistance. In 1993, the legislative function expanded the role of the commission again by requiring that it provide consultation and technical assistance for the State Jail program. In 1997, the Texas legislature affirmed that counties, municipalities and private vendors housing out-of-state inmates are within the commission's jurisdiction. It is the duty of the commission to promulgate reasonable written rules and procedures establishing minimum standards, inspection procedures, enforcement policies and technical assistance for:

- (1) the construction, equipment, maintenance, and operation of jail facilities under its jurisdiction;
- (2) the custody, care and treatment of inmates;
- (3) programs of rehabilitation, education, and recreation for inmates confined in county and municipal jail facilities under its jurisdiction.

History: The provisions of this § 251.1 adopted to be effective December 27, 1994, 19 TexReg 9878; amended to be effective September 2, 1997, 22 TexReg 8404.

§ 251.2. Severability

If any provision of these rules be held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end, the provisions of these rules are declared to be severable.

History: The provisions of this § 251.2 adopted to be effective December 27, 1994, 19 TexReg 9878.

§ 251.3. Opinions and Advice

Except as otherwise expressly stated herein, advice given, statements made, and opinions expressed orally, or in writing, by the staff of the commission in response to inquiries, or otherwise, shall not be considered binding upon the commission in connection with any matter requiring the approval, consent, or adjudication of the commission.

History: The provisions of this § 251.3 adopted to be effective December 27, 1994, 19 TexReg 9878.

§ 251.4. Captions of Rules

The captions of the rules are for convenience only. Should there be a conflict between the caption of a rule and the text of a rule, the text will control.

History: The provisions of this § 251.4 adopted to be effective December 27, 1994, 19 TexReg 9878.

§ 251.5. Precedent

Because rules cannot adequately anticipate all potential specific factual situations and circumstances presented for action, determination, or adjudication by the commission, the nature of the action taken with regard to any matter or the disposition of any matter pending before the commission is not necessarily of meaningful precedential value. The commission shall not be bound by the precedent of any previous action, determination, or adjudication in the subsequent disposition of any matter pending before it.

History: The provisions of this § 251.5 adopted to be effective December 27, 1994, 19 TexReg 9878.

§ 251.6. Complaints

- (a) General. A complaint received by the commission concerning facilities under the commission's purview or the commission and/or its procedures or functions shall be investigated and resolved according to commission internal policies and procedures. All inspection reports, plan reviews and bills for services issued by the commission shall provide instructions for directing complaints to the commission regarding commission functions and procedures.
- (b) Filing a Complaint. An individual who has a complaint about a facility under the commission's purview or the commission may file a complaint in any written format or use the commission's prescribed complaint form. The complaint form is available on the agency website and may be submitted electronically or may be obtained by contacting the commission through the agency website, telephone, fax, email, or written request.
- (c) Jails shall include information regarding the procedure for filing a complaint, its investigation, and its resolution in the approved inmate handbook and shall display and maintain the information prominently throughout the jail in common areas and other areas frequented by jail inmates.
- (d) Public Disclosure. A complaint against a facility under the commission's purview or the commission will only be made available for public disclosure in accordance with Government Code Chapter 552.

History: The provisions of this § 251.6 adopted to be effective December 27, 1994, 19 TexReg 9878; amended to be effective September 30, 2010, 35 TexReg 8770; amended to be effective March 29, 2022, 47 TexReg 1625

CHAPTER 253. DEFINITIONS

§ 253.1. Definitions

The following words and terms, when used in this part, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Administrative Separation--The assignment of an inmate to a special housing unit, usually a separation or single cell, when staff determines that such close custody is needed for the safety of inmates or staff, for the security of the facility, or to promote order in the facility.
- (2) Allied Health Personnel--Licensed health professionals that are involved with the delivery of health-related services pertaining to the identification, evaluation, and prevention of diseases and disorders; dietary and nutrition services; and rehabilitation and health systems management.
- (3) Capacity--The number of inmates a facility is authorized by the commission to house, excluding holding, detoxification, and violent cells.
- (4) Commission--Texas Commission on Jail Standards.
- (5) Control Area--The area inside the security perimeter to which inmates have only controlled access.
- (6) Control Room--A secured, enclosed room which contains facility door controls, intercom panels and/or fire alarm panels.
- (7) Correctional Facility--A facility operated by a county, a municipality, or a private vendor for the confinement of a person arrested for, charged with, or convicted of a criminal offense. May be referred to as "facility".
- (8) County Jail--A facility operated by or for a county for the confinement of persons accused or convicted of an offense. May be referred to as a "jail" or "facility".
- (9) Day Room--A space within or adjacent to single cells, multiple occupancy cells, and dormitories specifically for inmate day time activities.
- (10) Detoxification Cell--A cell designed for the temporary holding of intoxicated persons.
- (11) Direct Supervision--An inmate supervision management style in which a jailer(s) are stationed inside a housing unit 24 hours per day.
- (12) Disabled--Persons who have a physical or mental impairment that substantially limits 1 or more of the major life activities of such individuals.
- (13) Dormitory--A cell designed to accommodate 9 to 48 inmates.
- (14) Existing Facility--A maximum security, lockup, or minimum security facility that was being operated as such on December 23, 1976.
- (15) Jailer Station--A designated space from which a jailer performs his/her functions.
- (16) High Risk--High-risk cells consist of areas where observation of 30 minutes or less is required.
- (17) Holding Cell--A cell designed for the temporary holding of inmates not to exceed 48 hours.
- (18) Inmate Housing Area--Cells and day rooms where inmates are assigned.
- (19) Inmate Occupied Area--Any area in the facility normally occupied by inmates.
- (20) Jailer--A person appointed or employed as a county jailer, under the provisions of Local Government Code § 85.005; Government Code § 511.0092; Occupations Code § 1701.001(2).
- (21) May--Permissive or optional.
- (22) Multiple Occupancy Cell--A cell designed to accommodate two to eight inmates.
- (23) Owner--A county commissioner's court, municipality, or private vendor who holds title to a facility.

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- (24) Safety Vestibule--An enclosed space, served by at least two doors, that serves as a passageway between two areas.
- (25) Sally Port--A secured space inside or abutting a facility for vehicles to deliver or pick up inmates or goods.
- (26) Security Perimeter--The outer limits of the facility where construction prevents egress by inmates or ingress by unauthorized persons or contraband.
- (27) Separation Cell--A special purpose cell designed to accommodate 1 inmate. The cell minimally contains 1 bunk, mirror, toilet, lavatory, shower, table, and seat. This cell is used to house inmates requiring protection or whose behavior requires close supervision.
- (28) Shall--Mandatory and required for compliance.
- (29) Sheriff/Operator--County sheriff, jail administrator, or a person authorized to act with their authority.
- (30) Should--Recommended but not required for compliance.
- (31) Single Cell--A cell designed to accommodate 1 inmate. The cell minimally contains 1 bunk, toilet, lavatory, table and seat.
- (32) Small Jail--A facility with a capacity of less than 50 inmates.
- (33) Special Purpose Cell--Detoxification cell, holding cell, separation cell, violent cell, negative pressure cell and medical cells. These cells are not required to be provided with day rooms or safety vestibules.
- (34) System--A combination of all facilities creating a functional unit.
- (35) Violent Cell--A single occupancy padded cell for the temporary holding of inmates harmful to themselves and or others.
- (36) Ward--An infirmary area holding a number of inmates.

History: The provisions of this § 253.1 adopted to be effective December 27, 1994, 19 TexReg 9879; amended to be effective May 3, 1995, 20 TexReg 2865; amended to be effective June 14, 1996, 21 TexReg 5001; amended to be effective March 14, 1999, 24 TexReg 1637; amended to be effective December 22, 1999, 24 TexReg 11516; amended to be effective April 10, 2013, 38 TexReg 2227; amended to be effective August 26, 2018, 43 TexReg 5539; amended to be effective December 22, 2020, 45 TexReg 9229

CHAPTER 255. RULEMAKING PROCEDURES

§ 255.1. Rule Initiation

The promulgation, adoption, amendment, or repeal of rules shall be initiated by formal action of the commission.

History: The provisions of this § 255.1 adopted to be effective December 12, 1994, 19 TexReg 9375.

§ 255.2. Notice

Notice of the proposed or adopted rule, amendment, or repeal shall be given as required by the Administrative Procedure and Texas Register Act.

History: The provisions of this § 255.2 adopted to be effective December 12, 1994, 19 TexReg 9375.

§ 255.3. Opportunity To Be Heard

Prior to the adoption, amendment, or repeal of any rule, the commission shall afford reasonable opportunity to interested persons to submit data, views, or arguments, orally or in writing. The commission or its staff, in its discretion, may use informal conferences and consultations as a means of obtaining the viewpoints and advice of interested persons, and it may appoint committees of interested persons or experts to advise it with respect to contemplated rulemaking. The powers of such committees shall be advisory only. In no event shall the commission take any action except in accordance with the law.

History: The provisions of this § 255.3 adopted to be effective December 12, 1994, 19 TexReg 9375.

§ 255.4. Petition of Interested Persons

Any interested person may petition the commission requesting the adoption, amendment, or repeal of any of its rules. Within 60 days after receiving such petition, the commission shall initiate rulemaking proceedings or deny the petition in writing, stating its reasons for the denial. In order to receive consideration by the commission, the petition must set forth:

- (1) the name of each petitioner and date of submission;
- (2) the text of the proposed rule or amendment and a brief explanation;
- (3) a concise statement of need and purpose of the proposed rule, amendment or repeal and the deficiencies of the existing rules concerning the situation made the subject of the petition;
- (4) a list of all existing rules effectively amended or repealed by the proposed rule or amendment.

History: The provisions of this § 255.4 adopted to be effective December 12, 1994, 19 TexReg 9375; amended to be effective July 7, 2013, 38 TexReg 4187

§ 255.5. Validity

A rule, amendment, or repeal shall be valid when approved by formal action of the commission and published in accordance with the Administrative Procedure and Texas Register Act.

History: The provisions of this § 255.5 adopted to be effective December 12, 1994, 19 TexReg 9375.

§ 255.6. Advisory Committees

(a) General. The Texas Commission on Jail Standards (Commission) may establish advisory committees pursuant to Gov't. Code §511.0081 or if mandated by legislative action.

- (1) Purpose, Role, and Responsibility. The purpose, role, and responsibility of a Commission advisory committee is to make recommendations to the Commission on programs, rules, and policies administered by the Commission.
- (2) Goals. Unless mandated by legislative action, the goal of each advisory committee will be determined by the Commission at the time the advisory committee is created.
- (3) Duration. Unless mandated by legislative action, the duration of each advisory committee will be determined by the Commission. The Commission will annually review and determine the continuing need for an advisory committee established by the Commission.

(4) Committee Members.

(A) Committees will consist of a minimum of five members and a maximum of nine members, unless mandated otherwise by legislative action.

(B) Unless otherwise mandated by legislative action, committee members will have various backgrounds of experience, expertise, and interest in the matters the committee will address. Committee members may include Commission commissioners, sheriffs, jail administrators, relevant governmental agency representatives, relevant professionals, and other interested members of the public. The Chair of the advisory committee, in consultation with the Executive Director, will appoint committee members that meet the criteria set forth.

(C) The Chair of the Texas Commission on Jail Standards appoints the Chair of advisory committees unless mandated otherwise by legislative action.

(D) Members of advisory committees will elect an advisory committee Vice-Chair from among its members to serve in the temporary absence of the advisory committee Chair.

(E) Terms. The Commission Executive Director will determine the members' terms of service. The terms of service will be staggered.

(F) Unless prohibited by legislative action, non-voting subject matter experts may be named to the committee at the discretion of the Chair with the consent of the committee.

- (5) Rules. Each advisory committee established shall adopt policies and procedures that address the purpose of the advisory committee, membership qualifications, training requirements, terms of service, operating procedures, conflict of interest, and adherence to the requirements set forth in Texas Government Code 551.

(6) Committee Operations and Meetings.

(A) Meetings. The committee must meet at least quarterly; however, the Chair may decide that it is necessary to meet more frequently. The committee is subject to the Texas Open Meetings Act, Texas Government Code Chapter 551.

(B) Quorum. A majority of members constitutes a quorum.

(C) Compensation and Travel Reimbursement. Members will not be reimbursed for expenses related to their participation in the advisory committee.

(b) Administrative Rules Advisory Committee. The Commission establishes an Administrative Rules Advisory Committee to regularly review all administrative rules as part of the mandated rule review process, administrative rules required by new legislation, administrative rules as recommended by the Commission, and petitions for administrative rule changes. The committee makes recommendations to the Commission related to administrative rules. The Committee consists of a minimum of nine members as follows:

- (1) one representative of the Commission to act as Committee Chair;
- (2) one sheriff of a county with a population from 80,000 or more;
- (3) one sheriff of a county with a population from less than 80,000;

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- (4) one county judge or county commissioner from a county with a population of 80,000 or more;
- (5) one county judge or county commissioner from a county with a population of less than 80,000;
- (6) one member of the public who is a representative of a statewide organization that advocates for individuals or issues related to county jails; (7) one member of the public;
- (7) one non-voting ex-officio jail administrator from a jail consisting of 50 beds or less;
- (8) one non-voting ex-officio jail administrator from a jail consisting of 51-999 beds;
- and
- (9) one non-voting ex-officio jail administrator from a jail consisting of 1000 or more beds.

History: The provisions of this §255.6 adopted to be effective September 6, 2023, 48 TexReg 4864

CHAPTER 257. CONSTRUCTION APPROVAL RULES

§ 257.1. Initial Contact

When the construction, renovation, or addition to a facility is being considered, the owner shall notify the executive director of the proposed scope of the project.

History: The provisions of this § 257.1 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 257.2. Facility Needs Analysis

Analysis of facility needs shall be submitted to the commission by the owner prior to submission of any design documents. The owner may request commission assistance in preparation of the needs analysis. The analysis shall include facility type, capacity, and support area needs.

History: The provisions of this § 257.2 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 257.3. Architects and Engineers

Design documents shall bear professional seals and signatures required by the Texas Board of Architectural Examiners and/or the Texas State Board of Regulation for Professional Engineers as required by law. The owner shall notify commission staff of the designated prime design professional.

History: The provisions of this § 257.3 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 257.4. Required Submissions

Information shall be furnished by the owner or the owner's representative to the commission staff at the following stages of planning and construction.

- (1) Schematic design. Documents shall illustrate the scale, relationship of project components, and cost estimates.
- (2) Design development. Drawings and specification documents shall illustrate and describe the size and character of the entire project as to structural, mechanical, and electrical systems, life safety and detention locking systems, construction materials, cost estimates, and other essentials as may be appropriate.
- (3) Construction documents. Drawings and specification documents shall include detail requirements for the construction of the entire project including necessary bidding information, bidding forms, final cost estimates of construction cost, and operation cost. These documents shall include the conditions of the construction contract or contracts.
- (4) Addendum, substitutions and changes. Copies of all proposed addendum prepared during the bidding phase shall be forwarded to the executive director prior to being issued. The executive director shall respond in writing, giving approval or disapproval promptly to the architect, not longer than ten working days after receiving the request. Modifications, changes and all substitutions of equal material or equipment for those specified in the approved contract documents must receive written approval by the executive director prior to the change order or substitution approval being issued. Emergency approval of addendum, modifications, substitutions or changes may be sought and obtained by telephone or facsimile from the executive director who will subsequently issue a confirming answer in writing.
- (5) Award of construction contract. Upon award of the construction contract, the owner or the owner's representative shall notify the commission staff of the date construction is to commence, estimated time of completion, and the amount of the contract.

History: The provisions of this § 257.4 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 257.5. Official Comments

Each time a required submission is made, it shall contain a statement of review and comment from both the owner and sheriff/operator.

History: The provisions of this § 257.5 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 257.6. Approval

Within 30 working days of receiving the contract documents as submitted by the owner, the executive director or his representative shall respond in writing with approval or disapproval of the building as complying with the minimum standards established by rules and procedures of the commission. If approval is not given, an explicit description of the items which are not approved shall be given by the executive director along with an explicit description of the remedy or remedies necessary. The executive director shall send his reply directly to the owner and sheriff/operator.

History: The provisions of this § 257.6 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 257.7. Occupancy Inspections

The owner shall notify the executive director not less than 30 days prior to completion of construction to schedule an occupancy inspection.

History: The provisions of this § 257.7 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 257.8. Letter of Occupancy

Upon determination that the completed facility meets the requirements of minimum jail standards, the executive director shall issue a letter of occupancy to the owner and sheriff/operator. The facility shall not be occupied before approval by the executive director or his designee.

History: The provisions of this § 257.8 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 257.9. Laws Applicable

Facilities constructed prior to subsequent amendments to these rules, entailing changes, additions, or deletions to the structure of equipment therein, shall not be required to meet the changes unless the change also establishes a date by which the change shall be effected. The facility shall conform to the building, safety, and health requirements of state and local authority. The facility shall also conform to the Texas Accessibility Standards in effect at the time of construction in its entirety regarding the Americans with Disabilities Act Accessibility Guidelines (ADAAG). The commission adopts these rules and 16 TAC § 68.20 (relating to Buildings and Facilities Subject to Compliance with the Texas Accessibility Standards) by reference. State standards for a facility which exceed those of the local authority shall take precedence. Where local building codes do not exist, the county shall designate a building code currently in effect; otherwise the International Building Code will apply.

History: The provisions of this § 257.9 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective August 16, 1996, 21 TexReg 7565; amended to be effective March 14, 1999, 24 TexReg 1637; amended to be effective July 7, 2013, 38 TexReg 4188

CHAPTER 257. CONSTRUCTION APPROVAL RULES

§ 257.10. Accessibility Review

The plans for all facilities shall be submitted to the Texas Department of Licensing and Regulation, Elimination of Architectural Barriers, the Texas Commission on Jail Standards, or a Registered Accessibility Specialist for review and approval of accessibility features.

History: The provisions of this § 257.10 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective March 14, 1999, 24 TexReg 1637; amended to be effective May 19, 2002, 27 TexReg 4164

§ 257.11. Facilities Exempt from New Standard Requirements

Facilities completed, under construction or plans received by the Commission prior to adoption of changes to Construction Standards, Chapter 259 of this title (relating to New Construction Rules) as indicated by the effective date are exempt from new standard requirements.

History: The provisions of this § 257.11 adopted to be effective March 14, 1999, 24 TexReg 1638

CHAPTER 259. NEW CONSTRUCTION RULES, SUBCHAPTER A. GENERAL

§ 259.1. Objectives

Any county contemplating construction, renovation of or addition to a facility shall determine the present and future needs and possible expansion of the existing or proposed facility. A clear definition of the functions and objectives for the proposed new facility, renovation, or addition shall then be provided to the commission for approval.

History: The provisions of this § 259.1 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective June 14, 1996, 21 TexReg 5001.

§ 259.2. Unfinished Areas

Planning may provide for the construction of space for future expansion to increase the capacity of the facility. These areas may be constructed “shell only” for future installation of interior walls, equipment and appurtenances. Such areas shall not compromise the security of the total facility.

History: The provisions of this § 259.2 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.3. Design Concepts

Innovative concepts are encouraged to reduce problems of security and maintenance while creating a safe, sanitary, and secure environment for staff and inmates. The facility shall be structurally sound, fire resistive and not connected to a building that is not fire resistive and shall provide for adequate security and safety. Facility design shall provide for support functions and equipment to insure safe, secure, and efficient operations.

History: The provisions of this § 259.3 adopted to be effective December 12, 1994, 19 TexReg 9376.

**CHAPTER 259. NEW CONSTRUCTION RULES, SUBCHAPTER B.
NEW MAXIMUM SECURITY DESIGN, CONSTRUCTION AND
FURNISHING REQUIREMENTS**

§ 259.100. Facility Site

The site shall be of sufficient size to provide for the immediate facility and a reasonable projected expansion. A buffer zone around the facility should be provided.

History: The provisions of this § 259.100 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.101. Facility Operation Concept

The facility shall be planned to receive unclassified persons, hold pretrial and convicted persons, and allow for processing, classifying and releasing persons at all times.

History: The provisions of this § 259.101 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.102. Facility Security Requirements

Facility security shall be planned to protect inmates from one another, protect staff and visitors from inmates, and deter or prevent escapes.

History: The provisions of this § 259.102 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.103. Special Security

A facility shall be constructed and maintained as a special security unit. The integrity of the security perimeter shall not be compromised by other functions.

History: The provisions of this § 259.103 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.104. Construction Materials

Inmate housing areas and day rooms shall be constructed of metal, masonry, concrete, or other comparable materials. The level of security desired shall determine the selection of appropriate materials.

History: The provisions of this § 259.104 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.105. Public Areas

Public areas shall be located outside the security perimeter. Public access to the security perimeter shall be controlled. A public lobby or waiting area shall be provided for the convenience of the public, including seating, drinking fountains, and rest rooms and should include lockers or storage for visitors' articles. Provisions shall be made for disabled visitors.

History: The provisions of this § 259.105 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.106. Vision into Inmate Areas

Design and construction shall preclude direct vision into inmate occupied areas by the public.

History: The provisions of this § 259.106 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.107. Administrative Space

The facility shall provide sufficient space for administrative, program and clerical needs.

Adequate space for equipment and supplies shall be provided to meet established and projected

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NEW MAXIMUM SECURITY DESIGN, CONSTRUCTION AND
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needs. These spaces shall be located outside the inmate housing areas. Evidence storage shall be provided within the system and located outside the security perimeter.

History: The provisions of this § 259.107 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.108. Squad Rooms

Locker space, toilets, lavatories, showers, dressing rooms, and classroom space should be provided for staff and shall be located outside the security perimeter. Break and dining space should be provided in the facility.

History: The provisions of this § 259.108 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.109. Arsenal

An arsenal or secure storage area for weapons, ammunition, and tactical equipment should be provided and shall be located outside the security perimeter.

History: The provisions of this § 259.109 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.110. Inmate Movement Into and Out of Facility

Construction should provide for movement of an inmate or detainee into and out of the facility without exposing the individual to contact with the public.

History: The provisions of this § 259.110 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.111. Inmate Movement inside Facility

The design shall provide for the orderly movement of inmates and services.

History: The provisions of this § 259.111 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.112. Observation

Inmate occupied areas shall be constructed to facilitate direct observation of inmates. The design shall allow observation into inmate living areas without requiring staff to enter inmate safety vestibules.

History: The provisions of this § 259.112 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.113. Emergency Access

Multistory facilities shall have an elevator or other passageway large enough to accommodate the passage of patient evacuation equipment.

History: The provisions of this § 259.113 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.114. Segregation

- (a) Systems shall provide separate cells and day rooms of varying capacities to provide adequate segregation of different classifications of male and female inmates as required by Chapter 271 of this title (relating to Classification and Separation of Inmates).
- (b) Single occupancy cells shall be provided to house inmates classified in administrative, disciplinary, and medical segregation in a quantity to meet the following requirements:

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- (1) Systems having an inmate capacity of 200 or less shall provide separation cells to accommodate not less than 10% of the facility capacity;
- (2) Systems having an inmate capacity of over 200 shall provide a minimum of 20 separation cells and a sufficient number of single cells with adjacent day rooms to accommodate a total of at least 10% of the capacity. Day rooms provided for these cells shall be arranged to accommodate no more than 24 inmates.
- (c) The capacity of each cell and day room shall not exceed 20% of the system's capacity.
- (d) The total capacity of all dormitory space shall not exceed 40% of the system's capacity.

History: The provisions of this § 259.114 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.115. Functions

Minimum space allocations shall provide for the following:

- (1) Inmate processing:
 - (A) sally port;
 - (B) reception and holding;
 - (C) shakedown;
 - (D) booking;
 - (E) identification;
 - (F) dressing in and out;
 - (G) video taping and intoxilizer programs if such are to be performed in the facility.
- (2) Detention:
 - (A) inmate housing;
 - (B) segregation;
 - (C) visiting;
 - (D) jailer stations.
- (3) Support/Services:
 - (A) public areas;
 - (B) administrative offices;
 - (C) squad rooms;
 - (D) food service;
 - (E) laundry;
 - (F) inmate commissary;
 - (G) storage;
 - (H) sanitation;
 - (I) medical examination and treatment;
 - (J) multipurpose rooms;
 - (K) recreation and exercise;
 - (L) inmate programs and activities;
 - (M) counseling;
 - (N) library.
- (4) It is permissible to use the same room or space allocation for more than one of the listed functions where such use will not deny the rights of any individual and will not impair the safety, security, sanitation, or required segregation of the facility.

History: The provisions of this § 259.115 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective November 8, 1998, 23 TexReg 11165; amended to be effective July 7, 2013, 38 TexReg 4188

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§ 259.116. Vehicular Sally Port

A facility shall have a vehicular sally port located inside or abutting the building so that inmates may board or disembark from a vehicle. Space shall be sufficient to accommodate anticipated transportation vehicles. The sally port shall be secured with one or more entrance gates or doors capable of being opened, closed, locked, and unlocked from a remote location within the facility. Means shall be provided for the identification of persons approaching the sally port.

History: The provisions of this § 259.116 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.117. Inmate Entrance

The inmate entrance shall be from the vehicular sally port through a safety vestibule into the processing area. This entrance shall allow for passage of patient evacuation equipment between interlocking doors. The entrance shall be designed and constructed to allow observation and identification of persons approaching the inmate entrance. Electronic surveillance equipment may be used.

History: The provisions of this § 259.117 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.118. Weapon Storage

Separate secure storage space shall be provided at all entrances to the security perimeter for weapons and ammunition.

History: The provisions of this § 259.118 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.119. Processing Area

Facilities shall have a processing area located inside the security perimeter, but away from the inmate housing areas. The processing area shall be designed to readily permit the booking, shakedown, identification, and dressing of inmates. A telephone shall be available for detainees' use. Processing areas shall be provided with access to drinking fountains and toilets. Panels or partitions may be erected in the booking area to provide privacy and separation of inmates.

History: The provisions of this § 259.119 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.120. Identification

Space shall be provided for photographing, fingerprinting and identification procedures for inmates.

History: The provisions of this § 259.120 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.121. Visiting Areas

Visiting areas shall be provided and shall be designed to provide adequate visitation for the capacity of the facility. Visitation areas shall be designed for the degree of security sought to be achieved. Audible communications shall be provided between the inmate and visitor. Visiting areas shall be designed to prevent passage of contraband. Provisions shall be made for disabled visitors and inmates. Seating shall be provided for both inmates and visitors. A secure visiting area should be provided for contact visits from law enforcement officers, attorneys, clergy, and probation and parole officers. Provisions shall be made for a direct passage of legal paper

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between inmates and attorneys at noncontact visitation.

History: The provisions of this § 259.121 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective June 14, 1996, 21 TexReg 5001; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.122. Control Room/Jailer Stations

A sufficient number of control rooms/jailer stations shall be provided on each floor where inmates are housed. Staff toilets and lavatories shall be located within the security perimeter and in close proximity to control rooms and jailer stations. The design shall allow access to control rooms without requiring staff to enter inmate safety vestibules or inmate activity areas.

History: The provisions of this § 259.122 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591; amended to be effective October 8, 2013, 38 TexReg 6923

§ 259.123. Kitchen

A properly equipped kitchen of adequate size shall be provided within the system and shall include the following:

- (1) Functions. Kitchen space and equipment shall allow for the efficient operations of receiving, storage, processing, preparation, cooking, baking, serving, dish washing, cleaning, menu preparation, record keeping, personal hygiene, and removal of waste and garbage. Kitchen functions shall be performed without compromising the security of the facility. The kitchen shall not be designed as a passageway for nonfood handling persons.
- (2) Storage. Adequate dry and cold storage shall be provided appropriate for the size of kitchen. Separate storage shall be provided for nonfood items.
- (3) Surfaces. The kitchen floor shall be properly pitched to adequate floor drains and allow for proper cleaning. Floor finish should reduce the possibility of slipping. The junction between floors and walls shall be covered. Walls and ceilings shall be finished with smooth, washable, light colored surfaces.
- (4) Light. Adequate lighting shall be provided on all work surfaces.
- (5) Ventilation. Food service areas shall be adequately ventilated to control disagreeable odors and moisture. All openings to the outside shall be secured and provided with insect screens.
- (6) Water. Adequate hot and cold water shall be provided for food preparation, cleaning, and dish washing. Hot water equipment shall be of sufficient size and capacity to meet the needs of the facility.
- (7) Codes. Kitchens shall comply with state health codes.

History: The provisions of this § 259.123 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.124. Dining Space

Group dining may be provided and shall avoid concentrations of more than 96 inmates.

History: The provisions of this § 259.124 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.125. Laundry Facilities

Space for a laundry commensurate to the size of the facility shall be provided within the system. The laundry shall be equipped with a sufficient number of washers and dryers to accommodate

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the anticipated laundry load. Adequate separate storage space shall be provided for both clean and soiled laundry and laundry supplies.

History: The provisions of this § 259.125 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.126. Commissary

Space appropriate to capacity of the facility shall be provided for an inmate commissary.

History: The provisions of this § 259.126 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.127. Storage Area Capacities

Storage areas based upon facility capacity shall be provided as follows:

- (1) Inmate property: two cubic feet per inmate;
- (2) Inmate uniforms and linens: three cubic feet per inmate;
- (3) Inmate mattresses: raised perforated storage in the amount of five and one-fourth cubic feet per mattress for 25% of total capacity.

History: The provisions of this § 259.127 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.128. Janitorial Storage Space

Adequate, secured, well ventilated storage for janitorial supplies and equipment shall be provided within the security perimeter and administrative area. Sufficient broom and mop racks shall be provided.

History: The provisions of this § 259.128 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.129. Medical Space and Equipment

Adequate space for first aid equipment shall be provided. Space and equipment for medical examination, treatment, and convalescent care shall be provided or provisions contained in the health services plan. Adequate, secure storage for medical supplies and drugs shall be provided.

History: The provisions of this § 259.129 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective May 3, 1995, 20 TexReg 2865.

§ 259.130. Infirmary

An infirmary should be provided for systems of 200 or more capacity and shall include the following minimum components:

- (1) nurses station;
- (2) locked medication station with storage for individually filled prescriptions;
- (3) utility room with sink and storage for linens and equipment;
- (4) refrigerated storage;
- (5) utility room with double tub sink and clinical service sink with flushing rim;
- (6) 80 gross square feet of floor space per bed;
- (7) at least one single occupancy negative pressure cell;
- (8) doors, through which patients and equipment are to be moved, of adequate width to allow turning of wheeled chairs and tables normally used in medical facilities;
- (9) a lavatory with a gooseneck inlet and wrist controls accessible to each ward;
- (10) janitor closet;
- (11) toilet, lavatory, and shower for use of inmates in the infirmary;

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(12)additional elements as dictated by the facility health care director.

History: The provisions of this § 259.130 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.131. Multipurpose Rooms

One or more multipurpose rooms having a minimum of 200 square feet of floor space each shall be provided for each increment of 100 inmates based on design capacity. These multipurpose rooms may be used for group assembly, conferences, contact visitation, counseling, religious services, education, or other special uses.

History: The provisions of this § 259.131 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.132. Exercise Area

One or more secure exercise areas shall be provided. Where outdoor exercise areas are provided, alternate areas shall be provided for exercise during inclement weather. Outdoor exercise areas should be covered with a security enclosure. Where outdoor exercise areas are not provided, facility design shall provide for access to sunlight. A toilet and drinking fountain shall be readily available. Exercise areas for facilities of less than 100 inmates based on design capacity shall not be less than 800 square feet. Exercise areas for larger facilities shall provide 15 square feet per inmate for the maximum number of inmates expected to use the space at one time, but not less than 1000 square feet for each exercise area. Exercise areas serving multiple inmates housed in segregation shall provide 15 square feet per inmate for the maximum number of inmates expected to use the space at one time, but not less than 500 square feet for each exercise area. Individual recreation areas serving a single inmate in segregation shall provide no less than 200 square feet for each exercise area. Each direct supervision housing area shall have an exercise area within close proximity, which should be adjacent to the housing area.

History: The provisions of this § 259.132 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.133. Single Cells

Single cells shall contain not less than 40 square feet of clear floor space. Each cell shall have one bunk, toilet, lavatory, table and seating separate from the bunk.

History: The provisions of this § 259.133 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.134. Multiple Occupancy Cells

Multiple occupancy cells shall contain two to eight bunks and not less than 40 square feet of clear floor space for the first bunk plus 18 square feet of clear floor space for each additional bunk. Each multiple occupancy cell shall have one toilet and lavatory. Multiple occupancy cells should not be provided in direct supervision facilities.

History: The provisions of this § 259.134 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.135. Dormitories

Dormitories shall contain 9 to 48 bunks. Dormitories operated as direct supervision may accommodate more than 48 inmates but shall not exceed more than 72 inmates. Dormitories shall contain not less than 40 square feet of clear floor space for the first bunk plus 18 square feet of clear floor space for each additional bunk. Each dormitory shall have adequate toilets,

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lavatories, and may include showers. Dormitories with contiguous day rooms in direct supervision facilities may exceed 40% of the facility capacity.

History: The provisions of this § 259.135 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective October 23, 1995, 20 TexReg 8325; amended to be effective December 29, 1997, 22 TexReg 12789; amended to be effective June 13, 2024, 49 TexReg 4059

§ 259.136. Day Rooms

All single cells, multiple occupancy cells, and dormitories shall be provided with day room space. Separation cells, violent cells, holding cells, detoxification cells, and medical cells are exempt from this requirement. Day rooms shall accommodate no more than 48 inmates.

Dayrooms operated as direct supervision may accommodate more than 48 inmates but shall not exceed more than 72 inmates. Based on the design capacity of the cells served, the day rooms shall contain: not less than 40 square feet of clear floor space for the first inmate plus 18 square feet of clear floor space for each additional inmate; a sufficient number of toilets, lavatories, and showers as approved by the Commission; and mirrors, seating, and tables. A utility sink should be provided. Convenient electrical receptacles circuited with ground fault protection shall be provided. Power to receptacles should be individually controlled outside of the day room. **History:** The provisions of this § 259.136 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective October 23, 1995, 20 TexReg 8325; amended to be effective December 29, 1997, 22 TexReg 12789; amended to be effective February 4, 1999, 24 TexReg 591; amended to be effective May 3, 2000, 25 TexReg 3791; amended to be effective June 13, 2024, 49 TexReg 4059

§ 259.137. Separation Cells

Separation cells shall include the following features and equipment.

- (1) Furnishings. Each cell shall be provided with one bunk, mirror, table, and seat separate from the bunk. A shelf and clothes hook may be provided. Convenient electrical receptacles circuited with ground fault protection shall be provided. Power to receptacles shall be individually controlled outside of the cell.
- (2) Plumbing. Cells shall be provided with a toilet, lavatory, and shower.
- (3) Cell Size. Cells shall contain not less than 40 square feet of clear floor space.

History: The provisions of this § 259.137 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.138. Holding Cells

- (a) One or more holding cells shall be provided to hold inmates pending intake, processing, release, or other reason for temporary holding. Inmates shall not be held for more than 48 hours and the cell shall include the following features.
 - (1) Seating. A stationary bench or benches abutting the walls shall be provided. Benches shall be 17" to 19" above the finished floor and not less than 12" wide. Seating shall be sufficient to provide not less than 24 linear inches per inmate at cell capacity.
 - (2) Plumbing. Cells shall be provided with adequate toilets, lavatories, and floor drains. The floor shall be properly pitched to drains.
 - (3) Cell Size. The size of the cell shall be determined by the anticipated maximum number of inmates to be confined at any one time. Cells shall be constructed to house from one to 24 inmates and shall contain not less than 40 square feet of floor

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- space for the first inmate and 18 square feet of floor space for each additional inmate to be confined.
- (4) Surfaces. Floor, wall, and ceiling material shall be durable and easily cleaned.
 - (5) Supervision. The cell shall be located and constructed to facilitate supervision of the cell area and to materially reduce noise.
- (b) Remote Holding Cells. Holding cells that are separate from the facility and utilized for direct court holding, processing, or for inmates awaiting transportation. Inmates shall not be held for more than 4 hours and the cell shall include the following features.
- (1) Seating. A stationary bench or benches abutting the walls shall be provided. Benches shall be 17" to 19" above the finished floor, and not less than 12" wide. Seating shall be sufficient to provide not less than 18 linear inches per inmate at cell capacity.
 - (2) Plumbing. Cells shall be provided with adequate toilets, lavatories capable of providing drinking water, and floor drains. The floor shall be properly pitched to drains.
 - (3) Cell Size. The size of the cell shall be determined by the anticipated maximum number of inmates to be confined at any one time. Cells shall be constructed to house from one to 24 inmates and the capacity shall be determined by the amount of seating provided and posted at the exterior of the cell.
 - (4) Surfaces. Floor, wall, and ceiling material shall be durable and easily cleaned.
 - (5) Supervision. The cell shall be located and constructed to facilitate supervision of the cell area and to materially reduce noise.
 - (6) Smoke Detection. Smoke detection capability shall be provided. The alarm shall announce at a staffed location in close proximity to the cell. Additional life safety items shall be compatible with the remainder of the building.
 - (7) Audible Communication. Audible communications shall be provided.
- (c) Remote Holding Cells. Holding cells that are separate from the facility and utilized for direct court holding, processing, or for inmates awaiting transportation. Inmates shall not be held for more than 8 hours and the cell shall include the following features.
- (1) Seating. A stationary bench or benches abutting the walls shall be provided. Benches shall be 17" to 19" above the finished floor, and not less than 12" wide. Seating shall be sufficient to provide not less than 24 linear inches per inmate at cell capacity.
 - (2) Plumbing. Cells shall be provided with adequate toilets, lavatories capable of providing drinking water, and floor drains. The floor shall be properly pitched to drains.
 - (3) Cell Size. The size of the cell shall be determined by the anticipated maximum number of inmates to be confined at any one time. Cells shall be constructed to house from one to 24 inmates and shall contain not less than 40 square feet of floor space for the first inmate and 18 square feet of floor space for each additional inmate to be confined.
 - (4) Surfaces. Floor, wall, and ceiling material shall be durable and easily cleaned.
 - (5) Supervision. The cell shall be located and constructed to facilitate supervision of the cell area and to materially reduce noise.
 - (6) Smoke Detection. Smoke detection capability shall be provided. The alarm shall announce at a staffed location in close proximity to the cell. Additional life safety items shall be compatible with the remainder of the building.
 - (7) Audible Communication. Audible communications shall be provided.

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History: The provisions of this § 259.138 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective August 16, 1996, 21 TexReg 7565; amended to be effective February 4, 1999, 24 TexReg 591; amended to be effective May 3, 2000, 25 TexReg 3791; amended to be effective October 16, 2007, 32 TexReg 7267

§ 259.139. Detoxification Cells

Any facility that anticipates the housing of intoxicated persons shall provide one or more detoxification cells for detention during the detoxification process. These cells shall include the following features and equipment.

- (1) Seating. A stationary bench or benches abutting the walls shall be provided. Benches shall be not higher than 8" above the finished floor, not less than 2' 0" wide and shall extend the length of the cell.
- (2) Plumbing. Cells shall be provided with one or more vandal resistive flushing floor drains with outside controls, or detention type toilet and lavatory and vandal resistive floor drains. The floor shall be properly pitched to drains. Drinking fountains or lavatories capable of providing drinking water shall be provided.
- (3) Cell Size. The size of the cell shall be determined by the anticipated maximum number of intoxicated inmates to be confined at any one time. Cells shall be constructed to house from 1 to 8 inmates and shall contain not less than 40 square feet of floor space for the first inmate and 18 square feet of floor space for each additional inmate to be confined.
- (4) Surfaces. Floor, wall, and ceiling material shall be durable and easily cleaned.
- (5) Supervision. The cell shall be located and constructed to facilitate supervision of the cell area and to materially reduce noise.

History: The provisions of this § 259.139 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.140. Violent Cells

A facility may contain one or more single occupancy cells for the temporary holding of violent persons. Violent cells shall include the following features and equipment.

- (1) Furnishings. The cell shall be equipped with a minimum 2' 3" wide by 6' 3" long bench not more than 8" above the floor which abuts the wall and extends the length or width of the cell.
- (2) Plumbing. Flushing type floor drains with outside controls shall be provided.
- (3) Cell Size. Cell shall contain not less than 40 square feet of clear floor space.
- (4) Padding. Walls, floor, door and bench shall be completely covered with a material to protect the inmate from self injury. The type of material used to cover the walls, floor, door and bench shall be fire resistive and nontoxic.

History: The provisions of this § 259.140 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591; amended to be effective December 22, 1999, 24 TexReg 11517

§ 259.141. Dimensions

All cells and day rooms shall be not less than eight feet from finished floor to ceiling and five feet-six inches from wall to wall. Cells containing over/under bunk units shall be measured from center line of units to wall. Corridors shall be not less than four feet wide.

History: The provisions of this § 259.141 adopted to be effective December 12, 1994, 19 TexReg 9376.

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§ 259.142. Safety Vestibules

Safety vestibules shall be provided for each inmate housing area and day room used for confinement of three or more inmates. No more than four living areas shall be served by one vestibule. All entrances through the security perimeter from administrative and/or public areas shall be provided with a safety vestibule.

- (1) Safety vestibules shall have one or more interior doors and a main entrance door.
- (2) Interior doors shall be arranged to be locked and unlocked by control means located outside of the inmate living area and safety vestibule.
- (3) Where doors have an interlocking security feature, provisions shall be made for an override capability in the event an emergency requires both doors to be opened simultaneously.

History: The provisions of this § 259.142 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.143. Furnishings for Inmate Housing Areas

- (a) Bunks. Bunks shall be fire resistive and securely anchored. The mattress surface of the bunk shall measure not less than 2' 3" wide and 6' 3" long.
- (b) Toilets and Lavatories. Detention type toilets and lavatories shall be provided in cells and day rooms. In direct supervision living areas, they shall be constructed in such manner and of such material so as to resist vandalism. Based on design capacity, each cell and day room shall provide one toilet and lavatory capable of providing drinking water for each group or increment of 8 inmates.
- (c) Showers. Shower areas shall be not less than 2' 6" square per showerhead and not less than 7' 0" high. Construction shall be of vandal resistive materials and should be of materials which resist the action of soap and water. Drying areas of not less than 2' 6" square sloped to a drain should be provided adjoining the shower entrance. Based on design capacity, each separation cell and day room shall provide one shower for each group or increment of 12 inmates.
- (d) Tables and Seating. Tables and seating shall be constructed of materials which will resist vandalism. They shall be fire resistive, securely anchored, and reasonably remote from toilet areas. Tables and seating in direct supervision day rooms are not required to be anchored. Tables and benches shall be not less than 12" wide, and linear seating shall be not less than 18 continuous inches per person. Stools shall be not less than 12" in diameter. Seating height of 17" to 19" shall be provided.
- (e) Privacy Shields. Inmate toilet and shower areas in dormitories, multiple occupancy cells, single occupancy cells, holding cells, and day rooms shall be equipped to restrict viewing from persons outside the cell and staff areas in direct supervision designs. Privacy shields shall extend from about 15" above the finished floor to about 5' high and shall be securely anchored.
- (f) Mirrors. Mirrors shall be constructed of unbreakable material. Mirrors shall be provided above lavatories in day rooms and separation cells.

History: The provisions of this § 259.143 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective December 29, 1997, 22 TexReg 12789; amended to be effective February 4, 1999, 24 TexReg 591; amended to be effective October 8, 2013, 38 TexReg 6923

§ 259.144. Walls

Walls should be constructed to resist vandalism and facilitate ease of maintenance. Exterior and

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interior walls within inmate housing and activity areas shall be constructed as follows:

- (1) Exterior walls:
 - (A) a minimum 8" concrete block vertically reinforced by #3 bars 8" on center and all cells filled with 2,500 psi grout; or
 - (B) a minimum 4" thick concrete plank reinforced with #4 bars 8" on center each way; or
 - (C) a minimum 3/16" thick steel plate.
- (2) Interior walls:
 - (A) a minimum 6" concrete block vertically reinforced by #3 bars 8" on center and all cells filled with 2,500 psi grout; or
 - (B) a minimum 4" thick concrete plank reinforced with #4 bars 8" on center each way; or
 - (C) a minimum 3/16" thick steel plate. Innovative design concepts are encouraged and comparable materials and methods approved by the Commission may be utilized for exterior and interior wall construction.

History: The provisions of this § 259.144 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective December 10, 1996, 21 TexReg 11626.

§ 259.145. Floors

Floors should provide a high resistance to wear and moisture. A nonslip surface shall be provided at the entrance to all shower areas.

History: The provisions of this § 259.145 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.146. Ceilings

Ceilings within inmate housing areas shall be constructed of a minimum 4" thick concrete plank reinforced with #4 bars 8" on center each way or a minimum 10 gauge steel plate. Innovative design concepts are encouraged and comparable materials and methods approved by the Commission may be utilized for ceiling construction.

History: The provisions of this § 259.146 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective December 10, 1996, 21 TexReg 11626; amended to be effective September 1, 1998, 23 TexReg 8844.

§ 259.147. Vermin Control

Facility construction shall protect against the entrance and infestation of vermin. Materials and construction design shall contribute to efficient maintenance and housekeeping.

History: The provisions of this § 259.147 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.148. Windows and Screens

Operable windows shall be equipped with insect screens. The security level of windows in inmate occupied areas shall be commensurate with the security of the walls. Windows or skylights should be provided in inmate living and activity areas.

History: The provisions of this § 259.148 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.149. Vent Grilles

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Vent grilles in walls and ceilings shall be commensurate with the security sought to be achieved. Vent grilles shall be securely anchored.

History: The provisions of this § 259.149 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.150. Food Passes

Food passes shall be provided and lockable shutters should be provided to prevent passage of contraband.

History: The provisions of this § 259.150 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective October 8, 2013, 38 TexReg 6923

§ 259.151. Detention Doors

Hollow metal doors shall be constructed of 12 to 14 gauge steel inside the security perimeter. Eighteen gauge hollow metal doors may be used outside the security perimeter. Plate doors shall be constructed of material not less than 3/16 inches thick. The security quality of each detention door shall be determined by the level of security sought to be achieved. Detention doors shall be equipped with detention hardware and accessories. All cell doors shall be not less than 28 inches in clear width and not less than six feet-eight inches high.

History: The provisions of this § 259.151 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.152. Door Stops

Door stops shall be provided for all detention doors and shall be placed to maintain a minimum of six inches between the leading edge of the door and the wall. Door closers manufactured with integral door stops may be used.

History: The provisions of this § 259.152 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.153. Door Closers

Door closers for all detention swinging doors shall be appropriate for the weight of the door.

History: The provisions of this § 259.153 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.154. Keys and Locks

Keys and locks for detention doors shall be manufactured especially for detention use and keys shall be mogul or paracentric type. An additional set of keys shall be maintained by the operator.

History: The provisions of this § 259.154 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.155. Key Cabinets

Secured key cabinets should be provided at suitable locations.

History: The provisions of this § 259.155 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.156. Power Operated Locks

Power operated locks shall be motor, solenoid, or pneumatic type and provide electrical control unlocking, key unlocking by manual operation, and automatic mechanical deadlocking of doors

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upon closing. A door position switch and door position indicator shall be provided for all doors equipped with power operated locks. Heavy-duty, detention type door closers should be provided on all swinging doors equipped with power operated locks.

History: The provisions of this § 259.156 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.157. Remote Controls

Doors to single cells, multiple occupancy cells, dormitories, and day rooms shall be capable of being locked and unlocked individually by control means located remote from the cell area. Single cells with contiguous day room and separation cells which open directly on an exiting corridor are exempt from this requirement. All remote door controls shall be secure.

History: The provisions of this § 259.157 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.158. Emergency Operation of Doors

All doors to cells and day rooms shall be capable of being unlocked by a manual means at the door or a remote location.

History: The provisions of this § 259.158 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.159. Access Doors

All plumbing and mechanical access doors and panels shall be constructed and secured with locks or vandal resistive screws commensurate to the security sought to be achieved.

History: The provisions of this § 259.159 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.160. Temperature Control

Temperature levels shall be reasonably maintained between 65 degrees Fahrenheit and 85 degrees Fahrenheit in occupied areas.

