

## Minutes

**Meeting:** Administrative Rules Advisory Committee

**Place:** Sheriffs' Association of Texas

1601 S IH 35 Frontage Rd

Austin, TX 78741

**Time:** 10:00 A.M.

**Date:** Thursday, August 8, 2024

**I. Call to Order**

Meeting called to order by Sheriff Kelly Rowe at 10:00 AM.

**II. Roll Call of Committee Members**

Sheriff Kelly Rowe, Chairman	Jana Pence
Sheriff Wayne Dicky	Lori Compton
Sheriff Scott Cass	Johnny Jaquess
Debbie Ingalsbe	Gene Terry
Sammy Farias	
Krish Gundu	

Committee members present at the roll call were Sheriff Kelly Rowe, Krish Gundu, Lori Compton, Gene Terry, Jana Pence, Johnny Jaquess, Sheriff Cass (virtual), and Sammy Farias (virtual). Staff members in attendance were Executive Director Brandon Wood, Assistant Director Ricky Armstrong, Richard Morgan, Courtney Holms, Gabriel Farley, Michael Gravitt (virtually) and Stephanie Reneau (virtually).

**Others Present**

<b>Karen Muñoz, Latino Justice PRLDEF</b>	<b>Katy Murdza</b>
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**III. Reading and approval of minutes**

Minutes from the April 2024 meeting were reviewed. Committee members were provided amended minutes from the April 2024 meeting as a supplement to correct spelling and grammatical mistakes. Krish Gundu discussed issues with the minutes from the January 2024 meeting. The minutes of this meeting have been amended since August 2024 and will be reviewed for accuracy/approval at the next meeting. Additionally, Ms. Gundu discussed comments from discussion at the April 2024 meeting regarding the public comment on the agenda at that time. The amended minutes were reviewed, and a motion was made by Gene Terry to approve the minutes and seconded by Krish Gundu and the motion passed unanimously.

#### **IV. Public Comment**

**Katy Murdza** – Was in attendance to provide testimony regarding Sarah Knight, and her son Jalen, who passed away while incarcerated in Louisiana, where he was housed for Harris County. She discussed the reporting of out-of-state, custodial deaths of inmates from Texas counties. She encouraged the committee to implement a standard to require the reporting of these deaths.

#### **V. Old Business**

##### **A. Chapter 263 Life Safety Rules Subchapter A**

Director Wood discussed notes and comments on Chapter 263, Life Safety Rules, subchapter A and B, and Chapter 269, New Construction Rules, and the changes that have already been approved (relating to direct supervision, dormitories, and dayrooms). Director Wood discussed the formatting of the review of the rules up for review. Committee members discussed recommendations and comments made by members and the state fire marshal's office and SMEs for construction.

No action taken.

*At this time a brief recess was held to correct technical difficulties.*

##### **B. Chapter 263 Life Safety Rules Subchapter B**

See "A" above.

No action taken.

##### **C. Chapter 259 New Construction rules**

See "A" above.

No action taken.

**D. Chapter 265 Admission**

Johnny Jaquess addressed his comments for revision of chapter 265, Admission and chapter 267 Release with committee. This included discussion around the VRSS check at 265.13.

Suggested language will be provided at the next meeting for a revision to 265.13.

No action taken or needed.

**E. Chapter 267 Release**

See “D” above.

**F. Chapter 269 Records and Release Subchapter A**

Chapter 269 Subchapters A and B were discussed during conversation about the previous chapters. No actions were taken.

**G. Chapter 269 Records and Release Subchapter B**

See “F” above.

**VI. New Business**

**A. Four Year Rule Review**

1. Chapter 269 Subchapter C. Transfer of Felony Backlog
2. Chapter 269 Subchapter E. Report on Restraint of Pregnant Inmates
3. Chapter 271 Classification and Separation of Inmates

The above chapters were provided to the members. Director Wood discussed the chapters. Specifically, Director Wood discussed chapter 271 and the possible need for a subcommittee to review this chapter. Additionally, he discussed changes to statute that may affect chapter 269 subsections in this section. Director Wood requested that members review these sections for further discussion at the next meeting.

