



JC-TX-002-002

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

GORDON O. DEVONISH, ET AL., §

BRIEF BANK

PLAINTIFFS

VS.

§ Consolidated Civil Action
Number SA-73-CA-59

RUDOLPH GARZA, ET AL.,

DEFENDANTS §

UNITED STATES OF AMERICA,

Amicus Curiae §DECREE ON DECLARATORY AND INJUNCTIVE RELIEF

I.

INTRODUCTION

A. HISTORY OF CASE

On March 9, 1973, GORDON O. DEVONISH filed an action herein against certain of the defendants named below. Thereafter FRED T. DURROUGH, JERRY CASTILLO, ED FLINT, JAMES V. WARREN, JERRY WILBER, JOHN AHERN, ROY DALE DICKERSON, MICHAEL L. MEYER, RALPH G. DAVIS and ROBERT OWENS filed actions in this Court against certain of the defendants named below. Certain of the actions were individual actions while others were filed both individually and on behalf of all inmates in the Bexar County Jail, including pre-trial detainees and those incarcerated for the service of any sentence of conviction or violation of parole or probation. The actions were filed pursuant to 42 U.S.C. §1983 and 28 U.S.C. §§1343, 2201, 2202 and 2241. Each was an action to redress the rights of the plaintiffs named in each individual action, and/or members of the classes which each sought

to represent, which rights were conferred and protected by one or more amendments to the Constitution of the United States, including the First, Fourth, Fifth, Sixth, Eighth, Ninth and Fourteenth Amendments.

On August 1, 1978, the Court consolidated all of the individual actions under Civil Action No. SA-73-CA-59, granted leave to file a consolidated complaint, severed the issues of liability (injunctive and declaratory relief) and damages and directed the United States of America by and through the Civil Rights Division of the Department of Justice to appear as a litigating Amicus Curiae. Amicus appeared herein on November 15, 1978. Plaintiffs' first consolidated complaint was filed on May 11, 1979.

The defendants named in the consolidated complaint were W. B. HAUCK, RUDOLPH GARZA, RAY OLIVARRI, NORMAN R. COX, JR., TOM STOLHANDSKE, A. J. PLOCH, JEFFREY WENTWORTH, LEO MENDOZA, JR., TOM VICKERS, BLAIR REEVES, FRANK VAUGHAN, ALBERT BUSTAMANTE, and OFFICER STURFER, individually, and in their official capacities. The Estate of W. B. HAUCK, was substituted as a defendant after the death of W. B. HAUCK. JOE NEAVES, current Bexar County Sheriff, was added as a party defendant, while NORMAN R. COX, JR., was dismissed as a party defendant. JOHN AHERN was dismissed as a named plaintiff.

On March 20, 1981, the Court entered an order determining that plaintiffs' action was maintainable as a class action pursuant to FED.R.CIV.P. Rule 23(b)(2), naming GORDON DEVONISH, FRED T. DURROUGH, JERRY CASTILLO, ED FLINT, JAMES V. WARREN, MICHAEL L. MEYER, RALPH G. DAVIS and ROBERT OWENS as class representatives. The following class was certified, as clarified by an order dated April 6, 1981.

All inmates and pre-trial detainees incarcerated in the Bexar County Jail as follows:

1. All inmates and pre-trial detainees held in the Bexar County Jail between March 7, 1973, and the present;
2. All inmates and pre-trial detainees currently held in the Bexar County Jail; and
3. All inmates and pre-trial detainees who will be held in the Bexar County Jail in the future.

The Court refused to certify the class for monetary relief but did certify the class for the purpose of determining the appropriateness of the declaratory and injunctive relief, if any, against defendants for the alleged deprivations of rights, privileges and immunities secured by the United States Constitution to such inmates of the Bexar County Jail.

In the consolidated complaint, as to that which was certified as a class action, plaintiffs sought a permanent injunction enjoining and restraining defendants, their officers, agents, employees and legal successors from continuing certain policies, practices, procedures and conditions relating to the Bexar County Jail in order to protect plaintiffs, and all members of the affected class from deprivation of their rights, privileges and immunities secured by the Constitution and laws of the United States. According to the allegations in the first consolidated complaint, plaintiffs claim, and seek a declaratory judgment, that such rights, privileges and immunities conferred and protected by the First, Fourth, Fifth, Sixth, Eighth, Ninth and Fourteenth Amendments to the Constitution of the United States were denied and deprived them because of the following conditions:

1. Severe overcrowding (paragraph 33)
2. Excessive confinement (paragraphs 24-29)
3. Inadequate health care (paragraphs 30-44)
4. Inadequate Contact with family and friends (paragraphs 45-53)
5. Lack of grievance procedure (paragraphs 54-58)
6. Lack of employment, recreation and training (paragraphs 59-69)
7. Lack of adequate library facilities, supplies and programs (paragraphs 70-71)
8. Lack of adequate and legal disciplinary procedures (paragraphs 72-81)
9. Deprivation of Personal Property and Other Amenities (paragraphs 82-85)
10. Inadequate kitchen facilities (paragraphs 86-90)
11. Improper and inadequate sanitation (paragraphs 91-100)
12. Inadequate lighting (paragraph 101)
13. Inadequate staff (paragraph 102)
14. Improper mail procedures (paragraphs 103-106)
15. Religious discrimination (paragraph 106)
16. Racial discrimination (paragraph 107)
17. Access to courts (paragraphs 108-109)
18. Totality of circumstances (paragraphs 110-115)

Each of the defendants has expressly denied that any policy, practice, procedure or condition relating to the operation of the Bexar County Jail has resulted in the deprivation of any right, privilege or immunity secured by the Constitution and laws of the United States. Defendants claim that they were acting in good faith at all times and with probable cause in regard to the operation of the Bexar County Jail. They claim that any violation of the United States Constitution regarding the operation of the Bexar County Jail was not the policy, practice or usage of the Bexar County Jail, and such was performed outside the scope

of authority of any persons so acting, that there was no personal participation by any of the defendants in any of the purported constitutional violations and that, if the operation and/or conditions at the Bexar County Jail in any way violated the United States Constitution, the same was caused in whole or in part by the United States of America, the City of San Antonio and others. Defendants deny all allegations contained in the first consolidated complaint and do not, by agreeing to the entry of this decree, admit to any of the allegations contained therein or to any liability asserted therein or otherwise.

On June 1, 1981, the Court granted defendants leave to file a Third Party Complaint against the United States of America, hereinafter called United States, applicable to damages only. The United States is not a party to this decree, relating to injunctive and declaratory relief only.

B. FINDINGS OF COURT

Plaintiffs and defendants desire to resolve and compromise this action and all issues raised by the first consolidated complaint relating to declaratory and injunctive relief, only, without the time and expense of further contested litigation. Claims for damages are not included herein, and no resolution of damage claims are made by the entry of this decree. Reasonable attorneys' fees and usual and customary costs of litigation will be assessed and/or approved by the Court. Plaintiffs and defendants have consented to the entry of this decree, and counsel for plaintiffs and defendants have represented to the Court, and the Court finds, that there was no fraud or collusion at arriving at this compromise, that this compromise is fair, adequate and reasonable.

This decree is being entered with the intent, purpose and effect of protecting the rights, privileges and immuni-

ties of past, present and future inmates at the Bexar County adult detention facilities with respect to matters within the scope of this decree. It is, therefore,

ORDERED, ADJUDGED AND DECREED, as follows:

II.

GENERAL

- A. This Court has jurisdiction of the subject matter of this action and of the parties hereto. The first consolidated complaint states a claim upon which relief may be granted against defendants under 42 U.S.C. §1983 and the amendments to the Constitution of the United States referred to above.
- B. Neither the agreement to enter this decree nor anything in this decree shall be, or shall be construed to be, or shall be admissible in any proceeding as evidence of, an admission by defendants, or any of them, of any policy, practice, procedure or condition which is a violation of the rights, privileges or immunities of any past, present or future inmate of the Bexar County adult detention facilities nor any violation of, failure to comply with, or interference, or obstruction to comply with 42 U.S.C. §1983 or the Constitution of the United States of America and any amendment thereto.
- C. This decree resolves all issues between plaintiffs and defendants relating to only declaratory and injunctive relief prayed for in the first consolidated complaint but does not resolve any damages issues which are severed and reserved for future determination by the Court.

III.

PURPOSE OF DECREE AND GENERAL INJUNCTION

1. The purpose and effect of this decree is to resolve all questions which were raised or could have been raised by the declaratory relief and injunctive allegations in the first consolidated complaint and to secure to present and future inmate at the Bexar County adult detention facilities the rights, privileges and immunities secured them by the First, Fourth, Fifth, Sixth, Eighth, Ninth and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983.
2. Each of the defendants, their agents, employees, successors and all persons in active concert or participation with them are permanently joined and restrained from denying to present and future inmates at the Bexar County adult detention facilities the rights, privileges and immunities secured them by the First, Fourth, Fifth, Sixth, Eighth, Ninth and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983 and from failing or refusing fully to implement, or to participate and cooperate in the implementation of, the provisions set forth in this decree. No defendant who is in compliance with the terms and conditions of this decree will be deemed to be in violation of this general injunction.

IV.

A. LIFE SAFETY

Defendants shall by January 1, 1982, accomplish the following life-safety protections:

1. Connection of sufficient electrical outlets to the emergency generator, so that the portable smoke exhaust equipment can be used if normal power fails;

2. Installation of a smoke damper in the air-exhaust system;
3. Illumination of exit signs;
4. Installation of smoke detectors;
5. Resurface roof top recreation area;
6. Installation of sufficient electrical outlets for inmate use in each cell;
7. Compliance with and maintenance of all adult detention facilities with all State and local safety, health and fire codes.