History: The provisions of this § 259.160 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.161. Air Flow

Ventilation shall be sufficient to admit fresh air and remove disagreeable odors. A sufficient number of windows capable of being opened, or a mechanical ventilation system provided with emergency electrical power, shall be provided in order to allow for sufficient ventilation in case of breakdown in the normal ventilation system or normal power failure.

History: The provisions of this § 259.161 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.162. Plumbing

Plumbing work shall meet the requirements of the International Plumbing Code, or equivalent. Warm and cold water shall be provided at all lavatories and warm water shall be provided at all showers. Lavatories in court holding cells are not required to provide warm water. Warm water temperature shall be between 100 and 120 degrees Fahrenheit. All plumbing in inmate occupied areas shall have quick shut off capability.

History: The provisions of this § 259.162 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective September 14, 1995, 20 TexReg 6829; amended to be effective February 4, 1999, 24 TexReg 591

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§ 259.163. Sinks

Sufficient mop sinks with hot and cold water shall be provided within the security perimeter and administrative area.

History: The provisions of this § 259.163 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.164. Faucets

Cold water faucets with standard hose connections shall be provided in plumbing access space or corridors. Distance between hose connections shall not be more than 100 feet apart.

History: The provisions of this § 259.164 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.165. Floor Drains

Floor drains shall be located throughout the facility so as to reduce the possibility of flooding. Floor drains shall be provided in every area where toilets, lavatories, or showers are located. Floor drains may be provided in chases serving single and separation cells. Drain covers shall be provided and securely anchored with vandal resistive screws.

History: The provisions of this § 259.165 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.166. Lighting

Adequate illumination shall be provided throughout the cells and day rooms. An illumination level of 20 foot candles shall be provided at mirrors and tables. Master light controls for cells and day rooms and electrical conduit shall be out of reach of inmates. Inmates should be capable of controlling some lighting; override capability shall be provided. Security detention type lighting shall be provided in inmate housing areas and vandal resistive lighting within inmate occupied areas. Night lights sufficient to permit continuous observation shall be provided. Control areas and means of egress shall be continuously illuminated. Exteriors of buildings and all entrances shall be lighted sufficiently to observe approaching persons.

History: The provisions of this § 259.166 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.167. Audible Communication

Two-way voice communication shall be available at all times between inmates and jailers, licensed peace officers, court bailiffs, or staff designated by the sheriff.

History: The provisions of this § 259.167 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective January 1, 2014, 38 TexReg 9623

§ 259.168. Television Monitoring

Closed circuit television monitoring may be provided to supplement control and security functions. View of toilet and shower areas shall not be allowed except in medical and special observation areas.

History: The provisions of this § 259.168 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.169. Electrical Power

Electrical installation shall comply with state and local codes and ordinances. Facilities shall

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have adequate electrical receptacles in corridors or chases for food carts, janitorial, and maintenance equipment.

History: The provisions of this § 259.169 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.170. Negative Pressure Cell

A minimum of one negative pressure separation cell shall be provided for systems with a capacity of 100 or more inmates and contain the following features and equipment.

- (1) Furnishings. Each cell shall be provided with one bunk, mirror, table, and seat separate from the bunk. A shelf and clothes hook may be provided. Convenient electrical receptacles circuited with ground fault protection shall be provided. Power to receptacles shall be individually controlled outside of the cell.
- (2) Plumbing. Cells shall be provided with a toilet, lavatory, and shower.
- (3) Cell Size. Cells shall contain not less than 80 gross square feet of floor space.

History: The provisions of this § 259.170 adopted to be effective February 4, 1999, 24 TexReg 591

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§ 259.200. Lockup Site

The site shall be of sufficient size to provide for the immediate facility and should provide for reasonable expansion. A buffer zone around the facility should be provided.

History: The provisions of this § 259.200 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.201. Lockup Operation Concept

A facility shall be planned to receive unclassified persons, hold pretrial persons and allow for processing, classifying and releasing persons at all times. Inmates shall not be confined in a lockup in excess of 72 hours.

History: The provisions of this § 259.201 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.202. Lockup Facilities

A facility shall consist of one or more single cells and may include multiple occupancy cells or dormitories.

History: The provisions of this § 259.202 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.203. Lockup Security Requirements

Facility security shall be planned to protect inmates from one another, protect staff and visitors from inmates, and deter or prevent escapes.

History: The provisions of this § 259.203 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.204. Special Security

A facility shall be constructed and maintained as a special security unit. The integrity of the security perimeter shall not be compromised by other functions.

History: The provisions of this § 259.204 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.205. Construction Materials

Inmate housing areas and day rooms shall be constructed of metal, masonry, concrete, or other comparable materials. The level of security desired shall determine the selection of appropriate materials.

History: The provisions of this § 259.205 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.206. Public Areas

Public areas shall be located outside the security perimeter. Public access to the security perimeter shall be controlled. A public lobby or waiting area shall be provided for the convenience of the public, including seating, drinking fountains, and rest rooms and should include lockers or storage for visitor's articles. Provisions shall be made for disabled visitors.

History: The provisions of this § 259.206 adopted to be effective December 12, 1994, 19 TexReg 9376.

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§ 259.207. Vision into Inmate Areas

Design and construction shall preclude direct vision into inmate occupied areas by the public.

History: The provisions of this § 259.207 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.208. Administrative Space

The facility shall provide sufficient space for administrative, program, and clerical needs.

Adequate space for equipment and supplies shall be provided to meet established and projected needs. These spaces shall be located outside the inmate housing areas. Evidence storage shall be provided within the system and located outside the security perimeter.

History: The provisions of this § 259.208 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.209. Squad Room

Locker space, toilets, lavatories, showers, dressing rooms, and classroom space should be provided for staff and shall be located outside the security perimeter. Break and dining space should be provided in the facility.

History: The provisions of this § 259.209 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.210. Arsenal

An arsenal or secure storage area for weapons, ammunition and tactical equipment should be provided and shall be located outside the security perimeter.

History: The provisions of this § 259.210 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.211. Inmate Movement Into and Out of Lockup

Construction should provide for movement of an inmate or detainee into and out of the facility without exposing the individual to contact with the public.

History: The provisions of this § 259.211 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.212. Inmate Movement inside Lockup

The design shall provide for the orderly movement of inmates and services.

History: The provisions of this § 259.212 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.213. Observation

Inmate occupied areas shall be constructed to facilitate direct observation of inmates. The design shall allow observation into inmate living areas without requiring staff to enter inmate safety vestibules.

History: The provisions of this § 259.213 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.214. Emergency Access

Multistory facilities shall have an elevator or other passageway large enough to accommodate the passage of patient evacuation equipment.

History: The provisions of this § 259.214 adopted to be effective December 12, 1994, 19 TexReg 9376.

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§ 259.215. Segregation

Design shall provide for adequate segregation of inmates in accordance with the facility classification plan as required by Chapter 271 of this title (relating to Classification and Separation of Inmates).

History: The provisions of this § 259.215 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.216. Functions

Minimum space allocations shall provide for the following:

- (1) Inmate processing:
 - (A) reception and holding;
 - (B) shakedown;
 - (C) booking;
 - (D) identification;
 - (E) dressing in and out;
 - (F) video taping and intoxilizer programs if such are to be performed in the facility.
- (2) Detention:
 - (A) inmate housing;
 - (B) segregation;
 - (C) visiting;
 - (D) jailer stations.
- (3) Support/Services:
 - (A) public areas;
 - (B) administrative offices;
 - (C) food service;
 - (D) laundry;
 - (E) storage;
 - (F) sanitation;
- (4) Space may be allocated for a kitchen, inmate commissary, and sally port. It is permissible to use the same room or space allocation for more than one of the listed functions where such use will not deny the rights of any individual and will not impair the safety, security, sanitation, or required segregation of the facility.

History: The provisions of this § 259.216 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective November 8, 1998, 23 TexReg 11165; amended to be effective July 7, 2013, 38 TexReg 4188

§ 259.217. Vehicular Sally Port

A facility may have a vehicular sally port. If provided, a sally port shall be located inside or abutting the building so that inmates may board or disembark from a vehicle. Space shall be sufficient to accommodate anticipated transportation vehicles. The sally port shall be secured with one or more entrance gates or doors capable of being opened, closed, locked, and unlocked from a remote location within the facility. Means shall be provided for the identification of persons approaching the sally port.

History: The provisions of this § 259.217 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.218. Inmate Entrance

The inmate entrance should be through a safety vestibule into the processing area. This entrance shall allow for passage of patient evacuation equipment between interlocking doors. The

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entrance shall be designed and constructed to allow observation and identification of persons approaching the inmate entrance. Electronic surveillance equipment may be used.

History: The provisions of this § 259.218 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.219. Weapon Storage

Separate secure storage space shall be provided at all entrances to the security perimeter for weapons and ammunition.

History: The provisions of this § 259.219 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.220. Processing Area

Facilities shall have a processing area located inside the security perimeter. The processing area shall be designed to readily permit the booking, shakedown, identification, and dressing of inmates. A telephone shall be available for detainees' use. Processing areas shall be provided with access to drinking fountains and toilets. Panels or partitions may be erected in the booking area to provide privacy and separation of inmates.

History: The provisions of this § 259.220 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.221. Identification

Space shall be provided for identification procedures.

History: The provisions of this § 259.221 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.222. Visiting Areas

Visiting areas shall be provided. Visitation areas shall be designed for the degree of security sought to be achieved. Audible communications shall be provided between the visitor and inmate. Provisions shall be made for disabled visitors and inmates. Seating shall be provided for both visitors and inmates. A secure visiting area should be provided for contact visits from law enforcement officers, attorneys, clergy, and probation and parole officers. Provisions shall be made for a direct passage of legal paper between inmates and attorneys at noncontact visitation.

History: The provisions of this § 259.222 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.223. Control Rooms/Jailer Stations

A sufficient number of control rooms/jailer stations shall be provided on each floor where inmates are housed. Staff toilets and lavatories shall be located within the security perimeter and in close proximity to control rooms and jailer stations. The design shall allow access to control rooms without requiring staff to enter inmate safety vestibules or inmate activity areas.

History: The provisions of this § 259.223 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591; amended to be effective July 7, 2013, 38 TexReg 4188

§ 259.224. Kitchen

A properly equipped kitchen of adequate size shall be provided within the system and shall include the following.

- (1) Functions. Kitchen space and equipment shall allow for the efficient operations of receiving, storage, processing, preparation, cooking, baking, serving, dish washing,

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cleaning, menu preparation, record keeping, personal hygiene, and removal of waste and garbage. Kitchen functions shall be performed without compromising the security of the facility. The kitchen shall not be designed as a passageway for nonfood handling persons.

- (2) Storage. Adequate dry and cold storage shall be provided appropriate for the size of kitchen. Separate storage shall be provided for nonfood items.
- (3) Surfaces. The kitchen floor shall be properly pitched to adequate floor drains and allow for proper cleaning. Floor finish should reduce the possibility of slipping. The junction between floors and walls shall be covered. Walls and ceilings shall be finished with smooth, washable, light colored surfaces.
- (4) Light. Adequate lighting shall be provided on all work surfaces.
- (5) Ventilation. Food service areas shall be adequately ventilated to control disagreeable odors and moisture. All openings to the outside shall be secured and provided with insect screens.
- (6) Water. Adequate hot and cold water shall be provided for food preparation, cleaning, and dish washing. Hot water equipment shall be of sufficient size and capacity to meet the needs of the facility.
- (7) Codes. Kitchens shall comply with state health codes.

History: The provisions of this § 259.224 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.225. Dining Space

Group dining may be provided and shall avoid concentrations of more than 96 inmates.

History: The provisions of this § 259.225 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.226. Laundry Facilities

An adequate laundry within the system, or a vendor contract, shall be maintained to provide clean clothing, bedding, and supplies. Adequate separate storage space shall be provided for both clean and soiled laundry and laundry supplies.

History: The provisions of this § 259.226 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.227. Storage Area Capacities

Storage areas based upon facility capacity shall be provided as follows:

- (1) Inmate property: two cubic feet per inmate;
- (2) Inmate uniforms and linens: three cubic feet per inmate;
- (3) Inmate mattresses: raised perforated storage in the amount of five and one-fourth cubic feet per mattress for 25% of total capacity.

History: The provisions of this § 259.227 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.228. Janitorial Storage Space

Adequate, secured, well ventilated storage for janitorial supplies and equipment shall be provided within the security perimeter and administrative area. Sufficient broom and mop racks shall be provided.

History: The provisions of this § 259.228 adopted to be effective December 12, 1994, 19 TexReg 9376.

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§ 259.229. Medical Storage Space

Adequate secure space for first aid equipment, medical supplies, and drugs shall be provided.

History: The provisions of this § 259.229 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.230. Single Cells

Single cells shall contain not less than 40 square feet of clear floor space. Each cell shall have one bunk, toilet, lavatory, table, and seat separate from the bunk.

History: The provisions of this § 259.230 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.231. Multiple Occupancy Cells

Multiple occupancy cells shall contain two to eight bunks and not less than 40 square feet of clear floor space for the first bunk plus 18 square feet of clear floor space for each additional bunk. Each multiple occupancy cell shall have one toilet and lavatory. Cells shall contain table and seating if day room space is not provided.

History: The provisions of this § 259.231 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.232. Dormitories

Dormitories shall contain 9 to 48 bunks. Dormitories shall contain not less than 40 square feet of clear floor space for the first bunk plus 18 square feet of clear floor space for each additional bunk. Each dormitory shall have adequate toilets, lavatories, and may include showers. Cells shall contain table and seating if day room space is not provided.

History: The provisions of this § 259.232 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective December 29, 1997, 22 TexReg 12789; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.233. Day Rooms

Single cells, multiple occupancy cells, and dormitories may be provided with day room space. Holding cells and detoxification cells are exempt from this requirement. Day rooms shall accommodate no more than 48 inmates. Based on the design capacity of the cells served, the day rooms shall contain: not less than 40 square feet of clear floor space for the first inmate plus 18 square feet of clear floor space for each additional inmate; a sufficient number of toilets, lavatories, and showers as approved by the Commission, mirrors, seating, and tables. A utility sink should be provided. Convenient electrical receptacles circuited with ground fault protection shall be provided. Power to receptacles should be individually controlled outside of the day room.

History: The provisions of this § 259.233 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective December 29, 1997, 22 TexReg 12789; amended to be effective February 4, 1999, 24 TexReg 591; amended to be effective December 22, 1999, 24 TexReg 11517; amended to be effective May 3, 2000, 25 TexReg 3792

§ 259.234. Separation Cells

Separation cells shall include the following features and equipment.

- (1) Furnishings. Each cell shall be provided with 1 bunk, mirror, table, and seat separate from the bunk. A shelf and clothes hook may be provided. Convenient electrical receptacles circuited with ground fault protection shall be provided. Power to receptacles shall be individually controlled outside of the cell.

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- (2) Plumbing. Cells shall be provided with a toilet, lavatory, and shower.
- (3) Cell Size. Cells shall contain not less than 40 square feet of clear floor space.

History: The provisions of this § 259.234 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.235. Holding Cells

One or more holding cells shall be provided to hold inmates pending intake, processing, release, or other reason for temporary holding. Holding cells shall contain the following features and equipment.

- (1) Seating. A stationary bench or benches abutting the walls shall be provided. Benches shall be 17" to 19" above the finished floor and not less than 12" wide. Seating shall be sufficient to provide not less than 24 linear inches per inmate at cell capacity.
- (2) Plumbing. Cells shall be provided with adequate toilets, lavatories, and floor drains. The floor shall be properly pitched to drains.
- (3) Cell Size. The size of the cell shall be determined by the anticipated maximum number of inmates to be confined at any one time. Cells shall be constructed to house from one to 24 inmates and shall contain not less than 40 square feet of floor space for the first inmate and 18 square feet of floor space for each additional inmate to be confined.
- (4) Surfaces. Floor, wall, and ceiling material shall be durable and easily cleaned.
- (5) Supervision. The cell shall be located and constructed to facilitate supervision of the cell area and to materially reduce noise.

History: The provisions of this § 259.235 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.236. Detoxification Cells

A facility shall provide one or more detoxification cells for detention during the detoxification process. These cells shall include the following features and equipment.

- (1) Seating. A stationary bench or benches abutting the walls shall be provided. Benches shall be not higher than 8" above the finished floor, not less than 2' 0" wide and shall extend the length of the cell.
- (2) Plumbing. Cells shall be provided with one or more vandal resistive flushing floor drains with outside controls, or detention type toilet and lavatory and vandal resistive floor drains. The floor shall be properly pitched to drains. Drinking fountains or lavatories capable of providing drinking water shall be provided.
- (3) Cell Size. The size of the cell shall be determined by the anticipated maximum number of intoxicated inmates to be confined at any one time. Cells shall be constructed to house from 1 to 8 inmates and shall contain not less than 40 square feet of floor space for the first inmate and 18 square feet of floor space for each additional inmate to be confined.
- (4) Surfaces. Floor, wall, door and ceiling material shall be durable and easily cleaned.
- (5) Supervision. The cell shall be located and constructed to facilitate supervision of the cell area and to materially reduce noise.

History: The provisions of this § 259.236 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.237. Dimensions

All cells and day rooms shall be not less than eight feet from finished floor to ceiling and five feet-six inches from wall to wall. Cells containing over/under bunk units shall be measured

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from center line of units to wall. Corridors shall be not less than four feet wide.

History: The provisions of this § 259.237 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.238. Safety Vestibules

Safety vestibules shall be provided for each inmate housing area and day room used for confinement of three or more inmates. No more than four living areas shall be served by one vestibule. All entrances through the security perimeter from administrative and/or public areas shall be provided with a safety vestibule.

- (1) Safety vestibules shall have 1 or more interior doors and a main entrance door.
- (2) Interior doors shall be arranged to be locked and unlocked by control means located outside of the inmate living area and safety vestibule.
- (3) Where doors have an interlocking security feature, provisions shall be made for an override capability in the event an emergency requires both doors to be opened simultaneously.

History: The provisions of this § 259.238 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.239. Furnishings for Inmate Housing Areas

- (a) Bunks. Bunks shall be fire resistive and securely anchored. The mattress surface of the bunk shall measure not less than 2' 3" wide and 6' 3" long.
- (b) Toilets and Lavatories. Detention type toilets and lavatories shall be provided in cells and day rooms. Based on design capacity, each cell and day room shall provide 1 toilet and lavatory capable of providing drinking water for each group or increment of 8 inmates.
- (c) Showers. Shower areas shall be not less than 2' 6" square per showerhead and not less than 7' 0" high. Construction shall be of vandal resistive materials and should be of materials which resist the action of soap and water. Drying areas of not less than 2' 6" square sloped to a drain should be provided adjoining the shower entrance. Based on design capacity, each day room, unless otherwise approved by the Commission, shall provide 1 shower for each group or increment of 12 inmates.
- (d) Tables and Seating. Tables and seating shall be constructed of materials which will resist vandalism. They shall be fire resistive, securely anchored, and reasonably remote from toilet areas. Tables and benches shall be not less than 12" wide, and linear seating shall be not less than 18 continuous inches per person. Stools shall be not less than 12" in diameter. Seating height of 17" to 19" shall be provided.
- (e) Privacy Shields. Inmate toilet and shower areas in dormitories, multiple occupancy cells, single occupancy cells, holding cells, and day rooms shall be equipped to restrict viewing from persons outside the cell and staff areas in direct supervision designs. Privacy shields shall extend from about 15" above the finished floor to about 5' high and shall be securely anchored.
- (f) Mirrors. Mirrors shall be constructed of unbreakable material. Mirrors shall be provided above lavatories in day rooms and separation cells.

History: The provisions of this § 259.239 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective December 29, 1997, 22 TexReg 12789; amended to be effective February 4, 1999, 24 TexReg 591; amended to be effective October 8, 2013, 38 TexReg 6923

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§ 259.240. Walls

Walls should be constructed to resist vandalism and facilitate ease of maintenance. Exterior and interior walls within inmate housing and activity areas shall be constructed as follows:

- (1) Exterior walls:
 - (A) a minimum 8" concrete block vertically reinforced by #3 bars 8" on center and all cells filled with 2500 psi grout, or
 - (B) a minimum of 4" thick concrete plank reinforced with #4 bars 8" on center each way, or
 - (C) a minimum 3/16" thick steel plate.
- (2) Interior walls:
 - (A) a minimum 6" concrete block vertically reinforced by #3 bars 8" on center and all cells filled with 2500 psi grout, or
 - (B) a minimum 4" thick concrete plank reinforced with #4 bars 8" on center each way, or
 - (C) a minimum 3/16" thick steel plate. Innovative design concepts are encouraged and comparable materials and methods approved by the Commission may be utilized for exterior and interior wall construction.

History: The provisions of this § 259.240 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.241. Floors

Floors should provide a high resistance to wear and moisture. A nonslip surface shall be provided at the entrance to all shower areas.

History: The provisions of this § 259.241 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.242. Ceilings

Ceilings within inmate housing areas shall be constructed of a minimum 4" thick concrete plank reinforced with #4 bars 8" on center each way or a minimum 10 gauge steel plate. Innovative design concepts are encouraged and comparable materials and methods approved by the Commission may be utilized for ceiling construction.

History: The provisions of this § 259.242 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.243. Vermin Control

Facility construction shall protect against the entrance and infestation of vermin. Materials and construction design shall contribute to efficient maintenance and housekeeping.

History: The provisions of this § 259.243 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.244. Windows and Screens

Operable windows shall be equipped with insect screens. The security level of windows in inmate occupied areas shall be commensurate with the security of the walls. Windows or skylights may be provided in inmate living and activity areas.

History: The provisions of this § 259.244 adopted to be effective December 12, 1994, 19 TexReg 9376.

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§ 259.245. Vent Grilles

Vent grilles in walls and ceilings shall be commensurate with the security sought to be achieved. Vent grilles shall be securely anchored.

History: The provisions of this § 259.245 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.246. Food Passes

Food passes shall be provided and lockable shutters should be provided to prevent passage of contraband.

History: The provisions of this § 259.246 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective October 8, 2013, 38 TexReg 6924

§ 259.247. Detention Doors

Hollow metal doors shall be constructed of 12 to 14 gauge steel inside the security perimeter. Eighteen gauge hollow metal doors may be used outside the security perimeter. Plate doors shall be constructed of material not less than 3/16 inches thick. The security quality of each detention door shall be determined by the level of security sought to be achieved. Detention doors shall be equipped with detention hardware and accessories. All cell doors shall be not less than 28 inches in clear width and not less than six feet-eight inches high.

History: The provisions of this § 259.247 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.248. Door Stops

Door stops shall be provided for all detention doors and shall be placed to maintain a minimum of six inches between the leading edge of the door and the wall. Door closers manufactured with integral door stops may be used.

History: The provisions of this § 259.248 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.249. Door Closers

Door closers for all detention swinging doors shall be appropriate for the weight of the door.

History: The provisions of this § 259.249 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.250. Keys and Locks

Keys and locks for detention doors shall be manufactured especially for detention use and keys shall be mogul or paracentric type. An additional set of keys shall be maintained by the operator.

History: The provisions of this § 259.250 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.251. Key Cabinets

Secured key cabinets should be provided at suitable locations.

History: The provisions of this § 259.251 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.252. Power Operated Locks

Power operated locks shall be motor, solenoid, or pneumatic type and provide electrical control unlocking, key unlocking by manual operation, and automatic mechanical deadlocking of doors

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upon closing. A door position switch and door position indicator shall be provided for all doors equipped with power operated locks. Heavy-duty, detention type door closers should be provided on all swinging doors equipped with power operated locks.

History: The provisions of this § 259.252 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.253. Remote Controls

Doors to single cells, multiple-occupancy cells, dormitories, and day rooms shall be capable of being locked and unlocked individually by control means located remote from the cell area. Single cells with contiguous day room and separation cells which open directly on an exiting corridor are exempt from this requirement. All remote door controls shall be secure.

History: The provisions of this § 259.253 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.254. Emergency Operation of Doors

All doors to cells and day rooms shall be capable of being unlocked by a manual means at the door or a remote location.

History: The provisions of this § 259.254 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.255. Access Doors

All plumbing and mechanical access doors and panels shall be constructed and secured with locks or vandal resistive screws commensurate to the security sought to be achieved.

History: The provisions of this § 259.255 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.256. Temperature Control

Temperature levels shall be reasonably maintained between 65 degrees Fahrenheit and 85 degrees Fahrenheit in the occupied areas.

History: The provisions of this § 259.256 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.257. Air Flow

Ventilation shall be sufficient to admit fresh air and remove disagreeable odors. A sufficient number of windows capable of being opened, or a mechanical ventilation system provided with emergency electrical power, shall be provided in order to allow for sufficient ventilation in case of breakdown in the normal ventilation system or normal power failure.

History: The provisions of this § 259.257 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.258. Plumbing

Plumbing work shall meet the requirements of the International Plumbing Code, or equivalent. Warm and cold water shall be provided at all lavatories and warm water shall be provided at all showers. Warm water temperature shall be between 100 and 120 degrees Fahrenheit. All plumbing in inmate occupied areas shall have quick shut off capability.

History: The provisions of this § 259.258 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

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§ 259.259. Sinks

Sufficient mop sinks with hot and cold water shall be provided within the security perimeter and administrative area.

History: The provisions of this § 259.259 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.260. Faucets

Cold water faucets with standard hose connections shall be provided in plumbing access space or corridors. Distance between hose connections shall not be more than 100 feet apart.

History: The provisions of this § 259.260 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.261. Floor Drains

Floor drains shall be located throughout the facility so as to reduce the possibility of flooding. Floor drains shall be provided in every area where toilets, lavatories, or showers are located. Floor drains may be provided in chases serving single and separation cells. Drain covers shall be provided and securely anchored with vandal resistive screws.

History: The provisions of this § 259.261 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.262. Lighting

Adequate illumination shall be provided throughout the cells and day rooms. An illumination level of 20 foot candles shall be provided at mirrors and tables. Master light controls for cells and day rooms and electrical conduit shall be out of reach of inmates. Inmates should be capable of controlling some lighting; override capability shall be provided. Security detention type lighting shall be provided in inmate housing areas and vandal resistive lighting within inmate occupied areas. Night lights sufficient to permit continuous observation shall be provided. Control areas and means of egress shall be continuously illuminated. Exteriors of buildings and all entrances shall be lighted sufficiently to observe approaching persons.

History: The provisions of this § 259.262 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.263. Audible Communication

Two-way voice communication shall be available at all times between inmates and jailers, licensed peace officers, court bailiffs, or staff designated by the sheriff.

History: The provisions of this § 259.263 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective January 1, 2014, 38 TexReg 9623

§ 259.264. Television Monitoring

Closed circuit television monitoring may be provided to supplement control and security functions. View of toilet and shower areas shall not be allowed except in medical and special observation areas.

History: The provisions of this § 259.264 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.265. Electrical Power

Electrical installation shall comply with state and local codes and ordinances. Facilities shall

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have adequate electrical receptacles in corridors or chases for food carts, janitorial, and maintenance equipment.

History: The provisions of this § 259.265 adopted to be effective December 12, 1994, 19 TexReg 9376.

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§ 259.300. Facility Site

The site shall be of sufficient size to provide for the immediate facility and a reasonable projected expansion. A buffer zone around the facility should be provided.

History: The provisions of this § 259.300 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.301. Facility Concept

Medium security facilities shall be designed only in conjunction with facilities which meet the requirements of Chapter 259, §§ 259.100-259.170 of this title (relating to Maximum Security Design) or Chapter 261, §§ 261.100-261.171 of this title (relating to Existing Maximum Security Design). Inmates housed in medium security facilities shall be assessed according to the provisions of Chapter 271 of this title (relating to Classification and Separation). Maximum security spaces incorporated into the medium security design shall meet the requirements of Chapter 259, §§ 259.100-259.170 of this title.

History: The provisions of this § 259.301 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective June 14, 1996, 21 TexReg 5001; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.302. Facility Security Requirements

Facility security shall be planned to protect inmates from one another, protect staff and visitors from inmates, and deter or prevent escapes.

History: The provisions of this § 259.302 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.303. Construction Materials

Inmate housing areas and day rooms shall be constructed of metal, masonry, concrete, or other comparable materials. The level of security desired shall determine the selection of appropriate materials.

History: The provisions of this § 259.303 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.304. Public Areas

Public areas shall be located outside the security perimeter. Public access to the security perimeter shall be controlled. A public lobby or waiting area shall be provided for the convenience of the public, including seating, drinking fountains, and rest rooms and should include lockers or storage for visitors' articles. Provisions shall be made for disabled visitors.

History: The provisions of this § 259.304 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.305. Vision into Inmate Areas

Design and construction shall preclude direct vision into inmate occupied areas by the public.

History: The provisions of this § 259.305 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.306. Administrative Space

The facility shall provide sufficient space for administrative, program, and clerical needs. Adequate space for equipment and supplies shall be provided to meet established and projected needs. These spaces shall be located outside the inmate housing areas. Evidence storage shall be

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provided within the system and located outside security perimeter.

History: The provisions of this § 259.306 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.307. Squad Rooms

Locker space, toilets, lavatories, showers, dressing rooms, and classroom space should be provided for staff and shall be located outside the security perimeter. Break and dining space should be provided in the facility.

History: The provisions of this § 259.307 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.308. Inmate Movement Into and Out of Facility

Construction should provide for movement of an inmate or detainee into and out of the facility without exposing the individual to contact with the public.

History: The provisions of this § 259.308 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.309. Inmate Movement inside Facility

The design shall provide for the orderly movement of inmates and services.

History: The provisions of this § 259.309 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.310. Observation

Inmate occupied areas shall be constructed to facilitate direct observation of inmates. The design shall allow observation into inmate living areas without requiring staff to enter inmate safety vestibules.

History: The provisions of this § 259.310 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.311. Emergency Access

Multistory facilities shall have an elevator or other passageway large enough to accommodate the passage of patient evacuation equipment.

History: The provisions of this § 259.311 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.312. Segregation

(a) Systems shall provide separate cells and day rooms of capacities to provide adequate segregation of different classifications of male and female inmates as required by Chapter 271 of this title (relating to Classification and Separation of Inmates).

(b) Systems shall provide adequate single cells, separation cells, or holding cells, and may provide other special purpose cells.

History: The provisions of this § 259.312 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.313. Functions

Minimum space allocations shall provide for the following.

(1) Inmate reception:

(A) reception and holding;

(B) video taping and intoxicilizer programs if such are to be performed in the facility.

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(2) Detention:

- (A) inmate housing;
- (B) segregation;
- (C) visiting;
- (D) jailer stations.

(3) Support/Services:

- (A) public areas;
- (B) administrative offices;
- (C) squad rooms;
- (D) food service;
- (E) laundry;
- (F) inmate commissary;
- (G) storage;
- (H) sanitation;
- (I) medical examination and treatment;
- (J) multipurpose rooms;
- (K) recreation and exercise;
- (L) inmate programs and activities;
- (M) counseling;
- (N) library.

- (4) It is permissible to use the same room or space allocation for more than one of the listed functions where such use will not deny the rights of any individual and will not impair the safety, security, sanitation or required segregation of the facility.

History: The provisions of this § 259.313 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective July 7, 2013, 38 TexReg 4189

§ 259.314. Inmate Entrance

The inmate entrance shall be through a safety vestibule into the receiving area. This entrance shall allow for passage of patient evacuation equipment between interlocking doors. The entrance shall be designed and constructed to allow observation and identification of persons approaching the inmate entrance. Electronic surveillance equipment may be used.

History: The provisions of this § 259.314 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.315. Weapon Storage

Separate secure storage space shall be provided at all entrances to the security perimeter for weapons and ammunition.

History: The provisions of this § 259.315 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.316. Receiving Area

Facilities shall have a receiving area. The receiving area shall be designed to readily permit the processing of inmates. Receiving areas shall be provided with access to drinking fountains and toilets.

History: The provisions of this § 259.316 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.317. Visiting Areas

Visiting areas shall be provided and shall be designed to provide adequate visitation for the

capacity of the facility. Visitation areas shall be designed for the degree of security sought to be achieved. Audible communications shall be provided between the inmate and visitor. Visiting areas shall be designed to prevent passage of contraband. Provisions shall be made for disabled visitors and inmates. Seating shall be provided for both visitors and inmates. A secure visiting area may be provided for contact visits from law enforcement officers, attorneys, clergy, and probation and parole officers. Provisions shall be made for a direct passage of legal paper between inmates and attorneys at noncontact visitation.

History: The provisions of this § 259.317 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.318. Control Rooms/Jailer Stations

A sufficient number of control rooms/jailer stations shall be provided on each floor where inmates are housed. Staff toilets and lavatories shall be located within the security perimeter and in close proximity to control rooms and jailer stations. The design shall allow access to control rooms without requiring staff to enter inmate safety vestibules or inmate activity areas.

History: The provisions of this § 259.318 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591; amended to be effective July 7, 2013, 38 TexReg 4189

§ 259.319. Kitchen

A properly equipped kitchen of adequate size shall be provided within the system and shall include the following.

- (1) Functions. Kitchen space and equipment shall allow for the efficient operations of receiving, storage, processing, preparation, cooking, baking, serving, dish washing, cleaning, menu preparation, record keeping, personal hygiene, and removal of waste and garbage. Kitchen functions shall be performed without compromising the security of the facility. The kitchen shall not be designed as a passageway for nonfood handling persons.
- (2) Storage. Adequate dry and cold storage shall be provided appropriate for the size of kitchen. Separate storage shall be provided for nonfood items.
- (3) Surfaces. The kitchen floor shall be properly pitched to adequate floor drains and allow for proper cleaning. Floor finish should reduce the possibility of slipping. The junction between floors and walls shall be covered. Walls and ceilings shall be finished with smooth, washable, light colored surfaces.
- (4) Light. Adequate lighting shall be provided on all work surfaces.
- (5) Ventilation. Food service areas shall be adequately ventilated to control disagreeable odors and moisture. All openings to the outside shall be secured and provided with insect screens.
- (6) Water. Adequate hot and cold water shall be provided for food preparation, cleaning, and dish washing. Hot water equipment shall be of sufficient size and capacity to meet the needs of the facility.
- (7) Codes. Kitchens shall comply with state health codes.

History: The provisions of this § 259.319 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.320. Dining Space

Group dining may be provided and shall avoid concentrations of more than 96 inmates.

History: The provisions of this § 259.320 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

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§ 259.321. Laundry Facilities

Space for a laundry commensurate to the size of the facility shall be provided within the system. The laundry shall be equipped with a sufficient number of washers and dryers to accommodate the anticipated laundry load. Adequate separate storage space shall be provided for both clean and soiled laundry and laundry supplies.

History: The provisions of this § 259.321 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.322. Storage Area Capacities

Storage areas based upon facility capacity shall be provided as follows:

- (1) Inmate property: two cubic feet per inmate, unless personal property will be maintained in another facility;
- (2) Inmate uniforms and linens: three cubic feet per inmate;
- (3) Inmate mattresses: raised perforated storage in the amount of five and one-fourth cubic feet per mattress for 25% of total capacity.

History: The provisions of this § 259.322 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.323. Janitorial Storage Space

Adequate, secured, well ventilated storage for janitorial supplies and equipment shall be provided within the security perimeter and administrative area. Sufficient broom and mop racks shall be provided.

History: The provisions of this § 259.323 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.324. Medical Space and Equipment

Adequate space for first aid equipment shall be provided. Space and equipment for medical examination, treatment, and convalescent care shall be provided or provisions contained in the health services plan. Adequate, secure storage for medical supplies and drugs shall be provided.

History: The provisions of this § 259.324 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective May 3, 1995, 20 TexReg 2865.

§ 259.325. Infirmary

An infirmary should be provided for systems of 200 or more capacity and shall include the minimum following components:

- (1) nurses station;
- (2) locked medication station with storage for individually filled prescriptions;
- (3) utility room with sink and storage for linens and equipment;
- (4) refrigerated storage;
- (5) utility room with double tub sink and clinical service sink with flushing rim;
- (6) 80 gross square feet of floor space per bed;
- (7) at least 1 single occupancy negative pressure room or cell;
- (8) doors, through which patients and equipment are to be moved, of adequate width to allow turning of wheeled chairs and tables normally used in medical facilities;
- (9) a lavatory with a gooseneck inlet and wrist controls accessible to each ward;
- (10) janitor closet;
- (11) toilet, lavatory, and shower for use of inmates in the infirmary;
- (12) additional elements as dictated by the facility health care director.

History: The provisions of this § 259.325 adopted to be effective December 12, 1994, 19

TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.326. Multipurpose Rooms

One or more multipurpose rooms having a minimum of 200 square feet of floor space each shall be provided for each increment of 100 inmates based on design capacity. These multipurpose rooms may be used for group assembly, conferences, contact visitation, counseling, religious services, education, or other special uses.

History: The provisions of this § 259.326 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.327. Exercise Area

One or more secure exercise areas shall be provided. Where outdoor exercise are provided, alternate areas shall be provided for exercise during inclement weather. Outdoor exercise areas should be covered with a security enclosure. Where outdoor exercise areas are not provided, facility design shall provide for access to sunlight. A toilet and drinking fountain shall be readily available. Exercise areas for facilities of less than 100 inmates based on design capacity shall not be less than 800 square feet. Exercise areas for larger facilities shall provide 15 square feet per inmate for the maximum number of inmates expected to use the space at one time, but not less than 1000 square feet for each exercise area. Each direct supervision housing area shall have an exercise area within close proximity which should be adjacent to the housing area.

History: The provisions of this § 259.327 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.328. Multiple Occupancy Cells

Multiple occupancy cells shall contain two to eight bunks and not less than 40 square feet of clear floor space for the first bunk plus 18 square feet of clear floor space for each additional bunk. Each multiple occupancy cell shall have one toilet and lavatory. Multiple occupancy cells should not be provided in direct supervision facilities.

History: The provisions of this § 259.328 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.329. Dormitories

Dormitories shall contain 9 to 48 bunks. Dormitories shall contain not less than 40 square feet of clear floor space for the first bunk plus 18 square feet of clear floor space for each additional bunk. Each dormitory shall have adequate toilets, lavatories, and may include showers.

History: The provisions of this § 259.329 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.330. Day Rooms

All single cells, multiple occupancy cells, and dormitories shall be provided with day room space. Separation cells, violent cells, holding cells, and medical cells are exempt from this requirement. Day rooms shall accommodate no more than 48 inmates. Based on the design capacity of the cells served, the day rooms shall contain: not less than 40 square feet of clear floor space for the first inmate plus 18 square feet of clear floor space for each additional inmate; a sufficient number of toilets, lavatories, and showers as approved by the Commission, mirrors, seating, and tables. A utility sink should be provided. Convenient electrical receptacles circuited with ground fault protection shall be provided. Power to receptacles should be individually controlled outside of the day room.

History: The provisions of this § 259.330 adopted to be effective April 4, 1999, 24 TexReg

2355; amended to be effective May 3, 2000, 25 TexReg 3792

§ 259.331. Dimensions

All cells and day rooms shall be not less than eight feet from finished floor to ceiling and five feet-six inches from wall to wall. Cells containing over/under bunk units shall be measured from center line of units to wall. Corridors shall be not less than four feet wide.

History: The provisions of this § 259.331 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.332. Safety Vestibules

Safety vestibules shall be provided for each inmate housing area and day room used for confinement of three or more inmates. No more than four living areas shall be served by one vestibule. All entrances through the security perimeter from administrative and/or public areas shall be provided with a safety vestibule.

- (1) Safety vestibules shall have one or more interior doors and a main entrance door.
- (2) Interior doors shall be arranged to be locked and unlocked by control means located outside of the inmate living area and safety vestibule.
- (3) Where doors have an interlocking security feature, provisions shall be made for an override capability in the event an emergency requires both doors to be opened simultaneously.

History: The provisions of this § 259.332 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.333. Furnishings for Inmate Housing Areas

- (a) Bunks. Bunks shall be fire resistive and securely anchored. The mattress surface of the bunk shall measure not less than 2' 3" wide and 6' 3" long.
- (b) Toilets and Lavatories. Detention type toilets and lavatories shall be provided in cells and day rooms. In direct supervision living areas, they shall be constructed in such manner and of such material so as to resist vandalism. Based on design capacity, each cell and day room shall provide 1 toilet and lavatory capable of providing drinking water for each group or increment of 8 inmates.
- (c) Showers. Shower areas shall be not less than 2' 6" square per showerhead and not less than 7' 0" high. Construction shall be of vandal resistive materials and should be of materials which resist the action of soap and water. Drying areas of not less than 2' 6" square sloped to a drain should be provided adjoining the shower entrance. Based on design capacity, each day room, unless otherwise approved by the Commission, shall provide 1 shower for each group or increment of 12 inmates.
- (d) Tables and Seating. Tables and seating shall be constructed of materials which will resist vandalism. They shall be fire resistive, securely anchored, and reasonably remote from toilet areas. Tables and seating in direct supervision day rooms are not required to be anchored. Tables and benches shall be not less than 12" wide, and linear seating shall be not less than 18 continuous inches per person. Stools shall be not less than 12" in diameter. Seating height of 17" to 19" shall be provided.
- (e) Privacy Shields. Inmate toilet and shower areas in dormitories, multiple occupancy cells, single occupancy cells, holding cells, and day rooms shall be equipped to restrict viewing from persons outside the cell and staff areas in direct supervision designs. Privacy shields shall extend from about 15" above the finished floor to about 5' high and shall be securely anchored.
- (f) Mirrors. Mirrors shall be constructed of unbreakable material. Mirrors shall be provided

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above lavatories in day rooms and separation cells.

History: The provisions of this § 259.333 adopted to be effective April 4, 1999, 24 TexReg 2355; amended to be effective October 8, 2013, 38 TexReg 6924

§ 259.334. Walls

Walls should be constructed to resist vandalism and facilitate ease of maintenance. Exterior and interior walls within inmate housing and activity areas shall be constructed as follows:

(1) Exterior walls:

- (A) a minimum 8" concrete block vertically reinforced by #3 bars 8" on center and all cells filled with 2,500 psi grout; or
- (B) a minimum 4" thick concrete plank reinforced with #4 bars 8" on center each way; or
- (C) a minimum 3/16" thick steel plate.

(2) Interior walls:

- (A) a minimum 6" concrete block vertically reinforced by #3 bars 8" on center and all cells filled with 2,500 psi grout; or
- (B) a minimum 4" thick concrete plank reinforced with #4 bars 8" on center each way; or
- (C) a minimum 3/16" thick steel plate. Innovative design concepts are encouraged and comparable materials and methods approved by the Commission may be utilized for exterior and interior wall construction.

History: The provisions of this § 259.334 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.335. Floors

Floors should provide a high resistance to wear and moisture. A nonslip surface shall be provided at the entrance to all shower areas.

History: The provisions of this § 259.335 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.336. Ceilings

Ceilings within inmate housing areas shall be constructed of a minimum 4" thick concrete plank reinforced with #4 bars 8" on center each way or a minimum 10 gauge steel plate. Innovative design concepts are encouraged and comparable materials and methods approved by the Commission may be utilized for ceiling construction.

History: The provisions of this § 259.336 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.337. Vermin Control

Facility construction shall protect against the entrance and infestation of vermin. Materials and construction design shall contribute to efficient maintenance and housekeeping.

History: The provisions of this § 259.337 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.338. Windows and Screens

Operable windows shall be equipped with insect screens. The security level of windows in inmate occupied areas shall be commensurate with the security of the walls. Windows or

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skylights should be provided in inmate living and activity areas.

History: The provisions of this § 259.338 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.339. Vent Grilles

Vent grilles in walls and ceilings shall be commensurate with the security sought to be achieved. Vent grilles shall be securely anchored.

History: The provisions of this § 259.339 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.340. Food Passes

Food passes shall be provided and lockable shutters should be provided to prevent passage of contraband.

History: The provisions of this § 259.340 adopted to be effective April 4, 1999, 24 TexReg 2355; amended to be effective October 8, 2013, 38 TexReg 6924

§ 259.341. Detention Doors

Doors may be of any material commensurate with the degree of security sought to be achieved. Doors shall be equipped with appropriate hardware and accessories to achieve the degree of security sought. All cell doors shall be not less than 28 inches in clear width and not less than six feet-eight inches high.

History: The provisions of this § 259.341 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.342. Door Stops

Door stops shall be provided for all detention doors and shall be placed to maintain a minimum of six inches between the leading edge of the door and the wall. Door closers manufactured with integral door stops may be used.

History: The provisions of this § 259.342 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.343. Door Closers

Door closers for all detention swinging doors shall be appropriate for the weight of the door.

History: The provisions of this § 259.343 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.344. Keys and Locks

Keys and locks for detention doors shall be manufactured especially for detention use and keys shall be mogul or paracentric type. An additional set of keys shall be maintained by the operator.

History: The provisions of this § 259.344 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.345. Key Cabinets

Key cabinets should be provided at suitable locations.

History: The provisions of this § 259.345 adopted to be effective April 4, 1999, 24 TexReg 2355

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§ 259.346. Power Operated Locks

Power operated locks shall be motor, solenoid, or pneumatic type and provide electrical control unlocking, key unlocking by manual operation, and automatic mechanical deadlocking of doors upon closing. A door position switch and door position indicator shall be provided for all doors equipped with power operated locks. Heavy-duty, detention type door closers should be provided on all swinging doors equipped with power operated locks.

History: The provisions of this § 259.346 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.347. Remote Controls

Doors to single cells, multiple occupancy cells, dormitories, and day rooms shall be capable of being locked and unlocked individually by control means located remote from the cell area. Single cells with contiguous day room and separation cells which open directly on an exiting corridor are exempt from this requirement. All remote door controls shall be secure.

History: The provisions of this § 259.347 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.348. Emergency Operation of Doors

All doors to cells and day rooms shall be capable of being unlocked by a manual means at the door or a remote location.

History: The provisions of this § 259.348 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.349. Access Doors

All plumbing and mechanical access doors and panels shall be constructed and secured with locks or vandal resistive screws commensurate to the security sought to be achieved.

History: The provisions of this § 259.349 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.350. Temperature Control

Temperature levels shall be reasonably maintained between 65 degrees Fahrenheit and 85 degrees Fahrenheit in all occupied areas.

History: The provisions of this § 259.350 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.351. Air Flow

Ventilation shall be sufficient to admit fresh air and remove disagreeable odors. A sufficient number of windows capable of being opened, or a mechanical ventilation system provided with emergency electrical power, shall be provided in order to allow for sufficient ventilation in case of breakdown in the normal ventilation system or normal power failure.

History: The provisions of this § 259.351 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.352. Plumbing

Plumbing work shall meet the requirements of the International Plumbing Code, or equivalent. Warm and cold water shall be provided at all lavatories and warm water shall be provided at all showers. Warm water temperature shall be between 100 and 120 degrees Fahrenheit. All

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plumbing in inmate occupied areas shall have quick shut off capability.

History: The provisions of this § 259.352 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.353. Sinks

Sufficient mop sinks with hot and cold water shall be provided within the security perimeter and administrative area.

History: The provisions of this § 259.353 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.354. Faucets

Cold water faucets with standard hose connections shall be provided in plumbing access space or corridors. Distance between hose connections shall not be more than 100 feet apart.

History: The provisions of this § 259.354 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.355. Floor Drains

Floor drains shall be located throughout the facility so as to reduce the possibility of flooding. Floor drains shall be provided in every area where toilets, lavatories, or showers are located. Drain covers shall be provided and securely anchored with vandal resistive screws.

History: The provisions of this § 259.355 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.356. Lighting

Adequate illumination shall be provided throughout the cells and day rooms. An illumination level of 20 foot candles shall be provided at mirrors and tables. Master light controls for cells and day rooms and electrical conduit shall be out of reach of inmates. Inmates should be capable of controlling some lighting; override capability shall be provided. Security detention type lighting shall be provided in the inmate housing areas and vandal resistive lighting in inmate occupied areas. Night lights sufficient to permit continuous observation shall be provided. Control areas and means of egress shall be continuously illuminated. Exteriors of buildings and all entrances shall be lighted sufficiently to observe approaching persons.

