

Figure: 37 TAC §159.21(a)

## **MEMORANDUM OF UNDERSTANDING**

**Between the Texas Department of Criminal Justice-Texas Correctional Office on Offenders with Medical or Mental Impairments (TDCJ-TCOOMMI), the Texas Commission on Law Enforcement (TCOLE), the Texas Commission on Jail Standards (TCJS), and the Texas Department of Public Safety of the State of Texas (DPS)**

For the purpose of establishing a continuity of care and service program for offenders who are persons with mental impairments, physical disabilities, terminal or significant illnesses, or who are elderly, the TDCJ-TCOOMMI, TCOLE, TCJS, and DPS (collectively referred to as the Parties), enter into this Memorandum of Understanding (MOU) and agree to the following.

### **1. AUTHORITY AND PURPOSE:**

Texas Health and Safety Code § 614.016 authorizes the Parties to establish an MOU that identifies methods for:

- Identifying offenders in the criminal justice system who are persons with mental impairments, physical disabilities, terminal or significant illnesses, or who are elderly;
- Developing procedures for the exchange of information relating to offenders who are persons with mental impairments, physical disabilities, terminal or significant illnesses, or who are elderly by the Parties for use in the continuity of care and services program; and
- Adopting rules and standards that assist in the development of a continuity of care and services program for offenders who are persons with mental impairments, physical disabilities, terminal or significant illnesses, or who are elderly.

### **2. THE PARTIES AGREE TO THE EXTENT POSSIBLE TO:**

- a) Coordinate on the development of policies, rules, or standards that promote the exchange of information (including electronic) regarding offenders with special needs without the consent of the individuals involved for the purpose of providing or coordinating services among the Parties in accordance with Texas Health and Safety Code § 614.017;
- b) Coordinate on the development of systems that provide for the timely identification of offenders with special needs who come into contact with law enforcement or jail personnel;

- c) Distribute relevant training seminar or educational information toward improving the knowledge and understanding of the identification and management of offenders with special needs;
- d) Provide notice to each of the Parties of any proposed rule or standard change which could affect the continuity of care system. Each Party will be afforded 30 calendar days after receipt of proposed change(s) to respond to the recommendations prior to the adoption;
- e) Provide annual status reports to TDCJ-TCOOMMI on the implementation of initiatives outlined in this MOU;
- f) Provide opportunities for cross-training for each other's staff; and
- g) Provide technical assistance and professional consultation to the affected Parties toward enhancing the coordination and response to offenders with special needs.

3. TDCJ-TCOOMMI WILL:

- 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) Monitor and coordinate the implementation of the activities of this MOU;
- d) Provide reports to the Legislature on the status of implementation of activities; and
- e) 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 WILL:

- a) Coordinate with TDCJ-TCOOMMI on the development of curriculum changes relating to offenders with special needs for pre- or in-service training requirements for peace officers;
- b) Provide annual status reports to TDCJ-TCOOMMI on the number of peace officers who have received training or certification in specialized mental health or related course work; and

- c) Coordinate with TDCJ-TCOOMMI on any research or evaluation activities designed to measure the effectiveness of specialized peace officer training.

5. TCJS WILL:

- a) Develop rules or standards to enhance the mental health and medical screening processes utilized by the local jails;
- b) Monitor the implementation of any screening standard through on-site audits conducted by TCJS staff in the course of routine jail inspections;
- c) Encourage local jails to develop written procedures with local mental health or health and human service agencies that describe activities for cross-referencing offender census with the above referenced social service agencies;
- d) Provide quarterly reports to TDCJ-TCOOMMI on MOU implementation activities; and
- e) Coordinate with TDCJ-TCOOMMI on any proposed rule or standard change involving offenders with special needs.

6. DPS WILL:

Incorporate statutorily required information on an offender's health and human service history in the appropriate Texas Law Enforcement Telecommunications System (TLETS) transactions.

7. REVIEW AND MONITORING:

- a) The Parties will monitor implementation of the continuity of care and service program as outlined in this MOU. The intent of all Parties is to provide timely communication, discussion, and resolution of transitional problems should any occur.
- b) This MOU will be adopted by the Parties. Subsequent to adoption, all Parties to this MOU will annually review this MOU and provide status reports to the TDCJ-TCOOMMI. The Parties may amend this MOU at any time by written mutual agreement.

8. Term: The MOU will expire on August 31, 2022.

**Certification**

This MOU is adopted to be effective: September 1, 2018.

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Chief Kim Vickers, Executive Director  
Texas Commission on Law Enforcement

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Brandon Wood, Executive Director  
Texas Commission on Jail Standards

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Jerry McGinty, Chief Financial Officer  
Texas Department of Criminal Justice

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Steven C. McCraw, Director  
Department of Public Safety of the State of Texas