B. ENVIRONMENT

1. Defendants immediately will inspect the Bexar County adult detention facilities, which means such facilities which are under the control of the Bexar County Sheriff or the Bexar County Commissioners or their successors as provided by law (hereinafter referred to as detention facilities), and accomplish the following:

- (a) Correct and eliminate all cross-connected plumbing;
- (b) Remove all standing water and filth in pipe chases;
- (c) Clean and provide covers for all outside garbage and lids for inside garbage containers;
- (d) Clean all air vents;
- (e) Correct and cover all exposed wiring and junction boxes;
- (f) Affix window screens throughout and, where necessary, replace missing glass;
- (g) Correct any existing plumbing leaks;
- (h) Turn down loud speakers;
- (i) Implement appropriate safety measures to protect health and safety of inmates if asbestos insulation is removed from any portion of the existing facility;
- (j) Provide warm and cold water in all cells if and in the event of major remodeling or renovation of the existing detention facility, or new facility construction.

- (k) Meet the ventilation standards for a new facility as set forth by the Texas Commission on Jail Standards if and in the event of major remodeling or renovation of the existing detention facility, or new facility construction.
- (l) Eliminate all standing accumulations of water; and
- (m) Place ten candle and forty candle lights in each cell area if and in the event of major remodeling or renovation of the existing detention facility or new facility construction.

In addition, defendants shall continue to inspect each of the above items and accomplish full maintenance on a continuous basis with prompt repair and correction to follow such inspection.

2. For kitchen sanitation, defendants shall comply by January 1, 1982, with the 1976 Food Service Sanitation Manual and applicable State laws. Defendants shall request the local health department to conduct periodic inspections of the food service and living areas of the detention facilities for compliance with local standards and shall comply satisfactorily and promptly with any recommendations of the local health department.

3. Defendants shall immediately provide full regular and continuous service to control rodents, insects, and other vermin by a licensed pest control person and shall use on a regular basis pest control machinery owned or controlled by defendants to supplement the service by such licensed pest control person.

4. A sanitation plan, subject to the approval of the parties, will be submitted to the Court by August 15, 1981, including a maintenance, cleaning, plumbing and replacement schedule and a program by which defendants will accomplish all of the provisions of this Section. Defendants also

agree to hire a sanitation supervisor for the detention facilities by January 1, 1982, who will be responsible for implementing said sanitation plan and filing the requisite reports set out in Section 10 below.

C. PERSONAL HYGIENE

The following will be accomplished immediately:

1. Clothing (including underwear) and bedding shall be issued by the detention facility in a sanitary condition and in good repair.
2. A laundering schedule, as follows, shall be maintained:
 - (a) clothing (two times per week);
 - (b) towels (two times per week);
 - (c) sheets and pillow cases (weekly);
 - (d) personal laundry (weekly); and
 - (e) blanket (monthly);provided, however, that if climatic conditions, illness or other factors necessitate more frequent exchange to insure cleanliness, such more frequent exchange shall be made.
3. Defendants shall, in addition, provide to each new inmate an appropriately sanitized mattress in good repair as well as pillow, clean mattress cover, toothbrush, tooth paste or powder, and soap. Appropriate protective shoes will be provided for inmate workers. Female inmates will be provided sufficient feminine hygiene items. The detention facilities shall provide appropriately sanitized barber equipment and sanitized solutions. All barber tools shall be sanitized before each use.
4. Each cell shall have appropriately sanitized metal cups picked up and sanitized every twenty-four

(24) hours or an adequate supply of single-service drinking cups for an angular jet-type drinking fountain.

D. PROTECTION FROM HARM

Defendants shall immediately establish an area of the jail other than the isolation cells on floors two (2) through seven (7) for housing of inmates requiring protective custody or administrative segregation. The use of the isolation cells on floors two (2) through seven (7) for housing inmates shall cease immediately. In addition, the defendants shall immediately adopt and implement the classification policy and procedures attached hereto as Appendix H, and shall employ one or more classification supervisors who shall be responsible for implementing, carrying out and supervising such classification policy as well as filing the requisite reports set out in Section VIII below. Defendants will file with the Court a housing assignment plan and definition of security and supervision requirements for different levels of security classification.

Defendants shall promulgate and implement a written policy restricting the use of physical force by facility personnel to instances of justifiable self-protection, protection of others, protection of property and prevention of escapes, and to only the degree necessary. Employees who might be in a position to use force against inmates shall be provided classroom and practical training in the proper use of force on inmates prior to their assignment to posts entailing supervising inmates.

E. CROWDING

1. Defendants shall not assign more inmates per cell than there are bunks.

2. By June 30, 1983, defendants shall bring the detention facilities into compliance with the requirements of the Texas Commission on Jail Standards, including provision for

the addition of remote fire exits for each wing of each floor on which inmates are housed in the existing facility. In addition, by January 1, 1982, defendants agree to place only those inmates classified as "low risk" in cells housing more than one inmate (hereinafter referred to as multi-occupancy cells), to increase security in all multi-occupancy cells (as provided in Section F2), and to remove all bunks that could house persons in excess of those allowed under the terms of this decree. No inmates shall be housed in a cell containing more than eight (8) inmates in excess of seventy-two (72) hours, and no cell shall house in excess of sixteen (16) inmates in any detention facility.

F. STAFFING AND TRAINING

1. Defendants shall establish sufficient additional positions by November 1, 1981, to staff the following positions in the inmate housing area:

- a. develop a sergeant's position to supervise the corporals on each floor and to insure compliance with the required security, sanitation and other floor procedures;
- b. increase second floor staff to include one corporal in a security cage, two officers to supervise the mental health housing units, and one officer to supervise trustees;
- c. increase third floor staff to include one corporal in a security cage, one corporal for the east wing, one female corporal and one female officer for north and south housing, two female officers for female property control and transport, and one runner;
- d. increase the fourth floor staff to include one corporal in the security cage and one officer for each wing;
- e. increase the fifth floor staff to include one corporal and one officer for each wing;

f. increase the sixth floor staff to include one corporal and five officers for as long as population of the floor remains at or near present levels: and

g. increase seventh floor staff to include one corporal and one officer for each wing.

2. Security officers shall monitor each inmate housing area at least every fifteen (15) minutes except where the regulation of the Texas Commission on Jail Standards require closer supervision and shall monitor multi-occupancy cells on a regular basis.

3. Upon implementation of a classification plan, defendants shall conduct a professional study to ascertain the adequate surveillance and security needs of the various inmate housing areas by classification, shall submit the plan to the Court for its approval, and shall, upon Court approval, implement said plan. Said plan shall be revised, resubmitted for approval and implemented upon any redesign, renovation or remodeling of the existing facility or upon construction of any new facilities.

4. The Sheriff, his designee or person responsible by law shall promulgate and implement written procedures for the operation of the jail. Each jail employee shall be trained regarding proper jail procedures, including the use of force, proper classification of inmates, disciplinary procedures, first aid, fire and emergency procedures, and C.P.R., in recognizing the signs of physical or mental illness or handicap and non-physical means of settling disputes. All detention facility employees shall receive written materials on the above-mentioned subjects immediately upon their employment at the Bexar County Jail, and shall receive class training of not less than 40 hours on said subjects within four (4) weeks of their employment at the detention facility. All detention employees shall receive meaningful in-service training on a regular basis not at their own expense. In addition to the foregoing, the

defendants shall prepare job descriptions and post assignments for all employees at Bexar County adult detention facilities and for the administrator.

5. The Sheriff, his designee or person responsible by law shall establish writing procedures requiring that all detention employees are meaningfully evaluated in writing on a frequent and regular basis, not less than semi-annually, for job performance and suitability for assignments to supervise inmates. Such evaluation shall consider whether each employee has performed according to his job description.

6. The Sheriff, his designee or person responsible by law shall implement a written plan, subject to the approval of the Court, for disciplining employees who intentionally mistreat inmates or are consciously indifferent to the serious needs of an inmate. Nothing herein shall constitute a waiver of any immunity extended to the defendants, their successors and/or Bexar County, Texas under the Texas Tort Claims Act. Retreivable records of all employee evaluations and disciplinary actions shall be maintained for not less than two (2) years, which records shall be filed as provided in Section VIII.

G. MEDICAL CARE

By September 15, 1981, the Sheriff, his designee or person responsible by law agree to file with the Court a written policy and procedure on medical care. This written policy and procedure shall be submitted to the Court and counsel for approval and, thereafter, shall be implemented. Attached hereto as Exhibit 1 is a letter authored by Dr. John Sparks outlining generally the future policy and procedure. The Sheriff, his designee or person responsible by law agree to do the following:

1. Provide a full-time physician as medical director with, sole responsibility over the medical care program, an adequate staff, including licensed, qualified physicians, dentists, registered nurses, physician's assistants, licensed vocational nurses, and clerical assistants and medical records personnel;

2. Provide for medical admission screening of inmates incarcerated in the Bexar County Jail by licensed physicians' assistants in accordance with accepted medical standards.
3. Provide for sick call screening on the floors of the jail by licensed physicians' assistants with a procedure whereby correctional officers do not participate in determining which inmates may sign up for sick call;
4. Provide adequate procedures and qualified personnel for dispensing prescribed medications and safeguarding of dangerous and controlled substances in compliance with state and federal law.
5. Provide adequate procedures and personnel to enable inmates needing in-patient or out-patient medical care at a hospital to obtain such care.
6. If and in the event of a plan of major remodeling or renovation of the existing detention facility, or new facility constructed, defendants shall submit to the Court for its approval a plan devised by professional architects, engineers, and health planners for an adequate dispensary which shall include adequate private physicians' examination rooms, treatment rooms, patient rooms, safe and secure storage areas for medical and pharmacological supplies, and equipment.
7. The Sheriff, his designee or person responsible by law shall cease immediately confining inmates to cells without toilet and lavatory facilities.
8. All inmates in the jail shall be provided prompt dental services needed to reduce pain and to enable the inmate to eat. Inmates in the Bexar County adult detention facilities confined for thirty (30) days or more shall be provided all dental services necessary to prevent deterioration of dental health.

9. Defendants shall provide adequate staff and procedures to provide necessary mental health care and counselling for all inmates.
10. Drug intoxicated, alcohol intoxicated, and mentally ill inmates should be detected upon admission to the Bexar County Adult detention facilities and reasonable procedures to accomplish same shall be established. Such persons shall not be assigned to housing areas of the jail and shall be referred for appropriate treatment.