History: The provisions of this § 259.356 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.357. Audible Communication

Two-way voice communication shall be available at all times between inmates and jailers, licensed peace officers, court bailiffs, or staff designated by the sheriff.

History: The provisions of this § 259.357 adopted to be effective April 4, 1999, 24 TexReg 2355; amended to be effective January 1, 2014, 38 TexReg 9624

§ 259.358. Television Monitoring

Closed circuit television monitoring may be provided to supplement control and security functions. View of toilet and shower areas shall not be allowed except in medical and special observation areas.

History: The provisions of this § 259.358 adopted to be effective April 4, 1999, 24 TexReg 2355

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§ 259.359. Electrical Power

Electrical installation shall comply with state and local codes and ordinances. Facilities shall have adequate electrical receptacles in corridors or chases for food carts, janitorial, and maintenance equipment.

History: The provisions of this § 259.359 adopted to be effective April 4, 1999, 24 TexReg 2355

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§ 259.400. Facility Site

The site shall be of sufficient size to provide for the immediate facility and a reasonable projected expansion. A buffer zone around the facility should be provided.

History: The provisions of this § 259.400 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.401. Facility Concept

Minimum security facilities shall be designed only in conjunction with facilities which meet the requirements of Chapter 259, §§ 259.100-259.170 of this title (relating to Maximum Security Design) or §§ 261.100-261.171 of this title (relating to Existing Maximum Security Design). Inmates housed in minimum security facilities shall be assessed according to the provisions of Chapter 271 of this title (relating to Classification and Separation). Unlike jails or lockups for maximum custody and medium custody inmates, these facilities do not require stringent security measures. Maximum security spaces which are incorporated into the minimum security design shall meet the requirements of Chapter 259, §§ 259.100-259.170 of this title.

History: The provisions of this § 259.401 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective June 14, 1996, 21 TexReg 5001; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.402. Facility Security Requirements

The facility need not be designed and maintained as a special security unit. It does not require a security perimeter. When built in conjunction with other jail or lockup functions, the integrity of the security perimeter of the higher security facility shall not be compromised.

History: The provisions of this § 259.402 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.403. Construction Materials

Inmate housing areas and day rooms may be constructed of conventional construction materials. Consideration should be given to the use of quality durable materials.

History: The provisions of this § 259.403 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.404. Public Areas

Public access to the building shall be through a main entrance. The public shall not have uncontrolled access to enter inmate areas. A public lobby or waiting area shall be provided for the convenience of the public, including seating, drinking fountains, and rest rooms and should include lockers or storage for visitor's articles. Provisions shall be made for disabled visitors.

History: The provisions of this § 259.404 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.405. Vision into Inmate Areas

Design and construction shall preclude direct vision into inmate occupied areas by the public.

History: The provisions of this § 259.405 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.406. Administrative Space

The facility shall provide sufficient space for administrative, program, and clerical needs. Adequate space for equipment and supplies shall be provided to meet established and projected

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needs. These spaces shall be located outside the inmate housing areas. Evidence storage shall be provided within the system and located outside the security perimeter.

History: The provisions of this § 259.406 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.407. Squad Rooms

Locker space, toilets, lavatories, showers, dressing rooms, and classroom space should be provided for staff and shall be located outside the security perimeter. Break and dining space should be provided in the facility.

History: The provisions of this § 259.407 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.408. Inmate Movement Into and Out of Facility

Construction should provide for movement of an inmate or detainee into and out of the facility without exposing the individual to contact with the public.

History: The provisions of this § 259.408 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.409. Inmate Movement inside Facility

The design shall provide for the orderly movement of inmates and services.

History: The provisions of this § 259.409 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.410. Observation

Inmate occupied areas shall be constructed to facilitate observation of inmates.

History: The provisions of this § 259.410 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.411. Emergency Access

Multistory facilities shall have an elevator or other passageway large enough to accommodate the passage of patient evacuation equipment.

History: The provisions of this § 259.411 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.412. Segregation

(a) Systems shall provide separate cells and day rooms of varying capacities to provide adequate segregation of male and female inmates as required by Chapter 271 of this title (relating to Classification and Separation of Inmates).

(b) Systems shall provide adequate single cells, separation cells, or holding cells, and may provide other special purpose cells.

History: The provisions of this § 259.412 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.413. Functions

Minimum space allocations shall provide for the following.

(1) Inmate reception:

(A) reception and holding;

(B) video taping and intoxicilizer programs if such are to be performed in the facility.

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(2) Detention:

- (A) inmate housing;
- (B) segregation;
- (C) visiting;
- (D) jailer stations.

(3) Support/Services:

- (A) public areas;
- (B) administrative offices;
- (C) squad rooms;
- (D) food service;
- (E) laundry;
- (F) inmate commissary;
- (G) storage;
- (H) sanitation;
- (I) medical examination and treatment;
- (J) multipurpose rooms;
- (K) recreation and exercise;
- (L) inmate programs and activities;
- (M) counseling;
- (N) library.

- (4) It is permissible to use the same room or space allocation for more than one of the listed functions where such use will not deny the rights of any individual and will not impair the safety, security, sanitation or required segregation of the facility.

History: The provisions of this § 259.413 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective July 7, 2013, 38 TexReg 4189

§ 259.414. Inmate Entrance

The inmate entrance may be through a conventional vestibule into the receiving area. This entrance shall allow for passage of patient evacuation equipment. The entrance shall be designed and constructed to allow observation and identification of persons approaching the inmate entrance. Electronic surveillance equipment may be used.

History: The provisions of this § 259.414 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.415. Weapon Storage

Separate secure storage space shall be provided at all entrances to the security perimeter for weapons and ammunition.

History: The provisions of this § 259.415 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.416. Receiving Area

Facilities shall have a receiving area. The receiving area shall be designed to readily permit the processing of inmates. Receiving areas shall be provided with access to drinking fountains and toilets.

History: The provisions of this § 259.416 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.417. Visiting Areas

Visiting areas shall be provided and shall be designed to provide adequate visitation for the

capacity of the facility. Audible communications shall be provided between the inmate and visitor. Provisions shall be made for disabled visitors and inmates. Seating shall be provided for both visitors and inmates. A visiting area may be provided for contact visits from law enforcement officers, attorneys, clergy, and probation and parole officers. Provisions shall be made for a direct passage of legal paper between inmates and attorneys at noncontact visitation.

History: The provisions of this § 259.417 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.418. Control Rooms/Jailer Stations

A sufficient number of control rooms/jailer stations shall be provided on each floor where inmates are housed. Staff toilets and lavatories shall be in close proximity to control rooms and jailer stations.

History: The provisions of this § 259.418 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591; amended to be effective July 7, 2013, 38 TexReg 4189

§ 259.419. Kitchen

A properly equipped kitchen of adequate size shall be provided within the system and shall include the following.

- (1) Functions. Kitchen space and equipment shall allow for the efficient operations of receiving, storage, processing, preparation, cooking, baking, serving, dish washing, cleaning, menu preparation, record keeping, personal hygiene, and removal of waste and garbage. Kitchen functions shall be performed without compromising the security of the facility. The kitchen shall not be designed as a passageway for nonfood handling persons.
- (2) Storage. Adequate dry and cold storage shall be provided appropriate for the size of kitchen. Separate storage shall be provided for nonfood items.
- (3) Surfaces. The kitchen floor shall be properly pitched to adequate floor drains and allow for proper cleaning. Floor finish should reduce the possibility of slipping. The junction between floors and walls shall be covered. Walls and ceilings shall be finished with smooth, washable, light colored surfaces.
- (4) Light. Adequate lighting shall be provided on all work surfaces.
- (5) Ventilation. Food service areas shall be adequately ventilated to control disagreeable odors and moisture. All openings to the outside shall be secured and provided with insect screens.
- (6) Water. Adequate hot and cold water shall be provided for food preparation, cleaning, and dish washing. Hot water equipment shall be of sufficient size and capacity to meet the needs of the facility.
- (7) Codes. Kitchens shall comply with state health codes.

History: The provisions of this § 259.419 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.420. Dining Space

Group dining may be provided and shall avoid concentrations of more than 96 inmates.

History: The provisions of this § 259.420 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.421. Laundry Facilities

Space for a laundry commensurate to the size of the facility shall be provided within the system.

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The laundry shall be equipped with a sufficient number of washers and dryers to accommodate the anticipated laundry load. Adequate separate storage space shall be provided for both clean and soiled laundry and laundry supplies.

History: The provisions of this § 259.421 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.422. Storage Area Capacities

Storage areas based upon facility capacity shall be provided as follows:

- (1) Inmate property: two cubic feet per inmate, unless personal property will be maintained in another facility;
- (2) Inmate uniforms and linens: three cubic feet per inmate;
- (3) Inmate mattresses: raised perforated storage in the amount of five and one-fourth cubic feet per mattress for 25% of total capacity.

History: The provisions of this § 259.422 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.423. Janitorial Storage Space

Adequate, secured, well ventilated storage for janitorial supplies and equipment shall be provided within the security perimeter and administrative area. Sufficient broom and mop racks shall be provided.

History: The provisions of this § 259.423 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.424. Medical Space and Equipment

Adequate space for first aid equipment shall be provided. Space and equipment for medical examination, treatment, and convalescent care shall be provided or provisions contained in the health services plan. Adequate, secure storage for medical supplies and drugs shall be provided.

History: The provisions of this § 259.424 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective May 3, 1995, 20 TexReg 2865.

§ 259.425. Infirmary

An infirmary should be provided for systems of 200 or more capacity and shall provide the following minimum components:

- (1) nurses station;
- (2) locked medication station with storage for individually filled prescriptions;
- (3) utility room with sink and storage for linens and equipment;
- (4) refrigerated storage;
- (5) utility room with double tub sink and clinical service sink with flushing rim;
- (6) 80 gross square feet of floor space per bed;
- (7) at least 1 single occupancy, negative pressure cell;
- (8) doors, through which patients and equipment are to be moved, of adequate width to allow turning of wheeled chairs and tables normally used in medical facilities;
- (9) a lavatory with a gooseneck inlet and wrist controls accessible to each ward;
- (10) janitor closet;
- (11) toilet, lavatory, and shower for use of inmates in the infirmary;
- (12) additional elements as dictated by the facility health care director.

History: The provisions of this § 259.425 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.426. Multipurpose Rooms

One or more multipurpose rooms having a minimum of 200 square feet of floor space each shall be provided for each increment of 100 inmates based on design capacity. These multipurpose rooms may be used for group assembly, conferences, contact visitation, counseling, religious services, education, or other special uses.

History: The provisions of this § 259.426 adopted to be effective December 12, 1994, 19 TexReg 9376.

§ 259.427. Exercise Area

One or more secure exercise areas shall be provided. Where outdoor exercise areas are provided, alternate areas shall be provided for exercise during inclement weather. Outdoor exercise areas should be covered with a security enclosure. Where outdoor exercise areas are not provided, facility design shall provide for access to sunlight. A toilet and drinking fountain shall be readily available. Exercise areas for facilities of less than 100 inmates based on design capacity shall not be less than 800 square feet. Exercise areas for larger facilities shall provide 15 square feet per inmate for the maximum number of inmates expected to use the space at 1 time, but not less than 1000 square feet for each exercise area. Each direct supervision housing area shall have an exercise area within close proximity which should be adjacent to the housing area.

History: The provisions of this § 259.427 adopted to be effective December 12, 1994, 19 TexReg 9376; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.428. Multiple Occupancy Cells

Multiple occupancy cells shall contain two to eight bunks and not less than 40 square feet of clear floor space for the first bunk plus 18 square feet of clear floor space for each additional bunk. Each multiple occupancy cell shall have one toilet and lavatory. Multiple occupancy cells should not be provided in direct supervision facilities.

History: The provisions of this § 259.428 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.429. Dormitories

Dormitories shall contain 9 to 48 bunks. Dormitories shall contain not less than 40 square feet of clear floor space for the first bunk plus 18 square feet of clear floor space for each additional bunk. Each dormitory shall have adequate toilets, lavatories, and may include showers.

History: The provisions of this § 259.429 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.430. Day Rooms

All single cells, multiple occupancy cells, and dormitories shall be provided with day rooms. Separation cells, violent cells, holding cells, and medical cells are exempt from this requirement. Day rooms shall accommodate no more than 48 inmates. Based on the design capacity of the cells served, the day rooms shall contain: not less than 40 square feet of clear floor space for the first inmate plus 18 square feet of clear floor space for each additional inmate; a sufficient number of toilets, lavatories, and showers as approved by the Commission, mirrors, seating, and tables. A utility sink should be provided. Day rooms may be contiguous with inmate living areas provided that space requirements for living areas and day rooms are met. Convenient electrical receptacles circuited with ground fault protection shall be provided.

History: The provisions of this § 259.430 adopted to be effective April 4, 1999, 24 TexReg 2355; amended to be effective May 3, 2000, 25 TexReg 3793

§ 259.431. Dimensions

All cells and day rooms shall be not less than eight feet from finished floor to ceiling and five feet-six inches from wall to wall. Cells containing over/under bunk units shall be measured from center line of units to wall. Corridors shall be not less than four feet wide.

History: The provisions of this § 259.431 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.432. Furnishings for Inmate Housing Areas

- (a) Bunks. Bunks shall be fire resistive. The mattress surface of the bunk shall measure not less than 2' 3" wide and 6' 3" long.
- (b) Toilets and Lavatories. Toilets and lavatories shall be provided in cells and day rooms. They may be conventional type. Based on design capacity, each cell and day room shall provide 1 toilet and lavatory capable of providing drinking water for each group or increment of 8 inmates.
- (c) Showers. Shower areas shall be not less than 2' 6" square per showerhead and not less than 7' 0" high. Construction should be of materials which resist the action of soap and water. Drying areas of not less than 2' 6" square sloped to a drain should be provided adjoining the shower entrance. Based on design capacity, each day room, unless otherwise approved by the Commission, shall provide 1 shower for each group or increment of 12 inmates.
- (d) Tables and Seating. Tables and seating shall be constructed of materials which will resist vandalism. They shall be fire resistive and reasonably remote from toilet areas. Tables and benches shall be not less than 12" wide, and linear seating shall be not less than 18 continuous inches per person. Stools shall be not less than 12" in diameter. Seating height of 17" to 19" shall be provided.
- (e) Privacy Shields. Inmate toilet and shower areas in dormitories, multiple occupancy cells, single occupancy cells, holding cells, and day rooms shall be equipped to restrict viewing from persons outside the cell and staff areas in direct supervision designs. Privacy shields shall extend from about 15" above the finished floor to about 5' high and shall be securely anchored.
- (f) Mirrors. Mirrors shall be constructed of unbreakable material. Mirrors shall be provided above lavatories in day rooms and separation cells.

History: The provisions of this § 259.432 adopted to be effective April 4, 1999, 24 TexReg 2355; amended to be effective October 8, 2013, 38 TexReg 6925

§ 259.433. Walls

Walls may be constructed of conventional construction materials and shall be designed to resist vandalism and facilitate ease of maintenance.

History: The provisions of this § 259.433 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.434. Floors

Floors should provide a high resistance to wear and moisture. A nonslip surface shall be provided at the entrance to all shower areas.

History: The provisions of this § 259.434 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.435. Ceilings

Ceilings should be constructed of material not easily damaged.

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History: The provisions of this § 259.435 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.436. Vermin Control

Facility construction shall protect against the entrance and infestation of vermin. Materials and construction design shall contribute to efficient maintenance and housekeeping.

History: The provisions of this § 259.436 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.437. Windows and Screens

Operable windows shall be equipped with insect screens. Windows or skylights should be provided in inmate living and activity areas.

History: The provisions of this § 259.437 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.438. Food Passes

Food passes shall be provided and lockable shutters should be provided to prevent passage of contraband.

History: The provisions of this § 259.438 adopted to be effective April 4, 1999, 24 TexReg 2355; amended to be effective October 8, 2013, 38 TexReg 6925

§ 259.439. Doors

Doors may be of any material commensurate with the degree of security sought to be achieved. Doors shall be equipped with appropriate hardware and accessories to achieve the degree of security sought. All cell doors shall be not less than 28 inches in clear width and not less than six feet-eight inches high.

History: The provisions of this § 259.439 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.440. Door Stops

Door stops shall be provided for all detention doors and shall be placed to maintain a minimum of six inches between the leading edge of the door and the wall. Door closers manufactured with integral door stops may be used.

History: The provisions of this § 259.440 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.441. Door Closers

Door closers for all detention swinging doors shall be appropriate for the weight of the door.

History: The provisions of this § 259.441 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.442. Keys and Locks

Conventional keys and locks may be used. An additional set of keys shall be maintained by the operator.

History: The provisions of this § 259.442 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.443. Key Cabinets

Key cabinets should be provided at suitable locations.

History: The provisions of this § 259.443 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.444. Power Operated Locks

Power operated locks shall be motor, solenoid, or pneumatic type and provide electrical control unlocking, key unlocking by manual operation, and automatic mechanical deadlocking of doors upon closing. A door position switch and door position indicator shall be provided for all doors equipped with power operated locks. Door closers should be provided on all swinging doors equipped with power operated locks.

History: The provisions of this § 259.444 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.445. Emergency Operation of Doors

All doors to cells and day rooms shall be capable of being unlocked by a manual means at the door or a remote location. All remote door controls shall be secure.

History: The provisions of this § 259.445 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.446. Temperature Control

Temperature levels shall be reasonably maintained between 65 degrees Fahrenheit and 85 degrees Fahrenheit in all occupied areas.

History: The provisions of this § 259.446 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.447. Air Flow

Ventilation shall be sufficient to admit fresh air and remove disagreeable odors. A sufficient number of windows capable of being opened, or a mechanical ventilation system provided with emergency electrical power, shall be provided in order to allow for sufficient ventilation in case of breakdown in the normal ventilation system or normal power failure.

History: The provisions of this § 259.447 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.448. Plumbing

Plumbing work shall meet the requirements of the International Plumbing, or equivalent. Warm and cold water shall be provided at all lavatories and warm water shall be provided at all showers. Warm water temperature shall be between 100 and 120 degrees Fahrenheit. All plumbing in inmate occupied areas shall have quick shut off capability.

History: The provisions of this § 259.448 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.449. Sinks

Sufficient mop sinks with hot and cold water shall be provided.

History: The provisions of this § 259.449 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.450. Faucets

Cold water faucets with standard hose connections shall be provided in plumbing access space

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or corridors. Distance between hose connections shall not be more than 100 feet apart.

History: The provisions of this § 259.450 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.451. Floor Drains

Floor drains shall be located throughout the facility so as to reduce the possibility of flooding. Floor drains shall be provided in every area where toilets, lavatories, or showers are located.

History: The provisions of this § 259.451 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.452. Lighting

Adequate illumination shall be provided throughout the cells and day rooms. An illumination level of 20 foot candles shall be provided at mirrors and tables. Inmates should be capable of controlling some lighting; override capability shall be provided. Night lights sufficient to permit continuous observation shall be provided. Control areas and means of egress shall be continuously illuminated. Exteriors of buildings and all entrances shall be lighted sufficiently to observe approaching persons.

History: The provisions of this § 259.452 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.453. Audible Communication

Two-way voice communication shall be available at all times between inmates and jailers, licensed peace officers, court bailiffs, or staff designated by the sheriff.

History: The provisions of this § 259.453 adopted to be effective April 4, 1999, 24 TexReg 2355; amended to be effective January 1, 2014, 38 TexReg 9624

§ 259.454. Television Monitoring

Closed circuit television monitoring may be provided to supplement control and security functions. View of toilet and shower areas shall not be allowed except in medical and special observation areas.

History: The provisions of this § 259.454 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.455. Electrical Power

Electrical installation shall comply with state and local codes and ordinances. Facilities shall have adequate electrical receptacles in corridors or chases for food carts, janitorial, and maintenance equipment.

History: The provisions of this § 259.455 adopted to be effective April 4, 1999, 24 TexReg 2355

CHAPTER 259. NEW CONSTRUCTION RULES, SUBCHAPTER F. TEMPORARY HOUSING—TENTS

§ 259.500. Qualifications for Use

- (a) The commission may approve the use of tents for the temporary housing of inmates when a need is clearly identified by the sheriff and commissioners court. The county shall submit a plan to the commission for approval indicating long-range solutions with time frames for implementation.
- (b) The commission may approve the use of tents for the temporary housing of inmates in connection with specific correctional programs which include work camps, wilderness camps, forestry camps, or boot camps. The county shall submit a plan outlining the specific correctional program and intended length of stay of inmates.

History: The provisions of this § 259.500 adopted to be effective April 28, 1994, 19 TexReg 2960.

§ 259.501. Time Period

Tents used under authority of § 259.500(a) of this title (relating to Qualifications for Use) shall not be used in excess of three years without review and approval by the commission.

History: The provisions of this § 259.501 adopted to be effective April 28, 1994, 19 TexReg 2960.

§ 259.502. Classification

Inmates housed in tents shall be classified as minimum custody as required by Chapter 271 of this title (relating to Classification and Separation of Inmates) or assigned to the specific correctional programs.

History: The provisions of this § 259.502 adopted to be effective April 28, 1994, 19 TexReg 2960; amended to be effective May 3, 1995, 20 TexReg 2865; amended to be effective June 14, 1996, 21 TexReg 5001.

§ 259.503. Compound Security

A security perimeter should be provided around the tent compound area to deter inmate escapes and the introduction of contraband. Secure storage space shall be provided for disposition of weapons.

History: The provisions of this § 259.503 adopted to be effective April 28, 1994, 19 TexReg 2960.

§ 259.504. Construction Approval

The county shall submit, for approval by the commission, drawings and specifications of the proposed tents in sufficient detail to demonstrate that the completed construction meets the requirements of §§ 259.500-259.522 of this title (relating to Temporary Housing).

History: The provisions of this § 259.504 adopted to be effective April 28, 1994, 19 TexReg 2960.

§ 259.505. Site Requirements

The site shall be of sufficient size to provide for adequate spacing of tents and support structures to facilitate access of emergency and service vehicles and equipment. Site shall provide adequate drainage to maintain sanitary and safe conditions.

History: The provisions of this § 259.505 adopted to be effective April 28, 1994, 19 TexReg 2960.

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TEMPORARY HOUSING—TENTS

§ 259.506. Construction Materials

Tent fabric shall be of durable, waterproof, and fire-resistant material and shall be maintained in good condition. Tent supports shall be structurally sound and fire-resistant. Tent floors shall be constructed of fire-resistant solid material. Tent floors shall be raised or constructed to prevent site runoff water from entering tents. Tent construction shall incorporate measures which protect against the entrance and infestation of vermin.

History: The provisions of this § 259.506 adopted to be effective April 28, 1994, 19 TexReg 2960.

§ 259.507. Sleeping Areas

Tents used for inmate sleeping areas shall provide a minimum of 40 square feet of clear floor space for the first bunk plus 18 square feet of clear floor space for each additional bunk.

History: The provisions of this § 259.507 adopted to be effective April 28, 1994, 19 TexReg 2960.

§ 259.508. Day Rooms

All inmate living areas shall be provided with or allowed access to day rooms. Day rooms shall provide 40 square feet of clear floor space for one inmate plus 18 square feet of clear floor space for each additional inmate allowed access at a specific time. Day rooms may be contiguous with inmate sleeping areas.

History: The provisions of this § 259.508 adopted to be effective April 28, 1994, 19 TexReg 2960.

§ 259.509. Dimensions

Minimum ridge height shall be seven feet above the floor. Distance between furnishings shall be three feet when used for exit path. Distance between tents shall be 16 feet, exclusive of any obstruction.

History: The provisions of this § 259.509 adopted to be effective April 28, 1994, 19 TexReg 2960.

§ 259.510. Capacity

Maximum capacity of a tent shall not exceed 48 inmates.

History: The provisions of this § 259.510 adopted to be effective April 28, 1994, 19 TexReg 2960; amended to be effective October 23, 1995, 20 TexReg 8325.

§ 259.511. Tent Openings

Entrances to tents shall be of adequate size to allow for passage of emergency medical equipment. Openings shall be capable of being fastened and provided with insect screens. Maximum distance from any point in a tent to an exit shall not exceed 50 feet.

History: The provisions of this § 259.511 adopted to be effective April 28, 1994, 19 TexReg 2960.

§ 259.512. Furnishings

A fire-resistive bunk and mattress or cot not less than two feet three inches wide and six feet three inches long shall be provided for each inmate confined. Additional furnishings may be provided. Drinking water shall be provided in all inmate sleeping and day room areas. Day rooms shall be provided with fire-resistive table and seating to accommodate the number of inmates confined.

History: The provisions of this § 259.512 adopted to be effective April 28, 1994, 19 TexReg

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2960.

§ 259.513. Storage

Provisions shall be made for the storage of inmate property, uniforms, towels, bedding, linens, and janitorial supplies.

History: The provisions of this § 259.513 adopted to be effective April 28, 1994, 19 TexReg 2960.

§ 259.514. Jailer Stations

Jailer stations shall be provided within sufficient proximity to inmate living and day room areas.

History: The provisions of this § 259.514 adopted to be effective April 28, 1994, 19 TexReg 2960; amended to be effective July 7, 2013, 38 TexReg 4190

§ 259.515. Support Areas

Provisions shall be made for inmate services and activities to include:

- (1) food service;
- (2) laundry;
- (3) medical examination and treatment;
- (4) recreation and exercise;
- (5) public and attorney visitation;
- (6) inmate programs, activities, counseling, and interviews;
- (7) telephone;
- (8) commissary;
- (9) correspondence;
- (10) religious services;
- (11) education; and
- (12) library.

History: The provisions of this § 259.515 adopted to be effective April 28, 1994, 19 TexReg 2960.

§ 259.516. Sanitary Facilities

A shower, toilet, and lavatory, which are accessible at all times, shall be provided for each group or increment of 12 inmates. Warm water shall be provided at all lavatories and showers. Warm water temperature shall be between 100 and 120 degrees Fahrenheit. Sanitary facilities should be within the inmate living and day room areas. Sanitary facilities shall be within reasonable proximity to inmate living and day room areas and accessible by walkways which are protected from inclement weather, or accessible by other means which will protect inmates from inclement weather. A separate toilet should be available for staff.

History: The provisions of this § 259.516 adopted to be effective April 28, 1994, 19 TexReg 2960.

§ 259.517. Temperature Control

Reasonable temperature levels shall be maintained. Heating equipment, if provided, shall be approved in writing by local or state fire officials.

History: The provisions of this § 259.517 adopted to be effective April 28, 1994, 19 TexReg 2960.

§ 259.518. Medical Space and Equipment

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Adequate space for first aid equipment shall be provided. Space and equipment for medical examination, treatment, and convalescent care shall be provided or provisions contained in the health services plan. Adequate, secure storage for medical supplies and drugs shall be provided.

History: The provisions of this § 259.518 adopted to be effective April 28, 1994, 19 TexReg 2960; amended to be effective May 3, 1995, 20 TexReg 2865.

§ 259.519. Life Safety Equipment

- (a) Self alarming smoke detectors shall be provided for each inmate living and day room area.
- (b) Plans and drills for emergencies shall be provided as required by §§ 263.40-263.42 of this title (relating to Life Safety).
- (c) Fire extinguishers of adequate number and type to meet NFPA 10 shall be provided at appropriate locations. Fire department connections in proximity to the tent as approved in writing by local fire official shall be provided.

History: The provisions of this § 259.519 adopted to be effective April 28, 1994, 19 TexReg 2960; amended to be effective December 12, 1994, 19 TexReg 9376.

§ 259.520. Audible Communication

Two-way voice communication shall be available at all times between inmates and jailers, licensed peace officers, court bailiffs, or staff designated by the sheriff.

History: The provisions of this § 259.520 adopted to be effective April 28, 1994, 19 TexReg 2960; amended to be effective January 1, 2014, 38 TexReg 9624

§ 259.521. Lighting

Normal lighting sufficient for reading, writing, and other activities shall be provided in all inmate occupied areas. Night lights and emergency illumination shall be provided. Adequate exterior lighting shall be provided.

History: The provisions of this § 259.521 adopted to be effective April 28, 1994, 19 TexReg 2960.

§ 259.522. Electrical Wiring

All electrical wiring shall be in suitable conduit and comply with local electrical codes or the National Electric Code.

History: The provisions of this § 259.522 adopted to be effective April 28, 1994, 19 TexReg 2960.

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§ 259.600. Qualifications for Use

The commission may approve the use of buildings for the temporary housing of inmates when a need is clearly identified by the sheriff and commissioners court. The county shall submit a plan to the commission for approval indicating long-range solutions with time frames for implementation.

History: The provisions of this § 259.600 adopted to be effective April 28, 1994, 19 TexReg 2960.

§ 259.601. Time Period

Buildings shall not be used in excess of three years without review and approval by the commission.

History: The provisions of this § 259.601 adopted to be effective April 28, 1994, 19 TexReg 2960.

§ 259.602. Classification and Segregation

Systems shall provide separate cells and day rooms of capacities to provide adequate segregation of different classifications of male and female inmates as required by Chapter 271 of this title (relating to Classification and Separation of Inmates). Temporary buildings may house maximum, medium and minimum custody inmates.

History: The provisions of this § 259.602 adopted to be effective April 28, 1994, 19 TexReg 2960; amended to be effective May 3, 1995, 20 TexReg 2865; amended to be effective June 14, 1996, 21 TexReg 5001; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.603. Security Requirements

- (a) Buildings should protect inmates from one another, protect custodial personnel from inmates, and deter or prevent escapes. Separate secure storage space shall be provided for disposition of weapons.
- (b) A minimum security facility need not be designed and maintained as a special security unit. It does not require a security perimeter. When built in conjunction with other jail or lockup functions, the integrity of the security perimeter of the higher security facility shall not be compromised.
- (c) A security perimeter to restrict the movement of inmates and unauthorized persons and to prevent the introduction of contraband into the facility shall be maintained in medium and maximum security facilities. Safety vestibules shall be provided for each inmate living area and day room used for confinement of three or more inmates within a medium or maximum security facility.

History: The provisions of this § 259.603 adopted to be effective April 28, 1994, 19 TexReg 2960; amended to be effective June 14, 1996, 21 TexReg 5001.

§ 259.604. Construction Approval

The county shall submit, for approval by the commission, drawings and specifications of the proposed building construction in sufficient detail to demonstrate that the completed building construction meets the requirements of §§ 259.600-259.622 of this title (relating to Temporary Housing).

History: The provisions of this § 259.604 adopted to be effective April 28, 1994, 19 TexReg 2960.

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§ 259.605. Site Requirements

The site shall be of sufficient size for the buildings and to facilitate access of emergency and service vehicles and equipment. Site shall provide adequate drainage to maintain sanitary and safe conditions.

History: The provisions of this § 259.605 adopted to be effective April 28, 1994, 19 TexReg 2960.

§ 259.606. Construction Materials and Methods

Buildings shall be designed, constructed, and maintained in a manner to provide a safe, sanitary, secure, and structurally sound environment. Class A finishes are required on exterior and interior surfaces. Floor drains should be provided at wet areas. Building construction shall incorporate measures which protect against the entrance and infestation of vermin.

- (1) Inmate housing areas and day rooms in minimum security facilities may be constructed of conventional construction materials. Plywood floors with a fire retardant, vinyl covering may be used for the building floor.
- (2) Inmate housing areas and day rooms in medium and maximum security facilities may be constructed of conventional construction materials which are comparable to metal, masonry, or concrete. The purpose of a particular wall or partition and the type of security sought to be achieved shall determine the selection of appropriate materials.

History: The provisions of this § 259.606 adopted to be effective April 28, 1994, 19 TexReg 2960; amended to be effective June 14, 1996, 21 TexReg 5001.

§ 259.607. Sleeping Areas

Inmate sleeping areas shall provide a minimum of 40 square feet of clear floor space for the first bunk, plus 18 square feet of clear floor space for each additional bunk.

History: The provisions of this § 259.607 adopted to be effective April 28, 1994, 19 TexReg 2960.

§ 259.608. Day Rooms

All inmate living areas shall be provided with or allowed access to day rooms. Day rooms shall provide 40 square feet of clear floor space for one inmate plus 18 square feet of clear floor space for each additional inmate allowed access at a specific time. Day rooms may be contiguous with inmate sleeping areas.

History: The provisions of this § 259.608 adopted to be effective April 28, 1994, 19 TexReg 2960.

§ 259.609. Dimensions

All cells and day rooms shall be not less than eight feet from finished floor to ceiling and five feet six inches from wall to wall.

History: The provisions of this § 259.609 adopted to be effective April 28, 1994, 19 TexReg 2960.

§ 259.610. Capacity

Maximum capacity of any living area shall not exceed 48 inmates.

History: The provisions of this § 259.610 adopted to be effective April 28, 1994, 19 TexReg 2960; amended to be effective October 23, 1995, 20 TexReg 8325.

§ 259.611. Openings

All doors shall have commercial grade or detention hardware to provide the level of security

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sought to be achieved. All exit doors shall have a minimum width of 36 inches. Key override feature shall be available on all electric or mechanical locks. Maximum distance from any point in the building to an exit shall not exceed 150 feet. All swinging doors shall be installed to swing in the direction of exit traffic. Where provided, operable windows shall be equipped with insect screens. Adequate mechanical ventilation shall be provided when operable windows are not provided.

History: The provisions of this § 259.611 adopted to be effective April 28, 1994, 19 TexReg 2960.

§ 259.612. Furnishings

A fire resistive bunk not less than 2 feet 3 inches wide and 6 feet 3 inches long with a fire resistive mattress shall be provided for each inmate confined. Additional furnishings may be provided. Drinking water shall be provided in all inmate sleeping and day room areas. Day rooms shall be provided with fire resistive table and seating to accommodate the number of inmates confined. Furnishings shall be securely anchored in all areas that house inmates other than minimum security, except direct supervision housing areas.

History: The provisions of this § 259.612 adopted to be effective April 28, 1994, 19 TexReg 2960; amended to be effective June 14, 1996, 21 TexReg 5001.

§ 259.613. Storage

Provisions shall be made for the storage of inmate property, uniforms, towels, bedding, linens, and janitorial supplies.

History: The provisions of this § 259.613 adopted to be effective April 28, 1994, 19 TexReg 2960.

§ 259.614. Jailer Stations

Jailer stations shall be provided within sufficient proximity to inmate living and day room areas. They should be so arranged that visibility into the housing areas is provided.

History: The provisions of this § 259.614 adopted to be effective April 28, 1994, 19 TexReg 2960; amended to be effective July 7, 2013, 38 TexReg 4190

§ 259.615. Support Areas

Provisions shall be made for inmate services and activities to include:

- (1) food service;
- (2) laundry;
- (3) medical examination and treatment;
- (4) recreation and exercise;
- (5) public and attorney visitation;
- (6) inmate programs, activities, counseling, and interviews;
- (7) telephone;
- (8) commissary;
- (9) correspondence;
- (10) religious services;
- (11) education; and
- (12) library.

History: The provisions of this § 259.615 adopted to be effective April 28, 1994, 19 TexReg 2960.

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§ 259.616. Sanitary Facilities

A shower, toilet, and lavatory, which are accessible at all times, shall be provided for each group or increment of 12 inmates. In housing areas other than minimum security or direct supervision, showers, toilets, and lavatories shall be constructed in such manner and of such material so as to resist vandalism. Warm water shall be provided at all lavatories and showers. Warm water temperature shall be between 100 and 120 degrees Fahrenheit. Sanitary facilities should be within the inmate living and day room areas. Sanitary facilities shall be within reasonable proximity to inmate living and day room areas and accessible by walkways which are covered or other means provided which will protect inmates from inclement weather. A separate toilet should be available for staff.

History: The provisions of this § 259.616 adopted to be effective April 28, 1994, 19 TexReg 2960; amended to be effective June 14, 1996, 21 TexReg 5001.

§ 259.617. Temperature Control

Temperature level shall be reasonably maintained between 65 degrees Fahrenheit and 85 degrees Fahrenheit in all occupied areas.

History: The provisions of this § 259.617 adopted to be effective April 28, 1994, 19 TexReg 2960.

§ 259.618. Medical Space and Equipment

Adequate space for first aid equipment shall be provided. Space and equipment for medical examination, treatment, and convalescent care shall be provided or provisions contained in the health services plan. Adequate, secure storage for medical supplies and drugs shall be provided.

History: The provisions of this § 259.618 adopted to be effective April 28, 1994, 19 TexReg 2960; amended to be effective May 3, 1995, 20 TexReg 2865.

§ 259.619. Life Safety

- (a) Provisions shall be made for the rapid removal of occupants by such reliable means as the remote control of doors or by keying all locks to keys readily available to jail staff who are continually on duty and have undergone emergency drills. There shall be not less than two exits on each floor as remote as practicable from one another. Travel distance between any point on the floor of the facility to an exit shall not exceed 150 feet. Travel distance between any room door and an exit may be increased by 50 feet in fully sprinklered facilities not to exceed 200 feet of total travel distance.
- (b) Access to exits shall be marked by readily visible signs at all locations where the exit is not readily visible from outer cell doors.
- (c) Interior stairways serving as emergency exits for new facilities and new additions shall be separated by a two-hour fire rated enclosure and self-closing fire doors.
- (d) Hazardous area protection shall be provided as required by § 263.21 of this title (relating to Life Safety).
- (e) Self alarming smoke detectors or smoke detectors which are part of an automatic fire detection and alarm system shall be provided for each inmate living and day room area in sufficient numbers to provide prompt warning to occupants and staff. The alarm systems should be tested in accordance with the manufacturer's recommendation, but shall be tested at least on calendar quarterly intervals and test results made a matter of record to include date and results of test, and signature of the person testing the equipment.
- (f) Plans and drills for emergencies shall be provided as required by §§ 263.40-263.42 of this title (relating to Life Safety).

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- (g) A manually operated or automatic smoke removal system shall be provided. (Exception: Single story minimum security facility buildings which provide direct exiting to the exterior of the building from the inmate living and day room areas and whose exit doors are incapable of being locked are not required to provide a smoke removal system.)
- (h) Fire extinguishers of adequate number and type to meet NFPA 10 shall be provided at appropriate locations. Fire department connections in proximity to the building as approved in writing by local fire official shall be provided. A standpipe and hose system with a one-inch non-collapsible or one and one-half inch collapsible hose utilizing a minimum of two inches domestic water system shall be provided.
- (i) All life safety equipment shall be out of reach of inmates, or otherwise secured from unauthorized tampering. At least one self-contained breathing apparatus shall be available and maintained in or near each facility control station. All jail staff shall be trained and quarterly drills conducted in the use of this equipment. A minimum of one unit shall be provided for each building or a multi-building facility. All life safety equipment shall be inspected, maintained, and tested by persons qualified to do so (whether under vendor contract, by state or private agency or otherwise) in order that such equipment shall be safe, secure, and fully operative at all times.
- (j) Records and reports shall be maintained as required by § 263.70 and § 263.71 of this title (relating to Life Safety).

History: The provisions of this § 259.619 adopted to be effective April 28, 1994, 19 TexReg 2960; amended to be effective December 12, 1994, 19 TexReg 9376; amended to be effective June 14, 1996, 21 TexReg 5001.

§ 259.620. Audible Communication

Two-way voice communication shall be available at all times between inmates and jailers, licensed peace officers, court bailiffs, or staff designated by the sheriff.

History: The provisions of this § 259.620 adopted to be effective April 28, 1994, 19 TexReg 2960; amended to be effective January 1, 2014, 38 TexReg 9624

§ 259.621. Lighting

Normal lighting sufficient for reading, writing, and other activities shall be provided in all inmate occupied areas. Night lights and emergency illumination shall be provided. All corridors, passages to exits, discharging stairways, other means of egress, and exit signs shall be continuously illuminated. Adequate exterior lighting shall be provided.

History: The provisions of this § 259.621 adopted to be effective April 28, 1994, 19 TexReg 2960.

§ 259.622. Electrical Power

All electrical wiring shall be in a suitable conduit and comply with local electrical codes or the National Electrical Code. Emergency power shall be provided, as applicable, for electrical door locks, smoke detection, smoke removal, emergency lighting, communication, and ventilation. A non-automatic start generator system may be used.

History: The provisions of this § 259.622 adopted to be effective April 28, 1994, 19 TexReg 2960.

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§ 259.700. Facility Site

The site shall be of sufficient size to provide for the immediate facility. A buffer zone around the facility shall be provided.

History: The provisions of this § 259.700 adopted to be effective September 2, 1997, 22 TexReg 8405.

§ 259.701. Facility Operation Concept

The facility shall be planned to receive classified persons, allow for intake and release, and processing. Sufficient programmatic, activity and recreational space shall be planned to allow for generous out of cell time for inmates.

History: The provisions of this § 259.701 adopted to be effective September 2, 1997, 22 TexReg 8405.

§ 259.702. Facility Security Requirements

Facility security shall be planned to protect inmates from one another, protect staff and visitors from inmates, and deter or prevent escapes.

History: The provisions of this § 259.702 adopted to be effective September 2, 1997, 22 TexReg 8405.

§ 259.703. Special Security

A facility shall be constructed and maintained as a special security unit. The integrity of the security perimeter shall not be compromised by other functions.

History: The provisions of this § 259.703 adopted to be effective September 2, 1997, 22 TexReg 8405.

§ 259.704. Construction Materials

Inmate housing areas and day rooms shall be constructed of metal, masonry, concrete, or other comparable materials. The level of security desired shall determine the selection of appropriate materials.

History: The provisions of this § 259.704 adopted to be effective September 2, 1997, 22 TexReg 8405.

§ 259.705. Public Areas

Public areas shall be located outside the security perimeter. Public access to the security perimeter shall be controlled. A public lobby or waiting area shall be provided for the convenience of the public, including seating, drinking fountains, and rest rooms and should include lockers or storage for visitors' articles. Provisions shall be made for disabled visitors.

History: The provisions of this § 259.705 adopted to be effective September 2, 1997, 22 TexReg 8405.

§ 259.706. Vision Into Inmate Areas

Design and construction shall preclude direct vision into inmate occupied areas by the public.

History: The provisions of this § 259.706 adopted to be effective September 2, 1997, 22 TexReg 8405.

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§ 259.707. Administrative Space

The facility shall provide sufficient space for administrative, program and clerical needs. Adequate space for equipment and supplies shall be provided to meet established and projected needs. These spaces shall be located outside the inmate housing areas. Evidence storage shall be provided within the system and located outside the security perimeter.

History: The provisions of this § 259.707 adopted to be effective September 2, 1997, 22 TexReg 8405; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.708. Squad Rooms

Locker space, toilets, lavatories, showers, dressing rooms, and classroom space should be provided for staff and shall be located outside the security perimeter. Break and dining space should be provided in the facility.

History: The provisions of this § 259.708 adopted to be effective September 2, 1997, 22 TexReg 8405.

§ 259.709. Arsenal

An arsenal or secure storage area for weapons, ammunition, and tactical equipment shall be provided and shall be located outside the security perimeter.

History: The provisions of this § 259.709 adopted to be effective September 2, 1997, 22 TexReg 8405; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.710. Inmate Movement Into and Out of Facility

Construction should provide for movement of an inmate into and out of the facility without exposing the individual to contact with the public.

History: The provisions of this § 259.710 adopted to be effective September 2, 1997, 22 TexReg 8405.

§ 259.711. Inmate Movement Inside Facility

The design shall provide for the orderly movement of inmates and services.

History: The provisions of this § 259.711 adopted to be effective September 2, 1997, 22 TexReg 8405.

§ 259.712. Observation

Inmate occupied areas shall be constructed to facilitate direct observation of inmates. The design shall allow observation into inmate living areas without requiring staff to enter inmate safety vestibules.

History: The provisions of this § 259.712 adopted to be effective September 2, 1997, 22 TexReg 8405; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.713. Emergency Access

Multistory facilities shall have an elevator or other passageway large enough to accommodate the passage of patient evacuation equipment.

History: The provisions of this § 259.713 adopted to be effective September 2, 1997, 22 TexReg 8405.

§ 259.714. Segregation

- (a) Systems shall provide separate cells and day rooms of varying capacities to provide adequate separation of different classifications of male and female inmates as required

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by Chapter 271 of this title (relating to Classification and Separation of Inmates).

- (b) Systems shall provide a minimum of 20 separation cells and a sufficient number of single cells with adjacent day rooms to accommodate a total of at least 10% of the capacity. Day rooms provided for these single cells shall be arranged to accommodate no more than 24 inmates.
- (c) The capacity of each cell and day room shall not exceed 20% of the system's capacity.
- (d) The total capacity of all dormitory space shall not exceed 40% of the system's capacity.

History: The provisions of this § 259.714 adopted to be effective September 2, 1997, 22 TexReg 8405; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.715. Functions

Minimum space allocations shall provide for the following:

- (1) Intake and Release:
 - (A) sally port;
 - (B) reception and holding;
 - (C) shakedown;
 - (D) processing area;
 - (E) identification;
 - (F) dressing in and out;
 - (G) staging area.
- (2) Detention:
 - (A) housing;
 - (B) separation;
 - (C) visiting;
 - (D) jailer stations.
- (3) Support/Services:
 - (A) public areas;
 - (B) administrative offices;
 - (C) squad rooms;
 - (D) food service;
 - (E) laundry;
 - (F) commissary;
 - (G) storage;
 - (H) sanitation;
 - (I) medical examination and treatment;
 - (J) multipurpose rooms;
 - (K) recreation and exercise;
 - (L) programs and activities;
 - (M) counseling;
 - (N) library.
- (4) It is permissible to use the same room or space allocation for more than one of the listed functions where such use will not deny the rights of any individual and will not impair the safety, security, sanitation, or required separation of the facility.

History: The provisions of this § 259.715 adopted to be effective September 2, 1997, 22 TexReg 8405; amended to be effective July 7, 2013, 38 TexReg 4190

§ 259.716. Vehicular Sally Port

A facility shall have a vehicular sally port located inside or abutting the building so that inmates

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may board or disembark from a vehicle. Space shall be sufficient to accommodate anticipated transportation vehicles. The sally port shall be secured with one or more entrance gates or doors capable of being opened, closed, locked, and unlocked from a continually staffed location. Means shall be provided for the identification of persons approaching the sally port.

History: The provisions of this § 259.716 adopted to be effective September 2, 1997, 22 TexReg 8405.

§ 259.717. Inmate Entrance

The inmate entrance shall be from the vehicular sally port through a safety vestibule into the processing area. This entrance shall allow for passage of patient evacuation equipment between interlocking doors. The entrance shall be designed and constructed to allow observation and identification of persons approaching the inmate entrance. Electronic surveillance equipment may be used.

History: The provisions of this § 259.717 adopted to be effective September 2, 1997, 22 TexReg 8405.

§ 259.718. Weapon Storage

Separate, secure storage space shall be provided at all entrances to the security perimeter for weapons and ammunition.

History: The provisions of this § 259.718 adopted to be effective September 2, 1997, 22 TexReg 8405.

§ 259.719. Intake and Release Area

Facilities shall have an intake and release area located inside the security perimeter, but away from the inmate housing areas. The intake and release area shall be designed to readily permit the processing of inmates. Intake and release areas shall be provided with access to drinking fountains and toilets.

History: The provisions of this § 259.719 adopted to be effective September 2, 1997, 22 TexReg 8405.

§ 259.720. Identification

Space shall be provided for identification procedures for inmates.

History: The provisions of this § 259.720 adopted to be effective September 2, 1997, 22 TexReg 8405.

§ 259.721. Visiting Areas

Visiting areas shall be provided and shall be designed to provide adequate visitation for the capacity of the facility. Visitation areas shall be designed for the degree of security sought to be achieved. Audible communications shall be provided between the inmate and visitor. Visiting areas for inmates shall be designed to prevent passage of contraband. Provisions shall be made for disabled visitors and inmates. Seating shall be provided for both inmates and visitors. A secure visiting area should be provided for contact visits from law enforcement officers, attorneys, clergy, and probation and parole officers. Provisions shall be made for a direct passage of legal paper between inmates and attorneys at noncontact visitation.