Sheriff Rowe and Director Wood discussed mixing inmate classification levels in direct supervision housing. Sheriff Rowe directed committee

members to review this section (classification) and that the decision to form a subcommittee would be addressed later.

Krish Gundu asked for clarification regarding housing and classification schemes with regards to intellectual or developmental disability (IDD). Director Wood provided clarification on objective jail classification and balancing the need for safety/security and an individuals housing needs.

No action taken.

## **B. VRSS**

Director Wood discussed TAC 265.13 VRSS. Background information and a guide on VRSS (prepared by the Veteran's Administration) were provided. Director Wood advised that the discussion regarding time frames in which to complete a VRSS check on an inmate has been between 24 and 72 hours from booking.

Krish Gundu discussed issues faced by combat veterans in crisis, and the "gap between mental health care provided by the VA and the LMHA". Kevin Stuart discussed current reporting using DPS' TLETS, and Director Wood advised that, at the last time of discussion, there was no plan to study or begin establishing the connections necessary to incorporate VRSS into TLETS.

Director Wood discussed language that could be used to amend 265.13 that would require jails to run VRSS checks within 72 hours of an inmate being housed OR within being classified, to account for extenuating circumstances such as if the inmate arrives in crisis or needs medical care.

No action taken.

## **C. Holding Cell Sanitation**

Director Wood advised committee members that their workbooks included gathered examples of product solutions that are available. He also discussed operational plan options for sanitation (specifically, hand washing) in holding cells.

Johnny Jaquess suggested a standard that requires each county to submit a plan to be approved by the commission to ensure hand hygiene is available in holding and processing areas. Sheriff Rowe discussed issues with writing standards that have a cost impact to them as opposed to allowing the jails discretion with an approved plan. Mr. Jaquess discussed moving this conversation to the inmate hygiene standards.

Director Wood advised that agency staff will provide proposal language at the next meeting.

No action taken.

#### **D. Guardianship**

Director Wood discussed that “guardianship” is an issue that is shared by the Intellectual or Developmental Disability Advisory Committee, and the information in committee members workbooks prepared by Krish Gundu. She discussed guardianship, including legally authorized representatives (HHSC term), guardian (probate courts), and supported decision makers, and the differences. She discussed the current Code of Criminal Procedure and the requirement that arresting agencies must notify courts when they have a person with a guardian in custody. She advised that the issue with guardianship is not just during admission but also during release as inmates who are a ward or have a supported decision maker are released without notice to their guardian.

Johnny Jaquess discussed arrests at group homes, and that these arrests are critical incidents and should be looked at. Additionally, he discussed issues with arresting at group homes and the potential of these individuals being rehoused to the state schools instead of jail.

Director Wood directed the committee members to the proposed language written by Krish Gundu. Johnny Jaquess suggested getting an opinion from the Office of The Attorney General on the proposed language.

No action taken.

## **E. Reporting out of state custodial deaths**

Director Wood reviewed the discussion from the previous meeting regarding the reporting of out of state custodial deaths of Texas County inmates. Krish Gundu discussed that inmates who die in custody while housed out of state are not counted in any official reporting by TCJS. Sheriff Rowe and Director Wood discussed the current custodial death reporting requirements and how reporting out of state custodial deaths of Texas County inmates might work. Kevin Stuart discussed the current staffing shortages at his (Brazos) and other jails and the effects a new standard might have on staffing. Director Wood discussed issues with the validity of data if reporting was mandated, because TCJS cannot verify information from an out-of-state agency.

Director Wood advised that TCJS will provide information on the potential impact of a standard on this topic at the next meeting.

No action taken.

## **VI. Other Business**

Director Wood discussed a public petition for changes to minimum jail standards regarding the inmate discipline plan. This item was received after the agenda for this meeting was set and will be included on the next meeting's agenda.

## **VIII. Date for next meeting**

The next meeting of the Administrative Rules Advisory Committee will be held on October 10<sup>th</sup>, 2024, at 10:00 AM at the Sheriff's Association of Texas.

## **IX. Adjourn**

The meeting was adjourned with appropriate motion by Gene Terry, seconded by Sheriff Cass. The motion passed unanimously.