H. RECREATION

1. The Sheriff, his designee or person responsible by law shall provide an opportunity to each inmate in the jail for more than 72 hours for adequate physical exercise outside of his/her cell and dayroom, not less than three (3) times per week for a total of at least four and one-half (4 1/2) hours per week.

2. The Sheriff, his designee or person responsible by law shall hire and maintain recreation staff sufficient to implement these provisions but in no case fewer than four full-time recreation supervisors.

3. The Sheriff, his designee or person responsible by law shall fully utilize the eighth floor recreation area to provide for active recreation.

4. By January 1, 1982, no more than 30 inmates shall be scheduled to use either the indoor or outdoor recreation area, as these areas are currently constituted.

5. If and in the event of major remodeling or renovation of the existing detention facility, or new facility construction, defendants shall include adequate indoor and outdoor recreation facilities to be approved by the Court. Any change in existing facilities for the sole purpose of recreation shall not be construed as major remodeling or renovation as those terms are used herein.

6. Inmates in disciplinary status shall not be denied opportunities for physical exercise, based solely on disciplinary reasons.

7. In the event of major remodeling or renovation or new facilities constructed, the defendants shall include in their plans provisions for adequate classroom space.

V.

The Sheriff, his designee or person responsible by law shall implement and comply with the following policies and procedures:

A. Disciplinary policies and procedures:

1. Bexar County Disciplinary and Adjustment Board - Appendix A,
2. Inmate Disciplinary and Adjugment Board Guidelines 100.1 - Appendix B,

B. Grievance policy and procedures - Appendix C.

C. Religious policy and procedures - Appendix D.

D. Mail policy and procedures - Appendix E.

E. Telephone policy and procedures - Appendix F.

F. Visitation policy and procedures - Appendix G.

G. Classification plan - Appendix H.

H. Personal Property - Appendix I.

Each time the word "resident" is used herein, it means inmate.

VI.

In the event of major remodeling or renovation of the existing facility, or if any new facilities are constructed a plan will be submitted to bring the existing detention facilities into compliance with the "new construction standards" of the Texas Commission on Jail Standards to be implemented within a reasonable period of time not to exceed two (2) years. In any event, defendants shall comply or submit a plan to comply with all applicable current standards promulgated by the Texas Commission on Jail Standards by January 1, 1982. Such plan shall be implemented within a reasonable period of time not later than June 30, 1983. No other variance shall be requested or obtained from the Texas Commission on Jail Standards with respect to any matter within the scope of the judgment. Wherever the standards promulgated by the Texas Commission on Jail Standards are used herein, same shall be construed as minimum standards only.

VII.

The Bexar County adult detention facility, its officials, employees, agents and successors shall not, in the administration of benefits, privileges, entitlements, disciplinary or other sanctions, or in any other respect, discriminate against any inmate on the basis of race, color, creed, national origin, religion, alienage, sex, sexual preference, or age.

VIII.

The defendants shall file with the Court bi-weekly reports on the progress being made in implementing all such items listed above in Paragraph I through V. Such bi-weekly reports shall be prepared by Mr. Bill Holchak, or his successor to be designated by the Bexar County Commissioners' Court, for a period of three (3) years from the date this decree is entered. The Court shall continue and maintain jurisdiction of this cause until further orders. Additionally, reports shall be filed and maintained, and defendants shall provide reasonable access by counsel herein of all records (including safety, fire and health reports) and facilities upon reasonable notice.

IX.

The defendants shall pay all costs and any reasonable attorneys fees now accrued by plaintiffs. Nothing herein shall constitute a waiver by defendants of their right of subrogation, if any.

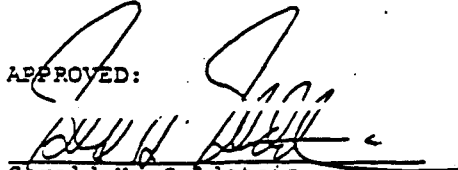
And the Court, having fully and carefully considered the foregoing, is of the opinion and so finds that the same should be, and is hereby THE JUDGMENT of this Court.

IT IS SO ORDERED.

ENTERED on this the _____ day of June, 1981, at
San Antonio, Texas.

WILLIAM SESSIONS,
United States District Judge

APPROVED:



Gerald H. Goldstein

Les Mendelsohn

Lonnie Duke

Charles Campion

John W. Benbow

ATTORNEYS FOR PLAINTIFFS

Keith Burris

Michael P. Hodge

BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE

ATTORNEYS FOR DEFENDANTS

BEXAR COUNTY DISCIPLINARY AND ADJUSTMENT BOARD

The purpose of the Bexar County Jail Disciplinary Board, is to maintain discipline on those residents whose behavior is not in compliance with jail rules and regulations. If it appears at any stage of the disciplinary process that a resident is ill, mentally, physically, or if any need for special housing requirements are needed this shall also be recommended to the Director, when warranted by the Board.

Upon arrival and processing of each resident at this institution, each resident shall be issued a pamphlet containing basic rights and responsibilities granted to each resident, as well as a list of acts which are prohibited while housed at this institution. The following general principles apply in every disciplinary action taken by the board:

- 1 Only institutional staff may impose disciplinary action.
- 2 Each accused offender should receive written notice of the alleged violation, as well as the time and date of the disciplinary hearing 24 hrs. in advance of the actual hearing. (If resident should waive this right, it should be documented in writing, and proceedings may take effect immediately.)
- 3 No sanction for the alleged violation should be imposed until after the board has determined guilt of the resident, except that the offender may be segregated from the rest of the population if the shift supervisor finds that he constitutes a threat to other residents, staff members, or himself. (In such a case the hearing must be held within 72 hrs. of segregation, or charges be dismissed.)
- 4 The offender should be aware of all the rights granted to him/her during a disciplinary hearing.
- 5 A recording of the hearing shall be made by the Board Chairman, as well as documentary proceedings and findings as to controverted facts, conclusions, and sanctions imposed, and the reason for such sanctions. Records of said hearing shall be maintained for two (2) years.
- 6 All evidence must be recorded and reviewed by the Director or his designated representative as to authorizing the decision, ordering further proceedings or reduce any or all sanctions imposed. (No decision may be effective until after approval of the Director or his designated representative.) No disciplinary action whatever shall be imposed without the accused inmate having a meaningful opportunity to present his or her case to an unbiased official.
- 7 Up to seven (7) days continuance may be authorized by the director to prepare a defense against charges which may involve segregation; on loss of good conduct time.
- 8 In cases where a resident shall appeal the board's decision, the resident should be made aware that he/she must send a written letter in any shape or form to the Director within 72 hrs. from notification of the board's decision. The Director or his designated representative should hear the appeal within a reasonable amount of time after receiving notice of the appeal.

The Disciplinary Board should be comprised of the Board Chairman, one non-law enforcement member and one unbiased jail officer, who has been employed with this institution as a regular officer for a reasonable amount of time. It is the responsibility of the Board Chairman to insure that all guidelines are followed during the hearing, and to present all documentary proceedings and recordings to the Director or his designated representative for his review. The Board Chairman will also insure that all restrictions imposed are carried out, and filed appropriately, after being properly approved by the Director. The following are a list of privileges granted to a resident that may be revoked if disciplinary action is deemed necessary by institutional standards.

- 1 Visitation - except legal or official, such as attorneys, investigators, etc.
- 2 Mail (incoming and outgoing) - except legal and official.
- 3 Commissary (with the exception of "personal hygiene articles", such as toothbrush, toothpaste, soap, shampoo, etc., only)
- 4 Recreation (If a resident is placed in isolation, then the resident is entitled to receive TWO ten minute exercise periods daily.)
- 5 G.E.D. classes or any extra curricular activities such as phone calls, art classes, etc.
- 6 Chapel services and area - A resident will not be allowed to attend any functions in this area while on restriction from the Chapel, however a resident may request religious counseling on the floor he/she resides.
- 7 Disciplinary sanctions shall not include any restriction upon access to law library, health services or recreation.

One or more of all privileges may be revoked for a specified number of days, the maximum number of days being no more than thirty. Isolation may also be imposed when deemed necessary by the board, for the exception of the number of days which will be no more than fifteen consecutive days. Repeat offenders will not receive the same disciplinary action as before, or it will be treated as a higher offense. If more than one sanction is placed on a resident then the Board Chairman must show justification in the decisions. The following are a list of sanctions which may be imposed by the Disciplinary Board.

- A. Trusty Status revoked
- B. Resident may lose some or all "good time" earned to date or equal punishment.
- C. Resident may lose one or more or all privileges granted by the institution, while being housed within

The materials or service that is requested from the resident must be sent to the librarian. It will become the responsibility of the officers assigned to the law library to inform the librarian of any resident who is restricted from this area.

the general population for a period not to exceed thirty days. (No isolation, special management is the only exception.)

- D. Isolation - Current isolation cells on floor 2-7 shall not be used for pre-hearing detention or for disciplinary segregation.
- E. The board may recommend a review of a resident's "security status" to the Director for a possible upgrade to a higher level once a reclassification system is set up. Any change in Housing must be approved by the institutional classification officer.
- F. The board may recommend a review of a resident for a possible special management type program to the Director, for the safety of the general population and staff members.

Punishment imposed on residents must be in conformance with the law and with the policies of the Director. The following is a list of sanctions not authorized by the institution.

- 1 Corporal punishment
- 2 Verbal abuse, or psychological harassment.
- 3 Denial of food, or any imposition of "short rations".
- 4 Assignment to unsanitary facilities.
- 5 Denial of basic hygiene articles, such as soap, toothpaste, etc.
- 6 Denial of access to showers or toilet facilities.
- 7 Denial of access to an attorney, either by visit or by legal and official correspondence.
- 8 Denial of any legal or official correspondence.
- 9 Denial of the right to religious counseling.
- 10 Denial of access to medical treatment.
- 11 Punitive isolation without the approval of the Director, or his designated representative. (Shift supervisors do have the authority to temporarily isolate a resident for security reasons, or to restore order, prevent harm, or other non-punitive reasons.
- 12 Imposition of any sanction not expressly authorized by written policy or amendment.
- 13 Denial of recreation and or physical exercise.
- 14 Denial of access to the law library.