History: The provisions of this § 259.721 adopted to be effective September 2, 1997, 22 TexReg 8405; amended to be effective February 4, 1999, 24 TexReg 591

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§ 259.722. Control Rooms/Jailer Stations

A sufficient number of control rooms/jailer stations shall be provided on each floor where inmates are housed. Staff toilets and lavatories shall be located within the security perimeter and in close proximity to control rooms and jailer stations. The design shall allow access to control rooms without requiring staff to enter inmate safety vestibules or inmate activity areas.

History: The provisions of this § 259.722 adopted to be effective September 2, 1997, 22 TexReg 8405; amended to be effective February 4, 1999, 24 TexReg 591; amended to be effective July 7, 2013, 38 TexReg 4190

§ 259.723. Perimeter Security

An outside area fence shall be a minimum 12 foot high security fence. Fencing shall be installed within fence posts. The footing of the fence shall be sufficiently secured to preclude tunneling and hiding of contraband. When double security fences are utilized, they shall be separated by not less than ten feet. Guard towers and/or comparable electronic detection systems shall be utilized and towers shall be provided outside inmate occupied areas. Alternative design concepts are encouraged and comparable materials and methods approved by the commission may be utilized.

History: The provisions of this § 259.723 adopted to be effective September 2, 1997, 22 TexReg 8405.

§ 259.724. Kitchen

A properly equipped kitchen of adequate size shall be provided within the system and shall include the following.

- (1) Functions. Kitchen space and equipment shall allow for the efficient operations of receiving, storage, processing, preparation, cooking, baking, serving, dish washing, cleaning, menu preparation, record keeping, personal hygiene, and removal of waste and garbage. Kitchen functions shall be performed without compromising the security of the facility. The kitchen shall not be designed as a passageway for nonfood handling persons.
- (2) Storage. Adequate dry and cold storage shall be provided appropriate for the size of kitchen. Separate storage shall be provided for nonfood items.
- (3) Surfaces. The kitchen floor shall be properly pitched to adequate floor drains and allow for proper cleaning. Floor finish should reduce the possibility of slipping. The junction between floors and walls shall be covered. Walls and ceilings shall be finished with smooth, washable, light colored surfaces.
- (4) Light. Adequate lighting shall be provided on all work surfaces.
- (5) Ventilation. Food service areas shall be adequately ventilated to control disagreeable odors and moisture. All openings to the outside shall be secured and provided with insect screens.
- (6) Water. Adequate hot and cold water shall be provided for food preparation, cleaning, and dish washing. Hot water equipment shall be of sufficient size and capacity to meet the needs of the facility.
- (7) Codes. Kitchens shall comply with state health codes.

History: The provisions of this § 259.724 adopted to be effective September 2, 1997, 22 TexReg 8405; amended to be effective February 4, 1999, 24 TexReg 591

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§ 259.725. Dining Space

Group dining may be provided and shall be adequate for the size of the facility.

History: The provisions of this § 259.725 adopted to be effective September 2, 1997, 22 TexReg 8405.

§ 259.726. Laundry Facilities

Space for a laundry commensurate to the size of the facility shall be provided within the system. The laundry shall be equipped with a sufficient number of washers and dryers to accommodate the anticipated laundry load. Adequate, separate storage space shall be provided for both clean and soiled laundry and laundry supplies.

History: The provisions of this § 259.726 adopted to be effective September 2, 1997, 22 TexReg 8405.

§ 259.727. Commissary

Space appropriate to capacity of the facility shall be provided for an inmate commissary.

History: The provisions of this § 259.727 adopted to be effective September 2, 1997, 22 TexReg 8405.

§ 259.728. Storage Area Capacities

Storage areas based upon facility capacity shall be provided as follows:

- (1) Inmate property: 2 cubic feet per inmate;
- (2) Inmate uniforms and linens: 3 cubic feet per inmate;
- (3) Inmate mattresses: raised perforated storage in the amount of 5 1/4 cubic feet per mattress for 25% of total capacity.

History: The provisions of this § 259.728 adopted to be effective September 2, 1997, 22 TexReg 8405.

§ 259.729. Janitorial Storage Space

Adequate, secured, well ventilated storage for janitorial supplies and equipment shall be provided within the security perimeter and administrative area. Sufficient broom and mop racks shall be provided.

History: The provisions of this § 259.729 adopted to be effective September 2, 1997, 22 TexReg 8405.

§ 259.730. Medical Space and Equipment

Adequate space for first aid equipment shall be provided. Space and equipment shall be provided for medical examination, treatment, and convalescent care. Adequate, secure storage for medical supplies and drugs shall be provided.

History: The provisions of this § 259.730 adopted to be effective September 2, 1997, 22 TexReg 8405.

§ 259.731. Negative Pressure Cell

A minimum of one negative pressure separation cell shall be provided with the following features and equipment.

- (1) Furnishings. Each cell shall be provided with one bunk, mirror, table, and seat separate from the bunk. A shelf and clothes hook may be provided. Convenient electrical receptacles circuited with ground fault protection shall be provided. Power to receptacles shall be individually controlled outside of the cell.

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(2) Plumbing. Cells shall be provided with a toilet, lavatory, and shower.

(3) Cell Size. Cells shall contain not less than 80 gross square feet of floor space.

History: The provisions of this § 259.731 adopted to be effective September 2, 1997, 22 TexReg 8405; amended to be effective February 4, 1999, 24 TexReg 591

§ 259.732. Infirmary

An infirmary shall be provided with the following features and equipment:

- (1) nurses station;
- (2) locked medication station with storage for individually filled prescriptions;
- (3) utility room with sink and storage for linens and equipment;
- (4) refrigerated storage;
- (5) utility room with double tub sink and clinical service sink with flushing rim;
- (6) 80 gross square feet of floor space per bed;
- (7) at least one single occupancy negative pressure cell;
- (8) doors, through which patients and equipment are to be moved, of adequate width to allow turning of wheeled chairs and tables normally used in medical facilities;
- (9) a lavatory with a goose neck inlet and wrist controls accessible to each ward;
- (10) janitor closet;
- (11) toilet, lavatory, and shower for use of inmates in the infirmary;
- (12) additional elements as dictated by the facility health care director.

History: The provisions of this § 259.732 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.733. Multipurpose Rooms

One or more multipurpose rooms having a minimum of 200 square feet of floor space each shall be provided for each increment of 100 inmates based on design capacity. These multipurpose rooms may be used for group assembly, conferences, contact visitation, counseling, religious services, education, or other special uses.

History: The provisions of this § 259.733 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.734. Exercise Area

One or more secure exercise areas shall be provided. Where outdoor exercise areas are provided, alternate areas shall be provided for exercise during inclement weather. Outdoor exercise areas should be covered with a security enclosure. Where outdoor exercise areas are not provided, facility design shall provide for access to sunlight. A toilet and drinking fountain shall be readily available. Exercise areas shall provide 15 square feet per inmate for the maximum number of inmates expected to use the space at one time, but not less than 1000 square feet for each exercise area. Exercise areas serving multiple inmates housed in segregation shall provide 15 square feet per inmate for the maximum number of inmates expected to use the space at one time, but not less than 500 square feet for each exercise area. Individual recreation areas serving a single inmate in segregation shall provide no less than 200 square feet for each exercise area. Each direct supervision housing area shall have an exercise area within close proximity which should be adjacent to the housing area.

History: The provisions of this § 259.734 adopted to be effective April 4, 1999, 24 TexReg 2355

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§ 259.735. Single Cells

Single cells shall contain not less than 40 square feet of clear floor space. Each cell shall have one bunk, toilet, lavatory, table, and seat separate from the bunk.

History: The provisions of this § 259.735 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.736. Multiple Occupancy Cells

Multiple occupancy cells shall contain two to eight bunks and not less than 40 square feet of clear floor space for the first bunk plus 18 square feet of clear floor space for each additional bunk. Each multiple occupancy cell shall have one toilet and lavatory. Multiple occupancy cells should not be provided in direct supervision facilities.

History: The provisions of this § 259.736 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.737. Dormitories

Dormitories shall contain 9 to 48 bunks. Dormitories shall contain not less than 40 square feet of clear floor space for the first bunk plus 18 square feet of clear floor space for each additional bunk. Each dormitory shall have adequate toilets, lavatories, and may include showers. Dormitories with contiguous day rooms in direct supervision facilities may exceed 40% of the facility capacity.

History: The provisions of this § 259.737 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.738. Day Rooms

All single cells, multiple occupancy cells, and dormitories shall be provided with day room space. Separation cells, violent cells, holding cells, detoxification cells, and medical cells are exempt from this requirement. Day rooms shall accommodate no more than 48 inmates. Based on the design capacity of the cells served, the day rooms shall contain: not less than 40 square feet of clear floor space for the first inmate plus 18 square feet of clear floor space for each additional inmate; a sufficient number of toilets, lavatories, and showers as approved by the Commission, mirrors, seating, and tables. Seating and table for at least one inmate may be provided in day rooms serving administrative segregation cells upon Commission approval. A utility sink should be provided. Convenient electrical receptacles circuited with ground fault protection shall be provided. Power to receptacles shall be individually controlled outside of the day room.

History: The provisions of this § 259.738 adopted to be effective April 4, 1999, 24 TexReg 2355; amended to be effective December 22, 1999, 24 TexReg 11517; amended to be effective May 3, 2000, 25 TexReg 3793

§ 259.739. Separation Cells

Separation cells shall include the following features and equipment:

- (1) Furnishings. Each cell shall be provided with one bunk, mirror, table, and seat separate from the bunk. A shelf and clothes hook may be provided. Convenient electrical receptacles circuited with ground fault protection shall be provided. Power to receptacles shall be individually controlled outside of the cell;
- (2) Plumbing. Cells shall be provided with a toilet, lavatory, and shower;

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(3) Cell Size. Cells shall contain not less than 40 square feet of clear floor space.

History: The provisions of this § 259.739 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.740. Holding Cells

One or more holding cells shall be provided to hold inmates pending intake, processing, release, or other reason for temporary holding. An appropriate space shall be designated for staging inmates. Inmates shall not be held for more than 48 hours and the cell shall include the following features.

- (1) Seating. A stationary bench or benches abutting the walls shall be provided. Benches shall be 17" to 19" above the finished floor and not less than 12" wide. Seating shall be sufficient to provide not less than 24 linear inches per inmate at cell capacity.
- (2) Plumbing. Cells shall be provided with adequate toilets, lavatories, and floor drains. The floor shall be properly pitched to drains.
- (3) Cell Size. The size of the cell shall be determined by the anticipated maximum number of inmates to be confined at any one time. Cells shall be constructed to house from one to 24 inmates and shall contain not less than 40 square feet of floor space for one inmate and 18 square feet of floor space for each additional inmate to be confined.
- (4) Surfaces. Floor, wall, and ceiling material shall be durable and easily cleaned.
- (5) Supervision. The cell shall be located and constructed to facilitate supervision of the cell area and to materially reduce noise.

History: The provisions of this § 259.740 adopted to be effective April 4, 1999, 24 TexReg 2355; amended to be effective May 3, 2000, 25 TexReg 3793

§ 259.741. Detoxification Cells

Any facility that anticipates the housing of intoxicated persons shall provide one or more detoxification cells for detention during the detoxification process. These cells shall include the following features and equipment.

- (1) Seating. A stationary bench or benches abutting the walls shall be provided. Benches shall be not higher than 8" above the finished floor, not less than 2' 0" wide and shall extend the length of the cell.
- (2) Plumbing. Cells shall be provided with one or more vandal resistive flushing floor drains with outside controls, or detention type toilet and lavatory and vandal resistant floor drains. The floor shall be properly pitched to drains. Drinking fountains or lavatories capable of providing drinking water shall be provided.
- (3) Cell Size. The size of the cell shall be determined by the anticipated maximum number of intoxicated inmates to be confined at any one time. Cells shall be constructed to house from 1 to 8 inmates and shall contain not less than 40 square feet of floor space for the first inmate and 18 square feet of floor space for each additional inmate to be confined.
- (4) Surfaces. Floor, wall, and ceiling material shall be durable and easily cleaned.
- (5) Supervision. The cell shall be located and constructed to facilitate supervision of the cell area and to materially reduce noise.

History: The provisions of this § 259.741 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.742. Violent Cells

A facility may contain one or more single occupancy cells for the temporary holding of violent

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persons. Violent cells shall include the following features and equipment.

- (1) Furnishings. The cell shall be equipped with a minimum 2' 3" wide by 6' 3" long bench not more than 8" above the floor which abuts the wall and extends the length or width of the cell.
- (2) Plumbing. Flushing type floor drains with outside controls shall be provided.
- (3) Cell Size. Cell shall contain not less than 40 square feet of clear floor space.
- (4) Padding. Walls, floor, door and bench shall be completely covered with a material to protect the inmate from self injury. The type of material used to cover the walls, floor, door and bench shall be fire resistive and nontoxic.

History: The provisions of this § 259.742 adopted to be effective April 4, 1999, 24 TexReg 2355; amended to be effective December 22, 1999, 24 TexReg 11518

§ 259.743. Dimensions

All cells and day rooms shall be not less than 8 feet from finished floor to ceiling and 5 feet 6 inches from wall to wall. Cells containing over/under bunk units shall be measured from center line of units to wall. Corridors shall be not less than 4 feet wide.

History: The provisions of this § 259.743 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.744. Safety Vestibules

Safety vestibules shall be provided for each inmate housing area and day room used for confinement of three or more inmates. No more than four cells shall be served by one vestibule. All entrances through the security perimeter from administrative and/or public areas shall be provided with a safety vestibule.

- (1) Safety vestibules shall have one or more interior doors and a main entrance door.
- (2) Interior doors shall be arranged to be locked and unlocked by control means located outside of the inmate living area and safety vestibule.
- (3) Where doors have an interlocking security feature, provisions shall be made for an override capability in the event an emergency requires both doors to be opened simultaneously.

History: The provisions of this § 259.744 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.745. Furnishings for Inmate Housing Areas

- (a) Bunks. Bunks shall be fire resistive and securely anchored. The mattress surface of the bunk shall measure not less than 2' 3" wide and 6' 3" long.
- (b) Toilets and Lavatories. Detention type toilets and lavatories shall be provided in inmate occupied areas. In direct supervision living areas, they shall be constructed in such manner and of such material so as to resist vandalism. Based on design capacity, each cell and day room shall provide one toilet and lavatory capable of providing drinking water for each group or increment of 8 inmates.
- (c) Showers. Shower areas shall be not less than 2' 6" square per showerhead and not less than 7' 0" high. Construction shall be of vandal resistive materials and should be of materials which resist the action of soap and water. Drying areas of not less than 2' 6" square sloped to a drain should be provided adjoining the shower entrance. Based on design capacity, each separation cell and day room shall provide one shower for each group or increment of 12 inmates.
- (d) Tables and Seating. Tables and seating shall be constructed of materials which will

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resist vandalism. They shall be fire resistive, securely anchored, and reasonably remote from toilet areas. Tables and seating in direct supervision day rooms are not required to be anchored. Tables and benches shall be not less than 12" wide, and linear seating shall be not less than 18 continuous inches per person. Stools shall be not less than 12" in diameter. Seating height of 17" to 19" shall be provided.

- (e) Privacy Shields. Inmate toilet and shower areas in dormitories, multiple occupancy cells, single occupancy cells, holding cells, and day rooms shall be equipped to restrict viewing from persons outside the cell and staff areas in direct supervision designs. Privacy shields shall extend from about 15" above the finished floor to about 5' and shall be securely anchored.
- (f) Mirrors. Mirrors shall be constructed of unbreakable material. Mirrors shall be provided above lavatories in day rooms and separation cells.
- (g) Inmate Storage. Individual inmate storage shelving or trunks shall be constructed of fire resistive material and shall not impede the means of egress.

History: The provisions of this § 259.745 adopted to be effective April 4, 1999, 24 TexReg 2355; amended to be effective October 8, 2013, 38 TexReg 6925

§ 259.746. Walls

Walls should be constructed to resist vandalism and facilitate ease of maintenance. Exterior and interior walls within inmate housing and activity areas shall be constructed as follows:

- (a) Exterior walls:
 - (1) a minimum 8 inch concrete block vertically reinforced by #3 bars 8 inches on center and all cells filled with 2,500 psi grout; or
 - (2) a minimum of 4 inch thick concrete plank reinforced with #4 bars 8 inches on center each way; or
 - (3) a minimum 3/16 inch thick steel plate.
- (b) Interior walls:
 - (1) a minimum 6 inch concrete block vertically reinforced by #3 bars 8 inches on center and all cells filled with 2,500 psi grout; or
 - (2) a minimum 4 inch thick concrete plank reinforced with #4 bars 8 inches on center each way; or
 - (3) a minimum 3/16 inch thick steel plate. Innovative design concepts are encouraged and comparable materials and methods approved by the Commission may be utilized for exterior and interior wall construction.

History: The provisions of this § 259.746 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.747. Floors

Floors should provide a high resistance to wear and moisture. A nonslip surface shall be provided at the entrance to all shower areas.

History: The provisions of this § 259.747 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.748. Ceilings

Ceilings within inmate housing areas shall be constructed of a minimum 4" thick concrete plank reinforced with #4 bars 8" on center each way or a minimum 10 gauge steel plate. Innovative design concepts are encouraged and comparable materials and methods approved by the

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Commission may be utilized for ceiling construction.

History: The provisions of this § 259.748 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.749. Vermin Control

Facility construction shall protect against the entrance and infestation of vermin. Materials and construction design shall contribute to efficient maintenance and housekeeping.

History: The provisions of this § 259.749 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.750. Windows and Screens

Operable windows shall be equipped with insect screens. The security level of windows in inmate occupied areas shall be commensurate with the security of the walls. Windows or skylights should be provided in inmate living and activity areas.

History: The provisions of this § 259.750 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.751. Vent Grilles

Vent grilles in walls and ceilings shall be commensurate with the security sought to be achieved. Vent grilles shall be securely anchored.

History: The provisions of this § 259.751 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.752. Food Passes

Food passes shall be provided and lockable shutters should be provided to prevent passage of contraband.

History: The provisions of this § 259.752 adopted to be effective April 4, 1999, 24 TexReg 2355; amended to be effective October 8, 2013, 38 TexReg 6925

§ 259.753. Detention Doors

Hollow metal doors shall be constructed of 12 to 14 gauge steel inside the security perimeter. 18 gauge hollow metal doors may be used outside the security perimeter. Plate doors shall be constructed of material not less than 3/16 inches thick. The security quality of each detention door shall be determined by the level of security sought to be achieved. Detention doors shall be equipped with detention hardware and accessories. All cell doors shall be not less than 28 inches in clear width and not less than 6 feet 8 inches high.

History: The provisions of this § 259.753 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.754. Door Stops

Door stops shall be provided for all detention doors and shall be placed to maintain a minimum of 6 inches between the leading edge of the door and the wall. Door closers manufactured with integral door stops may be used.

History: The provisions of this § 259.754 adopted to be effective April 4, 1999, 24 TexReg 2355

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§ 259.755. Door Closers

Door closers for all detention swinging doors shall be appropriate for the weight of the door.

History: The provisions of this § 259.755 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.756. Keys and Locks

Keys and locks for detention doors shall be manufactured especially for detention use and keys shall be mogul or paracentric type. An additional set of keys shall be maintained by the operator.

History: The provisions of this § 259.756 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.757. Key Cabinets

Secured key cabinets should be provided at suitable locations.

History: The provisions of this § 259.757 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.758. Power Operated Locks

Power operated locks shall be motor, solenoid, or pneumatic type and provide electrical control unlocking, key unlocking by manual operation, and automatic mechanical deadlocking of doors upon closing. A door position switch and door position indicator shall be provided for all doors equipped with power operated locks. Heavy-duty, detention type door closers should be provided on all swinging doors equipped with power operated locks.

History: The provisions of this § 259.758 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.759. Remote Controls

Doors to single cells, multiple occupancy cells, dormitories, and day rooms shall be capable of being locked and unlocked individually by control means located remote from the cell area. Single cells with contiguous day room and separation cells which open directly on an exiting corridor are exempt from this requirement. All remote door controls shall be secure.

History: The provisions of this § 259.759 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.760. Emergency Operation of Doors

All doors to cells and day rooms shall be capable of being unlocked by a manual means at the door or a remote location.

History: The provisions of this § 259.760 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.761. Access Doors

All plumbing and mechanical access doors and panels shall be constructed and secured with locks or vandal resistive screws commensurate to the security sought to be achieved.

History: The provisions of this § 259.761 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.762. Temperature Control

Temperature levels shall be reasonably maintained between 65 degrees Fahrenheit and 85

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degrees Fahrenheit in all occupied areas.

History: The provisions of this § 259.762 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.763. Air Flow

Ventilation shall be sufficient to admit fresh air and remove disagreeable odors. A sufficient number of windows capable of being opened, or a mechanical ventilation system provided with emergency electrical power, shall be provided in order to allow for sufficient ventilation in case of breakdown in the normal ventilation system or normal power failure.

History: The provisions of this § 259.763 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.764. Plumbing

Plumbing work shall meet the requirements of the International Plumbing Code, or equivalent. Warm and cold water shall be provided at all lavatories and warm water shall be provided at all showers. Lavatories in court holding cells are not required to provide warm water. Warm water temperature shall be between 100 and 120 degrees Fahrenheit. All plumbing in inmate occupied areas shall have quick shut off capability.

History: The provisions of this § 259.764 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.765. Sinks

Sufficient mop sinks with hot and cold water shall be provided within the security perimeter and administrative area.

History: The provisions of this § 259.765 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.766. Faucets

Cold water faucets with standard hose connections shall be provided in plumbing access space or corridors. Distance between hose connections shall not be more than 100 feet apart.

History: The provisions of this § 259.766 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.767. Floor Drains

Floor drains shall be located throughout the facility so as to reduce the possibility of flooding. Floor drains shall be provided in every area where toilets, lavatories, or showers are located. Floor drains may be provided in chases serving single and separation cells. Drain covers shall be provided and securely anchored with vandal resistive screws.

History: The provisions of this § 259.767 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.768. Lighting

Adequate illumination shall be provided throughout the cells and day rooms. An illumination level of 20 foot candles shall be provided at mirrors and tables. Master light controls for cells and day rooms and electrical conduit shall be out of reach of inmates. Inmates should be capable of controlling some lighting; override capability shall be provided. Security detention type lighting shall be provided in inmate housing areas and vandal resistive lighting provided within inmate occupied areas. Night lights sufficient to permit continuous observation shall be

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provided. Control areas and means of egress shall be continuously illuminated. Exteriors of buildings and all entrances shall be lighted sufficiently to observe approaching persons.

History: The provisions of this § 259.768 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.769. Audible Communication

Two-way voice communication shall be available at all times between inmates and jailers, licensed peace officers, court bailiffs, or staff designated by the sheriff.

History: The provisions of this § 259.769 adopted to be effective April 4, 1999, 24 TexReg 2355; amended to be effective January 1, 2014, 38 TexReg 9625

§ 259.770. Television Monitoring

Closed circuit television monitoring may be provided to supplement control and security functions. View of toilet and shower areas shall not be allowed except in medical and special observation areas.

History: The provisions of this § 259.770 adopted to be effective April 4, 1999, 24 TexReg 2355

§ 259.771. Electrical Power

Electrical installation shall comply with state and local codes and ordinances. Facilities shall have adequate electrical receptacles in corridors or chases for food carts, janitorial, and maintenance equipment.

History: The provisions of this § 259.771 adopted to be effective April 4, 1999, 24 TexReg 2355

CHAPTER 260. COUNTY CORRECTIONAL CENTERS, SUBCHAPTER A. GENERAL

§ 260.1. Memorandum of Understanding

The Community Justice Assistance Division of the Texas Department of Criminal Justice and the Texas Commission on Jail Standards adopt by reference a memorandum of understanding, which establishes the respective responsibilities in the certification of a county correctional center and the adoption of minimum standards for structural, life safety, and operational requirements of a county correctional center. Copies of the memorandum of understanding may be obtained from the commission.

History: The provisions of this § 260.1 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.2. Operational Concept

County correctional centers shall be operated as an integral part of the community justice plan endorsed by the Community Justice Council and approved by the district judges who manage the community supervision and corrections department and determined to be acceptable by the Community Justice Assistance Division of the Texas Department of Criminal Justice. The county correctional center shall be designed and operated for a specific target population of offenders. Management of the facility should be proactive rather than reactive and should rely on an enhanced ability to supervise offenders rather than structural barriers or electronic security devices.

History: The provisions of this § 260.2 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.3. Operational Requirements

A county correctional center funded by the Community Justice Assistance Division of the Texas Department of Criminal Justice shall operate in compliance with their residential services rules.

History: The provisions of this § 260.3 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.4. Design Concepts

Innovative concepts are encouraged to enhance the ability to operate a county correctional center with a proactive management style and to reduce problems of security and maintenance while creating a safe, sanitary, and secure environment for staff and offenders. The facility shall be structurally sound, fire resistive, and not connected to a building that is not fire resistive. Selection of housing arrangements, including single cells, multiple occupancy cells, or dormitories shall be based on the degree of security sought to be achieved. Facility design shall provide for support functions and equipment to insure safe, secure, and efficient operations.

History: The provisions of this § 260.4 adopted to be effective December 19, 1994, 19 TexReg 9526.

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§ 260.100. Facility Site

The site shall be of sufficient size to provide for the immediate facility and a reasonable projected expansion. A buffer zone around the facility should be provided.

History: The provisions of this § 260.100 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.101. Facility Security Requirements

Facility security shall be planned to protect offenders from one another, protect staff and visitors from offenders, and deter or prevent escapes. The level of security shall be commensurate with the degree of security sought to be achieved.

History: The provisions of this § 260.101 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.102. Program Requirements

Programs provided for offenders should be commensurate with the needs of the target population and in consultation with the director of the Community Supervision and Corrections Department, if funded by the Community Justice Assistance Division.

History: The provisions of this § 260.102 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.103. Special Security

A facility shall be constructed and maintained as a special security unit. When built in conjunction with other jail or lockup functions, the integrity of the security perimeter of the higher security facility shall not be compromised.

History: The provisions of this § 260.103 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.104. Public Building

A county correctional center shall not be located under, in, or on top of another building which has not been designed for the security level sought to be achieved.

History: The provisions of this § 260.104 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.105. Construction Materials

Housing areas and day rooms shall be constructed of durable building materials commensurate with the degree of security sought to be achieved.

History: The provisions of this § 260.105 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.106. Public Areas

Public access shall be through a main entrance. Public access to the offender occupied areas shall be controlled. A public lobby or waiting area should be provided for the convenience of the public, including seating, drinking fountains, and rest rooms and should include lockers or storage for visitors' articles. Provisions shall be made for disabled visitors.

History: The provisions of this § 260.106 adopted to be effective December 19, 1994, 19 TexReg 9526.

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§ 260.107. Vision into Offender Areas

Design and construction shall preclude direct vision into offender occupied areas by the public.

History: The provisions of this § 260.107 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.108. Administrative Space

The facility shall provide sufficient space for administrative, program, and clerical needs. Adequate space for equipment and supplies shall be provided to meet established and projected needs. These spaces shall be located outside the offender occupied areas.

History: The provisions of this § 260.108 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.109. Squad Rooms

Locker space, toilets, lavatories, showers, dressing rooms, and classroom space should be provided for staff. Break and dining space should be provided in the facility.

History: The provisions of this § 260.109 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.110. Observation

Offender occupied areas shall be constructed to facilitate observation of offenders.

History: The provisions of this § 260.110 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.111. Emergency Access

Multistory facilities shall have an elevator or other passageway large enough to accommodate the passage of patient evacuation equipment.

History: The provisions of this § 260.111 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.112. Segregation

The facility design shall provide adequate male/female segregation. Additional segregation should be provided for offenders of different risk/needs classifications.

History: The provisions of this § 260.112 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.113. Functions

Minimum space allocations shall provide for the following:

- (1) Offender processing and reception.
- (2) Detention:
 - (A) housing;
 - (B) visiting; and
 - (C) jailer stations.
- (3) Support/Services:
 - (A) public areas;
 - (B) administrative space;
 - (C) food service;
 - (D) laundry;
 - (E) storage;
 - (F) sanitation;

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- (G) recreation and exercise;
- (H) offender programs and activities;
- (I) counseling and interviews;
- (J) medical exam.

- (4) It is permissible to use the same room or space allocation for more than one of the listed functions where such use will not deny the rights of any individual and will not impair the safety, security, or sanitation of the facility.

History: The provisions of this § 260.113 adopted to be effective December 19, 1994, 19 TexReg 9526; amended to be effective July 7, 2013, 38 TexReg 4191

§ 260.114. Offender Entrance

Where appropriate to the security level, the offender entrance shall be through a safety vestibule into the processing area. A common entrance for offenders and the public may be utilized if appropriate with the security level of the facility. This entrance shall allow for passage of patient evacuation equipment. The entrance shall be designed and constructed to allow observation and identification of persons approaching the offender entrance. Electronic surveillance equipment may be used.

History: The provisions of this § 260.114 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.115. Weapon Storage

Separate secure storage space shall be provided at all entrances to the security perimeter for weapons and ammunition.

History: The provisions of this § 260.115 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.116. Offender Reception

Facilities shall have an offender receiving area designed to readily permit the administrative processing of offenders. Receiving areas shall be provided with access to drinking fountains and toilets. Panels or partitions may be erected in the receiving area to provide privacy and separation.

History: The provisions of this § 260.116 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.117. Visiting Areas

Visiting areas shall be provided and shall be designed to provide adequate visitation for the capacity of the facility. Visitation areas shall be designed for the degree of security sought to be achieved. Audible communications shall be provided between the offender and visitor.

Provisions shall be made for disabled visitors and offenders. Seating shall be provided for both offenders and visitors.

History: The provisions of this § 260.117 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.118. Jailer Stations

A sufficient number of jailer stations shall be provided on each floor where inmates are housed. Staff toilets and lavatories should be provided in close proximity to jailer stations.

History: The provisions of this § 260.118 adopted to be effective December 19, 1994, 19 TexReg 9526; amended to be effective July 7, 2013, 38 TexReg 4191

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§ 260.119. Kitchen

A kitchen of adequate size and properly equipped shall be provided within the system and shall include the following.

- (1) Functions. Kitchen space and equipment shall allow for the efficient operations of receiving, storage, processing, preparation, cooking, baking, serving, dish washing, cleaning, menu preparation, record keeping, personal hygiene, and removal of waste and garbage. Kitchen functions shall be performed without compromising the security of the facility. The kitchen shall not be designed as a passageway for nonfood handling persons.
- (2) Storage. Adequate dry and cold storage shall be provided appropriate for the size of kitchen. Separate storage shall be provided for nonfood items.
- (3) Surfaces. The kitchen floor shall be properly pitched to adequate floor drains and allow for proper cleaning. Floor finish should prevent slipping. The junction between floors and walls shall be covered. Walls and ceilings shall be finished with smooth, washable, light colored surfaces.
- (4) Light. Adequate lighting shall be provided on all work surfaces.
- (5) Ventilation. Food service areas shall be adequately ventilated to control disagreeable odors and moisture. All openings to the outside shall be secured and provided with insect screens.
- (6) Water. Adequate hot and cold water shall be provided for food preparation, cleaning, and dish washing. Hot water equipment shall be of sufficient size and capacity to meet the needs of the facility.
- (7) Codes. Kitchens shall comply with state health codes.

History: The provisions of this § 260.119 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.120. Dining Space

Group dining may be provided. Group dining should avoid concentrations of more than 24 offenders (48 for direct supervision).

History: The provisions of this § 260.120 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.121. Laundry Facilities

Space for a laundry commensurate to the size of the facility shall be provided within the system. The laundry shall be equipped with a sufficient number of washers and dryers to accommodate the anticipated laundry load. Adequate, separate storage space shall be provided for both clean and soiled laundry and laundry supplies.

History: The provisions of this § 260.121 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.122. Commissary

Space appropriate to capacity of the facility should be provided for an offender commissary.

History: The provisions of this § 260.122 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.123. Storage Area Capacities

Storage areas based upon facility capacity shall be provided as follows:

- (1) Offender property: two cubic feet per offender;
- (2) Offender uniforms and linens: three cubic feet per offender;

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(3) Offender mattresses: raised perforated storage in the amount of five and one-fourth cubic feet per mattress for 25% of total capacity.

History: The provisions of this § 260.123 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.124. Janitorial Storage Space

Adequate, secured, well ventilated storage for janitorial supplies and equipment shall be provided within the security perimeter and administrative area. Sufficient broom and mop racks shall be provided.

History: The provisions of this § 260.124 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.125. Medical Space and Equipment

Adequate space for first aid equipment shall be provided. Space and equipment for medical examination, treatment, and convalescent care shall be provided or provisions contained in the health services plan. Adequate, secure storage for medical supplies and drugs shall be provided.

History: The provisions of this § 260.125 adopted to be effective December 19, 1994, 19 TexReg 9526; amended to be effective May 3, 1995, 20 TexReg 2866.

§ 260.126. Infirmary

An infirmary should be provided for facilities of 200 or more capacity. When an infirmary is provided, the following minimum components shall be included:

- (1) nurses station;
- (2) locked medication station with storage for individually filled prescriptions;
- (3) utility room with sink and storage for linens and equipment;
- (4) refrigerated storage;
- (5) utility room with double tub sink and clinical service sink with flushing rim;
- (6) 80 square feet of floor space per bed;
- (7) at least one single occupancy room or cell with 80 square feet of floor space;
- (8) doors, through which patients and equipment are to be moved, of adequate width to allow turning of wheeled chairs and tables normally used in medical facilities;
- (9) a lavatory with a gooseneck inlet and wrist controls accessible to each ward;
- (10) janitor closet;
- (11) toilet, lavatory, and shower for use of offenders in the infirmary;
- (12) additional elements as dictated by the facility health care director.

History: The provisions of this § 260.126 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.127. Multipurpose Rooms

One or more multipurpose rooms having a minimum of 200 square feet of floor space each shall be provided for each increment of 100 offenders based on design capacity. These multipurpose rooms may be used for group assembly, conferences, contact visitation, counseling, religious services, education, or other special uses.

History: The provisions of this § 260.127 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.128. Exercise Area

One or more exercise areas shall be provided. Where outdoor exercise areas are provided, alternate areas shall be provided for exercise during inclement weather. A toilet and drinking

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fountain shall be readily available. Exercise areas for facilities of less than 100 offenders based on design capacity shall not be less than 800 square feet. Exercise areas for larger facilities shall provide 15 square feet per offender for the maximum number of offenders expected to use the space at one time, but not less than 1,000 square feet for each exercise area. Each direct supervision housing area shall have an exercise area within close proximity which should be adjacent to the housing area. Consideration shall be given to the requirement for offenders to be allowed access to sunlight for one hour per week after ten days confinement.

History: The provisions of this § 260.128 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.129. Single Cells

Single cells shall contain not less than 40 square feet of clear floor space. Each cell shall have one bunk, toilet, lavatory, table, and seat separate from the bunk.

History: The provisions of this § 260.129 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.130. Multiple Occupancy Cells

Multiple occupancy cells shall contain two to eight bunks and not less than 40 square feet of clear floor space for the first bunk plus 18 square feet of clear floor space for each additional bunk. Each multiple occupancy cell shall have one toilet and lavatory. Multiple occupancy cells should not be provided in direct supervision facilities.

History: The provisions of this § 260.130 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.131. Dormitories

Dormitories shall contain nine to 48 bunks. Dormitories shall contain not less than 40 square feet of clear floor space for the first bunk plus 18 square feet of clear floor space for each additional bunk. Each dormitory shall have adequate toilets and lavatories.

History: The provisions of this § 260.131 adopted to be effective December 19, 1994, 19 TexReg 9526; amended to be effective October 23, 1995, 20 TexReg 8326.

§ 260.132. Day Rooms

All single cells, multiple occupancy cells, and dormitories shall be provided with day rooms. Separation cells, holding cells, and medical cells are exempt from this requirement. Day rooms shall be designed for no more than 48 offenders. Based on the design capacity of the cells served, the day rooms shall contain: not less than 40 square feet of clear floor space for the first offender plus 18 square feet of clear floor space for each additional offender; adequate toilets, lavatories, mirrors, showers, seating, and tables. A utility sink should be provided. Day rooms may be contiguous with offender living areas provided that space requirements for living areas and day rooms are met. Convenient electrical receptacles circuited with ground fault protection shall be provided. Power to receptacles should be individually controlled outside of the cell.

History: The provisions of this § 260.132 adopted to be effective December 19, 1994, 19 TexReg 9526; amended to be effective October 23, 1995, 20 TexReg 8326.

§ 260.133. Separation Cells

Separation cells shall include the following features and equipment.

- (1) Furnishings. Each cell shall be provided with one bunk, mirror, table, and seat separate from the bunk. A shelf and clothes hook may be provided. Convenient electrical receptacles circuited with ground fault protection shall be provided. Power to

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receptacles shall be individually controlled outside of the cell.

(2) Plumbing. Cells shall be provided with a toilet, lavatory, shower, and floor drain.

(3) Cell Size. Cells shall contain not less than 40 square feet of clear floor space.

History: The provisions of this § 260.133 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.134. Holding Cells

One or more holding cells should be provided to hold offenders during processing, housing assignment, discharge, or other reason for temporary housing. Holding cells shall contain the following features and equipment.

- (1) Seating. A stationary bench or benches abutting the walls shall be provided. Benches shall be 16 inches to 20 inches above the finished floor and not less than 12 inches wide. Seating shall be sufficient to provide not less than 24 linear inches per offender at cell capacity.
- (2) Plumbing. Cells shall be provided with adequate toilets, lavatories and floor drains. The floor shall be properly pitched to drains.
- (3) Cell Size. The size of the cell shall be determined by the anticipated maximum number of offenders to be confined at any one time. Cells shall be constructed to house from one to 24 offenders and shall contain not less than 40 square feet of floor space for one offender and 18 square feet of floor space for each additional offender to be confined.
- (4) Surfaces. Floor, wall, and ceiling material shall be durable and easily cleaned.
- (5) Supervision. The cell shall be located and constructed to facilitate supervision of the cell area and to materially reduce noise.

History: The provisions of this § 260.134 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.135. Dimensions

All cells and day rooms shall be not less than eight feet from finished floor to ceiling and five feet-six inches from wall to wall. Cells containing over/under bunk units shall be measured from center line of units to wall. Corridors shall be not less than four feet wide.

History: The provisions of this § 260.135 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.136. Safety Vestibules

(a) Safety vestibules, where provided, shall:

- (1) have one or more interior doors and a main entrance door;
- (2) be arranged to be locked and unlocked by control means located outside of the offender living area and safety vestibule.

(b) Effective September 1, 1983, where doors have an interlocking security feature, provisions shall be made for an override capability in the event an emergency requires both doors to be opened simultaneously.

History: The provisions of this § 260.136 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.137. Furnishings for Offender Housing Areas

- (a) Bunks. Bunks shall be fire resistive. The mattress surface of the bunk shall measure not less than two feet-three inches wide and six feet-three inches long.
- (b) Toilets and Lavatories. Toilets and lavatories shall be provided in cells and day rooms. Based on degree of security sought to be achieved, they may be conventional type.

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Based on design capacity, each cell and day room shall provide one toilet and lavatory capable of providing drinking water for each group or increment of eight offenders.

- (c) Showers. Shower areas shall be not less than two feet-six inches square per showerhead and not less than seven feet high. Construction should be of materials which resist the action of soap and water. Drying areas of not less than two feet-six inches square sloped to a drain should be provided adjoining the shower entrance. Based on design capacity, each separation cell and day room shall provide one shower for each group or increment of 12 offenders.
- (d) Tables and Seating. Tables and seating shall be constructed of materials which will resist vandalism. They shall be fire resistive and reasonably remote from toilet areas. Tables and benches shall be not less than 12 inches wide, and linear seating shall be not less than 18 continuous inches per person. Stools shall be not less than 12 inches in diameter. Seating height of 16 inches to 20 inches shall be provided.
- (e) Privacy Shields. Offender toilet and shower areas in dormitories, multiple occupancy cells, single occupancy cells, holding cells, and day rooms shall be equipped to restrict viewing from persons outside the cell and staff areas in direct supervision designs. Privacy shields shall extend from about 15 inches above the finished floor to about four feet-six inches high and shall be securely anchored.
- (f) Mirrors. Mirrors shall be constructed of unbreakable material. Mirrors shall be provided above lavatories in day rooms and separation cells.
- (g) Additional Furnishings. Shelves, clothes hooks, and lockers for offenders' personal belongings should be provided.

History: The provisions of this § 260.137 adopted to be effective December 19, 1994, 19 TexReg 9526; amended to be effective October 8, 2013, 38 TexReg 6926

§ 260.138. Walls

Walls should be constructed to resist vandalism and facilitate ease of maintenance. Walls shall be constructed for the degree of security sought to be achieved.

History: The provisions of this § 260.138 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.139. Floors

Floors should provide a high resistance to wear and moisture. A nonslip surface shall be provided at the entrance to all shower areas.

History: The provisions of this § 260.139 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.140. Ceilings

Ceilings within the security perimeter shall be constructed of material not easily damaged and shall be constructed for the degree of security sought to be achieved.

History: The provisions of this § 260.140 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.141. Vermin Control

Facility construction shall protect against the entrance and infestation of vermin. Materials and construction design shall contribute to efficient maintenance and housekeeping.

History: The provisions of this § 260.141 adopted to be effective December 19, 1994, 19 TexReg 9526.

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§ 260.142. Windows and Screens

Operable windows shall be equipped with insect screens. The security level of windows in offender occupied areas shall be commensurate with the degree of security sought to be achieved. Windows or skylights should be provided in offender living and activity areas.

History: The provisions of this § 260.142 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.143. Vent Grilles

Vent grilles in walls and ceilings shall be commensurate with the security sought to be achieved.

History: The provisions of this § 260.143 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.144. Food Passes

Food passes shall be provided and lockable shutters should be provided to prevent passage of contraband where appropriate.

History: The provisions of this § 260.144 adopted to be effective December 19, 1994, 19 TexReg 9526; amended to be effective October 8, 2013, 38 TexReg 6926

§ 260.145. Detention Doors

Doors may be of any material commensurate with the degree of security sought to be achieved. Doors shall be equipped with appropriate hardware and accessories to achieve the degree of security sought. All cell doors shall be not less than 28 inches clear width and not less than six feet-eight inches high.

History: The provisions of this § 260.145 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.146. Door Stops

Door stops shall be provided for all detention doors and shall be placed to maintain a minimum of six inches between the leading edge of the door and the wall. Door closers manufactured with integral door stops may be used.

History: The provisions of this § 260.146 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.147. Door Closers

Door closers for all detention swinging doors shall be appropriate for the weight of the door.

History: The provisions of this § 260.147 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.148. Keys and Locks

Keys and locks shall be commensurate with the degree of security sought to be achieved. An additional set of keys shall be maintained by the operator.

History: The provisions of this § 260.148 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.149. Key Cabinets

Key cabinets should be provided at suitable locations.

History: The provisions of this § 260.149 adopted to be effective December 19, 1994, 19

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TexReg 9526.

§ 260.150. Power Operated Locks

Power operated locks shall be motor, solenoid, or pneumatic type and provide electrical control unlocking, key unlocking by manual operation, and automatic mechanical deadlocking of doors upon closing. A door position switch and door position indicator shall be provided for all doors equipped with power operated locks. Door closers appropriate for the weight of the door should be provided on all swinging doors equipped with power operated locks.

History: The provisions of this § 260.150 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.151. Remote Controls

Remote controls, where provided, shall be capable of being locked and unlocked individually by control means located remote from the cell area. Single cells with contiguous day room and separation cells which open directly on an exiting corridor are exempt from this requirement. All remote door controls shall be secure.

History: The provisions of this § 260.151 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.152. Emergency Operation of Doors

All doors to cells and day rooms shall be capable of being unlocked by a manual means at the door or a remote location.

History: The provisions of this § 260.152 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.153. Access Doors

All plumbing and mechanical access doors and panels shall be constructed and secured with locks commensurate to the security sought to be achieved.

History: The provisions of this § 260.153 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.154. Temperature Control

Temperature levels shall be reasonably maintained between 65 degrees Fahrenheit and 85 degrees Fahrenheit in all occupied areas.

History: The provisions of this § 260.154 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.155. Air Flow

Ventilation shall be sufficient to admit fresh air and remove disagreeable odors. A sufficient number of windows capable of being opened, or a mechanical ventilation system provided with emergency electrical power, shall be provided in order to allow for sufficient ventilation in case of breakdown in the normal ventilation system or normal power failure.

History: The provisions of this § 260.155 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.156. Plumbing

Plumbing work shall meet the requirements of the Southern Standard Building Code, or equivalent. Warm and cold water shall be provided at all lavatories and warm water shall be provided at all showers. Warm water temperature shall be between 100 and 120 degrees

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Fahrenheit. All plumbing in offender occupied areas shall have quick shut off capability.

History: The provisions of this § 260.156 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.157. Sinks

Sufficient mop sinks with hot and cold water shall be provided.

History: The provisions of this § 260.157 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.158. Faucets

Cold water faucets with standard hose connections shall be provided in plumbing access space or corridors. Distance between hose connections shall not be more than 100 feet apart.

History: The provisions of this § 260.158 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.159. Floor Drains

Floor drains shall be located throughout the facility so as to reduce the possibility of flooding. Floor drains shall be provided in every area where toilets, lavatories, or showers are located. Drain covers shall be provided and secured for the degree of security sought to be achieved.

History: The provisions of this § 260.159 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.160. Lighting

Adequate illumination shall be provided throughout the cells and day rooms. An illumination level of 20 foot candles shall be provided at mirrors and tables. Master light controls for cells and day rooms and electrical conduit shall be out of reach of offenders. Offenders should be capable of controlling some lighting; override capability shall be provided. All lighting fixtures in cells and day rooms shall be in accordance with the security level sought to be achieved. Night lights sufficient to permit continuous observation shall be provided. Control areas and means of egress shall be continuously illuminated. Exteriors of buildings and all entrances shall be lighted sufficiently to observe approaching persons.

History: The provisions of this § 260.160 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.161. Audible Communication

Two-way voice communication shall be available at all times between offenders and jailers, licensed peace officers, court bailiffs, or staff designated by the sheriff.

History: The provisions of this § 260.161 adopted to be effective December 19, 1994, 19 TexReg 9526; amended to be effective January 1, 2014, 38 TexReg 9625

§ 260.162. Television Monitoring

Closed circuit television monitoring may be provided to supplement control and security functions. View of toilet and shower areas shall not be allowed except in medical and special observation areas.

History: The provisions of this § 260.162 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 260.163. Electrical Power

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Electrical installation shall comply with state and local codes and ordinances. Facilities shall have adequate electrical receptacles in corridors or chases for food carts, janitorial, and maintenance equipment.

History: The provisions of this § 260.163 adopted to be effective December 19, 1994, 19 TexReg 9526.

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§ 261.100. Design Concepts

The facility shall be structurally sound, fire resistive and not connected to a building that is not fire resistive and shall provide for adequate security and safety. Facility design shall provide for support functions and equipment to insure safe, secure, and efficient operations.

History: The provisions of this § 261.100 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.101. Facility Operation Concept

The facility shall be planned to receive unclassified persons, hold pretrial and convicted persons, and allow for processing, classifying, and releasing persons at all times.

History: The provisions of this § 261.101 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.102. Facility Security Requirements

Facility security shall be planned to protect inmates from one another, protect staff and visitors from inmates, and deter or prevent escapes.

History: The provisions of this § 261.102 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.103. Special Security

A facility shall be constructed and maintained as a special security unit. The integrity of the security perimeter shall not be compromised by other functions.

History: The provisions of this § 261.103 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.104. Construction Materials

Inmate housing areas and day rooms shall be constructed of metal, masonry, concrete or other comparable materials. The level of security desired should determine the selection of appropriate materials.

History: The provisions of this § 261.104 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.105. Public Areas

Public areas shall be located outside the security perimeter. Public access to the security perimeter shall be controlled. A public lobby or waiting area should be provided for the convenience of the public, including seating, drinking fountains, and rest rooms and should include lockers or storage for visitor's articles. Provisions shall be made for disabled visitors.

History: The provisions of this § 261.105 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.106. Vision into Inmate Areas

Design and construction shall preclude direct vision into inmate occupied areas by the public.

History: The provisions of this § 261.106 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.107. Administrative Space

The facility shall provide sufficient space for administrative, program and clerical needs.

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Adequate space for equipment and supplies shall be provided to meet established and projected needs. These spaces should be located outside the inmate housing areas. Evidence storage should not be located within the security perimeter.

History: The provisions of this § 261.107 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.108. Squad Rooms

Locker space, toilets, lavatories, showers, dressing rooms, and classroom space should be provided for staff and shall be located outside the security perimeter. Break and dining space should be provided in the facility.

History: The provisions of this § 261.108 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.109. Arsenal

An arsenal or secure storage area for weapons and tactical equipment should be provided outside the security perimeter.

History: The provisions of this § 261.109 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.110. Inmate Movement Into and Out of Facility

Construction should provide for movement of an inmate or detainee into and out of the facility without exposing the individual to contact with the public.

History: The provisions of this § 261.110 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.111. Inmate Movement inside Facility

The design should provide for the orderly movement of inmates and services.

History: The provisions of this § 261.111 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.112. Observation

Inmate occupied areas should be constructed to facilitate observation of inmates.

History: The provisions of this § 261.112 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.113. Emergency Access

Multistory facilities shall have an elevator or other passageway large enough to accommodate the passage of patient evacuation equipment.

History: The provisions of this § 261.113 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.114. Segregation

Facility design shall provide adequate segregation facilities for segregation of different classifications of inmates, in accordance with the facility classification plan as required by Chapter 271 of this title (relating to Classification and Segregation of Inmates).

History: The provisions of this § 261.114 adopted to be effective December 19, 1994, 19 TexReg 9526.

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§ 261.115. Functions

Minimum space allocations should provide for, but not be limited to:

- (1) inmate processing:
 - (A) sally port;
 - (B) reception and holding;
 - (C) shakedown;
 - (D) booking;
 - (E) identification;
 - (F) dressing in and out;
 - (G) video taping and intoxilizer programs if such are to be performed in the facility;
- (2) detention:
 - (A) inmate housing;
 - (B) segregation;
 - (C) visiting;
 - (D) jailer stations;
- (3) support/services:
 - (A) public areas;
 - (B) administrative offices;
 - (C) squad rooms;
 - (D) food service;
 - (E) laundry;
 - (F) inmate commissary;
 - (G) storage;
 - (H) sanitation;
 - (I) medical examination and treatment;
 - (J) multipurpose rooms;
 - (K) recreation and exercise;
 - (L) inmate programs and activities;
 - (M) counseling;
 - (N) library.
- (4) It is permissible to use the same room or space allocation for more than one of the listed functions where such use will not deny the rights of any individual and will not impair the safety, security, sanitation or required segregation of the facility.

History: The provisions of this § 261.115 adopted to be effective December 19, 1994, 19 TexReg 9526; amended to be effective November 8, 1998, 23 TexReg 11165; amended to be effective July 7, 2013, 38 TexReg 4181

§ 261.116. Vehicular Sally Port

A facility should have a vehicular sally port located inside or abutting the building so that inmates may board or disembark from a vehicle. Space should be sufficient to accommodate anticipated transportation vehicles.

History: The provisions of this § 261.116 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.117. Inmate Entrance

The inmate entrance should be from the vehicular sally port through a safety vestibule into the processing area. This entrance shall allow for passage of patient evacuation equipment between interlocking doors. The entrance shall be designed and constructed to allow observation and identification of persons approaching the inmate entrance. Electronic surveillance equipment

may be used.

History: The provisions of this § 261.117 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.118. Weapon Storage

Separate secure storage space shall be provided at all entrances to the security perimeter for weapons and ammunition.

History: The provisions of this § 261.118 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.119. Processing Area

Facilities shall have a processing area located inside the security perimeter, but away from the inmate housing areas. The processing area shall be designed to readily permit the booking, shakedown, identification, and dressing of inmates. A telephone shall be available for detainees' use. Processing areas should be provided with access to drinking fountains and toilets. Panels or partitions may be erected in the booking area to provide privacy and separation of inmates.

History: The provisions of this § 261.119 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.120. Identification

Space shall be provided for photographing, fingerprinting and identification procedures for inmates.

History: The provisions of this § 261.120 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.121. Visiting Areas

Visiting areas shall be provided and shall be designed to provide adequate visitation for the capacity of the facility. Visitation areas shall be designed for the degree of security sought to be achieved. Audible communications shall be provided between the inmate and visitor. Visiting areas for maximum and medium custody inmates shall be designed to prevent passage of contraband. Provisions shall be made for disabled visitors and inmates. Seating should be provided for both inmates and visitors. A secure visiting area should be provided for contact visits from law enforcement officers, attorneys, clergy, and probation and parole officers. Provisions shall be made for passage of legal paper between inmates and attorneys.

History: The provisions of this § 261.121 adopted to be effective December 19, 1994, 19 TexReg 9526; amended to be effective December 27, 1995, 20 TexReg 10619; amended to be effective June 14, 1996, 21 TexReg 5003.

§ 261.122. Jailer Stations

A sufficient number of jailer stations shall be provided on each floor where inmates are housed. Staff toilets and lavatories should be provided in close proximity to jailer stations.

History: The provisions of this § 261.122 adopted to be effective December 19, 1994, 19 TexReg 9526; amended to be effective July 7, 2013, 38 TexReg 4192

§ 261.123. Kitchen

A kitchen of adequate size and properly equipped shall be provided within the system and shall include the following.

- (1) Functions. Kitchen space and equipment shall allow for the efficient operations of

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receiving, storage, processing, preparation, cooking, baking, serving, dish washing, cleaning, menu preparation, record keeping, personal hygiene, and removal of waste and garbage. Kitchen functions shall be performed without compromising the security of the facility. The kitchen should not be designed as a passageway for nonfood handling persons.

- (2) Storage. Adequate dry and cold storage shall be provided appropriate for the size of kitchen. Separate storage shall be provided for nonfood items.
- (3) Surfaces. The kitchen floor shall be properly pitched to adequate floor drains and allow for proper cleaning. Floor finish should prevent slipping. The junction between floors and walls shall be covered. Walls and ceilings shall be finished with smooth washable light colored surfaces.
- (4) Light. Adequate lighting shall be provided on all work surfaces.
- (5) Ventilation. Food service areas shall be adequately ventilated to control disagreeable odors and moisture. All openings to the outside shall be secured and provided with insect screens.
- (6) Water. Adequate hot and cold water shall be provided for food preparation, cleaning, and dish washing. Hot water equipment shall be of sufficient size and capacity to meet the needs of the facility.
- (7) Codes. Kitchens shall comply with state health codes.

History: The provisions of this § 261.123 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.124. Dining Space

Group dining may be provided. Group dining should avoid concentrations of more than 24 inmates (48 for direct supervision).

History: The provisions of this § 261.124 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.125. Laundry Facilities

A laundry, or an acceptable laundry vendor contract, or both, shall be maintained to provide clean clothing, bedding, and supplies. Adequate, separated storage space, commensurate with facility capacity, shall be provided for both clean and soiled laundry and laundry supplies. Where applicable, space shall be provided for washers, extractors and dryers. A toilet and lavatory should be provided nearby.

History: The provisions of this § 261.125 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.126. Commissary

Space appropriate to the capacity of the facility should be provided for an inmate commissary, or a written program shall be established. (See Chapter 291 of this title (relating to Services and Activities)).

History: The provisions of this § 261.126 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.127. Storage Area Capacities

Storage areas based upon facility capacity should be provided as follows:

- (1) Inmate property; two cubic feet per inmate;
- (2) Inmate uniforms and linens: three cubic feet per inmate;

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- (3) Inmate mattresses: raised perforated storage in the amount of five and one-fourth cubic feet per mattress for 25% of total capacity.

History: The provisions of this § 261.127 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.128. Janitorial Storage Space

Adequate, secured, well ventilated storage for janitorial supplies and equipment should be provided within the security perimeter and administrative area. Sufficient broom and mop racks should be provided.

History: The provisions of this § 261.128 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.129. Medical Space and Equipment

Adequate space for first aid equipment shall be provided. Space and equipment for medical examination, treatment, and convalescent care shall be provided or provisions contained in the health services plan. Adequate, secure storage for medical supplies and drugs shall be provided.

History: The provisions of this § 261.129 adopted to be effective December 19, 1994, 19 TexReg 9526; amended to be effective May 3, 1995, 20 TexReg 2866.

§ 261.130. Infirmary

An infirmary should be provided for facilities of 200 or more capacity. When an infirmary is provided, the following minimum components shall be included:

- (1) nurses station;
- (2) locked medication station with storage for individually filled prescriptions;
- (3) utility room with sink and storage for linens and equipment;
- (4) refrigerated storage;
- (5) utility room with double tub sink and clinical service sink with flushing rim;
- (6) 80 square feet of floor space per bed;
- (7) at least one single occupancy room or cell with 80 square feet of floor space;
- (8) doors, through which patients and equipment are to be moved, of adequate width to allow turning of wheeled chairs and tables normally used in medical facilities;
- (9) a lavatory with a gooseneck inlet and wrist controls accessible to each ward;
- (10) janitor closet;
- (11) toilet, lavatory, and shower for use of inmates in the infirmary;
- (12) additional elements as dictated by the facility health care director.

History: The provisions of this § 261.130 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.131. Multipurpose Rooms

One or more multipurpose rooms should be provided. These multipurpose rooms may be used for group assembly, conferences, contact visitation, counseling, religious services, education, or other special uses.

History: The provisions of this § 261.131 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.132. Exercise Area

One or more secure exercise areas shall be provided. Where outdoor exercise areas are provided, alternate areas should be provided for exercise during inclement weather. Outdoor exercise areas should be covered with a security enclosure. A toilet and drinking fountain

should be readily available. Consideration shall be given to the requirement for inmates to be allowed access to sunlight for one hour per week after ten days confinement.

History: The provisions of this § 261.132 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.133. Single Cells

Single cells shall not be less than eight feet high from finished floor to ceiling and not less than five feet wide from wall to wall. They shall contain not less than 40 square feet of floor space. They shall have one bunk, toilet, lavatory, table, and seat. Single cells should comprise at least 50% of the total inmate capacity of the facility, but in no event shall comprise less than 30% of the total capacity of the facility.

History: The provisions of this § 261.133 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.134. Multiple Occupancy Cells

Multiple occupancy cells shall contain two to eight bunks and not less than 40 square feet of floor space for the first bunk plus 18 square feet of floor space for each additional bunk. Each multiple occupancy cell shall have one toilet and lavatory. Multiple occupancy cells should not be provided in direct supervision facilities.

History: The provisions of this § 261.134 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.135. Dormitories

Dormitories shall contain nine to 24 bunks, except direct supervision dormitories which may contain up to 48 bunks. Dormitories shall contain not less than 40 square feet of floor space for the first bunk plus 18 square feet of floor space for each additional bunk. Each dormitory shall have adequate toilets and lavatories. Not more than 40% of the inmate capacity of the facility shall be designed for dormitories.

History: The provisions of this § 261.135 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.136. Day Rooms

All single cells, multiple occupancy cells, and dormitories shall be provided with day rooms. Separation cells, violent cells, holding cells, detoxification cells, and medical cells are exempt from this requirement. Day rooms shall be designed for no more than 24 inmates, except direct supervision day rooms may be designed for up to 48 inmates. Based on the design capacity of the cells served, the day rooms shall contain not less than 40 square feet of floor space for the first inmate plus 18 square feet of floor space for each additional inmate; adequate toilets, lavatories, mirrors, showers, seating and tables. A utility sink should be provided. Day rooms may be contiguous with inmate living areas provided that space requirements for living areas and day rooms are met. Convenient electrical receptacles circuited with ground fault protection should be provided. Power to receptacles should be individually controlled outside of the cell.

History: The provisions of this § 261.136 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.137. Separation Cells

A facility shall have one or more single occupancy separation cells which shall include the following features and equipment.

- (1) Furnishings. Each cell shall be provided with a table, seat, mirror and bunk. A shelf and

clothes hook may be provided. Convenient electrical receptacles circuited with ground fault protection should be provided. Power to receptacles, when provided, shall be individually controlled outside of the cell.

(2) Plumbing. Cells shall be provided with a toilet, lavatory, shower, and floor drain.

(3) Cell Size. Cells shall contain not less than 40 square feet of floor space.

History: The provisions of this § 261.137 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.138. Holding Cells

(a) One or more holding cells should be provided to hold inmates pending booking, court appearance, identification, housing assignment, discharge, or other reason for temporary housing. Inmates shall not be held for more than 48 hours and the cell shall include the following features.

(1) Seating. A stationary bench or benches abutting the walls shall be provided.

Benches shall be 14" to 18" above the finished floor and not less than 12" wide. Seating shall be sufficient to provide not less than 24 linear inches per inmate at cell capacity;

(2) Plumbing. Cells shall be provided with adequate toilets, lavatories, and floor drains. The floor shall be properly pitched to drains;

(3) Cell Size. The size of the cell shall be determined by the anticipated maximum number of inmates to be confined at any one time. Cells shall be constructed to house from 1 to 24 inmates and shall contain not less than 40 square feet of floor space for 1 inmate and 18 square feet of floor space for each additional inmate to be confined;

(4) Surfaces. Floor, wall, and ceiling material shall be durable and easily cleaned;

(5) Supervision. The cell should be located and constructed to facilitate supervision of the cell area and to materially reduce noise.

(b) Remote Court Holding Cells. Holding cells that are separate from the facility and utilized for direct court holding, processing, or for inmates awaiting trial shall include the following features and equipment:

(1) Seating. Seating shall be sufficient to provide not less than 24 linear inches per inmate at cell capacity;

(2) Plumbing. Cells shall be provided with adequate toilets, and lavatories capable of providing drinking water. Floor drains should be provided;

(3) Cell Size. The size of the cell shall be determined by the anticipated maximum number of inmates to be confined at any one time. Cells shall be constructed to house from 1 to 24 inmates and shall contain not less than 40 square feet of floor space for 1 inmate and 18 square feet of floor space for each additional inmate to be confined;

(4) Surfaces. Floor, wall, and ceiling material should be durable and easily cleaned;

(5) Supervision. The cell should be located and constructed to facilitate supervision of the cell area and to materially reduce noise;

(6) Smoke Detection. Smoke detection capability shall be provided. The alarm shall enunciate at a staffed location in close proximity to the cell. Additional life safety items shall be compatible with the remainder of the building;

(7) Audible Communication. Audible communications shall be provided.

History: The provisions of this § 261.138 adopted to be effective December 19, 1994, 19 TexReg 9526; amended to be effective August 16, 1996, 21 TexReg 7565; amended to be effective May 3, 2000, 25 TexReg 3794

§ 261.139. Detoxification Cells

Any facility that anticipates the housing of intoxicated persons should provide one or more detoxification cells for the detention of persons during the detoxification process. These cells shall include the following features and equipment.

- (1) Seating. A stationary bench or benches abutting the walls shall be provided. Benches shall be not higher than eight inches above the finished floor.
- (2) Plumbing. Cells should be provided with one or more vandal resistive flushing floor drains with outside controls, or vandal resistive toilet, lavatory, and standard floor drains. The floor shall be properly pitched to drains. Drinking fountains or lavatories capable of providing drinking water should be provided.
- (3) Cell Size. The size of the cell shall be determined by the anticipated maximum number of intoxicated inmates to be confined at any one time. Cells shall be constructed to house from one to 12 inmates and shall contain not less than 40 square feet of floor space for one inmate and 18 square feet of floor space for each additional inmate to be confined.
- (4) Surfaces. Floor, wall and ceiling material shall be durable and easily cleaned.
- (5) Supervision. The cell shall be located and constructed to facilitate supervision of the cell area and to materially reduce noise.

History: The provisions of this § 261.139 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.140. Violent Cells

A facility may contain one or more single occupancy cells for the temporary holding of violent persons. Violent cells shall include the following features and equipment.

- (1) Furnishings. The cell shall be equipped with a hammock, not less than two feet-three inches wide and six feet-three inches long, made of an elastic or fibrous fabric. A bench abutting the wall, the length or width of the cell, at least two feet-three inches wide and six feet-three inches long and not more than eight inches above the floor may be provided in lieu of a hammock.
- (2) Plumbing. Flushing type floor drains with outside controls shall be provided.
- (3) Cell Size. Cell shall contain not less than 40 square feet of floor space.
- (4) Padding. Walls, floor and bench shall be completely covered with a material to protect the inmate from self injury. The type of material used to cover the walls, floor, and bench shall be fire resistive and nontoxic.

History: The provisions of this § 261.140 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.141. Dimensions

All cells and day rooms shall be not less than eight feet from finished floor to ceiling and five feet from wall to wall. Cells containing over/under bunk units shall be measured from center line of units to wall. Corridors shall be not less than four feet wide.

History: The provisions of this § 261.141 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.142. Safety Vestibules

Safety vestibules shall be provided for each inmate living area and day room used for confinement of three or more inmates.

- (1) Safety vestibules shall have one or more interior doors and a main entrance door.
- (2) Doors shall be arranged to be locked and unlocked by control means located outside of

the inmate living area and safety vestibule.

- (3) Where doors have an interlocking security feature, provisions should be made for an override capability in the event an emergency requires both doors to be opened simultaneously.

History: The provisions of this § 261.142 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.143. Furnishings for Inmate Housing Areas

- (a) Bunks. Bunks shall be fire resistive and securely anchored. The mattress surface of the bunk shall measure not less than two feet-three inches wide and six feet-three inches long.
- (b) Toilets and Lavatories. Detention type toilets and lavatories shall be provided in cells and day rooms. In direct supervision living areas, they shall be constructed in such manner and of such material so as to resist vandalism. Based on design capacity, each cell and day room shall provide one toilet and lavatory capable of providing drinking water for each group or increment of 12 inmates.
- (c) Showers. Shower areas shall be not less than two feet-six inches square per showerhead and not less than seven feet high. Construction shall be of vandal resistive materials and should be of materials which resist the action of soap and water. Drying areas of not less than two feet-six inches square sloped to a drain should be provided adjoining the shower entrance. Based on design capacity, each separation cell and day room shall provide one shower for each group or increment of 12 inmates.
- (d) Tables and Seating. Tables and seating shall be constructed of materials which will resist vandalism. They shall be fire resistive, securely anchored, and reasonably remote from toilet areas. Tables and seating in direct supervision day rooms are not required to be anchored. Tables and benches shall be not less than 12 inches wide, and linear seating shall be not less than 18 inches per person. Stools shall be not less than 12 inches in diameter. Seating height of 14 inches to 18 inches shall be provided.
- (e) Privacy Shields. Inmate toilet areas in holding cells shall be configured or equipped to provide reasonable privacy from exposure to persons outside the cell. Privacy shields should extend from about 15 inches above the finished floor to about four feet-six inches high and shall be securely anchored.
- (f) Mirrors. Mirrors shall be constructed of unbreakable material. Mirrors shall be provided above lavatories in separation cells.

History: The provisions of this § 261.143 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.144. Walls

Walls should be constructed to resist vandalism and facilitate ease of maintenance. Walls shall be constructed with due consideration to the security sought to be achieved.

History: The provisions of this § 261.144 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.145. Floors

Floors should provide a high resistance to wear and moisture. A nonslip surface should be provided at the entrance to all shower areas.

History: The provisions of this § 261.145 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.146. Ceilings

Ceilings within the security perimeter shall be constructed of material not easily damaged and shall be commensurate with the security level of the adjacent walls.

History: The provisions of this § 261.146 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.147. Vermin Control

Facility construction shall protect against the entrance and infestation of vermin. Materials and construction design shall contribute to efficient maintenance and housekeeping.

History: The provisions of this § 261.147 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.148. Windows and Screens

Operable windows shall be equipped with insect screens. The security level of windows in inmate occupied areas shall be commensurate with the security of the walls. Windows or skylights should be provided in inmate living and activity areas.

History: The provisions of this § 261.148 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.149. Vent Grilles

Vent grilles in walls and ceilings shall be commensurate with the security sought to be achieved. Vent grilles shall be securely anchored.

History: The provisions of this § 261.149 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.150. Food Passes

Food passes should not be less than 15 inches wide and four and one-half inches high. Lockable shutters should be provided to prevent passage of contraband.

History: The provisions of this § 261.150 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.151. Detention Doors

Hollow metal doors shall be constructed of 12 to 14 gauge steel inside the security perimeter. Eighteen gauge hollow metal doors may be used outside the security perimeter. Plate doors shall be constructed of material not less than 3/16 inch thick. The security quality of each detention door shall be determined by the level of security sought to be achieved. Detention doors shall be equipped with detention hardware and accessories.

History: The provisions of this § 261.151 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.152. Door Stops

Door stops shall be provided for all detention doors. Door closers manufactured with integral door stops may be used.

History: The provisions of this § 261.152 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.153. Door Closers

Where used, door closers for all detention swinging doors shall be appropriate for the weight of the door.

History: The provisions of this § 261.153 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.154. Keys and Locks

Keys and locks for detention doors shall be manufactured especially for detention use and shall be commensurate with the security sought to be achieved. An additional set of keys shall be maintained by the operator.

History: The provisions of this § 261.154 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.155. Key Cabinets

Secured key cabinets should be provided at suitable locations.

History: The provisions of this § 261.155 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.156. Power Operated Locks

Power operated locks, where used, shall be motor, solenoid, or pneumatic type and provide electrical control unlocking, key unlocking by manual operation, and automatic mechanical deadlocking of doors upon closing. A door position switch and door position indicator shall be provided for all doors equipped with power operated locks. Heavy-duty detention type door closers should be provided on all swinging doors equipped with power operated locks.

History: The provisions of this § 261.156 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.157. Remote Controls

Doors to single cells, multiple occupancy cells, dormitories, and day rooms shall be capable of being locked and unlocked individually by control means located remote from the cell area. Single cells with contiguous day room and separation cells which open directly on an exiting corridor are exempt from this requirement. All remote door controls should be secure.

History: The provisions of this § 261.157 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.158. Emergency Operation of Doors

All doors to cells and day rooms shall be capable of being unlocked by a manual means at the door or a remote location.

History: The provisions of this § 261.158 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.159. Access Doors

All plumbing and mechanical access doors and panels shall be constructed and secured with locks commensurate to the security sought to be achieved.

History: The provisions of this § 261.159 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.160. Temperature Control

Temperature levels shall be reasonably maintained between 65 degrees Fahrenheit and 85 degrees Fahrenheit in all occupied areas.

History: The provisions of this § 261.160 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.161. Air Flow

Ventilation shall be sufficient to admit fresh air and remove disagreeable odors. A sufficient number of windows capable of being opened, or a mechanical ventilation system provided with emergency electrical power, shall be provided in order to allow for sufficient ventilation in case of breakdown in the normal ventilation system or normal power failure.

History: The provisions of this § 261.161 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.162. Plumbing

Plumbing work shall meet the requirements of the Southern Standard Building Code, or equivalent. Warm and cold water should be provided at all lavatories and warm water shall be provided at all showers. Warm water temperature shall be between 100 and 120 degrees Fahrenheit. All plumbing in inmate occupied areas should have quick shut off capability.

History: The provisions of this § 261.162 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.163. Sinks

Sufficient mop sinks with hot and cold water should be provided within the security perimeter and administrative area.

History: The provisions of this § 261.163 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.164. Faucets

Cold water faucets with standard hose connections should be provided in plumbing access space or corridors.

History: The provisions of this § 261.164 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.165. Floor Drains

Floor drains shall be located throughout the facility so as to reduce the possibility of flooding. Floor drains shall be provided in every area where toilets, lavatories, or showers are located. Drain covers should be provided and securely anchored with vandal proof screws.

History: The provisions of this § 261.165 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.166. Lighting

Adequate illumination shall be provided throughout the cells and day rooms. An illumination level of 20 foot candles shall be provided at mirrors and tables. Master light controls for cells and day rooms and electrical conduit shall be out of reach of inmates. Inmates should be capable of controlling some lighting; override capability shall be provided. All lighting fixtures in cells and day rooms shall be detention type. Night lights sufficient to permit continuous observation shall be provided. Control areas and means of egress shall be continuously illuminated. Exteriors of buildings and all entrances shall be lighted sufficiently to observe

approaching persons.

History: The provisions of this § 261.166 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.167. Audible Communication

Two-way voice communication shall be available at all times between inmates and jailers.

History: The provisions of this § 261.167 adopted to be effective December 19, 1994, 19 TexReg 9526; amended to be effective December 22, 2020, 45 TexReg 9230

§ 261.168. Television Monitoring

Closed circuit television monitoring may be provided to supplement control and security functions. Closed circuit television monitoring of toilet and shower areas shall not be allowed except in medical and special observation areas.

History: The provisions of this § 261.168 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.169. Electrical Power

Electrical installation shall comply with state and local codes and ordinances. Facilities should have adequate electrical receptacles in corridors or chases for food carts, janitorial, and maintenance equipment.

History: The provisions of this § 261.169 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.170. Emergency Electrical Power

An emergency electrical power system for quick recovery to maintain essential services, security, and safety should be provided to meet the life safety requirements as required by Chapter 263 of this title (relating to Life Safety). If installed, such system shall be tested operationally not less than weekly and a record kept of this testing.

History: The provisions of this § 261.170 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.171. Applicability

The provisions of this section apply only to facilities existing and being operated as county facilities on December 23, 1976.

History: The provisions of this § 261.171 adopted to be effective December 19, 1994, 19 TexReg 9526.

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§ 261.200. Lockup Operation Concept

A facility shall be planned to receive unclassified persons, hold pretrial persons, and allow for processing, classifying, and releasing persons at all times. Inmates shall not be confined in a lockup in excess of 72 hours.

History: The provisions of this § 261.200 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.201. Lockup Facilities

A facility shall consist of one or more single cells and may include multiple occupancy cells or dormitories.

History: The provisions of this § 261.201 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.202. Lockup Security Requirements

Facility security should be planned to protect inmates from one another, protect staff and visitors from inmates, and deter or prevent escapes.

History: The provisions of this § 261.202 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.203. Special Security

A facility shall be constructed and maintained as a special security unit. The integrity of the security perimeter shall not be compromised by other functions.

History: The provisions of this § 261.203 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.204. Construction Materials

Inmate housing areas and day rooms shall be constructed of metal, masonry, concrete, or other comparable materials. The level of security desired should determine the selection of appropriate materials.

History: The provisions of this § 261.204 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.205. Public Areas

Public areas shall be located outside the security perimeter. Public access to the security perimeter shall be controlled. A public lobby or waiting area should be provided for the convenience of the public, including seating, drinking fountains, and rest rooms and should include lockers or storage for visitor's articles. Provisions shall be made for disabled visitors.

History: The provisions of this § 261.205 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.206. Vision into Inmate Areas

Design and construction shall preclude direct vision into inmate occupied areas by the public.

History: The provisions of this § 261.206 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.207. Administrative Space

The facility shall provide sufficient space for administrative, program, and clerical needs. Adequate space for equipment and supplies shall be provided to meet established and projected

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needs. These spaces should be located outside the inmate housing areas. Evidence storage should not be located within the security perimeter.

History: The provisions of this § 261.207 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.208. Squad Rooms

Locker space, toilets, lavatories, showers, dressing rooms, and classroom space should be provided for staff and shall be located outside the security perimeter. Break and dining space should be provided in the facility.

History: The provisions of this § 261.208 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.209. Arsenal

An arsenal or secure storage area for weapons and tactical equipment should be provided outside the security perimeter.

History: The provisions of this § 261.209 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.210. Inmate Movement Into and Out of Lockup

Construction should provide for movement of an inmate or detainee into and out of the facility without exposing the individual to contact with the public.

History: The provisions of this § 261.210 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.211. Inmate Movement inside Lockup

The design should provide for the orderly movement of inmates and services.

History: The provisions of this § 261.211 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.212. Observation

Inmate occupied areas should be constructed to facilitate observation of inmates.

History: The provisions of this § 261.212 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.213. Emergency Access

Multistory facilities shall have an elevator or other passageway large enough to accommodate the passage of patient evacuation equipment.

History: The provisions of this § 261.213 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.214. Segregation

Design shall provide adequate segregation facilities for segregation of different classifications of inmates in accordance with the facility classification plan as required by Chapter 271 of this title (relating to Classification and Separation).

History: The provisions of this § 261.214 adopted to be effective December 19, 1994, 19 TexReg 9526.

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§ 261.215. Functions

Minimum space allocations should provide for, but not be limited to:

- (1) inmate processing:
 - (A) reception and holding;
 - (B) shakedown;
 - (C) booking;
 - (D) identification;
 - (E) dressing in and out;
 - (F) video taping and intoxilizer programs if such are to be performed in the facility;
- (2) detention:
 - (A) inmate housing;
 - (B) segregation;
 - (C) visiting;
 - (D) jailer stations;
- (3) support/services:
 - (A) public areas;
 - (B) administrative offices;
 - (C) food service;
 - (D) laundry;
 - (E) storage;
 - (F) sanitation.
- (4) It is permissible to use the same room or space allocation for more than one of the listed functions where such use will not deny the rights of any individual and will not impair the safety, security, sanitation or required segregation of the facility.

History: The provisions of this § 261.215 adopted to be effective December 19, 1994, 19 TexReg 9526; amended to be effective November 8, 1998, 23 TexReg 11165; amended to be effective July 7, 2013, 38 TexReg 4192

§ 261.216. Vehicular Sally Port

A facility may have a vehicular sally port. If provided, a sally port should be located inside or abutting the building so that inmates may board or disembark from a vehicle. Space should be sufficient to accommodate anticipated transportation vehicles.

History: The provisions of this § 261.216 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.217. Inmate Entrance

The inmate entrance should be through a safety vestibule into the processing area. This entrance shall allow for passage of patient evacuation equipment between interlocking doors. The entrance shall be designed and constructed to allow observation and identification of persons approaching the inmate entrance. Electronic surveillance equipment may be used.

History: The provisions of this § 261.217 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.218. Weapon Storage

Separate secure storage space shall be provided at all entrances to the security perimeter for weapons and ammunition.

History: The provisions of this § 261.218 adopted to be effective December 19, 1994, 19 TexReg 9526.

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§ 261.219. Processing Area

Facilities shall have a processing area located inside the security perimeter. The processing area shall be designed to readily permit the booking, shakedown, identification, and dressing of inmates. A telephone shall be available for detainees' use. Processing areas should be provided with access to drinking fountains and toilets. Panels or partitions may be erected in the booking area to provide privacy and separation of inmates.

History: The provisions of this § 261.219 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.220. Identification

Space shall be provided for identification procedures.

History: The provisions of this § 261.220 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.221. Visiting Areas

Visiting areas shall be provided. Visitation areas shall be designed for the degree of security sought to be achieved. Audible communications shall be provided between the visitor and inmate. Provisions shall be made for disabled visitors and inmates. Seating should be provided for both visitors and inmates. A secure visiting area should be provided for contact visits from law enforcement officers, attorneys, clergy, and probation and parole officers. Provisions shall be made for passage of legal paper between inmates and attorneys.

History: The provisions of this § 261.221 adopted to be effective December 19, 1994, 19 TexReg 9526; amended to be effective December 27, 1995, 20 TexReg 10619.

§ 261.222. Jailer Stations

A sufficient number of jailer stations shall be provided on each floor where inmates are housed. Staff toilets and lavatories should be provided in close proximity to jailer stations.

History: The provisions of this § 261.222 adopted to be effective December 19, 1994, 19 TexReg 9526; amended to be effective July 7, 2013, 38 TexReg 4192

§ 261.223. Kitchen

If food is to be prepared in the facility, a kitchen of adequate size and properly equipped shall be provided and shall include the following.

- (1) Functions. Kitchen space and equipment shall allow for the efficient operations of receiving, storage, processing, preparation, cooking, baking, serving, dish washing, cleaning, menu preparation, record keeping, personal hygiene, and removal of waste and garbage. Kitchen functions shall be performed without compromising the security of the facility. The kitchen should not be designed as a passageway for nonfood handling persons.
- (2) Storage. Adequate dry and cold storage shall be provided appropriate for the size of kitchen. Separate storage shall be provided for nonfood items.
- (3) Surfaces. The kitchen floor shall be properly pitched to adequate floor drains and allow for proper cleaning. Floor finish should prevent slipping. The junction between floors and walls shall be covered. Walls and ceilings shall be finished with smooth washable light colored surfaces.
- (4) Light. Adequate lighting shall be provided on all work surfaces.
- (5) Ventilation. Food service areas shall be adequately ventilated to control disagreeable odors and moisture. All openings to the outside shall be secured and provided with insect screens.

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(6) Water. Adequate hot and cold water shall be provided for food preparation, cleaning and dish washing. Hot water equipment shall be of sufficient size and capacity to meet the needs of the facility.

(7) Codes. Kitchens shall comply with state health codes.

History: The provisions of this § 261.223 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.224. Dining Space

Group dining may be provided. Group dining should avoid concentrations of more than 24 inmates (48 for direct supervision).

History: The provisions of this § 261.224 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.225. Laundry Facilities

A laundry, or an acceptable laundry vendor, or both, shall be maintained to provide clean clothing, bedding, and supplies. Adequate, separate storage space, commensurate with facility capacity, shall be provided for both clean and soiled laundry and laundry supplies. Where applicable, space shall be provided for washers, extractors, and dryers. A toilet and lavatory should be provided nearby.

History: The provisions of this § 261.225 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.226. Storage Area Capacities

Storage areas based upon facility capacity should be provided as follows:

- (1) Inmate property; two cubic feet per inmate;
- (2) Inmate uniforms and linens: three cubic feet per inmate;
- (3) Inmate mattresses: raised perforated storage in the amount of five and one-fourth cubic feet per mattress for 25% of total capacity.

History: The provisions of this § 261.226 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.227. Janitorial Storage Space

Adequate, secured, well ventilated storage for janitorial supplies and equipment should be provided within the security perimeter and administrative area. Sufficient broom and mop racks should be provided.

History: The provisions of this § 261.227 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.228. Medical Storage Space

Adequate, secure space for first aid equipment, medical supplies, and drugs shall be provided.

History: The provisions of this § 261.228 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.229. Single Cells

Single cells shall not be less than eight feet high from finished floor to ceiling and not less than five feet wide from wall to wall. They shall contain not less than 40 square feet of floor space. They shall have one bunk, toilet, lavatory, table, and seat.

History: The provisions of this § 261.229 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.230. Multiple Occupancy Cells

Multiple occupancy cells shall contain two to eight bunks and not less than 40 square feet of floor space for the first bunk plus 18 square feet of floor space for each additional bunk. Each multiple occupancy cell shall have one toilet and lavatory. Cells shall contain table and seating if day room space is not provided.

History: The provisions of this § 261.230 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.231. Dormitories

Dormitories shall contain nine to 24 bunks, except direct supervision dormitories which may contain up to 48 bunks. Dormitories shall contain not less than 40 square feet of floor space for the first bunk plus 18 square feet of floor space for each additional bunk. Each dormitory shall have adequate toilets and lavatories. Cells shall contain table and seating if day room space is not provided. Not more than 40% of the inmate capacity of the facility shall be designed for dormitories.

History: The provisions of this § 261.231 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.232. Day Rooms

Single cells, multiple occupancy cells, and dormitories may be provided with day rooms. Day rooms shall be designed for no more than 24 inmates. Based on the design capacity of the cells served, the day rooms shall contain not less than 40 square feet of floor space for the first inmate plus 18 square feet of floor space for each additional inmate; adequate toilets, lavatories, mirrors, showers, seating, and tables. A utility sink should be provided. Day rooms may be contiguous with inmate living areas provided that space requirements for living areas and day rooms are met. Convenient electrical receptacles circuited with ground fault protection should be provided. Power to receptacles should be individually controlled outside of the cell.

History: The provisions of this § 261.232 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.233. Separation Cells

A facility may have one or more single occupancy separation cells which shall include the following features and equipment.

- (1) Furnishings. Each cell shall be provided with a table, seat, mirror and bunk. A shelf and clothes hook may be provided. Convenient electrical receptacles circuited with ground fault protection should be provided. Power to receptacles, when provided, shall be individually controlled outside of the cell.
- (2) Plumbing. Cells shall be provided with a toilet, lavatory, shower, and floor drain.
- (3) Cell Size. Cells shall contain not less than 40 square feet of floor space.

History: The provisions of this § 261.233 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.234. Holding Cells

One or more holding cells should be provided to hold inmates pending booking, court appearance, identification, housing assignment, discharge, or other reason for temporary housing. Holding cells shall contain the following features and equipment.

- (1) Seating. A stationary bench or benches abutting the walls shall be provided. Benches shall be 14 inches to 18 inches above the finished floor and not less than 12 inches wide. Seating shall be sufficient to provide not less than 24 linear inches per inmate at

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cell capacity.

- (2) Plumbing. Cells shall be provided with adequate toilets, lavatories, and floor drains. The floor shall be properly pitched to drains.
- (3) Cell Size. The size of the cell shall be determined by the anticipated maximum number of inmates to be confined at any one time. Cells shall be constructed to house from one to 24 inmates and shall contain not less than 40 square feet of floor space for one inmate and 18 square feet of floor space for each additional inmate to be confined.
- (4) Surfaces. Floor, wall, and ceiling material shall be durable and easily cleaned.
- (5) Supervision. The cell shall be located and constructed to facilitate supervision of the cell area and to materially reduce noise.

History: The provisions of this § 261.234 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.235. Detoxification Cells

A facility should provide one or more detoxification cells for the detention of persons during the detoxification process. These cells shall include the following features and equipment.

- (1) Seating. A stationary bench or benches abutting the walls shall be provided. Benches shall be not higher than eight inches above the finished floor, not less than two feet wide and shall extend the length of the cell.
- (2) Plumbing. Cells shall be provided with one or more vandal resistive flushing floor drains with outside controls, or vandal resistive toilet, lavatory, and standard floor drains. The floor shall be properly pitched to drains. Drinking fountains or lavatories capable of providing drinking water shall be provided.
- (3) Cell Size. The size of the cell shall be determined by the anticipated maximum number of intoxicated inmates to be confined at any one time. Cells shall be constructed to house from one to 12 inmates and shall contain not less than 40 square feet of floor space for one inmate and 18 square feet of floor space for each additional inmate to be confined.
- (4) Surfaces. Floor, wall, and ceiling material shall be durable and easily cleaned.
- (5) Supervision. The cell should be located and constructed to facilitate supervision of the cell area and to materially reduce noise.

History: The provisions of this § 261.235 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.236. Dimensions

All cells and day rooms shall be not less than eight feet from finished floor to ceiling and five feet from wall to wall. Cells containing over/under bunk units shall be measured from center line of units to wall. Corridors shall be not less than four feet wide.

History: The provisions of this § 261.236 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.237. Safety Vestibules

Safety vestibules shall be provided for each inmate living area and day room used for confinement of three or more inmates.

- (1) Safety vestibules shall have one or more interior doors and a main entrance door.
- (2) Doors shall be arranged to be locked and unlocked by control means located outside of the inmate living area and safety vestibule.
- (3) Where doors have an interlocking security feature, provisions should be made for an override capability in the event an emergency requires both doors to be opened

simultaneously.

History: The provisions of this § 261.237 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.238. Furnishings for Inmate Housing Areas

- (a) Bunks. Bunks shall be fire resistive and securely anchored. The mattress surface of the bunk shall measure not less than two feet-three inches wide and six feet-three inches long.
- (b) Toilets and Lavatories. Detention type toilets and lavatories shall be provided in cells and day rooms. Based on design capacity, each cell and day room shall provide one toilet and lavatory capable of providing drinking water for each group or increment of eight inmates.
- (c) Showers. Shower areas shall be not less than two feet-six inches square per showerhead and not less than seven feet high. Construction shall be of vandal resistive materials and should be of materials which resist the action of soap and water. Drying areas of not less than two feet-six inches square sloped to a drain should be provided adjoining the shower entrance. Based on design capacity, each separation cell and day room shall provide one shower for each group or increment of 12 inmates.
- (d) Tables and Seating. Tables and seating shall be constructed of materials which will resist vandalism. They shall be fire resistive, securely anchored, and reasonably remote from toilet areas. Tables and benches shall be not less than 12 inches wide, and linear seating shall be not less than 18 continuous inches per person. Stools shall be not less than 12 inches in diameter. Seating height of 14 inches to 18 inches shall be provided.
- (e) Privacy Shields. Inmate toilet areas in holding cells shall be configured or equipped to provide reasonable privacy from exposure to persons outside the cell. Privacy shields should extend from about 15 inches above the finished floor to about four feet-six inches high and shall be securely anchored.
- (f) Mirrors. Mirrors shall be constructed of unbreakable material. Mirrors shall be provided above lavatories in separation cells.

History: The provisions of this § 261.238 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.239. Walls

Walls should be constructed to resist vandalism and facilitate ease of maintenance. Walls shall be constructed with due consideration to the security sought to be achieved.

History: The provisions of this § 261.239 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.240. Floors

Floors should provide a high resistance to wear and moisture. A nonslip surface should be provided at the entrance to all shower areas.

History: The provisions of this § 261.240 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.241. Ceilings

Ceilings within the security perimeter shall be constructed of material not easily damaged and shall be commensurate with the security level of the adjacent walls.

History: The provisions of this § 261.241 adopted to be effective December 19, 1994, 19 TexReg 9526.

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§ 261.242. Vermin Control

Facility construction shall protect against the entrance and infestation of vermin. Materials and construction design shall contribute to efficient maintenance and housekeeping.

History: The provisions of this § 261.242 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.243. Windows and Screens

Operable windows shall be equipped with insect screens. The security level of windows in inmate occupied areas shall be commensurate with the security of the walls. Windows or skylights may be provided in inmate living and activity areas.

History: The provisions of this § 261.243 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.244. Vent Grilles

Vent grilles in walls and ceilings shall be commensurate with the security sought to be achieved. Vent grilles shall be securely anchored.

History: The provisions of this § 261.244 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.245. Food Passes

Food passes should not be less than 15 inches wide and four and one-half inches high. Lockable shutters should be provided to prevent passage of contraband.

History: The provisions of this § 261.245 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.246. Detention Doors

Hollow metal doors shall be constructed of 12 to 14 gauge steel inside the security perimeter. Eighteen gauge hollow metal doors may be used outside the security perimeter. Plate doors shall be constructed of material not less than 3/16 inch thick. The security quality of each detention door shall be determined by the level of security sought to be achieved. Detention doors shall be equipped with detention hardware and accessories.

History: The provisions of this § 261.246 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.247. Door Stops

Door stops shall be provided for all detention doors. Door closers manufactured with integral door stops may be used.

History: The provisions of this § 261.247 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.248. Door Closers

Where used, door closers for all detention swinging doors shall be appropriate for the weight of the door.

History: The provisions of this § 261.248 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.249. Keys and Locks

Keys and locks for detention doors shall be manufactured especially for detention use and shall be commensurate with the security sought to be achieved. An additional set of keys shall be

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maintained by the operator.

History: The provisions of this § 261.249 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.250. Key Cabinets

Secured key cabinets should be provided at suitable locations.

History: The provisions of this § 261.250 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.251. Power Operated Locks

Power operated locks, where used, shall be motor, solenoid, or pneumatic type and provide electrical control unlocking, key unlocking by manual operation, and automatic mechanical deadlocking of doors upon closing. A door position switch and door position indicator shall be provided for all doors equipped with power operated locks. Heavy-duty detention type door closers should be provided on all swinging doors equipped with power operated locks.

History: The provisions of this § 261.251 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.252. Remote Controls

Doors to single cells, multiple occupancy cells, dormitories, and day rooms shall be capable of being locked and unlocked individually by control means located remote from the cell area. Single cells with contiguous day room and separation cells which open directly on an exiting corridor are exempt from this requirement. All remote door controls should be secure.

History: The provisions of this § 261.252 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.253. Emergency Operation of Doors

All doors to cells and day rooms shall be capable of being unlocked by a manual means at the door or a remote location.

History: The provisions of this § 261.253 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.254. Access Doors

All plumbing and mechanical access doors and panels shall be constructed and secured with locks commensurate to the security sought to be achieved.

History: The provisions of this § 261.254 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.255. Temperature Control

Temperature levels shall be reasonably maintained between 65 degrees Fahrenheit and 85 degrees Fahrenheit in all occupied areas.

History: The provisions of this § 261.255 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.256. Air Flow

Ventilation shall be sufficient to admit fresh air and remove disagreeable odors. A sufficient number of windows capable of being opened, or a mechanical ventilation system provided with emergency electrical power, shall be provided in order to allow for sufficient ventilation in case

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of breakdown in the normal ventilation system or normal power failure.

History: The provisions of this § 261.256 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.257. Plumbing

Plumbing work shall meet the requirements of the Southern Standard Building Code, or equivalent. Warm and cold water should be provided at all lavatories and warm water shall be provided at all showers. Warm water temperature shall be between 100 and 120 degrees Fahrenheit. All plumbing in inmate occupied areas should have quick shut off capability.

History: The provisions of this § 261.257 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.258. Sinks

Sufficient mop sinks with hot and cold water should be provided within the security perimeter and administrative area.

History: The provisions of this § 261.258 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.259. Faucets

Cold water faucets with standard hose connections should be provided in plumbing access space or corridors.

History: The provisions of this § 261.259 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.260. Floor Drains

Floor drains shall be located throughout the facility so as to reduce the possibility of flooding. Floor drains shall be provided in every area where toilets, lavatories, or showers are located. Drain covers should be provided and securely anchored with vandal proof screws.

History: The provisions of this § 261.260 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.261. Lighting

Adequate illumination shall be provided throughout the cells and day rooms. An illumination level of 20 foot candles shall be provided at mirrors and tables. Master light controls for cells and day rooms and electrical conduit shall be out of reach of inmates. Inmates should be capable of controlling some lighting; override capability shall be provided. All lighting fixtures in cells and day rooms shall be detention type. Night lights sufficient to permit continuous observation shall be provided. Control areas and means of egress shall be continuously illuminated. Exteriors of buildings and all entrances shall be lighted sufficiently to observe approaching persons.

History: The provisions of this § 261.261 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.262. Audible Communication

Two-way voice communication shall be available at all times between inmates and jailers.

History: The provisions of this § 261.262 adopted to be effective December 19, 1994, 19 TexReg 9526; amended to be effective December 22, 2020, 45 TexReg 9230

§ 261.263. Television Monitoring

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Closed circuit television monitoring may be provided to supplement control and security functions. Closed circuit television monitoring of toilet and shower areas shall not be allowed except in medical and special observation areas.

History: The provisions of this § 261.263 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.264. Electrical Power

Electrical installation shall comply with state and local codes and ordinances. Facilities should have adequate electrical receptacles in corridors or chases for food carts, janitorial, and maintenance equipment.

History: The provisions of this § 261.264 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.265. Emergency Electrical Power

An emergency electrical power system for quick recovery to maintain essential services, security, and safety should be provided to meet the life safety requirements as required by Chapter 263 of this title (relating to Life Safety). If installed, such system shall be tested operationally not less than weekly and a record kept of this testing.

History: The provisions of this § 261.265 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.266. Applicability

The provisions of this section apply only to facilities existing and being operated as county facilities on December 23, 1976.

History: The provisions of this § 261.266 adopted to be effective December 19, 1994, 19 TexReg 9526.

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§ 261.300. Facility Site

The site should be of sufficient size to provide for the immediate facility. A buffer zone around the facility should be provided.

History: The provisions of this § 261.300 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.301. Facility Concept

Inmates housed in minimum security facilities shall be assessed according to the provisions of Chapter 271 of this title (relating to Classification and Separation). Unlike facilities or lockups for maximum custody and medium custody inmates, these facilities do not require stringent security measures.

History: The provisions of this § 261.301 adopted to be effective December 19, 1994, 19 TexReg 9526; amended to be effective June 14, 1996, 21 TexReg 5003.