All incident reports directed to the Board shall be reviewed by the Board, and prescribed on an individual basis, the best method for achieving control of, or conformity of residents who have violated institutional rules. In order for this to be attained it is essential that we divide all prohibited acts into four categories, in order to better comprehend each prohibited act. A major infraction will carry two levels. A and B, depending on the severity of the infraction. The same will apply to minor infractions.

The following is a categorization of the acts which are prohibited by this institution:

- 001 Killing - A-Major
- 002 Assaulting any person - A-Major
- 003 Fighting with another person. - A-Major with injury or A-Minor without injury
- 004 Threatening another with bodily harm, or with any offense against his person or property. - A-Minor
- 005 Extortion, blackmail, protection: demanding or receiving money or anything of value in return for protection against others, to avoid bodily harm, or under threat of informing- B-Major
- 006 Aiding another to commit suicide. - B-Major
- 051 Engaging in sexual acts with others. - A-Minor
- 052 Making sexual proposals or threats to another. - B-Minor
- 053 Indecent exposure. B-Minor, unless done with the intention of causing self-gratification in which case it will be considered an A-Minor
- 101 Escape - A-Major
- 102 Attempting or planning escape - A Major
- 103 Wearing a disguise or mask - A-Minor, unless done with the intention of interfering with the orderly running of the jail, in which case it is a B-Major.
- 151 Setting a fire. - A-Minor, unless done with the intention of causing damage or death, in which case it will be considered an A-Major.
- 152 Destroying, altering, or damaging county property, or the property of another person. - B-Major
- 153 Stealing (theft) - B-Major
- 154 Tampering with or blocking any locking device or door. - A-Minor, unless done with the intention of jeopardizing the security of the jail, in which case it will be a B-Major
- 155 Adulteration of any food or drink - B-Major, unless done with the intention of causing serious harm to another person, in which case it is an A-Major
- 201 Possession or introduction of an explosive or any ammunition - A-Major
- 202 Possession or introduction of a gun, firearm, weapon, sharpened instrument, knife, or unauthorized tool - A-Major
- 203 Possession, introduction, or use of any narcotics, narcotic paraphernalia, drugs, or intoxicants not prescribed for the individual by the medical staff. - B-Major
- 204 Misuse of authorized medication. - A-Minor

- 205 Possession of money or currency, unless specifically authorized - B-Minor
- 206 Possession of property belonging to another person - A-Minor
- 207 Lending of property or anything of value for profit or increased return - A-Minor
- 208 Possession of anything not authorized for retention or receipt by the inmate, and not issued to him through regular institutional channels - A-Minor
- 209 Possessing any officer's or staff clothing - A-Major
- 210 Possessing unauthorized clothing - B-Minor
- 211 Mutilating or altering clothing issued by the government - A-Minor
- 251 Rioting - A-Major
- 252 Encouraging others to riot - A-Major
- 253 Engaging in, or encouraging, a group demonstration - A-Minor, unless done with the intention of inciting a riot, in which case it is an A-Major
- 254 Refusing to work, or to accept a program assignment - A-Minor
- 255 Encouraging others to refuse to work or participate in work stoppage - B-Major
- 256 Refusing to obey an order of any staff member - A-Minor, unless the order given is in direct compliance with jail rules and regulations, in which case it is a B-Major
- 301 Unexcused absence from work, or any assignment - B-Minor
- 302 Malingering, feigning an illness - B-Major
- 303 Failing to perform work as instructed by a supervisor - A-Minor
- 304 Insolence towards a staff member - A-Minor
- 305 Lying or providing a false statement to a staff member - A-Minor
- 306 Conduct which disrupts or interferes with the security or orderly running of the institution - B-Major
- 351 Counterfeiting, forging, or unauthorized reproduction of any document, article of identification, money, security or official paper - A-Major
- 401 Participating in an unauthorized meeting or gathering - A-Minor
- 402 Being in an unauthorized area - B-Minor
- 451 Failure to follow safety or sanitation regulations - B-Minor
- 452 Using any equipment or machinery which is not specifically authorized - A-Minor

- 453 Using any equipment or machinery contrary to instructions or posted safety standards - B-Minor
- 501 Failing to stand count - A-Minor
- 502 Interfering with the taking of count - A-Minor
- 551 Making intoxicants - A-Major
- 552 Being intoxicated - B-Major
- 553 Smoking where prohibited - B-Minor
- 554 Using abusive or obscene language - A-Minor
- 601 Gambling - B-Major
- 602 Preparing or conducting a gambling pool - B-Major
- 603 Possession of gambling paraphernalia - A-Minor
- 651 Being unsanitary or untidy: failing to keep one's person and one's quarters in accordance with posted standards - B-Minor
- 652 Tatooing or self-mutilation - A-Minor
- 701 Unauthorized use of mail or telephone by the inmate - B-Minor
- 702 Unauthorized contacts with the public - A-Major
- 703 Shouting and whistling at people on the street below - A-Minor
- 704 Correspondence or conduct with a visitor in violation of posted regulations.
- 751 Giving or offering any official or staff member a bribe, or anything of value - A-Minor
- 752 Giving money or anything of value to, or accepting money or anything of value from another inmate, a member of his family, or his friend - B-Minor

Attempting to commit, aiding another person to commit, or making plans to commit any of the aforementioned offenses shall be considered the same as a commission of the offense itself. The following is a classification of major and minor infraction levels, along with recommended sanctions.

A-Major This is the highest level of infraction that can be attained, in the major category. A resident found guilty of this type of infraction should receive no less than ten days and no more than fifteen days in isolation with full restriction. Any injury to either party should justify the use of isolation, however changes may be made in the housing area. (Isolation is not the only solution.) If it is decided that a resident is to stay in his/her present housing area, then the number of days should not be greater than thirty days with full restriction. Loss of trustee status or loss of good time should be considered, when applicable to the resident.

B-Major This is the second level in the major category. No more than ten days or less than seven days in isolation with full restriction. Once again isolation is not the only solution, and should be considered accordingly by the board, depending on severity of the

incident. (If resident is to stay in present housing area, the number of days should remain the same, no more than ten days or less than seven.)

A-Minor This is the highest level in the minor category. A resident found guilty of this type of infraction should receive no more than seven days or less than five days from any three sanctions, for the exception that isolation and loss of good time may not be imposed.

B-Minor This is the lowest level which can be attained by a resident. Residents found guilty should receive no more than five days nor less than three days restriction from any three sanctions, for the exception that isolation or loss of good time may not be imposed. Loss of trusty status should be recommended when applicable, in which case no other sanction should be imposed.

It must be remembered that each incident report is not exactly the same, regardless of the offenses and cannot be treated as such. Therefore, it is necessary to give a certain amount of fluctuation in the dispensing of sanctions, depending on the circumstances surrounding each individual incident report.

- e. The medical screening officer will record any special instructions, sign the form and deliver the document to the classification officer for review and evaluation.

4. Classification Evaluation (Summary and Profile)

The classification officer is responsible for the initial classification decision which includes the preparation of the classification profile and the assignment of housing. An evaluation will be conducted considering all information previously recorded in the classification record, the interview with the inmate, and any additional information necessary to reach a classification decision. The classification officer will record a summary of information in the classification record which shall include:

- a. Security Level and Status
- b. Risk Factors (coded)
- c. Program/Service Needs (coded)
- d. Classification Code
The classification code is a composite of previously identified codes arranged in the following order:
 - 1. Source Code
 - 2. Security Level and Status Codes
 - 3. Risk Codes
 - 4. Program/Service Codes
- e. Housing Assignment

Upon completion of the evaluation and coding, the classification officer will transfer the pertinent information to the classification profile form (see Attachment B) and distribute copies of the profile to the booking officer and housing unit supervisor. Copies of the profile and the classification record will be provided to the institutional classification officer, the medical director, and the program director.

5. Housing Assignment

Housing assignments will be made according to the following criteria:

- a. Males and females should be separated from sight and sound of one another.
- b. Inmates under 18 years of age and adults should be separated from sight and sound of one another.
- c. Material witnesses not charged with crimes should be separated from all other inmates.
- d. Inmates with communicable or contagious diseases should be separated from all other inmates.
- e. Persons suspected of insanity but who are not considered homicidal or suicidal should be separated from all other inmates until proper evaluation and treatments.

- f. First offenders awaiting trial should be separated from all inmates who have been convicted of crimes.
- g. Misdemeanants should be separated from felons.
- h. Persons demonstrating homicidal or suicidal tendencies shall be separated from all other prisoners and kept under observation.
- i. Inmates who are participating in work release, weekend detention or who are trustees shall be separated from all other inmates.
- j. Only "low risk" inmates shall be assigned to multi-occupancy cells. "Low risk" means inmates who, based upon the information collected during the booking and classification process, are determined by the classification officer to be not likely to harm other persons or be harmed by other persons. No person with aggressive demeanor or assaultive tendencies shall be placed in multi-occupancy cells.
- k. Inmates assigned to multi-occupancy cells should in addition to the above be grouped according to the following characteristics:
 - (1) physical size
 - (2) level of security
- l. Inmates shall not be housed in a cell with a capacity of over eight inmates in excess of 72 hours.
- m. Other conditions such as gang membership, youthful appearance, etc. which require special consideration to provide for the safety of staff or inmates shall be considered.

Reclassification

Reclassification is the on-going process of reviewing, updating, and adjusting classification decisions as changes take place and additional information is obtained. A reclassification evaluation may take place at the inmate's request, at a staff member's request, upon notification by the booking officer of a change of status, upon completion of disciplinary action or upon the discovery of any information which may substantially affect the inmate's security level, risk evaluation, or program/service needs. A routine administrative review will be conducted quarterly of all records of inmates who have not received a classification or reclassification evaluation in the previous 30 day period.

The reclassification evaluation will be conducted according to the following procedures:

1. Request for Reclassification

All requests for a Reclassification evaluation will be submitted in writing to the institutional classification officer. The evaluation may be initialed in the following manner.

- a. Inmates should make their requests either verbally or in writing through a staff member, or directly to the institutional classification officer. If a staff member receives a verbal request by an inmate he/she is required to record the information on the appropriate form (see Attachment C) and deliver the form to the institutional classification officer.

Bexar County Jail and Adult Detention

Guideline Number 100.1

Date: March 9, 1979

Subject: Inmate Disciplinary and Adjustment Board

The purpose of the Inmate Disciplinary and Adjustment Board is to review all major infractions of rules and regulations by inmates and to review the need for special housing requirements for inmates (administrative, punitive or medical segregation).

Minor disciplinary infractions (those punishable by verbal/written reprimand or by loss of privileges for 24 hours or less) may be handled by the Shift Supervisor. The Supervisor must inform the inmate of the specific charge of misconduct, give the inmate an opportunity to explain or deny them, inform the inmate of what specific action will be taken and notify them of their right to submit a grievance if dissatisfied with the result. An incident report will be filed when such action is taken and will be reviewed by each Shift Supervisor and the Director.

Major infractions will be brought before the Inmate Disciplinary and Adjustment Board to include loss of trusty status. All changes in housing arrangements made by the Shift Supervisor will be reviewed by the Board. The Board will recommend penalties or disposition to the Director or his designated representative for corrective action.

The following procedures will be used when conducting hearings:

1. Only infractions of written rules, regulations and prohibited activities will be considered by this Committee.

2. Inmates must receive written notice of the charges, and time and place of hearing, 24 hours in advance.

3. Up to seven days continuance may be authorized by the Director in order to prepare for defense against charges which may involve segregation; or loss of good conduct time.

4. The inmate may be segregated prior to the hearing in the interest of security and institutional order. In such a case, inmates must receive a hearing within 72 hours.

5. The Committee will consist of three impartial staff members of the institution appointed by the Director.

6. The inmate must appear for the hearing to be held. If the inmate cannot appear, a continuance may be authorized by the Director or his designated representative.

7. The inmate may not be represented by Counsel; however, may be represented by another inmate or staff member.

8. The inmate may make a statement in his/her own behalf, may call relevant witnesses on his/her own behalf,

and may hear evidence and cross examine all witnesses except where individual safety, confidentiality or institutional security are jeopardized by such action.

9. The decision must be based solely on evidence presented at the hearing.

10. A record of the hearing will be made and retained for reference.


11. The decision will be reported in writing stating the reasons therefore and the evidence upon which the decision is based. The report will be submitted to the Director and the inmate concurrently.

12. The inmate may file notice of appeal to the Director within 3 days of receipt of the written notification.

13. Upon notice of appeal the Director or his designated representative must hear the appeal within 72 hours.

14. The action recommended by the Committee will be effect upon approval by the Director or his designated representative. The Director or his designated representative may reduce penalty or dismiss the charges upon review or appeal but may not increase penalty or add charges.

15. If guilt is not established or if charges are dismissed all records of the hearing and the charges will be destroyed.


N. R. Cox, Jr.
Director of Adult Detention

INMATE GRIEVANCE PROCEDURE

The Grievance Procedure is an administrative means for the expression and resolution of inmate complaints. Inmates may challenge the application of institutional rules and regulations but may not challenge the existence of those rules through the grievance procedure (petition or appeal to the Director should be used to challenge rules, regulations or policies).

Inmates may file grievances concerning:

1. staff conduct and activities,
2. the quality and availability of services and
3. programs,
4. conditions of confinement,
5. personal and family problems requiring special action,
6. injustice suffered by an inmate, and
7. problems and concerns not expressly prohibited or not covered by other boards and committees.

Inmate grievances will be heard by a 5 member committee appointed by the Director. The Committee shall consist of two impartial staff members and two inmates serving sentences at the facility. A third staff member shall serve as chairman and will vote only in the event of a tie. Committee hearings will be conducted in accordance with the following rules and procedures:

1. All inmates are hereby guaranteed access to this Grievance Committee without fear of reprisal. Any attempt to interfere with the presentation of a grievance before this Committee or any attempt at reprisal will result in severe disciplinary action.
2. Grievances may be submitted in writing to the Chairman of the Grievance Committee in a sealed envelope through the institutional mail officer. Verbal requests may be presented to the Chairman of the Grievance Committee through any staff member and will be recorded by the Chairman upon presentation.
3. The Chairman will review all grievances and determine their appropriateness under this guideline. Complaints considered inappropriate should be referred to the staff member, Institutional Board or Committee with responsibility for corrective action. Such referrals should be written and reasons for the referrals should be given.

EXAMPLES: Referral to Chaplain on personal family matters not requiring administrative action.

Referral to Inmate Disciplinary and Adjustment Board on matters defined in Guideline 100.1.

Referral to Director in all matters not covered by existing guidelines.

4. The inmate should receive a written response to his/her grievance within 48 hours of its receipt. This response should include notification of one of the following actions:

a. the grievance will be heard by the Committee within 24 hours, to include date, time and place of hearing.

b. the grievance has been referred to another Institutional Staff or board member for action.

c. the grievance has been rejected as frivolous or unnecessary.

In any instance involving a rejection, an automatic appeal to the Director or his designated representative will be initiated.

5. In situations requiring emergency administrative action, grievances should be submitted to the Director or his designated representatives through the Shift Supervisor. This procedure is available 24 hours per day, 7 days per week. The Shift Supervisor is responsible for determining that an emergency situation exists and will report any such decision on an Incident Report Form.

6. Inmates will be allowed representation before the Committee or upon appeal. Legal counsel is not allowed, but staff or inmate representatives are considered appropriate.

7. The Committee may call witnesses as required by the inmate filing the grievance. All witnesses are subject to cross examination.

8. The inmate filing the grievance may present evidence and call witnesses to establish the validity of the complaint.

9. The Committee's decision will be made by majority vote and reported in writing to the inmate and Director within 24 hours of the hearing. The written report will include:

a. witnesses appearing

b. a review of evidence and testimony

c. recommendations for corrective action and the reasons for the recommended action.

10. The inmate may appeal the Committee's decision within 3 days of receipt of the written report to the Director or his designated representative. The Director or his designated representative must act on an appeal within 48 hours.

11. Corrective action will be implemented upon final approval by the Director or his designated representative.

12. Under no circumstances will any record of the grievance be entered in the inmate's file.

13. Routine action should be completed with 3-5 days of the receipt of the grievance.

14. Contested action (appeals) should be completed within 5-7 days but within no more than 9 days from the date of receipt.

15. Inmates should allow one day for delivery of written grievances.

16. Defendants shall provide adequate staff to implement the grievance procedure and to investigate grievances.

17. Defendants shall maintain records of all grievances filed, including investigations conducted, resolutions recommended, action taken, and failure to implement any recommendation.

REQUIRED TIME LIMITS FOR GRIEVANCE PROCEDURE

Verbal or
Written
Grievance

Chairman's
Review

Written Notification
of Hearing or Referral
to Innate

Formal
Hearing
Within
24 Hours

(First Day)

R* (Second Day)

R + 48 Hrs.
(Third Day)

R + 72 Hrs.
(Fourth Day)

Rejection

Automatic
Appeal

Written Report
of Committee's
Decision Within
24 Hours of
Hearing to Innate
and Director

Appeal or Final
Approval Within
3 Days

Action on
Appeal Within
24 Hours

R + 96 Hrs.
(Fifth Day)

R + 170 Hrs.
(Sixth, Seventh
and Eighth Day)

R + 226 Hrs.
(Ninth or Tenth Day)

*R = date and time of Receipt of Grievance

Bexar County Adult Detention Center

Religious Services Plan

INTRODUCTION

The freedom of individual religious belief and worship is a precious privilege which each prisoner carries with him/her into the detention environment. Because of the need to provide institutional order, individual safety and public protection, the exercise of religion in a detention environment must be tailored to the specific characteristics of that environment.

Religious services at the Bexar County Adult Detention Center are provided by Ecumenical Institutional Services Incorporation (EISCORP), a non-profit agency in the State of Texas. EISCORP was established in 1970 by the San Antonio Community of Churches in response to the Report of the Citizens' Committee Study on the Bexar County Jail. The agency was established to provide religious, social and counseling services to prisoners of adult and juvenile detention centers.

Philosophy

The delivery of religious services in a detention environment involves a process which balances the individual's right to free exercise of religion with society's need for public protections. Public protection includes the maintenance of institutional order and security, as well as considerations of the individual safety of staff, prisoners and visitors to the institutions.

The principles which guide this process are:

1. that no unreasonable barriers to the prisoner's free exercise of religion be interposed,
2. that equal opportunity and equal access to religious services be afforded to all prisoners within the limitations imposed by considerations of public protection.

Objectives

The Board of Directors of EISCORP has adopted the following objectives for the delivery of religious services at the Bexar County Adult Detention Center:

1. To systematically visit all new residents within one week of incarceration to ascertain their needs and to promote their mental, physical and spiritual well-being.
2. To visit and counsel young and first offenders on a regular basis, as well as those prisoners requesting such counseling.
3. To respond to all prisoners in both written and oral.

4. To provide a channel of communication between prisoners and their families, friends and other outside parties.
5. To provide basic material needs to indigent prisoners.
6. To provide counseling or counseling referrals to the families of prisoners requesting it.
7. To identify community individuals and agencies able to provide services to prisoners and their families, and to establish explicit reference agreements where applicable.
8. To provide speakers for church congregations and other interested community groups.
9. To participate at every opportunity in media programs on incarcerated persons.
10. To actively seek out situations and practices within the structure and operation of the institution that violate the rights, dignity and well-being of prisoners and to work for reform of these conditions.
11. To provide ecumenical worship services as frequently as possible each week.

Program Methodology

In order to accomplish the above objectives the following methods will be employed:

1. Full time staff will identify new residents by reviewing daily population printouts and schedule visits in the housing units.
2. Youthful and first offenders will be brought to the chapel area for individual and group counseling.
3. Chaplain will make rounds in the housing units to provide individual counseling and to identify individual needs.
4. Referrals will be received from individual prisoners, staff and visitors.
5. Volunteers will be recruited, screened and trained to assist in the identification of need and provision of services.