§ 261.302. Facility Security Requirements

The facility need not be designed and maintained as a special security unit. It does not require a security perimeter. When built in conjunction with other jail or lockup functions, the integrity of the security perimeter of the higher security facility shall not be compromised.

History: The provisions of this § 261.302 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.303. Construction Materials

Inmate housing areas and day rooms may be constructed of conventional construction materials. Consideration should be given to the use of quality durable materials.

History: The provisions of this § 261.303 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.304. Public Areas

Public access to the building shall be through a main entrance. The public shall not have uncontrolled access to enter inmate areas. A public lobby or waiting area should be provided for the convenience of the public, including seating, drinking fountains, and rest rooms and should include lockers or storage for visitors' articles. Provisions shall be made for disabled visitors.

History: The provisions of this § 261.304 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.305. Vision into Inmate Areas

Design and construction shall preclude direct vision into inmate occupied areas by the public.

History: The provisions of this § 261.305 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.306. Administrative Space

The facility shall provide sufficient space for administrative, program, and clerical needs. Adequate space for equipment and supplies shall be provided to meet established and projected needs. These spaces should be located outside the inmate housing areas. Evidence storage should not be located within the security perimeter.

History: The provisions of this § 261.306 adopted to be effective December 19, 1994, 19 TexReg 9526.

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§ 261.307. Squad Rooms

Locker space, toilets, lavatories, showers, dressing rooms, and classroom space should be provided for staff and shall be located outside the security perimeter. Break and dining space should be provided in the facility.

History: The provisions of this § 261.307 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.308. Inmate Movement Into and Out of Facility

Construction should provide for movement of an inmate or detainee into and out of the facility without exposing the individual to contact with the public.

History: The provisions of this § 261.308 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.309. Observation

Inmate occupied areas should be constructed to facilitate observation of inmates.

History: The provisions of this § 261.309 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.310. Emergency Access

Multistory facilities shall have an elevator or other passageway large enough to accommodate the passage of patient evacuation equipment.

History: The provisions of this § 261.310 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.311. Segregation

Facilities shall provide separate cells and day rooms of capacities for inmates to provide adequate separation of male and female inmates as required by Chapter 271 of this title (relating to Classification and Segregation).

History: The provisions of this § 261.311 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.312. Functions

Minimum space allocations should provide for, but not be limited to:

- (1) Inmate reception:
 - (A) reception and holding;
 - (B) video taping and intoxilizer programs if such are to be performed in the facility.
- (2) Detention:
 - (A) inmate housing;
 - (B) segregation;
 - (C) visiting;
 - (D) jailer stations.
- (3) Support/Services:
 - (A) public areas;
 - (B) administrative offices;
 - (C) squad rooms;
 - (D) food service;
 - (E) laundry;
 - (F) inmate commissary;

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- (G) storage;
- (H) sanitation;
- (I) medical examination;
- (J) multipurpose rooms;
- (K) recreation and exercise;
- (L) inmate programs and activities;
- (M) counseling;
- (N) library.

- (4) It is permissible to use the same room or space allocation for more than one of the listed functions where such use will not deny the rights of any individual and will not impair the safety, security, sanitation, or required segregation of the facility.

History: The provisions of this § 261.312 adopted to be effective December 19, 1994, 19 TexReg 9526; amended to be effective July 7, 2013, 38 TexReg 4192

§ 261.313. Inmate Entrance

The inmate entrance may be through a conventional vestibule into the receiving area. This entrance shall allow for passage of patient evacuation equipment. The entrance shall be designed and constructed to allow observation and identification of persons approaching the inmate entrance. Electronic surveillance equipment may be used.

History: The provisions of this § 261.313 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.314. Weapon Storage

Separate secure storage space shall be provided at all entrances to the security perimeter for weapons and ammunition.

History: The provisions of this § 261.314 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.315. Receiving Area

Facilities shall have a receiving area. The receiving area shall be designed to readily permit the processing of inmates. Receiving areas should be provided with access to drinking fountains and toilets.

History: The provisions of this § 261.315 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.316. Visiting Areas

Visiting areas shall be provided. Audible communications shall be provided between the inmate and visitor. Provisions shall be made for disabled visitors and inmates. Seating should be provided for both visitors and inmates. A visiting area may be provided for contact visits from law enforcement officers, attorneys, clergy, and probation and parole officers. Provisions shall be made for passage of legal paper between inmates and attorneys.

History: The provisions of this § 261.316 adopted to be effective December 19, 1994, 19 TexReg 9526; amended to be effective December 27, 1995, 20 TexReg 10619.

§ 261.317. Jailer Stations

A sufficient number of jailer stations shall be provided on each floor where inmates are housed. Staff toilets and lavatories should be provided in close proximity to jailer stations.

History: The provisions of this § 261.317 adopted to be effective December 19, 1994, 19

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TexReg 9526; amended to be effective July 7, 2013, 38 TexReg 4193

§ 261.318. Kitchen

If food is to be prepared at the facility, a kitchen of adequate size and properly equipped shall be provided and shall include the following.

- (1) Functions. Kitchen space and equipment shall allow for the efficient operations of receiving, storage, processing, preparation, cooking, baking, serving, dish washing, cleaning, menu preparation, record keeping, personal hygiene, and removal of waste and garbage. Kitchen functions shall be performed without compromising the security of the facility. The kitchen should not be designed as a passageway for nonfood handling persons.
- (2) Storage. Adequate dry and cold storage shall be provided appropriate for the size of kitchen. Separate storage shall be provided for nonfood items.
- (3) Surfaces. The kitchen floor shall be properly pitched to adequate floor drains and allow for proper cleaning. Floor finish should prevent slipping. The junction between floors and walls shall be covered. Walls and ceilings shall be finished with smooth washable light colored surfaces.
- (4) Light. Adequate lighting shall be provided on all work surfaces.
- (5) Ventilation. Food service areas shall be adequately ventilated to control disagreeable odors and moisture. All openings to the outside shall be secured and provided with insect screens.
- (6) Water. Adequate hot and cold water shall be provided for food preparation, cleaning, and dish washing. Hot water equipment shall be of sufficient size and capacity to meet the needs of the facility.
- (7) Codes. Kitchens shall comply with state health codes.

History: The provisions of this § 261.318 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.319. Dining Space

Group dining may be provided. Group dining should avoid concentrations of more than 24 inmates (48 for direct supervision).

History: The provisions of this § 261.319 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.320. Laundry Facilities

A laundry or an acceptable laundry vendor, or both, shall be maintained to provide clean clothing, bedding, and supplies. Adequate, separate storage space, commensurate with facility capacity, shall be provided for both clean and soiled laundry and laundry supplies. Where applicable, space shall be provided for washers, extractors, and dryers. A toilet and lavatory should be provided nearby.

History: The provisions of this § 261.320 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.321. Storage Area Capacities

Storage areas based upon facility capacity should be provided as follows:

- (1) Inmate property: two cubic feet per inmate, unless personal property will be maintained in another facility;
- (2) Inmate uniforms and linens: three cubic feet per inmate;

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- (3) Inmate mattresses: raised perforated storage in the amount of five and one-fourth cubic feet per mattress for 25% of total capacity.

History: The provisions of this § 261.321 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.322. Janitorial Storage Space

Adequate, secured, well ventilated storage for janitorial supplies and equipment should be provided within the security perimeter and administrative area. Sufficient broom and mop racks should be provided.

History: The provisions of this § 261.322 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.323. Medical Space and Equipment

Adequate space for first aid equipment shall be provided. Space and equipment for medical examination, treatment, and convalescent care shall be provided or provisions contained in the health services plan. Adequate, secure storage for medical supplies and drugs shall be provided.

History: The provisions of this § 261.323 adopted to be effective December 19, 1994, 19 TexReg 9526; amended to be effective May 3, 1995, 20 TexReg 2866.

§ 261.324. Infirmary

An infirmary should be provided for facilities of 200 or more capacity. When an infirmary is provided, the following minimum components shall be included:

- (1) nurses station;
- (2) locked medication station with storage for individually filled prescriptions;
- (3) utility room with sink and storage for linens and equipment;
- (4) refrigerated storage;
- (5) utility room with double tub sink and clinical service sink with flushing rim;
- (6) 80 square feet of floor space per bed;
- (7) at least one single occupancy room or cell with 80 square feet of floor space;
- (8) doors, through which patients and equipment are to be moved, of adequate width to allow turning of wheeled chairs and tables normally used in medical facilities;
- (9) a lavatory with a gooseneck inlet and wrist controls accessible to each ward;
- (10) janitor closet;
- (11) toilet, lavatory, and shower for use of inmates in the infirmary;
- (12) additional elements as dictated by the facility health care director.

History: The provisions of this § 261.324 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.325. Multipurpose Rooms

One or more multipurpose rooms should be provided. These multipurpose rooms may be used for group assembly, conferences, contact visitation, counseling, religious services, education, or other special uses.

History: The provisions of this § 261.325 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.326. Exercise Area

One or more exercise areas shall be provided. Where outdoor exercise areas are provided, alternate areas should be provided for exercise during inclement weather. A toilet and drinking

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fountain should be readily available. Consideration shall be given to the requirement for inmates to be allowed access to sunlight for one hour per week after ten days confinement.

History: The provisions of this § 261.326 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.327. Single Cells

Single cells, if provided, shall not be less than eight feet high from finished floor to ceiling and not less than five feet wide from wall to wall. They shall contain not less than 40 square feet of floor space. They shall have one bunk, toilet, lavatory, table, and seat.

History: The provisions of this § 261.327 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.328. Multiple Occupancy Cells

Multiple occupancy cells shall contain two to eight bunks and not less than 40 square feet of floor space for the first bunk plus 18 square feet of floor space for each additional bunk. Each multiple occupancy cell shall have one toilet and lavatory. Multiple occupancy cells should not be provided in direct supervision facilities.

History: The provisions of this § 261.328 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.329. Dormitories

Dormitories shall contain nine to 24 bunks, except direct supervision dormitories which may contain up to 48 bunks. Dormitories shall contain not less than 40 square feet of floor space for the first bunk plus 18 square feet of floor space for each additional bunk. Each dormitory shall have adequate toilets and lavatories.

History: The provisions of this § 261.329 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.330. Day Rooms

All single cells, multiple occupancy cells, and dormitories shall be provided with day rooms. Separation cells, violent cells, holding cells, and medical cells are exempt from this requirement. Day rooms shall be designed for no more than 24 inmates, except direct supervision day rooms may be designed for up to 48 inmates. Based on the design capacity of the cells served, the day rooms shall contain not less than 40 square feet of floor space for the first inmate plus 18 square feet of floor space for each additional inmate; adequate toilets, lavatories, mirrors, showers, seating, and tables. A utility sink should be provided. Day rooms may be contiguous with inmate living areas provided that space requirements for living areas and day rooms are met. Convenient electrical receptacles circuited with ground fault protection should be provided.

History: The provisions of this § 261.330 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.331. Separation Cells

Separation cells, if provided, shall include the following features and equipment.

- (1) Furnishings. Each cell shall be provided with a table, seat, mirror, and bunk. A shelf and clothes hook may be provided. Convenient electrical receptacles circuited with ground fault protection should be provided. Power to receptacles shall be individually controlled outside of the cell.

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(2) Plumbing. Cells shall be provided with a toilet, lavatory, shower, and floor drain.

(3) Cell Size. Cells shall contain not less than 40 square feet of floor space.

History: The provisions of this § 261.331 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.332. Holding Cells

Inmates shall not be held for more than 48 hours and the cells, if provided, shall include the following features.

- (1) Seating. A stationary bench or benches abutting the walls shall be provided. Benches shall be 14" to 18" above the finished floor and not less than 12" wide. Seating shall be sufficient to provide not less than 24 linear inches per inmate at cell capacity;
- (2) Plumbing. Cells shall be provided with adequate toilets, lavatories, and floor drains. The floor shall be properly pitched to drains;
- (3) Cell Size. The size of the cell shall be determined by the anticipated maximum number of inmates to be confined at any one time. Cells shall be constructed to house from 1 to 24 inmates and shall contain not less than 40 square feet of floor space for 1 inmate and 18 square feet of floor space for each additional inmate to be confined;
- (4) Surfaces. Floor, wall, and ceiling material shall be durable and easily cleaned;
- (5) Supervision. The cell should be located and constructed to facilitate supervision of the cell area and to materially reduce noise.

History: The provisions of this § 261.332 adopted to be effective December 19, 1994, 19 TexReg 9526; amended to be effective May 3, 2000, 25 TexReg 3795

§ 261.333. Detoxification Cells

Any facility that anticipates the housing of intoxicated persons should provide one or more detoxification cells for the detention of persons during the detoxification process. These cells shall include the following features and equipment.

- (1) Seating. A stationary bench or benches abutting the walls shall be provided. Benches shall be not higher than eight inches above the finished floor, not less than two feet wide and shall extend the length of the cell.
- (2) Plumbing. Cells should be provided with one or more vandal resistive flushing floor drains with outside controls, or vandal resistive toilet, lavatory, and standard floor drains. The floor shall be properly pitched to drains. Drinking fountains or lavatories capable of providing drinking water should be provided.
- (3) Cell Size. The size of the cell shall be determined by the anticipated maximum number of intoxicated inmates to be confined at any one time. Cells shall be constructed to house from one to 12 inmates and shall contain not less than 40 square feet of floor space for one inmate and 18 square feet of floor space for each additional inmate to be confined.
- (4) Surfaces. Floor, wall, and ceiling material shall be durable and easily cleaned.
- (5) Supervision. The cell shall be located and constructed to facilitate supervision of the cell area and to materially reduce noise.

History: The provisions of this § 261.333 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.334. Violent Cells

A facility may contain one or more single occupancy cells for the temporary holding of violent persons. Violent cells shall include the following features and equipment.

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- (1) **Furnishings.** The cell shall be equipped with a hammock, not less than two feet-three inches wide and six feet-three inches long, made of an elastic or fibrous fabric. A bench abutting the wall, the length or width of the cell, at least two feet-three inches wide and six feet-three inches long and not more than eight inches above the floor may be provided in lieu of a hammock.
- (2) **Plumbing.** Flushing type floor drains with outside controls shall be provided.
- (3) **Cell Size.** Cell shall contain not less than 40 square feet of floor space.
- (4) **Padding.** Walls, floor, and bench shall be completely covered with a material to protect the inmate from self injury. The type of material used to cover the walls, floor, and bench shall be fire resistive and nontoxic.

History: The provisions of this § 261.334 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.335. Dimensions

All cells and day rooms shall be not less than eight feet from finished floor to ceiling and five feet-six inches from wall to wall. Cells containing over/under bunk units shall be measured from center line of units to wall. Corridors shall be not less than four feet wide.

History: The provisions of this § 261.335 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.336. Furnishings for Inmate Housing Areas

- (a) **Bunks.** Bunks shall be fire resistive. The mattress surface of the bunk shall measure not less than two feet-three inches wide and six feet-three inches long.
- (b) **Toilets and Lavatories.** Toilets and lavatories shall be provided in cells and day rooms. They may be conventional type. Based on design capacity, each cell and day room shall provide one toilet and lavatory capable of providing drinking water for each group or increment of eight inmates.
- (c) **Showers.** Shower areas shall be not less than two feet-six inches square per showerhead and not less than seven feet high. Construction should be of materials which resist the action of soap and water. Drying areas of not less than two feet-six inches square sloped to a drain should be provided adjoining the shower entrance. Based on design capacity, each separation cell and day room shall provide one shower for each group or increment of 12 inmates.
- (d) **Tables and Seating.** Tables and seating shall be constructed of materials which will resist vandalism. They shall be fire resistive and reasonably remote from toilet areas. Tables and benches shall be not less than 12 inches wide, and linear seating shall be not less than 18 continuous inches per person. Stools shall be not less than 12 inches in diameter. Seating height of 14 inches to 18 inches shall be provided.
- (e) **Privacy Shields.** Inmate toilet areas in holding cells shall be configured or equipped to provide reasonable privacy from exposure to persons outside the cell. Privacy shields should extend from about 15 inches from the finished floor to about four feet-six inches high and shall be securely anchored.
- (f) **Mirrors.** Mirrors shall be constructed of unbreakable material. Mirrors shall be provided above lavatories in separation cells.

History: The provisions of this § 261.336 adopted to be effective December 19, 1994, 19 TexReg 9526.

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§ 261.337. Walls

Walls should be constructed to resist vandalism and facilitate ease of maintenance.

History: The provisions of this § 261.337 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.338. Floors

Floors should provide a high resistance to wear and moisture. A nonslip surface should be provided at the entrance to all shower areas.

History: The provisions of this § 261.338 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.339. Ceilings

Ceilings should be constructed of material not easily damaged.

History: The provisions of this § 261.339 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.340. Vermin Control

Facility construction shall protect against the entrance and infestation of vermin. Materials and construction design shall contribute to efficient maintenance and housekeeping.

History: The provisions of this § 261.340 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.341. Windows and Screens

Operable windows shall be equipped with insect screens. Windows or skylights should be provided in inmate living and activity areas.

History: The provisions of this § 261.341 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.342. Food Passes

Food passes should not be less than 15 inches wide and four and one-half inches high.

History: The provisions of this § 261.342 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.343. Doors

Doors may be of any material commensurate with the degree of security sought to be achieved. Doors shall be equipped with appropriate hardware and accessories to achieve the degree of security sought.

History: The provisions of this § 261.343 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.344. Door Stops

Door stops shall be provided for all detention doors. Door closers manufactured with integral door stops may be used.

History: The provisions of this § 261.344 adopted to be effective December 19, 1994, 19 TexReg 9526.

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§ 261.345. Door Closers

Where used, door closers for all detention swinging doors shall be appropriate for the weight of the door.

History: The provisions of this § 261.345 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.346. Keys and Locks

Conventional keys and locks may be used. An additional set of keys shall be maintained by the operator.

History: The provisions of this § 261.346 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.347. Key Cabinets

Key cabinets should be provided at suitable locations.

History: The provisions of this § 261.347 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.348. Power Operated Locks

Power operated locks, where used, shall be motor, solenoid, or pneumatic type and provide electrical control unlocking, key unlocking by manual operation, and automatic mechanical deadlocking of doors upon closing. A door position switch and door position indicator shall be provided for all doors equipped with power operated locks. Door closers should be provided on all swinging doors equipped with power operated locks.

History: The provisions of this § 261.348 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.349. Emergency Operation of Doors

All doors to cells and day rooms shall be capable of being unlocked by a manual means at the door or a remote location. All remote door controls shall be secure.

History: The provisions of this § 261.349 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.350. Temperature Control

Temperature levels shall be reasonably maintained between 65 degrees Fahrenheit and 85 degrees Fahrenheit in all occupied areas.

History: The provisions of this § 261.350 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.351. Air Flow

Ventilation shall be sufficient to admit fresh air and remove disagreeable odors. A sufficient number of windows capable of being opened, or a mechanical ventilation system provided with emergency electrical power, shall be provided in order to allow for sufficient ventilation in case of breakdown in the normal ventilation system or normal power failure.

History: The provisions of this § 261.351 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.352. Plumbing

Plumbing work shall meet the requirements of the Southern Standard Building Code, or

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equivalent. Warm and cold water should be provided at all lavatories and warm water shall be provided at all showers. Warm water temperature shall be between 100 and 120 degrees Fahrenheit. All plumbing in inmate occupied areas should have quick shut off capability.

History: The provisions of this § 261.352 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.353. Sinks

Sufficient mop sinks with hot and cold water should be provided.

History: The provisions of this § 261.353 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.354. Faucets

Cold water faucets with standard hose connections should be provided in plumbing access space or corridors.

History: The provisions of this § 261.354 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.355. Floor Drains

Floor drains shall be located throughout the facility so as to reduce the possibility of flooding. Floor drains shall be provided in every area where toilets, lavatories, or showers are located.

History: The provisions of this § 261.355 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.356. Lighting

Adequate illumination shall be provided throughout the cells and day rooms. An illumination level of 20 foot candles shall be provided at mirrors and tables. Inmates should be capable of controlling some lighting; override capability shall be provided. Night lights sufficient to permit continuous observation shall be provided. Control areas and means of egress shall be continuously illuminated. Exteriors of buildings and all entrances shall be lighted sufficiently to observe approaching persons.

History: The provisions of this § 261.356 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.357. Audible Communication

Two-way voice communication shall be available at all times between inmates and jailers.

History: The provisions of this § 261.357 adopted to be effective December 19, 1994, 19 TexReg 9526; amended to be effective December 22, 2020, 45 TexReg 9231

§ 261.358. Television Monitoring

Closed circuit television monitoring may be provided to supplement control and security functions. Closed circuit television monitoring of toilet and shower areas shall not be allowed except in medical and special observation areas.

History: The provisions of this § 261.358 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.359. Electrical Power

Electrical installation shall comply with state and local codes and ordinances. Facilities should have adequate electrical receptacles in corridors or chases for food carts, janitorial, and

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maintenance equipment.

History: The provisions of this § 261.359 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.360. Emergency Electrical Power

An emergency electrical power system for quick recovery to maintain essential services, security, and safety should be provided to meet the life safety requirements as required by Chapter 263 of this title (relating to Life Safety). If installed, such system shall be tested operationally not less than weekly and a record kept of this testing.

History: The provisions of this § 261.360 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 261.361. Applicability

The provisions of this section apply only to facilities existing and being operated as county facilities on December 23, 1976.

History: The provisions of this § 261.361 adopted to be effective December 19, 1994, 19 TexReg 9526.

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§ 263.1. General Purpose

All facilities shall be designed, constructed, maintained, staffed, and operated to:

- (1) provide for proper compartmentation;
- (2) provide for the prompt detection, alarm, and extinguishing of fires and the avoidance of any explosion;
- (3) provide for a mechanical smoke management system and other emergency equipment;
- (4) provide (and file with the Commission) plans, programs, drills, and training for emergencies, as required under § 263.40 and § 263.41 of this title (relating to Plans and Drills for Emergencies).

History: The provisions of this § 263.1 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 263.2. Equivalency

Nothing in these rules is intended to prevent the use of new systems, new methods, new devices, or systems, methods, or devices of equivalent quality, strength, fire resistance effectiveness, durability, and safety to those set forth in these rules, providing technical data is submitted to the commission demonstrating the equivalency of such systems, methods or devices.

History: The provisions of this § 263.2 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 263.3. Adequacy of Plans/Drills

The commission shall determine the compliance of each facility's exits, emergency plans, programs, drills, procedures, equipment, and the other measures for life safety in accordance with these rules. Variances from the strict requirements of these rules may be granted by the commission in accordance with the variance procedures set forth in Chapter 299 of this title (relating to Variance Procedure Rules), but only when it is clearly evident that reasonable life safety is thereby secured.

History: The provisions of this § 263.3 adopted to be effective December 19, 1994, 19 TexReg 9526.

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§ 263.10. Removal of Occupants

Because doors are locked and windows are secured in jails, provisions shall be made for the rapid removal of occupants by such reliable means as the remote control of doors, or by keying all locks to keys readily available to staff who are continually on duty, and have undergone emergency drills.

History: The provisions of this § 263.10 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 263.11. Separation

Jails in buildings serving other functions shall be completely separated from such other functions or occupancies by construction having a fire resistive rating of at least two hours. This rule applies to existing jails as well as new construction. Minimum security inmate housing not provided with a smoke removal system shall be separated from all other inmate occupancy areas by fire resistive partitions of at least two hour rating.

History: The provisions of this § 263.11 adopted to be effective December 19, 1994, 19 TexReg 9526; amended to be effective June 14, 1996, 21 TexReg 5003.

§ 263.12. Additions/New Construction

New facilities, new additions, and major renovations to existing facilities shall:

- (1) be constructed of fire resistive, noncombustible materials. Single story, minimum security facilities may use wood framing when provided as part of an Underwriters Laboratory fire rated assembly, appropriate for the application, provided exterior walls, interior walls, and ceilings are of fire resistive materials. Roof materials shall meet Class C criterion unless superseded by local code requirements;
- (2) have dividing fire and smoke partitions between floors, between compartments, and in corridors with self-closing fire doors or normally closed power operated swinging or sliding detention doors;
- (3) have Class A interior finish materials on all interior surfaces (flame spread 0-25, smoke developed 0-450 in accordance with NFPA 255, "Method of Test of Surface Burning Characteristics of Building Materials");
- (4) be designed for isolation of fires, riots, or other emergencies;
- (5) provide means of egress components consisting of doors, stairs, and smoke proof enclosures (in multistory facilities), horizontal exits, and passageways in accordance with NFPA 101 Life Safety Code § 14.2 concerning Means of Egress Components.

History: The provisions of this § 263.12 adopted to be effective December 19, 1994, 19 TexReg 9526; amended to be effective June 14, 1996, 21 TexReg 5003.

§ 263.13. Number of Exits

There shall be no less than two exits on each floor of each facility, as remote as practicable from one another, to minimize the possibility that both may be blocked at the same time by fire or other emergency, and to which, upon release in emergency situations, inmates may have access by open, unobstructed, safe, and continuous passageways or corridors leading directly to such exits. Travel distance between any point on the floor of the facility and an exit shall not exceed 150 feet. Travel distance between any point on the floor and an exit may be increased by 50 feet in fully sprinklered facilities not to exceed 200 feet of total travel distance. Existing facilities having a capacity of 45 inmates or less may operate with a single exit with the approval of the commission. Elevators shall not be considered or relied upon as exits.

History: The provisions of this § 263.13 adopted to be effective December 19, 1994, 19

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§ 263.14. Width of Exit

Exit doors to cells, day rooms, and other rooms where inmates are confined, up to a capacity of 48 inmates, shall have a minimum clear width of 28 inches. The minimum width of all other exit doors shall be calculated at 0.2 inches of clear width for each inmate utilizing the door for exit access, but in no case shall such width be less than 36 inches. Stairs shall provide 0.3 inches of width for each inmate utilizing stairs for exit access, but in no case shall such width be less than 44 inches. (Exception: Facilities in operation or initiated prior to March 31, 1991, may utilize exit doors having a minimum clear width of 28 inches.)

History: The provisions of this § 263.14 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 263.15. Illumination of Exits

All corridors and passages to exits, the exits themselves, discharging stairways, and other means of egress shall be continuously illuminated at all points with not less than 1.0 foot candle measured at the floor, and shall be so arranged that the failure of any lighting unit or bulb will not leave any area in darkness.

History: The provisions of this § 263.15 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 263.16. Exit Marking

Access to exits shall be marked by readily visible signs at all locations where the exit is not readily visible from outer cell doors. At all times, the access-to-exit and exit signs shall be of such size and distinctive and contrasting coloring as to be readily visible, shall be continuously illuminated, and shall never be covered or obstructed.

History: The provisions of this § 263.16 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 263.17. Exit Stairways

Interior stairways serving as emergency exits for new facilities and new additions shall be separated by a two-hour fire rated enclosure and self-closing fire doors.

History: The provisions of this § 263.17 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 263.18. Exit Doors

All swinging doors to cells, day rooms, and inmate activity areas shall be installed to swing in the direction of exit traffic; and all doors shall be so situated that, in the process of opening and when fully open, they shall be unobstructed.

History: The provisions of this § 263.18 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 263.19. Hazardous Area Protection

- (a) Areas used for general storage, boiler or furnace rooms, fuel storage, storage for chemicals or cleaning supplies, maintenance shops including woodworking and painting areas, laundries, and kitchens, shall be separated from other parts of the building with two hour fire resistive construction with openings protected with automatic or self-closing one-half hour fire rated assemblies. When the hazardous area is protected by automatic sprinkler protection, the separation may be of one hour fire resistive

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construction with openings protected with automatic or self closing 20 minute fire rated assemblies.

- (b) Cooking facilities producing grease laden vapors shall have approved automatic fire extinguishing systems protecting cooking surfaces and hood and duct systems serving the cooking equipment in accordance with NFPA 96.
- (c) Where hazardous processes or storage areas are of such a character as to introduce an explosion potential, explosion venting or an explosion suppression system specifically designed for the hazard shall be provided. The use of combustible supplies and permitting of hazardous material and trash to collect shall be minimized and avoided where possible.

History: The provisions of this § 263.19 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 263.20. Duct Dampers

Air conditioning and ventilation duct work in new facilities and new additions shall contain dampers to resist the passage of smoke at each point a duct penetrates a smoke partition or floor level; such ducts shall close automatically upon the detection of smoke. (Exception: this rule does not apply for duct work which is part of a smoke detection or smoke management system.)

History: The provisions of this § 263.20 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 263.21. Construction Materials and Furnishings

Construction materials as well as furnishings and fittings shall consist of noncombustible or low hazard content material only. Fire resistant and nontoxic mattresses only (pillows where furnished), to include the core and ticking, shall be used. Ticking should be antibacterial, stain resistant and easily cleaned.

History: The provisions of this § 263.21 adopted to be effective December 19, 1994, 19 TexReg 9526.

CHAPTER 263. LIFE SAFETY, SUBCHAPTER C. DETECTION AND ALARM SYSTEMS

§ 263.30. General

An automatic fire detection and alarm system shall be provided for all facilities. The system shall include:

- (1) automatic fire detection for all areas of the facility;
- (2) manual fire alarm pull station for staff use;
- (3) visual and audible annunciation of all fire detection devices and fire extinguishing systems at continuously staffed locations.

History: The provisions of this § 263.30 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 263.31. Smoke Detection

Fire detection for inmate occupied areas shall be by means of listed and labeled smoke detectors. The detectors shall be so located to meet the smoke detection testing criterion of § 263.51(f) of this title (relating to Smoke Management).

History: The provisions of this § 263.31 adopted to be effective December 19, 1994, 19 TexReg 9526; amended to be effective June 25, 2000, 25 TexReg 5917

§ 263.32. Periodic Testing

The alarm systems should be tested in accordance with the manufacturer's recommendation, but shall be tested at least on calendar quarterly intervals.

History: The provisions of this § 263.32 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 263.33. Notification of Others

The fire alarm system should provide annunciation at the local fire department.

History: The provisions of this § 263.33 adopted to be effective December 19, 1994, 19 TexReg 9526.

CHAPTER 263. LIFE SAFETY RULES, SUBCHAPTER D. PLANS AND DRILLS FOR EMERGENCIES

§ 263.40. Plans

Each facility shall have and implement a written plan, approved by the commission, for escapes, riots, assaults, fires, evacuations, rebellions, civil disasters, and any other emergencies. Each plan shall provide for:

- (1) use and response to alarms;
- (2) notification of and access for:
 - (A) fire department;
 - (B) emergency medical service;
 - (C) other law enforcement officials;
- (3) isolation of emergency areas;
- (4) prompt release and evacuation of emergency areas (including nonambulatory inmates);
- (5) prevention of escapes during evacuations;
- (6) fire suppression and extinguishment, rendering of prompt medical aid and quelling disturbances; and
- (7) protection of staff during emergencies.

History: The provisions of this § 263.40 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 263.41. Training and Drills

Training of staff for emergency situations shall be provided immediately upon employment and no less than each calendar quarter for all jail personnel to include fire, emergency, evacuation drills, and location and use of equipment.

History: The provisions of this § 263.41 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 263.42. Fire Prevention Plan

Each facility, after consultation with the local fire department or Texas Commission on Fire Protection, shall have and implement a written plan, approved by the Commission on Jail Standards, for fire prevention and a fire hazard inspection checklist which shall be evaluated no less than each calendar quarter. The facility shall be inspected annually by a local fire official who is certified by the Texas Commission on Fire Protection or who meets the alternative criteria provided in Government Code 419.909 and shall pass the inspection.

History: The provisions of this §263.42 adopted to be effective December 19, 1994, 19 TexReg 9526; amended to be effective December 22, 1999, 24 TexReg 11518; amended to be effective July 5, 2022, 47 TexReg 3822

**CHAPTER 263. LIFE SAFETY RULES, SUBCHAPTER E.
LIFE SAFETY AND EMERGENCY EQUIPMENT**

§ 263.50. Emergency Electrical Power

- (a) New facilities, new additions, and major renovations to existing facilities shall be equipped with an emergency back-up electrical generator designed to operate both manually and automatically upon interruption of the primary electrical power source. The system shall be capable of operating uninterrupted for a minimum period of one and one half hours without refueling. Back-up electrical power shall be provided for necessary equipment and life safety systems including, but not limited to:
 - (1) emergency illumination systems;
 - (2) exit lights;
 - (3) smoke management systems;
 - (4) fire detection and alarm systems;
 - (5) audible communication systems;
 - (6) security/control systems;
 - (7) normal ventilation systems required for smoke detection.
- (b) Existing facilities shall provide emergency illumination and this may be accomplished by utilizing a battery back-up system capable of continuous operation for one and one-half hours.

History: The provisions of this § 263.50 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 263.51. Smoke Management

- (a) General. Jails shall have a sufficient means of managing smoke from a fire to permit orderly movement of inmates from the area of a fire incident. Smoke management shall limit the exposure of staff to untenable conditions when responding to a fire emergency. The means of smoke management shall be a combination of compartmentation, control of smoke migration from the affected area, and means of removing smoke to the exterior of the building. The smoke management system shall include the consideration of:
 - (1) automatic and manual fire detection;
 - (2) automatic and manual fire alarm;
 - (3) automatic and manual smoke control system activation;
 - (4) automatic and manual fire suppression;
 - (5) maintenance of safe means of egress;
 - (6) movement of inmates from affected area to an area of safety;
 - (7) containment of smoke to space of fire origin;
 - (8) automatic and manual removal of smoke.
- (b) Coverage.
 - (1) Smoke management shall be provided throughout all detention and support areas within the security perimeter.
 - (2) Mechanical smoke control systems and smoke removal systems shall be provided for all inmate housing areas, including cells, day rooms, dormitories, and special purpose cells.
 - (3) For the purpose of smoke control and smoke removal systems, the affected area shall be deemed to be the compartment consisting of a cell, day room, dormitory, or special purpose cell, in which the fire incident originates. Where open grating or mesh walls are used, the affected area shall be restricted to the cell(s) and the adjacent day room.
- (c) Compartmentation. Smoke barriers shall be provided in accordance with the Life Safety

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Code, NFPA 101 14.3 concerning Subdivision of Building Spaces.

(d) Control of Smoke Migration.

- (1) The fire detection system shall promptly detect smoke within the affected area.
- (2) Upon detection, an alarm system shall automatically alert the control station(s) and initiate the automatic smoke control system.
- (3) The smoke control system shall automatically, by pressure differential and/or air flow, contain smoke in the area of fire origin.
- (4) Smoke control systems shall be designed so that smoke is restricted from entering the means of egress during the evacuation of inmates by providing sufficient air flow through exit access doors, when open.
- (5) A manual override capability shall be provided in the event of detection failure and for testing purposes.

(e) Smoke Removal.

- (1) All jails shall be provided with smoke removal capability, except as provided under subsection (g) of this section, relating to exceptions.
- (2) The smoke removal system shall have the ability to remove smoke from the affected area to the exterior of the building using fixed mechanical equipment. Existing facilities (in operation prior to December 23, 1976) may be exempt from using fixed equipment when portable equipment is provided.
- (3) During smoke removal, smoke shall not migrate from the affected area to other areas of the building.
- (4) Smoke removal systems shall be designed to develop air flow patterns within the affected area which contribute to the dilution and removal of smoke. Air devices for supply and exhaust shall be separated by a distance of not less than 75% of the horizontal dimensions of the compartment and so arranged to provide air flow coverage of at least 50% of the vertical dimension of the compartment. Alternate air device configurations which have demonstrated effectiveness by field testing or mock-up testing may be approved.
- (5) Capacity of the smoke removal system shall be sufficient to comply with subsection (f) of this section relating to smoke testing. Facilities in operation or initiated prior to March 31, 1991, which are not provided with a complete smoke management system (as required by this section) shall provide smoke removal capability, being automatically activated by the smoke detection system when utilizing fixed equipment, meeting the smoke testing criteria established by the commission on September 27, 1989. Designs for smoke removal systems which provide air change rates of less than 15 air changes per hour shall not be utilized. Design consideration shall be given to system configuration, friction loss, pressure drops and differentials, air leakage, and other construction characteristics, which may necessitate safety factors being included in design calculations.
- (6) A manual override capability shall be provided in the event of detection failure and for testing purposes.

(f) Testing.

- (1) General. Testing of the smoke management systems in all facilities shall be in compliance with the requirements of this section.
- (2) Functional Testing.
 - (A) Air Balancing Certification. Prior to any other testing of new smoke management systems, an air balance report prepared in accordance with nationally recognized practices shall be submitted to the county.

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Such report shall bear certification that the smoke control and removal systems meet the engineer of record's design requirements with respect to pressure differentials achieved and air flow rates necessary to meet the intended smoke management operation. A copy of the air balance report shall be maintained at the facility and made available to the commission's inspector during all tests and inspections. An air balance report on an existing system may be required by the Texas Commission on Jail Standards when there is evidence that the smoke management system has been impaired due to modifications to the system or inadequate maintenance.

- (B) System Operation. A test of smoke management system's initiating devices and control systems' output shall be performed. Such testing shall verify that, upon activation of a smoke detector, water flow indicating device, manual fire alarm station, or other smoke management system initiating device, the smoke management system components will automatically commence operation. The engineer of record shall provide a "cause and effect" chart to indicate the appropriate smoke management operating mode for all affected equipment based on the operation of each initiating device. Acceptance of functional testing shall be predicated upon all input and output devices performing as indicated by the "cause and effect" chart.

(3) Smoke Testing.

- (A) General smoke testing of the smoke management systems shall be accomplished in accordance with this section. The smoke management system shall be tested in both normal and emergency power modes.
- (B) Smoke Detection. Artificial smoke shall be introduced into the space to be tested. The rate of introduction of smoke shall be two times the volume of the space to be tested. The commission may establish a minimum amount of smoke to be introduced into a space. The smoke detection system shall alarm and initiate the smoke control and removal system(s) within 60 seconds of the beginning of smoke introduction.
- (C) Smoke Migration. The smoke management system shall be deemed to be controlling smoke migration if smoke from the detection test does not migrate from the affected area for a period of ten minutes from the time of detection and activation of the smoke control system. The inspector may conduct the smoke migration test with the compartment exit door open or closed.
- (D) Smoke Removal. Utilizing the procedure for testing smoke detection, smoke removal shall be completed in the space to be tested within fifteen minutes from the time of system activation.

- (4) Maintenance and Retesting. The smoke management systems shall be regularly maintained to assure consistent performance. The smoke management systems shall be operationally tested quarterly and may be tested by the commission's inspector on an annual basis utilizing the smoke testing procedures.

(g) Exceptions.

- (1) Fully sprinklered, minimum security facilities may be exempt from these requirements if approved by the sheriff, the local fire marshal, and the commission; however, smoke detection and alarm systems shall be provided for

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all facilities. Approval shall be based on review of each facility, the degree of overall protection achieved, and a high degree of freedom of movement afforded the inmates. Such facilities shall be inspected by local fire protection authorities monthly.

- (2) Single story, new construction, minimum security facilities whose exit doors are incapable of being locked from the inside and which provide direct exiting to the exterior of the building from the inmate sleeping area(s) and day room(s) may be constructed without smoke control, smoke removal, or sprinkler systems. However, these facilities shall provide proper compartmentation and smoke detection.
- (3) Facilities that were in operation or initiated prior to March 31, 1991, and which comply with subsection (e) of this section, relating to Smoke Removal, may be exempt from other requirements of this section relating to smoke management.

History: The provisions of this § 263.51 adopted to be effective December 19, 1994, 19 TexReg 9526; amended to be effective June 14, 1996, 21 TexReg 5003.

§ 263.52. Standpipes and Hoses

Each facility shall be furnished with an approved wet NFPA 14 Class III standpipe and hose system (located to permit quick deployment to all inmate occupied areas) for use by fire department personnel and staff. Partial or complete automatic fire sprinkler systems with appropriate sprinkler heads may be provided. Facilities equipped with complete automatic fire sprinkler systems, in accordance with NFPA 13, may reduce the system to an NFPA Class I system. A one inch noncollapsible hose and reel system may be used in lieu of the one and one-half inch collapsible hose when approved by local fire officials. Existing facilities may request a variance from this requirement.

History: The provisions of this § 263.52 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 263.53. Portable Fire Extinguishers

Portable fire extinguishers of the number, size, and type, and in appropriate locations or in accordance with NFPA 101 shall be provided.

History: The provisions of this § 263.53 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 263.54. Equipment

All life safety equipment shall be out of reach of inmates or otherwise secured from unauthorized tampering. At least one self-contained breathing apparatus shall be available and maintained in or near each facility control station. All staff shall be trained and quarterly drills conducted in the use of this equipment. A minimum of one unit shall be provided for each building of a multibuilding facility and on each floor of a multistory facility.

History: The provisions of this § 263.54 adopted to be effective December 19, 1994, 19 TexReg 9526.

§ 263.55. Inspections, Maintenance, Testing

All life safety equipment shall be inspected, maintained, and tested by persons qualified to do so (whether under vendor contract, by state or private agency or otherwise) in order that such equipment shall be safe, secure, and fully operative at all times.

History: The provisions of this § 263.55 adopted to be effective December 19, 1994, 19 TexReg 9526.

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§ 263.56. Testing Emergency Power Equipment

Emergency power equipment shall be tested at least once each week and the electric load transferred to the circuits at least monthly.

History: The provisions of this § 263.56 adopted to be effective December 19, 1994, 19 TexReg 9526.

**CHAPTER 263. LIFE SAFETY RULES, SUBCHAPTER F.
RECORDS AND REPORTS**

§ 263.70. Records

Adequate records of all required life safety plans, drills, and inspection of equipment shall be maintained and shall be readily available for inspection by the commission. The records shall include date, time, results, and signature of person conducting inspection.

History: The provisions of this § 263.70 adopted to be effective December 19, 1994, 19 TexReg 9526.

**CHAPTER 263. LIFE SAFETY RULES, SUBCHAPTER G.
SUBMISSION WITH ARCHITECTURAL PLANS**

§ 263.90. Submission

Drawings of adequate detail indicating all life safety and emergency equipment and the proposed function thereof shall be submitted with new construction or renovation plans in accordance with § 257.4 of this title (relating to Required Submissions).

History: The provisions of this § 263.90 adopted to be effective March 22, 1991, 16 TEXREG 1468; amended to be effective June 25, 2000, 25 TexReg 5917

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§ 265.1. Receiving

The receiving officer shall determine that each inmate is being committed by a duly authorized officer. If only one jailer is on duty, the delivering officer should stay until the inmate is locked into the facility.

History: The provisions of this § 265.1 adopted to be effective December 20, 1994, 19 TexReg 9647; amended to be effective October 8, 2013, 38 TexReg 6926

§ 265.2. Search

- (a) A thorough pat or frisk search shall be conducted on each inmate upon entry into the facility and prior to booking.
- (b) When facility personnel reasonably believe it to be necessary, inmates should undergo a thorough strip search for weapons and contraband that may pose a threat to the security or safety of the facility. The strip search shall be conducted by jailer(s) or designated staff of the same gender in a reasonable and dignified manner and place.

History: The provisions of this § 265.2 adopted to be effective December 20, 1994, 19 TexReg 9647; amended to be effective May 3, 1995, 20 TexReg 2866; amended to be effective October 8, 2013, 38 TexReg 6926

§ 265.3. Observation During Holding

Inmates confined in a holding cell or detoxification cell shall be observed by facility personnel at intervals not to exceed 30 minutes.

History: The provisions of this § 265.3 adopted to be effective December 20, 1994, 19 TexReg 9647; amended to be effective May 3, 1995, 20 TexReg 2866.

§ 265.4. Inmate Files

- (a) Upon intake, a file on each inmate shall be established. The file shall include:
 - (1) name of inmate with aliases;
 - (2) description;
 - (3) gender
 - (4) marital status;
 - (5) address;
 - (6) date of birth;
 - (7) offense charged;
 - (8) date of commitment;
 - (9) previous criminal record;
 - (10) record of injuries;
 - (11) inmate property inventory;
 - (12) disabilities warranting special accessibility consideration;
 - (13) name, address, and phone number of person to be contacted in event of emergency;
 - (14) the name of the delivering officer, and the arresting agency;
 - (15) documents that purport to legally authorize the inmate's commitment.
- (b) Upon intake, a medical record shall be established and shall be kept separate.

History: The provisions of this § 265.4 adopted to be effective December 20, 1994, 19 TexReg 9647; amended to be effective December 22, 1999, 24 TexReg 11518

§ 265.5. Health Tags

"Health tags" which may identify the inmate as having special medical or mental health needs shall be noted in the inmate's medical record and brought to the attention of health personnel

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and/or the supervisor on duty.

History: The provisions of this § 265.5 adopted to be effective December 20, 1994, 19 TexReg 9647; amended to be effective December 17, 2006, 31 TexReg 10100

§ 265.6. Identification

Each inmate should be fingerprinted and photographed. Copies of the fingerprints should be forwarded to the proper state and federal authorities.

History: The provisions of this § 265.6 adopted to be effective December 20, 1994, 19 TexReg 9647.

§ 265.7. Telephone Use

A telephone shall be available for inmates' use within the processing area. The facility shall allow reasonable access to a written or electronic contact list that is in the inmate's possession upon booking. **History:** The provisions of this § 265.7 adopted to be effective December 20, 1994, 19 TexReg 9647; amended to be effective September 6, 2023, 48 TexReg 4866.

§ 265.8. Contacting Attorney

The inmate should be advised that he will be allowed to contact any attorney upon reasonable request.

History: The provisions of this § 265.8 adopted to be effective December 20, 1994, 19 TexReg 9647.

§ 265.9. Bonding

The inmate shall be given the opportunity to secure his release utilizing the bonding procedures available in the county or district.

History: The provisions of this § 265.9 adopted to be effective December 20, 1994, 19 TexReg 9647.

§ 265.10. Inmate Property Checking

The receiving officer shall carefully record and store the inmate's property as it is taken. A receipt signed by the receiving officer and the inmate shall be maintained in the inmate's file. In the event an inmate refuses to sign the property receipt, the receiving officer, with a witness present, shall note the refusal and sign the receipt.

History: The provisions of this § 265.10 adopted to be effective December 20, 1994, 19 TexReg 9647.

§ 265.11. Shower

Following booking and prior to housing assignment, inmates should be showered. Inmate showers shall be supervised by a jailer or designated staff of the same gender.

History: The provisions of this § 265.11 adopted to be effective December 20, 1994, 19 TexReg 9647; amended to be effective October 8, 2013, 38 TexReg 6927

§ 265.12. Communicable Disease

Inmates suspected of having a reportable communicable disease shall be isolated and immediate arrangements made for the inmate's transfer to a facility equipped to handle the suspected disease, unless the admitting facility can safely and effectively segregate and maintain a medically prescribed course of treatment.

History: The provisions of this § 265.12 adopted to be effective December 20, 1994, 19 TexReg 9647; amended to be effective December 22, 1999, 24 TexReg 11518

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§ 265.13. Verify Veteran Status

- (a) Each sheriff/operator shall investigate and verify the veteran status of each prisoner by using data made available from the Veterans Reentry Search Service (VRSS) operated by the United States Department of Veteran Affairs or similar service.
- (b) Each sheriff/ operator shall provide assistance to prisoners identified as veterans, identified through either self-report or the VRSS, in applying for federal benefits or compensation for which the prisoners may be eligible under a program administered by the United States Department of Veterans Affairs. Assistance includes, but not limited to, direct assistance by qualified claims counselor, issuance of a referral card, or similar assistance.
- (c) Each sheriff shall maintain a log of positive VRSS returns with identifying prisoner number and whether a referral card was issued to the identified veteran prior to his or her release. If a referral card was not issued, a reason shall be provided on the log.

History: The provisions of this § 265.13 adopted to be effective December 22, 2015, 40 TexReg 9305

CHAPTER 267. RELEASE

§ 267.1. Identification

The releasing officer shall determine inmate identity before discharge or release.

History: The provisions of this § 267.1 adopted to be effective December 20, 1994, 19 TexReg 9648.

§ 267.2. Authorization

The releasing officer shall be certain that authorized release orders have been presented for the discharge or release of the inmate.

History: The provisions of this § 267.2 adopted to be effective December 20, 1994, 19 TexReg 9648.

§ 267.3. Search

All inmates being released to other custody shall be searched by the releasing agency.

History: The provisions of this § 267.3 adopted to be effective December 20, 1994, 19 TexReg 9648.

§ 267.4. Record

A record shall be kept of the release order and the time of release.

History: The provisions of this § 267.4 adopted to be effective December 20, 1994, 19 TexReg 9648.

§ 267.5. Property Return

All inmates being discharged or released from the facility shall sign a receipt for property returned. In the event an inmate refuses to sign the property return receipt, the releasing officer, with a witness present, shall note the refusal and sign the receipt.

History: The provisions of this § 267.5 adopted to be effective December 20, 1994, 19 TexReg 9648.

§ 267.6. Inmate Release Times

- (a) A facility shall release an inmate at any time beginning at 6 a.m. and ending at 5 p.m. on the day the inmate discharges the inmate's sentence.
- (b) A facility may credit an inmate with no more than 18 hours of time served and release the inmate at any time beginning at 6 a.m. and ending at 5 p.m. on the day preceding the day on which the inmate discharges the inmate's sentence.
- (c) A facility may release an inmate from county jail after 5 p.m. and before 6 a.m. if the inmate:
 - (1) posts a bond;
 - (2) agrees to or requests a release after 5 p.m. and before 6 a.m.;
 - (3) is subject to an arrest warrant issued by another county and is being released for purposes of executing that arrest warrant;
 - (4) is being transferred to the custody of another state, a unit of the federal government, or a facility operated by or under contract with the Texas Department of Criminal Justice; or
 - (5) is being admitted to an inpatient mental health facility or a state supported living center for court-ordered mental health or intellectual disability services.

History: The provisions of this § 267.6 adopted to be effective November 28, 2019, 44 TexReg 7408

CHAPTER 269. RECORDS AND PROCEDURES, SUBCHAPTER A. GENERAL

§ 269.1. Record System

The sheriff/operator shall maintain the following records:

- (1) a daily record of the number of inmates in the facility;
- (2) a record on each inmate including:
 - (A) intake;
 - (B) identification;
 - (C) classification;
 - (D) property;
 - (E) discipline;
 - (F) grievance;
 - (G) commissary;
 - (H) medical;
 - (I) incidents or unusual occurrences;
 - (J) release;
 - (K) documentation relating to the continued custody of inmates;
 - (L) receipts and expenditures of inmate accounts.
- (3) a separate written record of all incidents which result in physical harm or serious threat of physical harm to an employee, visitor, or inmate in a facility. Such record shall include the names of the persons involved, a description of the incident, the actions taken, and the date and time of the occurrence. Such a written record shall be prepared and submitted to the sheriff/operator within 24 hours of the incident.
- (4) Escape From Custody Report
 - (A) The Texas Commission on Jail Standards shall be notified of all escapes from a facility within 24 hours of the escape.
 - (B) A report of the escape shall be made available for review by Commission staff upon request.
- (5) Deaths in Custody
 - (A) The Texas Commission on Jail Standards shall be notified of all deaths of inmates while in the custody of sheriff/operator within 24 hours of the death.
 - (B) The Commission shall appoint a law enforcement agency, other than the local law enforcement agency that operates the county jail, to investigate the death.
 - (C) Upon conclusion of the investigation by the designated law enforcement agency, the report shall be submitted to the Texas Commission on Jail Standards.
- (6) Information on Licensed Jailer Turnover Report. On or before the fifth day of each month, each jail under the Commission's purview shall submit a report, on a form prescribed by the Commission, the number of licensed jailers who left employment at the jail during the previous month.
- (7) Serious Incidents Report. Information on Serious Incidents Report. On or before the fifth day of each month, the sheriff/operator of each county jail shall report to the Commission, on a form prescribed by the Commission, regarding the occurrence during the preceding month any incidents involving an inmate in the county jail as required by § 511.020.
- (8) The sheriff/operator shall submit the following reports in electronic format as prescribed by the Commission:
 - (A) Population Report;
 - (B) Immigration/Detainer Report;
 - (C) Paper-ready Report;
 - (D) Licensed Jailer Turnover Rate Report;

- (E) Pregnant Inmates Report;
- (F) Death In Custody Report;
- (G) Escape Report; and
- (H) Serious Incident Report.

- (9) A sheriff/operator may submit the reports listed under paragraph (8) of this subsection in non-electronic format; however, the Commission will charge an administrative processing fee in accordance with the fee schedule established for this section.

History: The provisions of this § 269.1 adopted to be effective December 20, 1994, 19 TexReg 9648; amended to be effective May 19, 2002, 27 TexReg 4164; amended to be effective October 16, 2007, 32 TexReg 7267; amended to be effective December 30, 2009, 34 TexReg 9482; amended to be effective December 4, 2011, 36 TexReg 8043; amended to be effective January 1, 2018, 42 TexReg 6630; amended to be effective November 28, 2019, 44 TexReg 7408

§ 269.2. Fiscal

Each sheriff/operator should maintain fiscal records which will clearly indicate the costs for the facility. Such records should include feeding and clothing outlay and other program costs. Each county auditor shall submit to the commission a copy of the annual financial audit of general operations of the jail not later than ten days after completing the audit.

History: The provisions of this § 269.2 adopted to be effective December 20, 1994, 19 TexReg 9648; amended to be effective December 27, 1995, 20 TexReg 10620.

§ 269.3. Weapons/Ammunition Procedure

Weapons shall not be permitted beyond the security perimeter. Ammunition should not be permitted beyond the security perimeter. Each facility shall have and implement a written policy available for commission review regarding ammunition.

History: The provisions of this § 269.3 adopted to be effective May 3, 1995, 20 TexReg 2866.

§ 269.4. Equitable Treatment

Each Sheriff/operator shall have and implement a written procedure providing for equitable treatment regardless of race, religion, national origin, gender, age, or disabilities. The treatment of inmates with disabilities shall be in accordance with Title II, Subtitle A, of the Americans with Disabilities Act, 42 United States Code §§ 35.101-35.190

History: The provisions of this § 269.4 adopted to be effective August 16, 1996, 21 TexReg 7566; amended to be effective March 14, 1999, 24 TexReg 1638; amended to be effective December 22, 1999, 24 TexReg 11518

CHAPTER 269. RECORDS AND PROCEDURES, SUBCHAPTER B. JAIL POPULATION REPORTS

§ 269.10. General

The commission is required by Government Code, Chapter 499, § 499.122 (concerning Inmate Counts) to analyze monthly the population of each jail.

History: The provisions of this § 269.10 adopted to be effective February 26, 1996, 21 TexReg 1284.

§ 269.11. Reports

- (a) Each sheriff shall submit to the commission reports for each month indicating the number and type of inmates confined in the jail.
- (b) Reports shall be delivered to the commission not later than five days after the last day of the reporting month.
- (c) The sheriff shall certify over his signature that the information provided in each report is complete and accurate.

History: The provisions of this § 269.11 adopted to be effective February 26, 1996, 21 TexReg 1284.

§ 269.12. Forms

The commission adopts by reference Form PR-1, Monthly Paper Ready Inmate Report, Form PR-2, Monthly Paper-Ready Inmate Roster, and Form POP-2, Jail Population Report. Copies of the forms are available at the offices of the Texas Commission on Jail Standards at 300 West 15th Street, Suite 503, Austin, Texas 78701 or the agency website at www.tcjs.state.tx.us. Each sheriff shall utilize the referenced forms or similar forms, approved by the Executive Director, for submission of monthly reports.

History: The provisions of this § 269.12 adopted to be effective February 26, 1996, 21 TexReg 1284; amended to be effective April 10, 2013, 38 TexReg 2227

§ 269.13. Records

Each sheriff shall maintain complete records of the information required under § 269.11 of this title (relating to Reports) and make the records available to commission staff upon request for review. The sheriff shall retain completed copies of each inmate's TDCJ-ID Document Checklist and copies of issued white warrants for a period of one year from the date of transfer or release of the inmate from the jail.

History: The provisions of this § 269.13 adopted to be effective February 26, 1996, 21 TexReg 1284.

§ 269.14. Revisions

The sheriff shall notify the commission immediately upon determination that an inaccurate report, required under § 269.11 of this title (relating to Reports), was submitted by the sheriff to the commission. Revised complete reports shall be submitted to the commission within 60 days of the end of the affected reporting period indicating the correct information for all paper ready inmates confined during the reporting period.

History: The provisions of this § 269.14 adopted to be effective February 26, 1996, 21 TexReg 1284.

§ 269.20. General

The commission is required by Government Code, Chapter 499, § 499.125 (concerning the Transfer of Felony Backlog) to transfer inmates awaiting transfer to the Texas Department of Criminal Justice-Institutional Division (TDCJ-ID) from an applicable county jail to appropriate

CHAPTER 269. RECORDS AND PROCEDURES, SUBCHAPTER B.
JAIL POPULATION REPORTS

facilities.

History: The provisions of this § 269.20 adopted to be effective February 26, 1996, 21 TexReg 1284.

CHAPTER 269. RECORDS AND PROCEDURES, SUBCHAPTER C. TRANSFER OF FELONY BACKLOG

§ 269.20. General

The commission is required by Government Code, Chapter 499, § 499.125 (concerning the Transfer of Felony Backlog) to transfer inmates awaiting transfer to the Texas Department of Criminal Justice-Institutional Division (TDCJ-ID) from an applicable county jail to appropriate facilities.

History: The provisions of this § 269.20 adopted to be effective February 26, 1996, 21 TexReg 1284.

§ 269.21. Applicable County Jail

A jail is an applicable county jail when the commission determines that a jail meets the following criteria:

- (1) a state or federal court determines that conditions in a county jail are unconstitutional;
- (2) on or after October 1, 1991, the percentage of inmates in the jail awaiting transfer to the TDCJ-ID is 20% or more of the total number of inmates in the jail.

History: The provisions of this § 269.21 adopted to be effective February 26, 1996, 21 TexReg 1284.

§ 269.22. Appropriate Facility

The Executive Director will develop a list of facilities which are appropriate to house the transferred inmates following determination by the commission that a jail is an applicable county jail. An appropriate jail may include a jail, detention center, work camp, or correctional facility.

History: The provisions of this § 269.22 adopted to be effective February 26, 1996, 21 TexReg 1284.

§ 269.23. Administrative Order

The commission will issue to the sheriff and commissioners court (by and through the county judge) of an applicable county jail upon determination by the commission that the jail meets the criteria of § 269.21 of this title (relating to Applicable County Jail) a written administrative order to transfer felony backlog inmates to appropriate facilities.

History: The provisions of this § 269.23 adopted to be effective February 26, 1996, 21 TexReg 1284.

§ 269.24. Request for Hearing

The sheriff or commissioners court of an applicable county jail to which the commission has issued an administrative order may, within 15 days after the date of the order, request a hearing upon any matter of fact or law with which he or the court disagrees. The request for hearing shall be in writing and shall comply with § 297.8 of this title (relating to Request for Hearing). Upon receipt of a timely request for hearing, the commission may schedule a hearing to be conducted at a regular or special meeting of the commission.

History: The provisions of this § 269.24 adopted to be effective February 26, 1996, 21 TexReg 1284.

§ 269.25. Amendments to Administrative Orders

The commission may review and amend an administrative order as necessitated by changes in the status of court orders, jail population, jail conditions, availability of appropriate facilities or other conditions, by commission action at a regular or special meeting.

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TRANSFER OF FELONY BACKLOG

History: The provisions of this § 269.25 adopted to be effective February 26, 1996, 21 TexReg 1284.

§ 269.26. Limits of Transfer

The commission will determine the number of inmates who shall be transferred from an applicable county jail and the frequency of transfers required to comply with this section and Government Code, Chapter 499, § 499.125 (concerning Transfer of Felony Backlog).

History: The provisions of this § 269.26 adopted to be effective February 26, 1996, 21 TexReg 1284.

§ 269.27. Reports

- (a) The sheriff of an applicable county jail shall submit a report to the commission of transferred inmates on a form prescribed by the commission. The report shall be delivered to the commission not later than five days after the date of each transfer of inmates.
- (b) The sheriff of a county for which an appropriate facility receiving transferred inmates is operated shall submit a report and billing statement to the commission representing the costs of maintenance of transferred inmates on a form prescribed by the commission. The report and billing statement shall be submitted not later than five days after the first and 15th day of each month.
- (c) Sheriffs may submit reports on forms produced by automated data processing equipment which provide required information when approved by the Executive Director. Such approved reports shall be considered forms prescribed by the commission.
- (d) A county is not eligible for payment under this section if reports are not submitted by the sheriff or if information required by the form(s) is not complete.

History: The provisions of this § 269.27 adopted to be effective February 26, 1996, 21 TexReg 1284.

§ 269.28. Payments

The commission is liable to a county operating a facility receiving transferred inmates for payment of the costs of maintenance of transferred inmates. The commission is liable to counties for the payment of costs of transportation of transferred inmates.

History: The provisions of this § 269.28 adopted to be effective February 26, 1996, 21 TexReg 1284.

§ 269.29. Determination of Costs

- (a) The costs of maintenance shall be the actual costs, as determined by the agreement between the Texas Board of Criminal Justice and the county operating the appropriate facility receiving transferred inmates.
- (b) The costs of transportation shall be the agreed cost between the transporting county and the commission. Such costs shall be determined and agreed upon by the commission and the transporting county prior to the movement of inmates. The cost of transportation may be adjusted as appropriate when evidenced by sufficient documentation and approved by the commission.

History: The provisions of this § 269.29 adopted to be effective February 26, 1996, 21 TexReg 1284.

CHAPTER 269. RECORDS AND PROCEDURES, SUBCHAPTER C.
TRANSFER OF FELONY BACKLOG

§ 269.30. Felony Backlog Inmates

This chapter is applicable only to the transfer of inmates confined in a jail who are awaiting transfer to the TDCJ-ID following conviction of a felony or revocation of probation, parole, or release on mandatory supervision and to whom all paperwork and processing required under Code of Criminal Procedure, Article 42.09, § 8(a) (concerning Commencement of Sentence and Delivery to Place of Confinement) for transfer have been completed.

History: The provisions of this § 269.30 adopted to be effective February 26, 1996, 21 TexReg 1284.

§ 269.31. Forms

The commission adopts by reference Inmate Transfer Roster (form ITR-1) and Transferred Inmate Maintenance Report (form Trans-1). Copies of the forms are available at the offices of the Texas Commission on Jail Standards at 300 West 15th Street, Suite 503, Austin, Texas 78701.

History: The provisions of this § 269.31 adopted to be effective February 26, 1996, 21 TexReg 1284.

§ 269.32. Order To Accept Inmates

The commission may order the sheriff and commissioners court (by and through the county judge) of a county to accept inmates transferred under this chapter when the commission determines that the housing of transferred inmates in a facility operated by or for the county is necessary in order to effectuate the mandated authority of the commission to transfer inmates in accordance with Government Code, Chapter 499, § 499.125 (concerning Transfer of Felony Backlog).

History: The provisions of this § 269.32 adopted to be effective February 26, 1996, 21 TexReg 1284.

**CHAPTER 269. RECORDS AND PROCEDURES,
SUBCHAPTER E. REPORT ON RESTRAINT OF PREGNANT INMATES**

§ 269.50 Review

The Commission is required by Government Code, Chapter 511, § 511.0105 to collect and review reports on the use of restraints on pregnant inmates.

History: The provisions of this § 269.50 adopted to be effective November 28, 2019, 44 TexReg 7409

§ 269.51. Submission

No later than February 1 of each year, each facility under the Commission's purview shall submit a report regarding the facility's use, during the preceding calendar year, of any type of restraints to control or restrict the movement of an inmate, including a limb or other part of the inmate, who is confirmed to be pregnant or who gave birth in the preceding 12 weeks.

History: The provisions of this § 269.51 adopted to be effective November 28, 2019, 44 TexReg 7409

§ 269.52. Content

The report shall include the circumstances of each use of restraints, including:

- (1) the specific type of restraints used;
- (2) what activity the inmate was engaged in immediately before being restrained;
- (3) whether the inmate was restrained during or after delivery;
- (4) whether the inmate was restrained while being transported to a local hospital; and
- (5) the reasons supporting the determination to use the restraints, a description of the process by which the determination was made, and the name and title of the person or persons making the determination.

History: The provisions of this § 269.52 adopted to be effective November 28, 2019, 44 TexReg 7409

§ 269.53. Form

The commission shall prescribe a form for the report required for this section.

History: The provisions of this § 269.53 adopted to be effective November 28, 2019, 44 TexReg 7409

CHAPTER 271. CLASSIFICATION AND SEPARATION OF INMATES

§ 271.1. Objective Classification Plan

- (a) Each sheriff/operator shall develop and implement an objective classification plan approved by the Commission by January 1, 1997. The plan shall include principles, procedures, instruments and explanations for classification assessments, housing assignments, reassessments and inmate needs. Plans utilizing an approved objective classification system shall be submitted and approved by the Commission. The following principles and procedures shall be addressed:
 - (1) inmates shall be classified and housed in the least restrictive housing available without jeopardizing staff, inmates or the public, utilizing risk factors which include any or all of the following:
 - (A) current offense or conviction;
 - (B) offense history;
 - (C) escape history;
 - (D) institutional disciplinary history;
 - (E) prior convictions;
 - (F) alcohol and/or drug abuse; and
 - (G) stability factors.
 - (2) classification criteria shall not include race, ethnicity or religious preference;
 - (c) custody levels and special housing needs shall be assessed to include minimum, medium and maximum custody levels and the placement and release of inmates to and from special units including protective custody, administrative separation, disciplinary separation and mental and medical health housing including known pregnant inmates;
 - (d) minimum and maximum custody level inmates shall be housed separately. All other custody level inmates should be housed separately. When under direct, visual supervision, inmates of different custody levels may simultaneously participate in work and program activities;
 - (e) juveniles shall be separated by sight and sound from adults in accordance with the Family Code, § 51.12;
 - (f) female inmates shall be separated by sight and sound from male inmates. When under direct, visual and proximate supervision, males and females may simultaneously participate in work and program activities;
 - (g) when housed together and separately from all other inmates, contracted TDCJ-ID and federal inmates may be classified solely by approved TDCJ-ID and federal classification policies and procedures, respectively. Housing units for contracted TDCJ-ID and federal inmates shall be approved by TDCJ-ID and federal officials, respectively, to ensure that the inmates' custody level does not exceed the construction security level of the assigned housing;
 - (h) the following shall apply to prisoners in transit:
 - (1) an inmate is a prisoner in transit if the agency charged with the custody of the inmate is transporting the inmate from one jail or detention facility to another jail or detention facility;
 - (2) when housed together and separately from all other inmates, prisoners in transit transported by another agency may be temporarily housed in a facility if the transporting agency provides a written statement that the prisoners can be safely housed together;
 - (3) when housed they shall be confined in maximum construction level housing;
 - (4) females shall be separated by sight and sound from males;

CHAPTER 271. CLASSIFICATION AND SEPARATION OF INMATES

- (5) observation shall be performed at least every 30 minutes;
- (6) they shall not be held in a facility for more than 48 consecutive hours;
- (7) the facility providing temporary housing is not required to check prisoners in transit against the Department of State Health Services' CCQ system to determine if the prisoner has previously received state mental healthcare; and
- (8) a transporting agency may include a private correctional company engaged in the transportation of prisoners;
- (i) persons assigned to a detoxification cell shall be transferred to a housing or holding area as soon as they can properly care for themselves;
- (j) the status of persons confined to a violent cell shall be reassessed and documented at least every 24 hours for continuance of status;
- (k) inmates who require protection or those who require separation to protect the safety and security of the facility may be housed in administrative separation. The status of inmates placed in administrative separation shall be reviewed and documented at least every 30 days for continuance of status. Inmates housed in administrative separation shall retain access to services and activities, unless the continuance of the services and activities would adversely affect the safety and security of the facility; and
- (l) single cells may be utilized for disciplinary or administrative separation. Inmates in administrative separation shall be provided access to a day room for at least one hour each day. Inmates in disciplinary separation shall be provided a shower every other day.
- (b) The following classification procedures shall be conducted utilizing the approved classification instruments.
 - (1) Intake Screening. To be completed immediately on all inmates admitted for purposes of identifying any medical, mental health or other special needs that require placing inmates in special housing units;
 - (2) Initial Custody Assessment. To be completed on all newly admitted inmates prior to housing assignments to determine custody levels.
 - (3) Custody Reassessment/Review. A custody reassessment shall be conducted within 30 - 90 days of the Initial Custody Assessment and immediately upon any disciplinary action and/or change in legal status which would affect classification. A documented classification review to determine the necessity for a complete reassessment shall be conducted every 30 - 90 days thereafter.
- (c) A Needs Assessment Instrument may be used to assess the needs and qualifications of inmates for participation in vocational, educational, mental health, substance abuse and other treatment or work programs.

History: The provisions of this § 271.1 adopted to be effective December 27, 1995, 20 TexReg 10620; amended to be effective June 14, 1996, 21 TexReg 5004; amended to be effective December 22, 1999, 24 TexReg 11519; amended to be effective May 3, 2000, 25 TexReg 3795; amended to be effective May 1, 2008, 33 TexReg 3446; amended to be effective December 30, 2009, 34 TexReg 9482; amended to be effective January 1, 2014, 38 TexReg 9625

§ 271.2. Housing Scheme

Each sheriff/operator shall establish a housing scheme designating the construction security level (minimum, medium, maximum) of each facility, housing unit and bed. Custody level assignments shall not exceed the construction security level.

History: The provisions of this § 271.2 adopted to be effective December 27, 1995, 20

TexReg 10620; amended to be effective June 14, 1996, 21 TexReg 5004.

§ 271.3. Training

The plan shall provide that all staff whose duties include classification, shall undergo at least four hours of training on the principles, procedures and instruments for classification assessments, housing assignments, reassessments and inmate needs.

History: The provisions of this § 271.3 adopted to be effective December 27, 1995, 20 TexReg 10620; amended to be effective June 14, 1996, 21 TexReg 5004; amended to be effective December 22, 1999, 24 TexReg 11519

§ 271.4. Appeals

The plan shall provide that a documented appeals process shall be provided for classification assessments, reassessments, housing, work and program assignments.

History: The provisions of this § 271.4 adopted to be effective December 27, 1995, 20 TexReg 10620; amended to be effective June 14, 1996, 21 TexReg 5004; amended to be effective December 22, 1999, 24 TexReg 11519

§ 271.5. Validation

Prior to implementation, classification instruments other than those recommended by the commission and documentation of validation shall be submitted for approval.

History: The provisions of this § 271.5 adopted to be effective June 14, 1996, 21 TexReg 5004.

§ 271.6. Records

Records shall be maintained on classification assessments, housing, work and program assignments, reassessments and appeals.

History: The provisions of this § 271.6 adopted to be effective June 14, 1996, 21 TexReg 5004.

§ 271.7. Audit

The plan shall provide that an annual, internal audit shall be conducted on the classification system. Audit records shall be maintained for Commission review. The audit shall assess the following features of the objective classification system:

- (1) inmates are classified prior to placement in inmate housing;
- (2) inmates are housed according to their assigned custody levels;
- (3) the override rate is acceptable; and
- (4) classification instruments are completed in an accurate and timely manner.

History: The provisions of this § 271.7 adopted to be effective June 14, 1996, 21 TexReg 5004; amended to be effective December 22, 1999, 24 TexReg 11519; amended to be effective May 3, 2000, 25 TexReg 3795

CHAPTER 273. HEALTH SERVICES

§ 273.1. Health Services

The owner/operator of each facility shall provide medical, mental, and dental services in accordance with the approved health services plan. These services may include, but shall not be limited to, the services of a licensed physician, professional and allied health personnel, hospital, or similar services.

History: The provisions of this § 273.1 adopted to be effective December 20, 1994, 19 TexReg 9650.

§ 273.2. Health Services Plan

Each facility shall have and implement a written plan, approved by the Commission, for inmate medical, mental, and dental services. The plan shall:

- (1) provide procedures for regularly scheduled sick calls;
- (2) provide procedures for referral for medical, mental, and dental services;
- (3) provide procedures for efficient and prompt care for acute and emergency situations;
- (4) provide procedures for long-term, convalescent, and care necessary for disabled inmates;
- (5) provide procedures for medical, to include obstetrical and gynecological care, mental, nutritional requirements, special housing and appropriate work assignments and the documented use of restraints during labor, delivery and recovery for known pregnant inmates. A sheriff/operator shall notify the commission of any changes in policies and procedures in the provision of health care to pregnant prisoners. A sheriff/operator shall notify the commission of any changes in policies and procedures in the placement of a pregnant prisoner in administrative separation. As soon as practicable after receiving a report of a miscarriage or physical or sexual assault of a pregnant inmate while in the custody of a county jail, the sheriff shall ensure that an obstetrician or gynecologist and a mental health professional promptly:
 - (a) review the health care services provided to the prisoner; and
 - (b) order additional health care services, including obstetrical and gynecological services and mental health services, as appropriate.
- (6) provide procedures for the control, distribution, secured storage, inventory, and disposal of prescriptions, syringes, needles, and hazardous waste containers;
- (7) provide procedures for the distribution of prescriptions in accordance with written instructions from a physician by an appropriate person designated by the sheriff/operator;
- (8) provide procedures for the control, distribution, and secured storage of over-the-counter medications;
- (9) provide procedures for the rights of inmates to refuse health care in accordance with informed consent standards for certain treatments and procedures (in the case of minors, the informed consent of a parent, guardian, or legal custodian, when required, shall be sufficient);
- (10) provide procedures for all examinations, treatments, and other procedures to be performed in a reasonable and dignified manner and place;
- (11) provide that adequate first aid equipment and patient evacuation equipment be on hand at all times;
- (12) provide procedures that shall require that a qualified medical professional shall review as soon as possible any prescription medication an inmate is taking when the inmate is taken into custody. These procedures shall include providing each prescription medication that a qualified medical professional or mental health professional determines is necessary for the care, treatment, or stabilization of an inmate with

- mental illness;
- (13) provide procedures that shall give inmates the ability to access a mental health professional at the jail or through a telemental health service 24 hours a day and approved by the Commission by August 31, 2020. If a mental health professional is not present at the county jail at the time or available by telemental health services, then require the jail to provide the inmate access to, at a minimum, a qualified mental health professional (as defined by 25 TAC, § 412.303(48)) within a reasonable time;
- (14) provide procedures that shall give prisoners the ability to access a health professional at the jail or through a telehealth service 24 hours a day or, if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to be transported to access a health professional and approved by the Commission by August 31, 2020; and
- (15) provide procedures to train staff to identify when a pregnant inmate is in labor and provide access to appropriate care. Inmates shall be promptly transported to a local hospital when they state that they are in labor or are determined by a person at the level of emergency medical technician or above to be in labor.

History: The provisions of this § 273.2 adopted to be effective December 20, 1994, 19 TexReg 9650; amended to be effective December 30, 2009, 34 TexReg 9482; amended to be effective September 12, 2012, 37 TexReg 7196; amended to be effective December 22, 2015, 40 TexReg 9305; amended to be effective January 1, 2018, 42 TexReg 6631; amended to be effective August 26, 2018, 43 TexReg 5541; amended to be effective November 28, 2019, 44 TexReg 7409; amended to be effective March 29, 2022, 47 TexReg 1625; amended to be effective March 1, 2023, 48 TexReg 1153.

§ 273.3. Health Instructions

All medical instructions of designated physicians shall be followed.

History: The provisions of this § 273.3 adopted to be effective December 20, 1994, 19 TexReg 9650.

§ 273.4. Health Records

- (a) The health services plan shall include procedures for the maintenance of a separate health record on each inmate. The record shall include a health screening procedure administered by health personnel or by a trained booking officer upon the admission of the inmate to the facility and shall cover, but shall not be limited to, the following items:
 - (1) health history;
 - (2) current illnesses (prescriptions, special diets, and therapy);
 - (3) known pregnancy;
 - (4) current medical, mental, and dental care and treatment;
 - (5) behavioral observation, including state of consciousness and mental status;
 - (6) inventory of body deformities, ease of movement, markings, condition of body orifices, and presence of lice and vermin.
- (b) Separate health records shall reflect all subsequent findings, diagnoses, treatment, disposition, special housing assignments, medical isolation, distribution of medications, and the name of any institution to which the inmate's health record has been released.
- (c) The Texas Uniform Health Status Update form, in the format prescribed by the Commission, shall be completed and forwarded to the receiving criminal justice entity at the time an inmate is transferred or released from custody.
- (d) Each facility shall report to the Department of State Health Services (DSHS) the release of an inmate who is receiving treatment for tuberculosis in accordance with DSHS Guidelines.

History: The provisions of this § 273.4 adopted to be effective December 20, 1994, 19 TexReg 9650; amended to be effective September 1, 1998, 23 TexReg 8845; amended to be effective December 22, 1999, 24 TexReg 11519; amended to be effective November 1, 2004, 29 TexReg 10141; amended to be effective December 30, 2009, 34 TexReg 9483

§ 273.5. Mental Disabilities/Suicide Prevention Plan

- (a) Each sheriff/operator shall develop and implement a mental disabilities/suicide prevention plan, in coordination with available medical and mental health officials, approved by the Commission by March 31, 1997. The plan shall address the following principles and procedures:
 - (1) Training. Provisions for staff training (including frequency and duration) on the procedures for recognition, supervision, documentation, and handling of inmates who are mentally disabled and/or potentially suicidal. Supplemental training should be provided to those staff members responsible for intake screening;
 - (2) Identification. Procedures for intake screening to identify inmates who are known to be or observed to be mentally disabled and/or potentially suicidal and procedures for compliance with Code of Criminal Procedure Article 16.22 and referrals to available mental health officials;
 - (3) Communication. Procedures for communication of information relating to inmates who are mentally disabled and/or potentially suicidal;
 - (4) Housing. Procedures for the assignment of inmates who are mentally disabled and/or potentially suicidal to appropriate housing;
 - (5) Supervision. Provisions for adequate supervision of inmates who are mentally disabled and/or potentially suicidal and procedures for documenting supervision;
 - (6) Intervention and Emergency Treatment. Procedures for staff intervention prior to the occurrence of a suicide and during the progress of a suicide attempt, or serious deterioration of mental condition;
 - (7) Reporting. Procedures for reporting of completed suicides to appropriate outside authorities and family members; and
 - (8) Follow-Up Review. Procedures for follow-up review of policies by the sheriff/operator and mental health and medical officials following all attempted or completed suicides.
- (b) Screening Instrument. An approved mental disabilities/suicide prevention screening instrument shall be completed immediately on all inmates admitted.
- (c) Mental Health/Intellectual and Developmental Disabilities History Check. Each jail shall:
 - (1) check each inmate upon intake into the jail against the Texas Health and Human Services Commission CCQ system to determine if the inmate has previously received state mental healthcare or has a known intellectual or developmental disability, unless the inmate is being housed as an out of state inmate or a federal inmate on a contractual basis;
 - (2) maintain documentation to be available at the time of inspection showing that information for each inmate designated in paragraph (1) of this subsection was submitted for CCQ/IDD system checks, to include notification to the magistrate and the Local Mental Health Authority or Local Intellectual and Developmental Disabilities Authority as per CCP 16.22(a)(1); and
 - (3) include any relevant mental health or intellectual and developmental disability information on the mental health screening instrument and, if sentenced to the Department of Criminal Justice, on the Uniform Health Status form.

History: The provisions of this § 273.5 adopted to be effective December 20, 1994, 19

TexReg 9650; amended to be effective October 23, 1996, 21 TexReg 10439; amended to be effective December 22, 1999, 24 TexReg 11519; amended to be effective December 17, 2006, 31 TexReg 10100; amended to be effective May 1, 2008, 33 TexReg 3446; amended to be effective December 30, 2009, 34 TexReg 9483; amended to be effective December 9, 2010, 35 TexReg 10770; amended to be effective April 10, 2013, 38 TexReg 2228; amended to be effective March 4, 2021, 46 TexReg 1385

§ 273.6. Restraints

Inmates exhibiting behavior indicating that they are a danger to themselves or others shall be managed in such a way as to minimize the threat of injury or harm. If restraints are determined to be necessary, they shall be used in a humane manner, only for the prevention of injury, and not as a punitive measure.

- (1) The decision to apply restraints shall be made by supervisory or medical personnel. Appropriate staff should assess the inmate's medical condition.
- (2) Restraints should restrict movement of an inmate only to the degree necessary to avoid injurious behavior. Soft or padded restraints should be used when feasible. Inmates shall not be restrained in a position or manner that would exacerbate any physical infirmities.
- (3) A documented observation of the inmate shall be conducted every 15 minutes, at a minimum. The observations should include an assessment of the security of the restraints and the circulation to the extremities.
- (4) The inmate should receive medical care a minimum of every 2 hours, to include changing position, exercising extremities, offering nourishment and liquids, offering toilet facilities, checking for medication needs, and taking vital signs. These checks shall be documented.
- (5) Documentation of use of restraints shall include, but not be limited to the following: the events leading up to the need for restraints, the time the restraints were applied, the justification for their use, observations of the inmate's behavior and condition, the 15-minute checks and the time the restraints were removed.
- (6) A jail shall not use restraints on a inmate confirmed to be pregnant or who gave birth in the preceding 12 weeks for the duration of the pregnancy and for a period of not less than 12 weeks after the inmate gives birth:
 - (A) unless supervisory personnel determine that the use of restraints is necessary to prevent an immediate and credible risk that the inmate will attempt to escape; or the inmate poses an immediate and serious threat to the health and safety of the inmate, staff, or any member of the public; or
 - (B) unless a health care professional responsible for the health and safety of the inmate determines that the use of restraints is appropriate for the health and safety of the inmate and, if applicable, the unborn child of the inmate.
- (7) If the determination to utilize restraints in accordance with paragraph (6)(A) or (B) of this section is made, a jail shall use the least restrictive restraints necessary to prevent escape or to ensure health and safety; and at the request of a health care professional responsible for the health and safety of the inmate, jail staff shall refrain from using restraints on the inmate or shall remove the restraints.
- (8) Notwithstanding paragraph (6)(A) of this section, at the request of a health care professional responsible for the health and safety of the inmate, jail staff shall refrain from using restraints on the inmate or shall remove the restraints.
- (9) Use of restraints on pregnant inmates shall be documented and submitted as required by § 269.50 of this title (relating to Restraints on Pregnant Inmates).
- (10) Restraints shall be removed from an inmate at the earliest possible time that the inmate

no longer exhibits behavior necessitating restraint. In no case shall an inmate be kept in restraints longer than 24 hours.

History: The provisions of this § 273.6 adopted to be effective June 25, 2000, 25 TexReg 5917; amended to be effective September 12, 2012, 37 TexReg 7196; amended to be effective November 28, 2019, 44 TexReg 7410

§ 273.7. Tuberculosis Screening Plan

- (a) Each facility having a capacity of 100 or more beds, or housing inmates transferred from a facility with a capacity of at least 100 beds or housing inmates from another state, shall develop and implement a plan for tuberculosis screening tests of employees, volunteers, and inmates. Inmates confined in the jail for more than 7 days shall be tested on or before the 7th day after the day of confinement. Inmates may be exempt from the screening test when the test conflicts with the tenets of an organized religion to which the individual belongs or when the test is contraindicated based on an examination by a physician. An inmate is not required to be retested at each rebooking if the inmate is booked into the facility more than once during a 12-month period, unless the inmate shows symptoms of or is known to have been exposed to tuberculosis.
- (b) The tuberculosis screening plan shall be developed and implemented in accordance with 25 TAC §§ 97.171 - 97.180 (relating to Communicable Diseases) and the Texas Health and Safety Code, §§ 89.001 - 89.102 and shall be approved by the appropriate branch of the Department of State Health Services prior to use. The plan shall be made available to the Commission upon request. A copy of an inmate's medical records or documentation of screenings or treatment received during confinement shall accompany an inmate transferred from one correctional facility to another or to TDCJ-ID and be available for medical review upon arrival of the inmate.

History: The provisions of this § 273.7 adopted to be effective June 25, 2000, 25 TexReg 5917; amended to be effective May 3, 2009, 34 TexReg 2680; amended to be effective December 22, 2020, 45 TexReg 9231

§ 273.8. Memorandum of Understanding

For the purpose of establishing a continuity of care system for offenders with mental impairments, elderly, physically disabled, terminally ill, or significantly ill, the Texas Correctional Office on Offenders with Medical and Mental Impairments (TCOOMMI) and the Texas Commission on Law Enforcement (TCOLE) and the Texas Commission on Jail Standards (TCJS) agree to the following Memorandum of Understanding.

- (1) Authority and Purpose. Senate Bill 252, Acts 1993, 73rd Legislature, Chapter 488, 1, codified as Texas Health and Safety Code, § 614.013, authorizes TCOOMMI and TCOLE and the TCJS to establish a written Memorandum of Understanding that identifies methods for:
 - (A) identifying offenders in the criminal justice system who are mentally impaired, elderly, physically disabled, terminally ill, or significantly ill;
 - (B) developing procedures for the exchange of information relating to offenders who are mentally impaired, elderly, physically disabled, terminally ill, or significantly ill by the TCOOMMI, TCOLE, and the TCJS for use in the continuity of care and services program; and
 - (C) adopting rules and standards that assist in the development of a continuity of care and services program for offenders who are mentally impaired, elderly, physically disabled, terminally ill, or significantly ill.
- (2) All entities agree to the extent possible to:

- (A) enter into a Memorandum of Understanding fulfilling the statutory requirements and purposes of Texas Health and Safety Code, § 614.013, as set forth in this section;
 - (B) seek a statutory change in current statutes to allow for the exchange of information (including electronic) about offenders with special needs without consent of the individuals involved for the purpose of providing or coordinating services among the entities;
 - (C) develop a system that provides for timely identification of offenders with special needs who come into contact with law enforcement or jail personnel;
 - (D) submit a list of contact staff to the TCOOMMI who are responsible for responding to referrals and/or issues regarding persons with special needs;
 - (E) distribute relevant training seminar and/or educational information towards improving each agency's knowledge and understanding of the identification and management of offenders with special needs;
 - (F) develop and implement a standardized release of information form that can facilitate the exchange of client information;
 - (G) inform the other of any proposed rule or standards changes which could affect the continuity of care system. Each agency shall be afforded 30 days after receipt of proposed change(s) to respond to the recommendations prior to the adoption;
 - (H) provide ongoing status reports to TCOOMMI on the implementation of initiatives outlined in this Memorandum of Understanding; and
 - (I) provide opportunities for cross-training for each other's staff.
- (3) TCOOMMI shall:
- (A) provide technical assistance toward the development of improved medical and psychiatric screening standards;
 - (B) provide training and technical assistance to state or local law enforcement or jails on enhancing identification and management strategies for offenders with special needs;
 - (C) develop a statewide directory of contact staff for distribution to state and local law enforcement and jail personnel;
 - (D) monitor and coordinate the implementation of the activities of this Memorandum of Understanding;
 - (E) provide reports to the Legislature on the status of implementation of activities; and
 - (F) participate in any relevant research or studies relevant to offenders with special needs who come into contact with law enforcement or who are incarcerated in county jails.
- (4) TCOLE shall:
- (A) develop and publish a mental health officer training inservice curriculum to train law enforcement officers and county jailers;
 - (B) establish a Mental Health Officer Certification Program; and
 - (C) develop and publish an inservice training course for law enforcement officers and county jailers that is concerned with individuals with special needs.
- (5) TCJS shall:
- (A) develop mental health standards which address training needs, identification, communication, housing, supervision and referrals; and
 - (B) provide technical assistance for local jails on management strategies for offenders with special needs.
- (6) Review and Monitoring.

CHAPTER 273. HEALTH SERVICES

- (A) TCOOMMI, TCOLE, and TCJS shall jointly monitor implementation of the continuity of care system as outlined in this Memorandum of Understanding. The intent of all agencies is to provide timely communication, discussion and resolution of transitional problems should any occur.
- (B) This Memorandum of Understanding shall be adopted by TCOOMMI, TCOLE, and TCJS. Subsequent to adoption, all parties to this memorandum shall annually review this memorandum and provide status reports to TCOOMMI. Amendments to this Memorandum of Understanding may be made at any time by mutual agreement to the parties.

History: The provisions of this § 273.8 adopted to be effective June 25, 2000, 25 TexReg 5917; amended to be effective January 1, 2014, 38 TexReg 9626; amended to be effective December 22, 2020, 45 TexReg 9231

CHAPTER 275. SUPERVISION OF INMATES

§ 275.1. Regular Observation by Corrections Officers

Every facility shall have the appropriate number of jailers at the facility 24 hours each day. Facilities shall have an established procedure for documented, face-to-face observation of all inmates by jailers no less than once every 60 minutes. Observation shall be performed at least every 30 minutes in areas where inmates known to be assaultive, potentially suicidal, mentally ill, or who have demonstrated bizarre behavior are confined. There shall be a two-way voice communication capability between inmates and jailers, licensed peace officers, bailiffs, and designated staff at all times. Closed circuit television may be used, but not in lieu of the required personal observation. Electronic sensors or cameras capable of recording the required personal observations of inmates in high-risk cells or groups of cells shall be installed no later than August 31, 2020.

History: The provisions of this § 275.1 adopted to be effective December 20, 1994, 19 TexReg 9651; amended to be effective December 22, 1999, 24 TexReg 11519; amended to be effective January 1, 2014, 38 TexReg 9626; amended to be effective August 26, 2018, 43 TexReg 5542; amended to be effective December 22, 2020, 45 TexReg 9231

§ 275.2. Jailers Training and Licensing

Personnel employed or appointed as jailers of county jails or personnel appointed, employed, or assigned to directly supervise jailers shall be licensed as per the requirements of the Texas Commission on Law Enforcement under the provisions of Part 7 of this title. Personnel employed or appointed as jailers or personnel appointed, employed, or assigned to directly supervise jailers at facilities operated under vendor contract with a county or city shall be licensed as per the requirements of the Texas Commission on Law Enforcement under the provisions of Part 7 of this title.

History: The provisions of this § 275.2 adopted to be effective December 20, 1994, 19 TexReg 9651; amended to be effective January 1, 2014, 38 TexReg 9626; amended to be effective December 22, 2020, 45 TexReg 9231

§275.3 Temp Jailers May Not Supervise

In accordance with Occupations Code 1701.310(f), a county jailer with a temporary license shall not be appointed as Jail Administrator or to any other supervisory position and shall not be assigned supervisory duties.

History: The provisions of this §275.3 adopted to be effective December 19, 2021, 46 TexReg 8351

§ 275.4. Staff

Inmates shall be supervised by an adequate number of jailers to comply with state law and this chapter. One jailer shall be provided on each floor of the facility where 10 or more inmates are housed, with no less than 1 jailer per 48 inmates or increment thereof on each floor for direct inmate supervision. This jailer shall provide documented visual inmate supervision not less than once every 60 minutes. Sufficient staff to include supervisors, jailers and other essential personnel as accepted by the Commission shall be provided to perform required functions. A plan concurred in by both commissioners' court and sheriff's office, which provides for adequate and reasonable staffing of a facility, may be submitted to the Commission for approval. This rule shall not preclude the Texas Commission on Jail Standards from requiring staffing in excess of minimum requirements when deemed necessary to provide a safe, suitable, and sanitary facility nor preclude submission of variance requests as provided by statute or Chapter 299 of this title.

History: The provisions of this § 275.4 adopted to be effective December 20, 1994, 19

TexReg 9651; amended to be effective February 26, 1996, 21 TexReg 1285; amended to be effective December 22, 1999, 24 TexReg 11519; amended to be effective January 1, 2014, 38 TexReg 9627

§ 275.5. Census

Inmates shall be physically counted by a jailer at frequent and regular intervals, no less than once per day.

History: The provisions of this § 275.5 adopted to be effective December 20, 1994, 19 TexReg 9651; amended to be effective January 1, 2014, 38 TexReg 9627

§ 275.6. Searches for Contraband

For the protection of jail personnel and inmates:

- (1) any items brought into the security perimeter of the facility by anyone should be searched for contraband;
- (2) any inmate who leaves the security perimeter of the facility shall be thoroughly searched for contraband before reentering the security perimeter;
- (3) there shall be regular and irregular searches of the entire facility area for contraband which shall be noted in a permanent facility record; and
- (4) searches for contraband should be timed so that they cannot be anticipated by the inmates.

History: The provisions of this § 275.6 adopted to be effective December 20, 1994, 19 TexReg 9651; amended to be effective December 22, 1999, 24 TexReg 11519; amended to be effective December 22, 2020, 45 TexReg 9231

§ 275.7. Supervision Outside the Security Perimeter--Court Holding Cells

Inmates shall be observed by a peace officer or a jailer licensed by the Texas Commission on Law Enforcement or bailiff when outside the security perimeter in court holding cells. The sheriff/operator shall have an established procedure for documented, face-to-face observation of all inmates no less than once every 30 minutes. One jailer, licensed peace officer, or bailiff shall be provided on each floor where 10 or more inmates are detained, with no less than one jailer, licensed peace officer, or bailiff per 48 inmates or increment thereof on each floor for direct inmate supervision. Where required, there shall be a two-way voice communication capability between inmates and jailers, licensed peace officers, or bailiffs at all times. Closed circuit television may be used, but not in lieu of the required personal observation.

History: The provisions of this § 275.7 adopted to be effective January 1, 2014, 38 TexReg 9627

§ 275.8. Jail Administrator Examination

A person appointed to the position of Jail Administrator after March 1, 2018, is required to satisfy the requirements of the Jail Administrator Examination as required by Texas Government Code § 511.00905. A person appointed as Jail Administrator must satisfy this requirement within 180 days of his/her appointment. If the person appointed as jail administrator is unable to satisfy the requirements of the examination, he/she shall be immediately removed and may not serve as the jail administrator until he/she satisfies the examination requirements of this section.

History: The provisions of this § 275.8 adopted to be effective March 1, 2018, 43 TexReg 1139

CHAPTER 277. CLOTHING, PERSONAL HYGIENE AND BEDDING

§ 277.1. Inmate Clothing

Standard facility clothing shall be issued to all inmates held over 48 hours. Additional appropriate clothing shall be issued to inmates participating in outside activities during inclement weather.

History: The provisions of this § 277.1 adopted to be effective December 20, 1994, 19 TexReg 9652; amended to be effective May 3, 1995, 20 TexReg 2867; amended to be effective September 2, 1997, 22 TexReg 8405; amended to be effective June 25, 2000, 25 TexReg 5918

§ 277.2. Laundering

A change of clothing shall be furnished at least once a week unless work, climatic conditions, illness, or other factors necessitate more frequent exchange to assure cleanliness.

History: The provisions of this § 277.2 adopted to be effective December 20, 1994, 19 TexReg 9652.

§ 277.3. Personal Clothing

All inmate personal clothing shall be cleaned, or sprayed with a disinfectant and stored.

History: The provisions of this § 277.3 adopted to be effective December 20, 1994, 19 TexReg 9652.

§ 277.4. Personal Hygiene

Inmates held over 48 hours who are unable to supply themselves with personal care items, because of indigency, shall be furnished the following:

- (1) toothbrush;
- (2) toothpaste or toothpowder;
- (3) soap;
- (4) comb;
- (5) shaving implements.

History: The provisions of this § 277.4 adopted to be effective December 20, 1994, 19 TexReg 9652; amended to be effective June 25, 2000, 25 TexReg 5918

§ 277.5. Toilet Paper

Toilet paper shall be available at all times.

History: The provisions of this § 277.5 adopted to be effective December 20, 1994, 19 TexReg 9652.

§ 277.6. Showers

Each inmate shall be given the opportunity to shower at least every other day or more often if possible. Inmates on work assignments and those making court appearances shall be given an opportunity to shower daily. Inmates should be required to shower at least every other day. Whenever clearly justified for health or sanitary reasons, the sheriff/operator may require a shower.

History: The provisions of this § 277.6 adopted to be effective December 20, 1994, 19 TexReg 9652.

§ 277.7. Compelling Haircuts

Whenever clearly justified for health or sanitary reasons, the sheriff/operator may require a haircut. Haircuts by reasonably skilled persons shall be available on a voluntary basis to all

inmates, sentenced and unsentenced.