Administration and Organization

The Bexar County Adult Detention Center is under the supervision of a Deputy Commander of the Bexar County Sheriff's Department. The Deputy Commander, and ultimately the Sheriff, is responsible for the overall administration of the center and all activities therein.

The sheriff has granted the EISCORP staff continual access to all areas of the center for the provision of religious and counseling services. Further, space within the facility has been provided for offices, worship and counseling activities.

Volunteers recruited by EISCORP staff must be screened and approved for security purposes by the Detention Center's staff. Unless institutional order, discipline or individual safety are threatened, no other restrictions are placed on the activities of the Chaplaincy. Both permanent staff and volunteers are expected to adhere to all institutional rule and procedures.

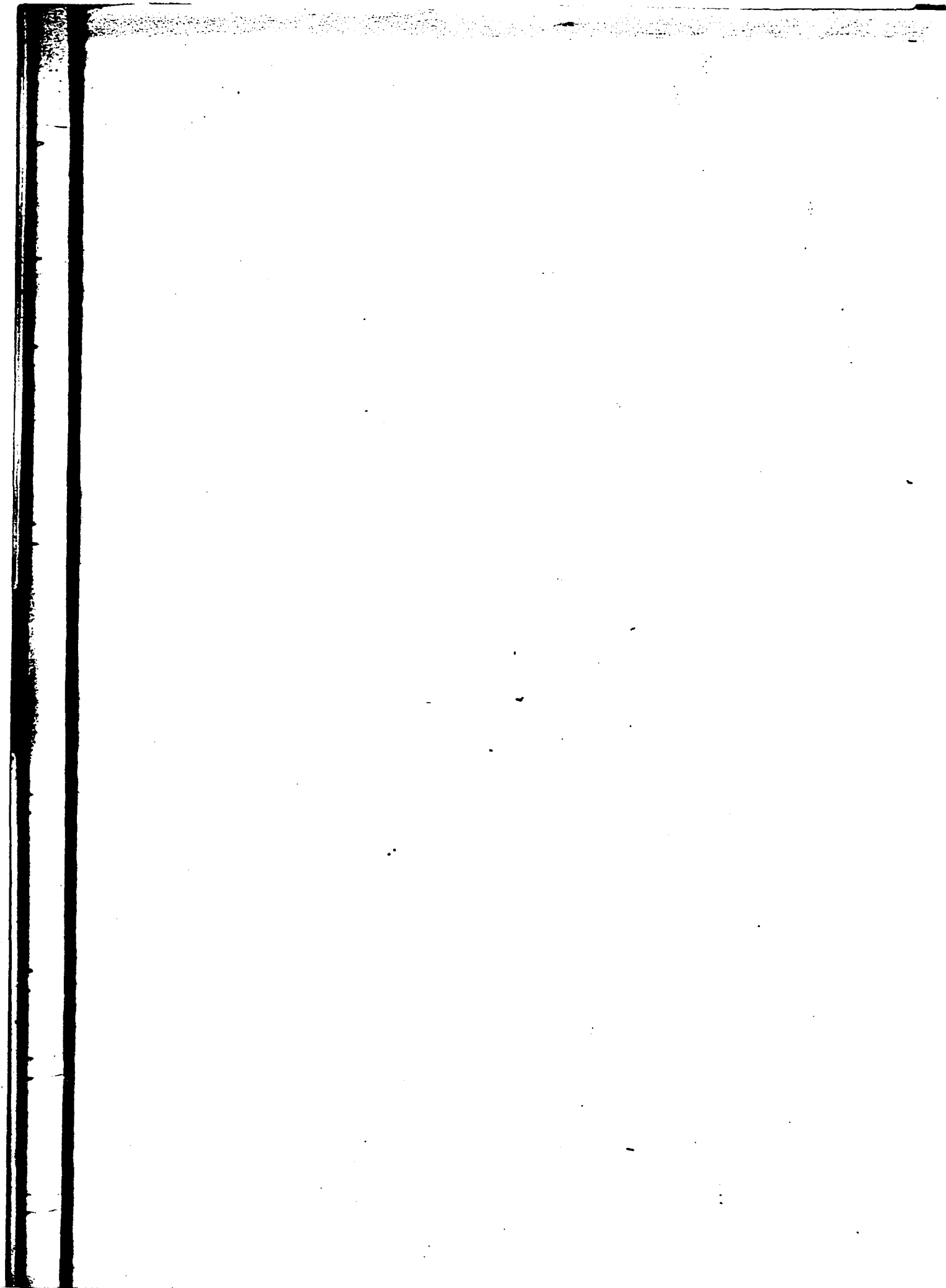
The EISCORP staff consists of three full-time chaplains, a social worker and a secretary. Scheduling of space and activities is coordinated through the Director of Education and Programs.

All prisoner requests are recorded on a "Prisoner Request Form" which is filed after the service requested is delivered. Files are retained for one year, then destroyed.

Autonomy and Funding

It is the policy of the Bexar County Adult Detention Center to allow maximum freedom and autonomy to the employees of EISCORP for the provision of religious and counseling services unless institutional order, discipline or individual safety is jeopardized.

EISCORP, as a non-profit agency, receives funding from the United Way of San Antonio, The San Antonio Community Churches and the Roman Catholic Archdiocese. The staff and program are governed by a Board of Directors comprised of 16 citizen members representing a variety of economic and professional backgrounds. The Board meets monthly and receives a report from the Chief Chaplain. The Board is responsible for continued funding of the Chaplaincy and its program services.



MAIL AND CORRESPONDENCE PLAN FOR THE SEXAR COUNTY ADULT DETENTION CENTER

Introduction

A carefully structured mail and correspondence plan is important for the protection of prisoner rights and for the protection of the public. Public protection includes safeguards against illegal activities in the community, which may be initiated through prisoner correspondence and institutional order and safety, which may be jeopardized by the introduction of contraband or inflammatory materials through the mail.

Prisoner rights include the right of access to the courts, to attorneys, to public officials (for redress of grievances) and access to the media (freedom of speech and press). In addition, prisoners may correspond with friends, relatives and the general public in keeping with the postal laws and regulations as long as public protection is not jeopardized.

This plan is designed to balance individuals rights and public interest in the provision of mail services to prisoners of the Sexar County Adult Detention Center.

Philosophy

The processing and distribution of mail in a detention environment should be organized and administered so as to provide minimal interference with the free flow of communication between the prisoner and organizations or persons in the community. Intrusion is only appropriate when the legitimate interest of preventing illegal or unlawful activity is present.

Objectives

Specific objectives of this plan are:

1. To provide daily pick-up and delivery of correspondence at least six days per week.
2. To identify specific procedures and practices which are authorized for the handling and control of prisoner correspondence.
3. To provide for the notification of the sender and receivers of prisoner correspondence if non-delivery is necessary.
4. To provide opportunities for the appeal of non-delivery decisions and a process for resolution of non-delivery complaints.

Procedures

A. Censorship and Inspection

All incoming or outgoing correspondence will not be routinely censored by officials of the center. All incoming correspondence will be opened in the presence of the prisoner, and inspected for contraband.

1. Officials may randomly select correspondence flowing between the prisoner and the general public for censorship to detect escape plans, plans for the disruption of institutional routine or order, plans for the importation of contraband, and plans for outside illegal activities:
2. Officers may select specific letters flowing between a prisoner and the general public for censorship where there is reason to suspect that plans for escape, disruption of institutional routine or order, introduction of contraband or outside illegal activities are included.
3. Outgoing correspondence to the general public will remain unsealed by the prisoner, to be sealed by the mail officer after censorship if any.
4. Incoming correspondence opened in the presence of the inmate for inspection, if censored, should be scanned for key words by the mail officer and not read in its entirety unless key words are detected. Such scanning should be completed without expression or comment by the mail officer in order to minimize the intrusive effect of such procedure.
 - a. Contraband detected will be removed and placed with the prisoner's property in secure storage for delivery upon release unless the contraband is an illegal substance or object.
 - b. Checks, cash or money orders will be placed in the prisoner's account and a receipt will be issued to the prisoner in his/her presence at the time of discovery.
 - c. Correspondence rejected because of the nature of its contents (see 1 and 2 above) requires notification of both the sender and receiver in writing of the reasons for the rejection.
5. All incoming mail addressed to inmates who no longer reside at Bexar County detention facility shall be forwarded to the inmates' new address or last known address.

B. Privileged Correspondence

Correspondence with attorneys, government agencies, public officials, courts and the media is considered privileged and will not be censored.

1. All outgoing privileged correspondence will be sealed by the prisoner and marked "privileged" if the address does not indicate one of the above is the intended recipient.
 - a. Officers may delay the correspondence up to 48 hours to verify the status of the addressee, if the intended recipient is not clearly identified by the address.
 - b. Officers may not open or read the correspondence unless the addressee is determined not to be one to which privileged correspondence is authorized.
 - c. If rejected because it is not determined to be privileged correspondence, the requirements of A.4.c. apply.
2. All incoming privileged correspondence will be opened in the presence of the prisoner and inspected for contraband.
 - a. Privileged correspondence will not be read unless contraband is detected.
 - b. If contraband is detected in incoming privileged correspondence, the correspondence may be retained as evidence if a criminal law has been violated. All information contained in the correspondence which does not relate to a criminal act must be made available to the prisoner.
 - c. Violation of institutional rules is not sufficient grounds to read or deny privileged correspondence to a prisoner.
 - d. If no contraband is detected, privileged correspondence will be delivered unread by removing the document from the envelope, shaking and separating the pages, inspecting the envelope and handed to the prisoner.
3. If officials believe that privileged mail includes information involving a criminal act or which will threaten security, they may, upon showing probable cause, obtain a search warrant to open and read the mail.

C. Publications

Books, periodicals, newspapers, etc. may be received through the mail directly from a publisher or publisher supplier (bookstore). Publications may not be received from friends or relatives because of the undue risk of contraband and the extensive screening that would be required.

1. Portions of publications may be censored for detection of information regarding the manufacture of explosives, weapons or drugs.

2. Portions of publications may be censored for information that a reasonable person would construe as written solely for the purpose of communication of information to achieve the breakdown of institutions through prisoner disruption such as strikes or riots.
3. Only those portions of publications which contain the above may be denied.
4. Appeals of the above may be made as described in F below.

D. Postage

Defendants shall ensure that postage and stationary are provided at no cost to indigent inmates for legal mail and a reasonable amount of postage and stationary shall be provided at no cost to indigent inmates for other purposes.

E. Restriction

There are no limitations on the number of letters which may be sent or received. The officials reserve the right to impose restrictions if the volume of mail becomes excessive, thereby causing disruption of institutional order.

1. Incoming or outgoing mail for specific persons may be interrupted by officials at the written request of either a prisoner or non-prisoner. This protects all persons from unwanted mail.
2. General correspondence privileges may be denied a prisoner as the result of a due process disciplinary hearing for a specified period. The periods shall not exceed 72 hours without the written approval of the Sheriff or the Deputy Commander.

F. Appeals

An appeal of any provision of this plan may be made to the Inmate Grievance Committee, the Deputy Commander or the Sheriff. An appeal hearing may not be held by an official involved in the original decision to censor or deny correspondence.

G. Prohibited Acts

Employees of the Bexar County Detention Center are prohibited from interfering with prisoner correspondence except where authorized above by the mail officer or the Deputy Commander.

BEXAR COUNTY JAIL AND ADULT DENTENTION
INMATE TELEPHONE USE
POLICY & PROCEDURES

POLICY

It shall be the Center's Policy to afford each and every inmate an opportunity to maintain communication with family, attorney, courts, and friends. In order to meet this policy, the following procedures will be followed.

PROCEDURES

EMERGENCY REQUESTS - bona fide emergency requests shall take priority over regular requests. Care must be taken to insure the emergency request is a valid request. These requests may be approved by the Watch Commander, Shift Supervisor or Floor Corporal.

REGULAR REQUESTS - regular requests may be submitted by the inmate in writing to the Floor Corporal or Senior Officer in charge of the floor. All regular requests shall be honored on a first come basis.

LONG DISTANCE CALLS - long distance calls will not be made or accepted on the floor telephones. Long distance calls may only be made on the first floor, following approval by the Watch Commander, Shift Supervisor, or Senior Desk Officer. Long distance calls will be logged according to the present procedure in the log provided, and must be "collect."

TIME LIMIT - calls to family and friends shall be limited to five minutes (5 min.) only. Calls to attorneys or courts should be as brief as possible (not to exceed 10 minutes). These time limits are set in order to allow as many inmates as possible to use the phone.

DIALING PROCEDURE - the Central Control Officer will dial the number and ask for the person to whom the inmates wants to speak with. Once the desired person is reached, the officer will give the phone to the inmate. Inmates shall not dial any numbers. Only the Central Control Officer may dial the phone numbers.

PHONE JOURNAL - a phone journal is provided in the Central Control Area of each floor. The journal contains a space for the date, to place a check if the call is complete, inmate's name, name of person called, phone number, and officer's initials. This information will be PRINTED in by the officer handling the call. The journal shall be closed at the end of each shift (date, shift, and closing officer's name). All Floor Corporals or Senior Officers in charge of their respective floor shall insure the journal is kept neat and up-to-date.

INMATE'S YELLOW RIDER - a stamp and pad is provided in each Central Control Area of each floor. This stamp will be used to stamp the back of the yellow rider with the date, phone number, and whether the call was completed. This information will be printed by the Officer handling the call.

INMATE TELEPHONE USE

INMATE DISCIPLINARY ACTION - the use of the floor phones has been set up as a courtesy to all inmates and not as a right. The right to use the phone is satisfied at the time of booking. Any inmate who is on restriction may have his phone privileges restricted. Officers are reminded that any removal of privileges from the inmate/s will be done only by the approval of the Sheriff, Deputy Commander, Major, Watch Commander, or Shift Supervisor.

EMPLOYEE USE OF PHONES - ABSOLUTELY NO employee shall use the floor phone for personal reasons. Disciplinary action will be taken against any employee using the Floor phone for personal reasons.

Officers are also reminded that these phones are not for communications with the center, the "house phones" are for this purpose.

OFFICER DISCRETION - the phone calls by inmate/s are to be used in a discretionary manner, that is officers shall make phone calls available at all times possible. Routine procedures shall not be interrupted (meals, inmate transport, etc.). Attorney and physician calls are not to be limited, however, cases are not to be litigated on the phone! A general rule to be followed is that each inmate may have one call per week.

SEXAR COUNTY JAIL AND ADULT DETENTION
INMATE VISITATION
POLICY & PROCEDURES

POLICY

It shall be the Center's policy to make each visit as pleasant as possible for the visitor and the inmate. The visitation procedure shall be a smooth and efficient function, which allows any inmate to maintain communications with his family, friends and clergy.

PROCEDURES

TIME LIMITS - due to the large number of inmates incarcerated, security reasons, and other ongoing functions, time limits are necessary to insure each inmate is given a reasonable amount of time to visit.

Local Visitor - a "local visitor" is defined as any individual who resides within a fifty mile radius of San Antonio, Texas. Local visitors will be allowed only fifteen minutes (15 mins.) to visit. The visit time may be extended on certain occasions, upon approval from the Sheriff, Deputy Commander, Watch Commander or Shift Supervisor.

Out of Town Visitor - an "out of town visitor" is defined as any individual who resides outside a fifty mile radius of San Antonio, Texas. Out of town visitors will be allowed twenty minutes (20 mins.) to visit. The visit may be extended, on certain occasions upon approval from the Sheriff, Deputy Commander, Watch Commander or Shift Supervisor.

In case of emergencies, all visiting will close and all visitors will be directed to leave the area via the emergency stairway exit.

SPECIAL VISITS - a "special visit" is defined as a visit granted not in conjunction with the regular visitation schedule. This type visit may be granted by the Sheriff, Deputy Commander, Watch Commander or Shift Supervisors.

Initial Booking Visit - an "initial booking visit" is defined as a visit granted an inmate who is just being incarcerated or has been incarcerated less than twelve (12) hours. This type of visit allows the inmate to discuss with his family or friends, what steps must be taken to obtain his release. Approval of this visit will rest upon the Sheriff, Deputy Commander, Watch Commander or Shift Supervisors. This visit should be made short so as to not interfere with processing procedures (fingerprints, mug, magistrating, etc.).

Emergency Visit - an "emergency visit" is defined as a visit granted a visitor who has some type of emergency information to transmit to an inmate (i.e., Death in Family, etc.) during non-visiting hours. If the visitor makes the request during regular visiting hours, then the Watch Commander or Shift Supervisor will use their discretion as to what priority the visit will take over the other visits. This type visit may be approved by the Sheriff, Deputy Commander, Watch Commander or Shift Supervisor.

Husband Wife Visits (both incarcerated) - a "husband and wife visit" is defined as a visit granted to a married couple, when both are inmates. This visit shall be conducted on the 3rd Floor Annex (north inmate holding area), and it shall last for no more than fifteen minutes (15 mins.). The inmates shall be advised (prior to visiting) that no physical contact is permitted and any violation will be grounds for termination of the visit. This type visit may be approved by the Sheriff, Deputy Commander, Watch Commander or Shift Supervisor.

DISCIPLINARY ACTION - is dictated by the behavior of each individual inmate, which should conform to the rules and regulations of the Center. (See Disciplinary Board Procedures).

Inmate behavior that does not conform with the rules and regulations of the Center or disrupts the visitation process, will be grounds to terminate the inmate's visit immediately.

Any inmate who is on restriction will not be allowed to visit (if the restriction states loss of visiting privileges as one of the requirements.) Loss of visiting privileges may be overruled by the Sheriff or Deputy Commander only (or in case of emergency by the Watch Commander or Shift Supervisor in the absence of the Sheriff or Deputy Commander.)

VISITING SCHEDULE - all non-attorney visits are made on the 3rd Floor of the Jail. You may have a reasonable number of persons visit you as time and scheduling allow, however, each person may visit you only once a day and for 15 minutes maximum and out of town visitors will have 20 minutes maximum. Below is a schedule explaining when you may receive visitors. You may see your attorney or personal doctor at any time they are in this facility.

MALES

Monday - Friday	8:00 a.m. - 10:00 a.m. 12:30 p.m. - 4:00 p.m.
Fridays <u>ONLY</u>	7:00 p.m. - 9:00 p.m.

CHILDREN

Monday and Wednesday	7:00 p.m. - 9:00 p.m.
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WEEKENDS

<u>SATURDAY:</u> If your last name starts "A" - "L" <u>ONLY</u>	8:30 a.m. - 12 Noon 12:30 p.m. - 4:00 p.m.
<u>SUNDAY:</u> If your last name starts "M" - "Z" <u>ONLY</u>	8:30 a.m. - 12 Noon -12:30 p.m. - 4:00 p.m.

INMATE VISITATION

FEMALES

Monday - Friday	10:00 a.m. - 11:00 a.m.
Monday, Wednesday, and Friday, <u>ONLY</u>	6:00 p.m. - 7:00 p.m.
Tuesday and Thursday	7:00 p.m. - 9:00 p.m.

CHILDREN

Tuesday and Thursday	6:00 p.m. - 7:00 p.m.
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WEEKENDS

<u>SATURDAY:</u> If your last name starts "A" - "L" <u>ONLY</u>	6:00 p.m. - 7:00 p.m.
<u>SUNDAY:</u> If your last name starts "M" - "Z" <u>ONLY</u>	6:00 p.m. - 7:00 p.m.

VISITATION RULES

All visitors must present valid identification to receive a visitor's pass.

Visitors must be 17 years or older or, if a child, accompanied by someone 17 or older. Children may visit only during scheduled hours listed above.

Visitors' passes will be issued 30 minutes prior to beginning of scheduled visitation and stop being issued 30 minutes prior to scheduled termination of visitation. Passes may be terminated earlier if volume of visitors so requires.