History: The provisions of this § 277.7 adopted to be effective December 20, 1994, 19 TexReg 9652.

§ 277.8. Bedding and Linens

A standard issue of bedding and linens to each inmate to be placed in housing shall include, but shall not be limited to, the following clean, safe, and serviceable items:

- (1) one mattress;
- (2) one sheet or mattress cover;
- (3) one towel;
- (4) one blanket, or more depending upon climatic conditions. Inmates detained in holding and/or detoxification cells may be provided with the above items.

History: The provisions of this § 277.8 adopted to be effective December 20, 1994, 19 TexReg 9652; amended to be effective May 3, 1995, 20 TexReg 2867; amended to be effective March 31, 2014, 39 TexReg 2296

§ 277.9. Laundering of Bedding and Linens

Washable items such as sheets, towels, and mattress covers shall be exchanged for clean replacements at least once each week, or more often if necessary. Blankets shall be laundered or dry cleaned at least every three months or more often if necessary.

History: The provisions of this § 277.9 adopted to be effective December 20, 1994, 19 TexReg 9652.

§ 277.10. Mattresses

Mattresses shall be swept, aired, sprayed with a nontoxic disinfectant and stored off the ground prior to reissue.

History: The provisions of this § 277.10 adopted to be effective December 20, 1994, 19 TexReg 9652; amended to be effective December 22, 1999, 24 TexReg 11520

§ 277.11. Feminine Hygiene Products

Jails shall provide quality feminine hygiene products to female inmates, to include tampons in regular and large sizes and menstrual pads with wings in regular and large sizes. These products shall be available at all times and upon request. Inmates who utilize these products in a manner other than their intended purpose may be subject to disciplinary action in accordance with the facility's approved Discipline Plan.

History: The provisions of this § 277.11 adopted to be effective November 28, 2019, 44 TexReg 7411

CHAPTER 279. SANITATION

§ 279.1. Sanitation Plan

Each facility shall have and implement a written plan, reviewed and approved by the commission, for the maintenance of an acceptable level of cleanliness and sanitation throughout the facility. Such plan shall provide for:

- (1) a regular daily schedule for the work and inspections necessary to keep the facility clean; which schedule shall be assigned and supervised by jailers who have the responsibility for keeping the facility clean and making regular sanitation inspections;
- (2) water and sewage systems not part of a public system and food preparation areas shall be inspected at least annually by health authorities and record kept for each inspection;
- (3) adequate and safe cleaning equipment;
- (4) water tight garbage containers with tight fitting covers in the kitchen;
- (5) the maintenance of toilets, lavatories, showers, and other equipment throughout the facility in good working order;
- (6) the maintenance of all counters, shelves, tables, equipment, and utensils with which food or drink comes into contact in a clean condition and in good repair;
- (7) clean washing aids, such as brushes, dishcloths, and other hand aids used in dish washing operations and for no other purposes;
- (8) a well ventilated place for storing and drying mops and other cleaning tools;
- (9) the continuous compliance of the water system and sewage system with the minimum requirements for such public systems;
- (10) the prohibition of excessive storage of food in cells and day rooms.

History: The provisions of this § 279.1 adopted to be effective December 20, 1994, 19 TexReg 9653; amended to be effective December 22, 1999, 24 TexReg 11520; amended to be effective April 10, 2013, 38 TexReg 2228; amended to be effective December 22, 2020, 45 TexReg 9232

§ 279.2. Specificity

Such plan shall specify how and by whom the foregoing provisions are to be met.

History: The provisions of this § 279.2 adopted to be effective December 20, 1994, 19 TexReg 9653.

§ 279.3. Facility Maintenance

Preventive maintenance, to include necessary repairs, shall be conducted to ensure a safe, secure, and sanitary facility.

History: The provisions of this § 279.3 adopted to be effective May 19, 2002, 27 TexReg 4165

CHAPTER 281. FOOD SERVICE

§ 281.1. Frequency of Meals

Food shall be served three times in any 24-hour period. No more than 14 hours shall pass between meals without supplemental food being served.

History: The provisions of this § 281.1 adopted to be effective December 20, 1994, 19 TexReg 9653.

§ 281.2. Dining/Day Rooms for Meals

Meals should be served in dining rooms or day rooms when possible. Inmates should not be allowed to store excess food in cells or day rooms.

History: The provisions of this § 281.2 adopted to be effective December 20, 1994, 19 TexReg 9653.

§ 281.3. Balanced Diet

Except in emergency situations, meals shall be served in accordance with a written menu approved and reviewed annually for compliance with nationally recognized allowances for basic nutrition including nutritional requirements of known pregnant inmates. This approval and review shall be documented and should be performed by a licensed or provisional licensed dietitian.

History: The provisions of this § 281.3 adopted to be effective December 20, 1994, 19 TexReg 9653; amended to be effective May 3, 1995, 20 TexReg 2867; amended to be effective December 30, 2009, 34 TexReg 9483

§ 281.4. Prescribed Diets

Physician prescribed diets for inmates shall be served as required.

History: The provisions of this § 281.4 adopted to be effective December 20, 1994, 19 TexReg 9653.

§ 281.5. Staff Supervision

Food shall be prepared under the supervision of a staff member or contract employee who possesses a food handler license in accordance with 25 Texas Administrative Code (TAC) §228.31(d) with a copy available for review. Food shall be served under the immediate supervision of a staff member. Care shall be taken that hot foods are served reasonably warm and that cold foods are served reasonably cold. **History:** The provisions of this §281.5 adopted to be effective December 20, 1994, 19 TexReg 9653; amended to be effective December 27, 1995, 20 TexReg 10621; amended to be effective March 4, 2021, 46 TexReg 1386; amended to be effective June 5, 2023, 48 TexReg 2862

§ 281.6. Outside Food Preparation

Facilities without kitchens shall obtain prepared foods from sources which are approved either by the local health officer or the Food and Drug Division of the Texas Department of Health. The transfer of such food to the jail facility shall be in a manner to prevent contamination or adulteration.

History: The provisions of this § 281.6 adopted to be effective December 20, 1994, 19 TexReg 9653.

CHAPTER 283. DISCIPLINE AND GRIEVANCES

§ 283.1. Inmate Discipline Plan

Each sheriff/operator shall develop and implement a written disciplinary plan, approved by the Commission, governing inmate conduct. The plan shall provide for the firm, fair, and consistent application of rules and regulations. Facilities housing contracted TDCJ-ID inmates may adhere to TDCJ-ID disciplinary policies and procedures for these inmates, when they are housed together, and separately from all other inmates. Facilities housing federal inmates may adhere to federal disciplinary policies and procedures for these inmates, when they are housed together, and separately from all other inmates. For purposes of inmate discipline, violations of institutional rules and regulations shall be divided into Minor Infractions and Major Infractions.

- (1) Minor Infractions. Violations of rules and regulations which do not represent serious offenses against persons and do not pose a serious threat to institutional order and safety. Sanctions shall be limited to:
 - (A) counseling;
 - (B) verbal or written reprimand;
 - (C) in podular, direct supervision facilities, temporary restriction to cells for a period not to exceed twenty-four hours;
 - (D) loss of privileges for a period not to exceed fifteen days;
 - (E) disciplinary separation for a period not to exceed fifteen days;
 - (F) restitution for damage to jail property; and
 - (G) loss of good conduct credit.
- (2) Major Infractions. Violations of rules and regulations which constitute serious offenses against persons and property and pose a serious threat to institutional order and safety. Sanctions may include:
 - (A) loss of good conduct credit;
 - (B) loss of privileges for a period not to exceed thirty days;
 - (C) removal from work details or programs;
 - (D) disciplinary separation for a period not to exceed thirty days; and
 - (E) restitution for damage to jail property.
- (3) Disciplinary Due Process Requirements.
 - (A) provisions shall be made for a disciplinary hearing before a neutral and impartial board or officer which shall not include anyone involved in the claimed violation or charges;
 - (B) provisions shall be made for the selection of a disciplinary board and disciplinary officer. In facilities of 50 capacity or less, this may be one person. Disciplinary hearings may be conducted by a disciplinary officer for incidents defined as Minor Infractions;
 - (C) provisions shall be made for at least twenty-four hours written notice to be given to the inmate of the claimed violation or charges against him/her;
 - (D) provisions may be included for inmates to waive the right to a disciplinary hearing provided proper notification is given prior to the signing of the waiver. The waiver shall include the appropriate identification of charges, the allowable sanctions, and the sanctions offered by the waiver. A waiver shall not include the loss of good time as a sanction;
 - (E) provisions shall be made for the disclosure of the evidence against the person charged with the violation, although confidential informants may be protected;
 - (F) provisions shall be made for an opportunity to be heard in person and to present documentary defensive evidence when not unduly hazardous to institutional safety and correctional goals.
 - (G) provisions shall be made for inmates to call relevant witnesses on his or her

behalf for disciplinary hearings when not unduly hazardous to institutional safety and correctional goals;

- (H) provisions should be made permitting the inmate to seek the aid of another inmate if the inmate is illiterate or where the complexity of the issue makes it unlikely that the inmate will be able to collect and present the evidence necessary for an adequate comprehension of the case. If that is not permissible, substitute aid from the staff or from an inmate designated by the staff shall be provided;
 - (I) provisions shall be made for a written statement by the disciplinary board or disciplinary officer at the conclusion of the hearing indicating the evidence relied upon and reasons for the disciplinary action taken. The statement shall be delivered to the inmate and the Sheriff/Operator and shall be placed in the inmate's disciplinary file; and
 - (J) provisions shall be made for a documented appeals process, if requested by the inmate, by a person or persons not a member of the disciplinary board.
- (4) The following sanctions are prohibited:
- (A) deviation from normal feeding procedures;
 - (B) corporal punishment;
 - (C) administration of any form of disciplinary action or supervision by inmates;
 - (D) deprivation of clothing or bedding; inmates who destroy bedding or clothing may be deprived of such items. This shall be reviewed and documented every twenty-four hours;
 - (E) use of a violent cell;
 - (F) deprivation of items necessary to maintain an acceptable level of personal hygiene;
 - (G) deprivation of correspondence privileges when the offense is unrelated to a violation of the institutional rules and regulations regarding correspondence. In no case shall privileged correspondence be suspended; and
 - (H) deprivation of physical recreation or physical exercise.

History: The provisions of this § 283.1 adopted to be effective June 14, 1996, 21 TexReg 5004; amended to be effective December 29, 1997, 22 TexReg 12791; amended to be effective December 22, 1999, 24 TexReg 11520; amended to be effective May 3, 2000, 25 TexReg 3796; amended to be effective April 10, 2013, 38 TexReg 2229; amended to be effective May 26, 2014, 39 TexReg 3988

§ 283.2. Inmate Rules and Regulations

Every facility shall have prescribed rules and regulations governing inmate conduct. A copy of the institutional rules and regulations shall be made available to each inmate and read to illiterate inmates. A written acknowledgment by the inmate that the rules have been explained shall be retained. A translation shall be provided in an understandable language when necessary. The rules and regulations shall outline both Major and Minor Infractions, the types and ranges of possible sanctions for each category, due process requirements and specific procedures for filing a grievance. The rules and regulations, as provided to the inmate, shall be submitted to the Commission for approval.

History: The provisions of this § 283.2 adopted to be effective June 14, 1996, 21 TexReg 5004; amended to be effective September 2, 1997, 22 TexReg 8405; amended to be effective December 22, 1999, 24 TexReg 11520

§ 283.3. Inmate Grievance Plan

Every facility shall have and implement a written plan, approved by the Commission, for

inmate grievance procedures. This plan shall be an administrative means for the resolution of grievances. It supplements, but does not replace any informal grievance procedure. Each plan shall:

- (1) provide for the selection of member(s) to constitute a grievance board. In facilities of 50 capacity or less, this may be one person. An inmate may also be a member;
- (2) provide details on what constitutes grounds for initiation of a grievance:
 - (A) violation of civil rights;
 - (B) criminal act;
 - (C) unjust denial or restriction of inmate privileges;
 - (D) prohibited act by facility staff;
- (3) provide maximum time limits not to exceed 60 days with interim response not to exceed 15 days for written replies by the grievance board;
- (4) provide for the expeditious handling of emergency grievances where delay could subject the inmate to personal injury or other damages;
- (5) provide safeguards to prevent reprisals against the inmate in the resolution of a grievance
- (6) provide for meaningful relief of a substantiated grievance (i.e., reinstatement of good time, additional visitation privileges);
- (7) provide a documented appeals process if requested by the inmate by a person or persons not a member of the grievance board;
- (8) provide for the release of information to inmates and employees only when specifically approved by the sheriff/operator or designee.

History: The provisions of this § 283.3 adopted to be effective December 20, 1994, 19 TexReg 9654; amended to be effective December 22, 1999, 24 TexReg 11520

CHAPTER 285. RECREATION AND EXERCISE

§ 285.1. Physical Exercise

Each facility shall have and implement a written plan, approved by the Commission, for inmate physical exercise and physical recreation. Documentation of physical exercise and physical recreation shall be maintained for Commission review. Each inmate shall be allowed one hour of supervised physical exercise or physical recreation at least three days per week.

History: The provisions of this § 285.1 adopted to be effective December 20, 1994, 19 TexReg 9655; amended to be effective December 22, 1999, 24 TexReg 11521

§ 285.2. Sunlight

Inmates confined longer than ten days shall be allowed access to sunlight no less than one hour weekly.

History: The provisions of this § 285.2 adopted to be effective December 20, 1994, 19 TexReg 9655.

§ 285.3. Activities

Activities such as arts, crafts, cards, dominoes, checkers, chess, and similar diversions should be considered as possible nonphysical recreational activities. A television and radio may be available for day room viewing and listening.

History: The provisions of this § 285.3 adopted to be effective December 20, 1994, 19 TexReg 9655.

§ 285.4. Volunteers

Volunteers may be utilized in conjunction with recreational and exercise activities.

History: The provisions of this § 285.4 adopted to be effective December 20, 1994, 19 TexReg 9655.

CHAPTER 287. EDUCATION AND REHABILITATION PROGRAMS

§ 287.1. Education and Rehabilitation Plan

Each facility shall have and implement a written plan, approved by the Commission, for inmate rehabilitation and education. The plan shall make maximum use of the resources available in and to the community in which the facility is located. The plan should include programs for voluntary participation by inmates such as:

- (1) testing and counseling in connection with:
 - (A) alcohol or other drug abuse problems;
 - (B) vocational rehabilitation;
 - (C) academic and vocational aptitudes and goals;
 - (D) job placement;
 - (E) family problems;
 - (F) personal psychological or psychiatric problems;
- (2) participating in an academic, reading, and/or training program where feasible and where community resources are available.

History: The provisions of this § 287.1 adopted to be effective December 20, 1994, 19 TexReg 9655; amended to be effective December 22, 1999, 24 TexReg 11521

§ 287.2. Criteria, Eligibility

Reasonable criteria for eligibility shall be established.

History: The provisions of this § 287.2 adopted to be effective December 20, 1994, 19 TexReg 9655.

§ 287.3. Continuity

If possible, the plan established under § 287.1 of this title (relating to Education and Rehabilitation Plan), should be devised so that an inmate may continue the program upon release from the facility or when transferred to the Texas Department of Criminal Justice.

History: The provisions of this § 287.3 adopted to be effective December 20, 1994, 19 TexReg 9655.

§ 287.4. Library Plan

Each facility shall have and implement a written plan approved by the Commission for providing recreational library services to inmates.

History: The provisions of this § 287.4 adopted to be effective December 20, 1994, 19 TexReg 9655; amended to be effective December 22, 1999, 24 TexReg 11521

CHAPTER 289. WORK ASSIGNMENTS

§ 289.1. Assignment and Supervision

Inmate work shall be assigned by staff with consideration for an inmate's condition including known pregnancy. Inmate activities shall not be supervised by other inmates. Inmates shall not have access to inmate records, nor handle inmate monies or commissary accounts. Maintenance of locking systems and other security detention devices shall not be performed by inmates.

History: The provisions of this § 289.1 adopted to be effective December 27, 1994, 19 TexReg 9880; amended to be effective December 30, 2009, 34 TexReg 9484

§ 289.2. Voluntary Work

Pretrial detainees and inmates awaiting transfer to the Texas Department of Criminal Justice following conviction or revocation of probation, parole, or mandatory supervision may volunteer to participate in any work program operated by the sheriff that uses the labor of convicted misdemeanants. Inmates who have not been convicted shall not be required to participate in a work program. All inmates may be required to keep their immediate living area clean.

History: The provisions of this § 289.2 adopted to be effective December 27, 1994, 19 TexReg 9880.

§ 289.3. Maximum Hours

Inmates should not be required to work more than 48 hours per week, except in an emergency.

History: The provisions of this § 289.3 adopted to be effective December 27, 1994, 19 TexReg 9880.

§ 289.4. Outside the Security Perimeter

Only inmates classified as minimum custody should be assigned to work outside the security perimeter and should be supervised by jailers or persons designated by the sheriff.

History: The provisions of this § 289.4 adopted to be effective December 27, 1994, 19 TexReg 9880; amended to be effective June 14, 1996, 21 TexReg 5005; amended to be effective January 1, 2014, 38 TexReg 9628

§ 289.5. Non-Exclusivity

This provision is not intended to limit in any way the utilization of work release, work furlough, or other programs affording inmates work or employment opportunities outside the facility.

History: The provisions of this § 289.5 adopted to be effective December 27, 1994, 19 TexReg 9880.

CHAPTER 291. SERVICES AND ACTIVITIES

§ 291.1. Inmate Telephone Plan

Each facility shall have and implement a written plan, approved by the commission, governing the availability and use of inmate telephones.

- (1) Immediately after booking, but in no case later than four hours after arrival, a person shall be permitted to make at least two completed telephone calls. Toll calls should be made on a prepaid or collect basis. A free telephone shall be available for local calls for those inmates who otherwise would be unable to complete the two required calls. Facilities may have a special line reserved for inmate use.
- (2) Each facility shall provide for reasonable access, both local and long distance, between an inmate and his/her attorney, family, and friends. This may be on a prepaid or collect basis. The plan shall contain procedures for the handling of emergency calls.

History: The provisions of this § 291.1 adopted to be effective December 27, 1994, 19 TexReg 9880.

§ 291.2. Inmate Correspondence Plan

Each facility shall have and implement a written plan, approved by the Commission, governing inmate correspondence. The plan shall provide for the handling of privileged and nonprivileged correspondence, both outgoing and incoming, and shall provide for the collection and distribution of correspondence.

- (1) General Requirements.
 - (A) Inmates shall be permitted to send as many letters of as many pages as they desire, to whomever they desire. Inmate to inmate correspondence may be prohibited where legitimate penological interest exists.
 - (B) Inmates may receive correspondence in any quantity, amount, and number of pages.
 - (C) Inmates shall be allowed to retain writing materials, stamps, and correspondence in reasonable amounts.
 - (D) If requested, indigent inmates shall be furnished a reasonable amount of paper, pencils, envelopes, and stamps to correspond with their attorney(s) and the courts. Additionally, indigent inmates shall be furnished paper, pencils, envelopes, and stamps to post at least three letters a week for all other correspondence. A negative balance may be maintained on the inmate's commissary account for indigent postage and correspondence supplies.
 - (E) Correspondence may be rejected on a case by case basis, provided it is a violation of the inmate rules. For purposes of this plan such correspondence is defined as:
 - i) containing information regarding the manufacture of explosives, weapons, or drugs;
 - ii) containing material that a reasonable person would construe as written solely for the purpose of communicating information designed to achieve the breakdown of jails through inmate disruption such as strikes or riots; and
 - iii) a specific factual determination has been made that the publication is detrimental to inmate's rehabilitation because it would encourage deviate criminal sexual behavior.
- (2) Privileged Correspondence.
 - (A) Correspondence addressed to or received from the following persons or

organizations shall be considered privileged correspondence:

- i) officials of the federal, state, and local courts;
- ii) all federal officials and officers, including the President of the United States;
- iii) state officials and officers, including the Texas Commission on Jail Standards and the Governor;
- iv) letters to bona fide news media; and
- v) the inmate's attorney(s).

(B) Outgoing correspondence addressed to the persons listed in subparagraph (A) of this paragraph shall not be opened or interfered with unless a search warrant is obtained.

(C) Incoming correspondence from correspondents listed in subparagraph (A) of this paragraph shall be opened only in the presence of the inmate with inspection limited to locating contraband. Whenever jail officials have probable cause to suspect that the incoming letter is part of an attempt to formulate, devise or otherwise effectuate a plan to escape from the jail, or to violate state or federal laws, officials shall obtain a search warrant prior to opening and reading the correspondence of the individual involved.

(3) Nonprivileged Correspondence.

(A) Mail addressed to or received from persons or organizations not listed in paragraph (2)(A) of this section shall be considered nonprivileged correspondence.

(B) Outgoing correspondence may be opened and read. Correspondence may be censored provided a legitimate penological interest exists. A copy of the original correspondence should be retained.

(C) Incoming correspondence may be opened and read. Correspondence may be censored provided a legitimate penological interest exists. A copy of the original correspondence should be retained. If contraband is discovered, it shall be confiscated and the inmate advised of the action.

History: The provisions of this § 291.2 adopted to be effective December 27, 1994, 19 TexReg 9880; amended to be effective October 20, 1997, 22 TexReg 10332; amended to be effective December 22, 1999, 24 TexReg 11521

§ 291.3. Inmate Commissary Plan

Each facility shall have and implement a written plan, approved by the commission, governing the availability and use of an inmate commissary which allows for the purchase of hygiene items and sundries. The plan shall:

- (1) indicate type of services, in-house or vendor;
- (2) indicate frequency of services;
- (3) provide procedures for inmates obtaining items;
- (4) provide for yearly audits by the county auditor in accordance with the Local Government Code, § 351.0415. The audits shall be submitted to the commission not later than ten days following completion; and
- (5) provide that all expenditures from commissary proceeds be made in accordance with the Local Government Code, § 351.0415.

History: The provisions of this § 291.3 adopted to be effective December 27, 1994, 19 TexReg 9880; amended to be effective October 23, 1995, 20 TexReg 8327.

§ 291.4. Visitation Plan

Each facility shall have and implement a written plan, approved by the commission, governing

inmate visitation. The plan shall:

- (1) indicate frequency of visitation periods; each inmate shall be allowed a minimum of two in-person, noncontact visitation periods per week of at least 20 minutes duration each;
 - (A) Facilities exempt from in-person visitation shall be determined by the provisions set forth in Government Code § 511.009(20)(a-1).
 - (B) The requirement of in-person visitation does not remove a sheriff's/operator's authority to limit visitation for disciplinary reasons as per 37 TAC § 283.1.
- (2) provide that at least one visitation period be allowed during evenings or weekends;
- (3) provide for reasonable attorney/client visitation;
- (4) provide procedures for the selection of visitors, including inmates' minor children. Accompaniment by parent, guardian, or legal counsel may be required. The sheriff/operator shall provide procedures regarding visitation by a guardian. The procedures shall include placement of a guardian, at the guardian's request, on the inmate's visitation list, and provide the guardian access to the inmate during regular visitation hours to an eligible inmate. A guardian's visit shall be in addition to normal visitation. The sheriff/operator shall require the guardian to provide the sheriff/operator with letters of guardianship as provided by §§ 1002.012, 1106.001 - 1106.003, Estates Code, before allowing visitation with the inmate;
- (5) define procedures where contact visitation is permitted;
- (6) contain procedures for emergency visitation.

History: The provisions of this § 291.4 adopted to be effective December 27, 1994, 19 TexReg 9880; amended to be effective May 3, 1995, 20 TexReg 2867; amended to be effective December 22, 2015, 40 TexReg 9305

§ 291.5. Inmate Religious Practices Plan

Each facility shall have and implement a written plan, approved by the Commission, governing religious practices. The plan shall include the following provisions:

- (1) removal of inmates not wishing to participate where group services are held;
- (2) volunteer programs and access to religious leaders in addition to normal visitation, consistent with security restrictions;
- (3) review of inmate requests regarding religious practices by the Sheriff/Operator or his designee;
- (4) procedures for determining whether a request can be accommodated through the least restrictive means without presenting an undue burden or endangering the safety and security of the facility;
 - (A) documentation of the reason for denial if the request cannot be accommodated;
 - (B) utilization of the established grievance procedure when the inmate contends the denial is unjust.

History: The provisions of this § 291.5 adopted to be effective December 27, 1994, 19 TexReg 9880; amended to be effective June 25, 2000, 25 TexReg 5919

CHAPTER 297. COMPLIANCE AND ENFORCEMENT

§ 297.1. Regular Local Inspections

During intervals of at least four months and at least two times each year, the sheriff/operator shall inspect each facility for which he/she is responsible inquiring into the security, control, conditions, and state of compliance with the rules of the commission. The owner of each facility is encouraged to make similar periodic inspections.

History: The provisions of this § 297.1 adopted to be effective December 27, 1994, 19 TexReg 9882.

§ 297.2. Commission Inspections

The frequency and extent to which facilities under Commission jurisdiction are inspected will be determined by the inspection priority of each facility. Commission staff shall perform at least one comprehensive and one limited inspection of each facility under Commission jurisdiction every twenty-four months. Limited compliance inspections and special inspections shall be used when deemed appropriate by the inspection priority of the jail. The Commission staff shall at any time have access to all parts of each facility; the books, records, data, documents, and accounts pertaining to each facility and to the inmates confined therein; and shall have the right and authority to interview any of the officials of the facility or inmates therein. The sheriff/operator shall assist staff by all means at their disposal to enable them to perform the functions, powers, and duties of their office.

History: The provisions of this §297.2 adopted to be effective December 4, 2022, 47 TexReg 8043

§ 297.3. Inspection Priority Assessment

The inspection priority of each jail shall be determined utilizing the assessment factors as required, but not limited to, Government Code, sec 511.0085 and other factors as determined by the Commission.

History: The provisions of this §297.3 adopted to be effective December 4, 2022, 47 TexReg 8043

§ 297.4. Inspection Reports

Within 45 days of each inspection by Commission staff, the owner and sheriff/operator responsible for the facility inspected shall be furnished with a report of the results of the inspection, and a copy of such report shall be filed with the Commission.

History: The provisions of this §297.4 adopted to be effective December 4, 2022, 47 TexReg 8043

§ 297.5. Certification

Upon completion of a comprehensive inspection, those facilities that meet Minimum Jail Standards shall be issued a certificate of compliance. The certificate of compliance shall remain in effect until a notice of non-compliance is issued

History: The provisions of this §297.5 adopted to be effective December 4, 2022, 47 TexReg 8043

§ 297.6. Notice of Noncompliance

- (a) When the Commission finds that a facility is not in compliance with state law, Minimum Jail Standards, or conditions necessitate administrative remedies, it shall issue a notice of noncompliance to the owner and sheriff/operator responsible for the facility that is not in

compliance. Such notice shall be sent to such officials by certified mail, return receipt requested. A copy of such notice of noncompliance shall be sent to the Governor.

(b) The notice of noncompliance shall:

- a. specify the minimum standards established by state law or the rules of the Commission with which the facility fails to comply or administrative remedies;
- b. shall provide a reasonable time, not to exceed 30 days, within which appropriate corrective measures shall be initiated; and
- c. shall provide a reasonable time, not to exceed one year within which appropriate corrective measures shall be completed.

History: The provisions of this §297.6 adopted to be effective December 4, 2022, 47 TexReg 8043

§ 297.7. Response by Officials

Upon receipt of a notice of noncompliance, the responsible officials shall initiate appropriate corrective measures within the time prescribed by the Commission (which shall not exceed 30 days) and shall complete the same within a reasonable time (not to exceed one year) as prescribed by the notice of noncompliance. Within 30 days following receipt of the notice of noncompliance, the responsible officials shall report to the Commission the corrective measures initiated and/or completed to correct a deficiency set forth in the notice of noncompliance

History: The provisions of this §297.7 adopted to be effective December 4, 2022, 47 TexReg 8043.

§ 297.8. Reinspection

Following a determination that the deficiency(s) set forth in the notice of non-compliance have been corrected, the owner and sheriff/operator responsible for the facility shall formally request a re-inspection. All re-inspections will be unannounced and no less than 10% of facilities under the Commission's jurisdiction that request re-inspection will be randomly selected for a comprehensive inspection.

History: The provisions of this §297.8 adopted to be effective December 4, 2022, 47 TexReg 8043

§ 297.9. Commission Review of Compliance

- (a) If a response is not received from the responsible officials or if a response does not offer remedies addressing all the items of noncompliance, the Commission may request that officials appear at a regular or special meeting of the Commission to present evidence of corrective action to be taken. Following the officials' presentation, the Commission may require the officials to appear before the Commission at a future date to report on compliance progress, may issue a remedial order, or may deem that no further action is required.
- (b) If a notice of noncompliance is issued to a facility operated by a private entity under Section 351.101 or 361.061, Local Government Code, the compliance status of the facility shall be reviewed at the next meeting of the Commission.
- (c) After the issuance of a notice of non-compliance, the jail's compliance status will be reviewed as required by the Commission's monthly compliance assessment review.
- (d) A jail that has been issued two or more notices of non-compliance within a period of eighteen consecutive months will be subject to increased monitoring to include:

- (1) Submission of monthly status reports on a form prescribed by the Commission and supporting documentation as requested by the Commission to determine status; and
 - (2) Two unannounced comprehensive inspections within twelve months from the date that the increased monitoring commenced.
- (e) If the jail fails to submit the monthly reports or fails one of these two full inspections, the jail will be subject to immediate enforcement action.

History: The provisions of this §297.9 adopted to be effective December 4, 2022, 47 TexReg 8043.

§ 297.10. Commission Enforcement Action

- (a) A jail that has not requested reinspection and has not been issued a certificate of compliance within three months of the issuance of a notice of non-compliance will be required to provide updates on their progress to regain compliance. With written concurrence from the County Judge, the Sheriff shall submit to the Commission the corrective measures completed and expected completion date to correct the deficiency(s) set forth in the notice of noncompliance if the jail has not been issued a certificate of compliance within three months of the issuance of a notice of non-compliance.
- (b) A jail that has not requested reinspection and has not been issued a certificate of compliance within six months of the issuance of the notice of noncompliance shall appear before the Commission at its next regularly scheduled or special called meeting. The sheriff and county judge shall appear in order to present evidence of corrective action taken and completion date. Following the official's presentation, the Commission may issue a remedial order or may deem that no further action is required.
- (c) A jail that has not requested reinspection and has not been issued a certificate of compliance within nine months of the issuance of the notice of noncompliance will be subject to a comprehensive inspection and shall appear before the Commission at its next regularly scheduled or special called meeting. The sheriff and county judge shall appear in order to present evidence of corrective action taken and completion date. Following the official's presentation, the Commission may issue a remedial order or may deem that no further action is required.
- (d) A jail that has not requested reinspection and has not been issued a certificate of compliance within twelve months of the issuance of the notice of noncompliance shall appear before the Commission at its next regularly scheduled or special called meeting. A remedial order shall be issued requiring compliance with minimum standards.

History: The provisions of this §297.10 adopted to be effective December 4, 2022, 47 TexReg 8043.

§ 297.11. Remedial Order by Commission

- (a) If the Commission determines that the responsible officials receiving a notice of noncompliance fail to initiate corrective measures within the time prescribed, the Commission may, by remedial order, delivered by certified mail, return receipt requested or by personal service to the responsible officials, declare that the facility in question or any portion thereof be closed, that further confinement of inmates or classifications of inmates in the noncomplying facility or any portion thereof be prohibited, that all or any number of the inmates then confined be transferred to and maintained in another designated facility, or any combination of such remedies.
- (b) The remedial order of the Commission shall be in writing and shall specifically identify

each minimum standard with which the facility has failed to comply. Such remedial order shall become final and effective 15 days after its receipt by the responsible officials, provided, however, that if a review of Commission action § 297.13 of this title (relating to Review of Commission Action) or request for administrative hearing § 297.14 of this title (relating to Request for Administrative Hearing) on such remedial order is requested, the enforcement of such remedial order shall be stayed until such time as the Commission has rendered its decision following its hearing.

- (c) If a remedial order is issued, the Commission shall furnish the sheriff/operator with a list of qualified facilities to which the inmates may be transferred. The sheriff/operator of the facility shall immediately transfer the number of inmates necessary to bring the facility into compliance to a facility that agrees to accept the inmates. The agreement shall be in writing and shall be signed by the sheriff/operator transferring the inmates and the sheriff/operator receiving the inmates. A facility transferring inmates under this subsection shall immediately remove the inmates from the receiving facility if the sheriff/operator of the receiving facility requests their removal in writing. The owner responsible for the noncomplying facility shall bear the liability for and the cost of transportation and maintenance of inmates transferred to or from a noncomplying facility by order of the Commission. The costs of transportation and maintenance shall be determined by agreement between the participating jurisdictions and shall be paid into the treasury of the entity providing transportation and/or maintenance.
- (d) When a remedial order is issued to terminate a contract for housing inmates not sentenced in a Texas court, the responsible officials shall initiate action to terminate the contract and transfer the effected inmates. A copy of the remedial order shall be provided the sending state.
- (e) Upon the issuance of a Certificate of Compliance, the remedial order shall be reviewed at the next regularly scheduled meeting of the Commission.

History: The provisions of this §297.11 adopted to be effective December 4, 2022, 47 TexReg 8043

§ 297.12. Other Commission Remedies

In addition to or in lieu of the remedial order remedies described in §511.104 of this title (relating to Remedial Order by Commission), the Commission may institute an action in its own name to enforce or enjoin the violation of its orders, rules or procedures, or the Local Government Code, Chapter 351. An action brought pursuant to this section is in addition to any other action, proceeding, or remedy provided by law and may be brought in a district court of Travis County, Texas. A suit brought under this section shall be given preferential setting and shall be tried by the Court, without a jury, unless the responsible officials request a jury, in accordance with the Local Government Code, Chapter 351. The Commission shall be represented by the attorney general in such actions.

History: The provisions of this §297.12 adopted to be effective December 4, 2022, 47 TexReg 8043

§ 297.13. Review of Commission Action

- (a) Any responsible official disagreeing with any remedial order or action on an application for variance of the Commission, within 15 days after the date thereof, may request in writing an appearance before the Commission to review the action taken by the Commission. The request shall include information on the circumstances to be reviewed.
- (b) The request for review shall be effective if postmarked within 15 days from the date of the remedial order or action on application for variance, or if it is otherwise received by the Commission within such 15-day time period. The request for review shall be directed

to the Executive Director.

- (c) Review of Commission action may determine that the remedial order or application for variance request may continue to be effective as issued, may be amended, or may be rescinded. Any action affected by this section shall be effective immediately.

History: The provisions of this §297.13 adopted to be effective December 4, 2022, 47 TexReg 8043

§ 297.14. Request for Administrative Hearing

- (a) If the responsible officials disagree with a Commission action and have exhausted all remedies under §297.13 of this title (relating to Review of Commission Action), the officials may request, within 15 days after the date thereof, an administrative hearing under Chapter 301 of this title (relating to Rules of Practice in Contested Cases), upon the determination of matters of fact or law with which they disagree.
- (b) The request for hearing shall be effective if post marked within 15 days from the date of the remedial order or action on application for variance, or if it is otherwise received by the Commission within such 15-day time period. The request for hearing shall be directed to the chairman of the Commission and shall contain the following statements:
 - (1) the legal authority and jurisdiction under which the hearing should be held;
 - (2) the particular statutes, sections of statutes, and rules involved;
 - (3) a short, plain recital of the errors of fact or law for which review is sought, stating in detail the facts justifying the amendment or reversal of the order or action of the Commission; and
 - (4) the name and address of the person or representative to whom notices or other written communications shall be directed, and the name and address of the person or representative who will appear at the hearing and the name and address of the person or persons on whose behalf he will appear.
- (c) A request for hearing, if not made in the time and manner herein provided, shall be deemed waived, and in such event the remedial order or action on application for variance of the Commission shall become final.
- (d) Upon the receipt of a timely request for hearing, the Commission shall request a hearing be scheduled by the State Office of Administrative Hearings.
- (e) If the administrative law judge issues a proposal for decision indicating the Commission action is justified, the administrative law judge shall include in the proposal a finding of the costs, fees, expenses, and reasonable and necessary attorney's fees the state and Commission incurred in bringing the proceeding. The board may adopt the finding for costs, fees, and expenses and make the finding a part of the final order entered in the proceeding. Proceeds collected from a finding made under this subsection shall be paid to the Commission.

History: The provisions of this §297.14 adopted to be effective December 4, 2022, 47 TexReg 8043

§ 297.15. County Contract with Private Entity for Jail Facilities

- (a) The Commissioners court of a county may contract with a private vendor to provide for the financing, design, construction, leasing, operation, purchase, maintenance, or management of a facility for the confinement of persons accused or convicted of an offense.
- (b) Contracts for these purposes shall comply with Local Government Code, §§351.101-351.104 (concerning county contract with private entity for jail facilities).
- (c) If the contract includes construction of a new facility or renovation of an existing facility, the construction documents shall be submitted and reviewed in accordance with Chapter

§257 of this title (relating to Construction Approval Rules).

- (d) Facility operational plans, as required by the Commission, shall be developed by the private operator of the facility in consultation with the sheriff and shall be approved by the sheriff, in writing, prior to submission to the Commission for approval. Approval by the sheriff shall not be unreasonably withheld. Revised plans shall similarly be submitted when there is a change of sheriffs, operator, types of persons being confined, or operational procedures.
- (e) The sheriff shall exercise regular on-site monitoring over the private jail facility, in accordance with the Local Government Code, §351.103 (concerning Contract Requirements). The specifics of such on-site monitoring, including the resolution of disputes, disagreements, or deficiencies shall be provided for in the contract and facility operational plans.

History: The provisions of this §297.15 adopted to be effective December 4, 2022, 47 TexReg 8043

§ 297.16. Municipal Contract with Private Entity for Jail Facilities

- (a) The governing body of a municipality may contract with a private vendor to provide for the financing, design, construction, leasing, operation, purchase, maintenance, or management of a facility for the confinement of persons accused or convicted of an offense.
- (b) Contracts for these purposes shall comply with the Local Government Code, §§ 361.061-361.067 (concerning municipal contract for jail facilities).
- (c) If the contract includes construction of a new facility or renovation of an existing facility, the construction documents shall be submitted and reviewed in accordance with Chapter 257 of this title (relating to Construction Approval Rules).
- (d) Facility operational plans, as required by the commission, shall be developed by the private operator and approved by the municipality, in writing, prior to submission to the commission for approval. Revised plans shall be submitted when there is a change of operators, types of persons being confined, or operational procedures.
- (e) The municipality shall exercise regular on-site monitoring over the private operation of the facility, in accordance with the Local Government Code, § 361.062 (concerning Contract Requirements). The specifics of such on-site monitoring, including the resolution of disputes, disagreements, or deficiencies shall be provided for in the contract and facility operational plans.

History: The provisions of this §297.16 adopted to be effective December 4, 2022, 47 TexReg 8043.

§ 297.17. Contract with Other States for Housing Non-Texas Inmates

- (a) The only entities, other than the state, that are authorized to operate a correctional facility to house in this state, inmates convicted of offenses against the laws of another state of the United States are:
 - (1) a county or municipality; and
 - (2) a private vendor operating a correctional facility under a contract with a county under Subchapter F, Chapter 351, Local Government Code, or a municipality under Subchapter E, Chapter 361, Local Government Code.
- (b) A private vendor operating a correctional facility in this state may not enter into a contract for housing out-of-state inmates. A county commissioners court or the governing body of a municipality may enter into a contract with another state or a jurisdiction in another state for housing out-of-state inmates.

- (c) At a minimum all contracts shall:
 - (1) require facility compliance with minimum jail standards;
 - (2) require that all inmates confined pursuant to the contract be released within the jurisdiction of the sending entity;
 - (3) require that all inmates records concerning classification, to include conduct records, be reviewed by the receiving entity prior to transfer of the inmate;
 - (4) require that the sending entity determine inmate custody level in accordance with Chapter 271 of this title (relating to Classification and Separation of Inmates) to ensure that custody level assignments do not exceed the construction security level availability;
 - (5) require that inmates with a record of institutional violence involving the use of a deadly weapon or a pattern of violence while confined in the sending state, escape, or attempted escape from secure custody are not eligible for transfer unless a specific waiver has been granted by the commission;
 - (6) require that all appropriate medical information be provided prior to transfer, to include certification of tuberculosis screening or treatment;
 - (7) require provisions for termination of contract within 90 days by receiving entity;
 - (8) require termination of contract if so ordered by the Commission, pursuant to the Government Code, § 511.096.
- (d) The receiving entity shall develop and implement a written procedure outlining the coordination of law enforcement activities in the case of riot, rebellion, escape, or other situations requiring assistance from city, county, or state law enforcement agencies. The Commission may require the receiving entity or sending state to reimburse the state for emergency assistance. The procedure shall be submitted to the Commission for approval.
- (e) The receiving entity shall provide the Commission with a statement of custody level capacity and availability.
- (f) All operational requirements shall meet or exceed Texas Minimum Jail Standards and require Commission approval prior to implementation.
- (g) All receiving entities shall maintain a certificate of compliance from the Commission.
- (h) Copies of unsigned and signed contracts, along with addenda, shall be submitted to the Commission for review and approval respectively. Signed contracts between a private vendor and receiving entity shall be provided by the vendor for review and approval. The vendor shall also provide a biographical History for review.
- (i) The receiving entity shall promptly notify the Commission of any major incidents, including escapes.

History: The provisions of this §297.17 adopted to be effective December 4, 2022, 47 TexReg 8043.

CHAPTER 299. VARIANCE PROCEDURE RULES

§ 299.1. Policy

Local Government Code, Chapter 351 and Government Code, Chapter 511, Vernon's Annotated Civil Statutes, and these sections prescribe minimum standards for the construction, equipment, maintenance, operation, personnel, programs, services, and for the custody, care and treatment of inmates of county facilities and municipal facilities, operated under vendor contract. They are in the public interest of the state of Texas and should in all instances be reasonably enforced by the commission.

History: The provisions of this § 299.1 adopted to be effective December 27, 1994, 19 TexReg 9882.

§ 299.2. Filing

When a facility does not meet the requirements of the state statutes or these sections, or when the elected or appointed official having jurisdiction desires to construct or operate a facility not complying with the requirements, the official may file an application for variance with the commission. The facts and circumstances justifying the variance shall be submitted to the commission for review.

History: The provisions of this § 299.2 adopted to be effective December 27, 1994, 19 TexReg 9882.

§ 299.3. Contents

An application for variance shall include:

- (1) the name, address, and signature of the elected or appointed official(s) having jurisdiction of the facility for which the variance is being requested;
- (2) the specific statute, sections of statutes, and/or rules for which the variance is being requested;
- (3) the existing condition(s) that requires a variance or the desired condition(s) that would require a variance;
- (4) the projected cost to achieve compliance without a variance;
- (5) the effect the variance, if granted, would have on the operations and sanitation of the facility and on the custody, safety, health, and supervision of the inmates;
- (6) the length of time for which the variance is being requested;
- (7) any additional information or attachments demonstrating justification for the variance; and
- (8) utilization of alternatives to incarceration, including diversion initiatives and reentry efforts to reduce recidivism.

History: The provisions of this § 299.3 adopted to be effective December 27, 1994, 19 TexReg 9882; amended to be effective September 30, 2010, 35 TexReg 8771

§ 299.4. Burden

The burden of showing a clear justification for a variance shall be up to the party filing an application for variance. An application for variance will not be granted if it reasonably appears to the commission that the variance requested would permit or create unhealthy, unsanitary, or unsafe conditions or otherwise jeopardize the security or supervision of inmates or the programs and services required by law or rule of the commission.

History: The provisions of this § 299.4 adopted to be effective December 27, 1994, 19 TexReg 9882.

§ 299.5. Determination/Notice

The commission shall consider each application for variance and shall enter its order granting

or denying the application in whole or in part. Notice of the order of the commission shall be mailed or delivered in person to the official(s) named in the application for variance.

History: The provisions of this § 299.5 adopted to be effective December 27, 1994, 19 TexReg 9882.

§ 299.6. Request for Hearing

Any elected or appointed official disagreeing with an order or action of the commission upon any application for variance may, within 15 days of the date of such order or action, file a request for hearing in accordance with the provisions of § 297.11 of this title (relating to Request for Administrative Hearing).

History: The provisions of this § 299.6 adopted to be effective December 27, 1994, 19 TexReg 9882.

CHAPTER 300. FEES

§ 300.1. General

The commission shall set and collect reasonable fees to recover the cost of performing designated services as required by Government Code, § 511.0091 and § 511.0093 concerning fees set and collected by the commission.

History: The provisions of this § 300.1 adopted to be effective December 27, 1994, 19 TexReg 9883; amended to be effective September 2, 1997, 22 TexReg 8407.

§ 300.2. Designated Services

The following services are designated as fee recoverable when provided for facilities described under § 300.3 of this title (relating to Applicable Facilities):

- (1) review of and comment on construction documents for new facilities or expansion projects of existing facilities;
- (2) performance of occupancy inspections;
- (3) performance of annual inspections; and
- (4) performance of technical assistance,

History: The provisions of this § 300.2 adopted to be effective December 27, 1994, 19 TexReg 9883; amended to be effective September 2, 1997, 22 TexReg 8407.

§ 300.3. Applicable Facilities

- (a) Municipal jails operated for a municipality by a private vendor or county jails, whether financed, purchased, designed, constructed, leased, operated, maintained, or managed for the county by a private vendor or provided entirely by the county shall be considered applicable facilities for which the commission shall collect fees for designated services, as described in § 300.2 of this title (relating to Designated Services), when the facilities have:
 - (1) a rated capacity of 100 or more prisoners; and
 - (2) an actual or projected annual average jail population of prisoners sentenced by jurisdictions other than the courts of this state that is 30% or more of the total population of the facility.
- (b) Annual inspection fees shall be collected only for inspections conducted for the year in which the facility meets the requirements of subsection (a)(2) of this section.

History: The provisions of this § 300.3 adopted to be effective December 27, 1994, 19 TexReg 9883.

§ 300.4. Setting Fees

The commission shall determine or estimate the cost of performing the designated services described in § 300.2 of this title (relating to Designated Services) at least annually and set reasonable fees that recover the costs of the services. A fee schedule shall be developed and maintained at the offices of the commission (300 West 15th Street, Suite 503, Austin, Texas 78701) indicating the current fees set by the commission.

History: The provisions of this § 300.4 adopted to be effective December 27, 1994, 19 TexReg 9883.

§ 300.5. Collection of Fees

- (a) The commission will forward an invoice for payment for designated services to the municipality or county, for which the facility is or will be operated.
- (b) Payment shall be made to the commission by the municipality or county receiving the designated services within 45 days from receipt of the invoice for services.
- (c) Facilities operated by or for municipalities or counties which fail or refuse to make

CHAPTER 300. FEES

payment of fees are not eligible for certification.

- (d) Any municipality or county which is assessed a fee for services may request a hearing before the commission for adjustment or abatement of a fee by written request to the executive director within 15 days of receipt of invoice for performance of services.

History: The provisions of this § 300.5 adopted to be effective December 27, 1994, 19 TexReg 9883; amended to be effective February 21, 1997, 22 TexReg 1671.

CHAPTER 301. RULES OF PRACTICE IN CONTESTED CASES

§ 301.1. Procedures

The commission will follow the rules of procedure of the State Office of Administrative Hearings for contested cases, Title 1, Part VII, , Chapter 155.

History: The provisions of this § 301.1 adopted to be effective December 27, 1994, 19 TexReg 9884.

§ 301.2. Decision

The commission will render a decision following receipt of the proposal for decision from the State Office of Administrative Hearings. The commission may rule to agree, disagree or modify the proposal for decision based on findings of fact or conclusion of law which substantiate the remedial action or other action by the commission. The decision by the commission shall be final and effective when rendered.

History: The provisions of this § 301.2 adopted to be effective December 27, 1994, 19 TexReg 9884.