CLASSIFICATION PLAN FOR THE BEXAR COUNTY
ADULT DETENTION CENTER

Introduction

Adult detention in a large metropolitan community is a complex system of processing individuals charged with violations of the law. Such system requires efficiency and control in the management of that process and subsequent disposition of individual offenders. The primary goals of detention (custody and safe keeping) must be served by that system. The primary need within the system becomes risk assessment and management of the offender population. Any classification system designed to meet those needs must emphasize the production of information for decision making.

Philosophy

Classification in a detention environment is defined as an information collection process for decision making regarding the processing and management requirements of incarcerated persons. The classification process serves the objectives of custody and safety, and assists in identifying the individual needs of offenders who have limited ability to meet their needs by virtue of their incarceration.

The principles which guide this process are:

1. To provide only the level of security necessary to maintain custody, provide individual safety, and maintain institutional order;
2. To minimize the influence of experienced offenders on the first or youthful offender;
3. To minimize the risk of inmate to inmate or inmate to staff conflict and victimization; and
4. To facilitate individual access to programs and services, including visiting.

Classification is an on-going process which, according to the concept of fundamental fairness, should adjust the level of control and the provision of services to the changing needs of the individual offender. Such a system must be balanced by continuing concern for the safety of staff, visitors, and the community at large.

Classification Objectives

Classification may be broadly subdivided into Initial Classification (when the arrestee arrives at the detention center) and Reclassification (the re-evaluation and movement of inmates after they are housed in the facility). Specific objectives of the classification process include:

1. To provide a classification officer on duty at the booking desk at all times;

2. To complete an initial risk evaluation on all incoming arrestees;
3. To complete a classification profile on inmates not released on bond and for those held, pending release, for 8 hours or more;
4. To revise and update the classification profile as additional information is developed and changes occur;
5. To provide opportunities for inmates and staff participation in the decision making process; and
6. To provide an appeal process for those individuals seeking to contest a classification decision.

Classification Methodology

In order to accomplish the above objectives, information for decision making will be collected according to the following methods:

1. Review of documentation available at the time of arrest and information available through criminal history files;
2. Interviews with arresting officers, booking officers, recognizance bond investigators, identification bureau officers, and other staff members having contact with the arrestee;
3. Interviews with the arrestee, which would include an opportunity for self evaluation as well as information gathering;
4. Direct observation of individual behavior, demeanor, attitude, and personality;
5. Screening for special needs of the individual by qualified personnel.
6. The extraction and recording of pertinent data for review and evaluation by a senior classification officer experienced in detention operations and systems; and
7. Re-evaluation of pertinent data as new information is received and recorded.

Administration and Organization

Overall administration of the classification process is the responsibility of the detention center administrative officer, who is designated as the Institutional Classification Officer. The Institutional Classification Officer is responsible directly to the detention commander for monitoring the implementation of the classification plan and the provisions therein. Specific responsibilities are:

1. To supervise the efficient operation of the classification process;
2. To provide for the timely recording and reporting of classification information;

3. To provide for the accurate updating and adjustment of classification information;
4. To provide for the initial and continued training of classification officers and booking officers;
5. To provide for a daily review of all classification decisions, including housing assignments, and profiles occurring in the previous 24 hour period;
6. To provide a quarterly review of all classification profiles which have not been reviewed in the previous 30 day period;
7. To review and approve all requests for trusty or tutor status;
8. To serve as chairman of the Institutional Classification Committee; and
9. To review all disciplinary actions and incident reports to determine if reclassification is necessary.

The Detention Commander may review all classification and reclassification decisions at his discretion. Unless an appeal has been filed, the classification decision is considered final upon action by the Institutional Classification Officer. If the Detention Commander believes that a classification decision is not in the best interest of institutional order and security, or does not meet the objectives of the classification process, he may initiate a reclassification by submitting his objections, in writing, to the Institutional Classification Officer for his review.

At least one Classification Officer will be assigned on each shift, so that 24 hour coverage will be possible. The exact number per shift will vary according to inmate flow. A Classification Officer is responsible to the Institutional Classification Officer for all classification decisions made during his/her tour of duty. The Classification Officer's responsibilities include:

1. Supervision of personnel involved in the initial risk assessment and initial classification process.
2. The evaluation of all information and the recording of all pertinent data on the classification record and classification profile.
3. An evaluation of the interview with each inmate to be held over 8 hours to assess his aggressive or assaultive potential and victimization potential.
4. The assignment of inmates to individual housing units.
5. The compilation and distribution of all required classification documents.

Classification Officers shall each have specialized training in the evaluation and classification of inmates. The Booking Officer has the responsibility to assist the classification officer in the collection of information and data pertaining to the classification process and risk evaluation. Specifically, the Booking Officer shall:

1. Interview the arresting officer, record the pertinent data, and assure appropriate signatures are attached thereto;
2. Inform the classification officer of any arrestee deemed to be a security risk during processing, or who may have need of immediate services;
3. To interview the arrestee, obtaining information relating to his aggressive potential and victimization potential, the identification officer, and other pertinent staff members and complete the booking officer's report as required by the classification officer; and
4. To notify the classification officer of any change in status of any offender housed in the detention facility as the change occurs.

The identification officer assists in the classification process through the provision of information to the booking officer from the criminal history files under his control. The identification officer also has the responsibility to report any unusual, aggressive, or violent behavior to the booking officer which may occur during processing through the identification bureau.

The recognizance bond investigator is responsible to report to the classification officer any unusual behavior or problems detected during the interview process which may have a bearing on the classification of the arrestee.

The Medical Screening Officer has a key role in the classification process. The medical screening officer shall be a licensed physicians' assistant who shall conduct health screening of all incoming inmates in accordance with accepted medical standards. It is the officer's responsibility to identify any special program or service needs the arrestee may have at the time of initial booking and processing. Specifically the medical screening officer shall:

1. Evaluate the general physical condition and health of the arrestee for the purpose of detecting any contagious disease, physical handicap or disorder requiring specific programming or housing for treatment purposes.
2. Evaluate the mental and emotional health of the arrestee in order to detect any signs of addiction or abuse, behavioral or emotional disorders, and any other immediate problem which requires specific housing, programming, counseling, or treatment.
3. Collect educational and vocational information regarding the arrestee and make an initial assessment of the individual's educational, functional, and mental needs and abilities which may require specific programming or referrals.
4. Complete the medical officer's report and notify the classification officer of any special processing or housing arrangements required.

Initial Classification and Risk Evaluation

The classification process is designed to provide an initial risk evaluation of all prisoners entering the detention facility for booking or processing. The process also provides for a classification evaluation of all inmates who will be housed in the facility and whose release, within 8 hours, is not expected.

Temporary housing will be designated on the second floor of the facility for the holding of arrestees who have not completed the booking process, or who are awaiting certain release within 48 hours of booking. Such temporary housing shall provide for separation of inmates according to the Texas Commission on Jail Standards, and constant supervision shall be provided with respect to multi-occupancy, temporary housing cells.

Initial risk evaluation and classification will be accomplished according to the following procedure:

1. Risk Evaluation

The booking officer will interview the arresting officer, review the field report and other documents presented at the time of booking, and record the answers to the following questions on the classification record:

- a. Was the arrestee cooperative or uncooperative at the time of arrest or at any time during transport and custody?
 1. If uncooperative, was the arrestee:
 - a. Verbally abusive?
 - b. Offer physical resistance?
 - c. Attempt or engage in a physical assault?
 - d. Attempt to escape?
 2. Any reference to assault or attempted escape must be documented in the field report or other appropriate records before it can be entered on the classification record.
- b. Did you observe the arrestee engaging in any unusual behavior at any time during arrest, transport, or custody? If so, a description of that behavior shall be entered on the classification record. The Classification record shall also reflect the fact that an arrestee expressed fear of any specific person at the jail and whatever the individual expressed fear he would have any other specific problems at the jail. No inmate shall be housed in the same cell with another inmate about whom he explains a reasonable and justifiable fear of bodily harm.
- c. Classification record will be signed by the arresting officer and the booking officer receiving the information.
- d. If the information gathered from the arresting officer, field report, or direct observation causes the booking officer to believe the arrestee may engage in disruptive or violent behavior or that the arrestee needs direct attention for a specific problem, the booking officer shall immediately notify the classification officer of the circumstances and details.
- e. If the classification officer believes that additional security is required, he should notify the shift supervisor and recommend temporary segregation or additional supervision pending the completion of the booking process.

2. Classification Evaluation (Level of Security)

Upon the arrestee's return from processing through the Identification Bureau the booking officer shall record in the classification record (see Attachment A) the following information.

- a. Criminal History including prior convictions indicating whether they are misdemeanors or felonies; indicate if any assault, escape or sex offense convictions exist; determine if the arrestee was previously incarcerated at the Bexar County Jail, and if so, review the disciplinary action card file, "yellow rider", and other records, and indicate if any assault, escape, mental instability, victimization by other inmates, or sexual offense was confirmed and the previous classification; and confirm as much information as possible with the officers in the Identification Bureau.
- b. Current Offense/Status information to include the number and type of charges: indicate any special status such as material witness, civil commitment, hold for SASH, returning from Federal/state institution (sentenced) etc.
- c. Behavior at Booking to include any uncooperative or unusual behavior.
- d. Other Observations to include special considerations such as being a gang member, an admitted homosexual, a known/admitted informer, one suffering from physical or mental disability, etc., which would require special housing, or protection.
- e. The booking officer should sign the form and deliver the classification record to the classification officer for further processing.

3. Classification Evaluation (Programs and Services)

Once the arrestee has been magistrates and, in the judgment of the classification officer, there is no probability of immediate release, the individual will be referred to the medical screening officer for evaluation prior to assignment to the housing unit.

The medical screening officer will interview the inmate and review all pertinent documentation and record his/her evaluation on the classification record (see Attachment A) as follows:

- a. Health Program information to include any special processing, housing, or other considerations requiring special handling.
- b. Mental Health information including any determination that the individual requires special observation, processing, housing, or treatment.
- c. Counseling needs which require immediate attention, special processing, housing, or referral.
- d. Educational/Vocational information including an assessment of the individual's educational, functional, and mental capabilities which may require special observation, processing, housing, referral, or treatment.

EXHIBIT "1"

b. Staff members may initiate a reclassification evaluation by completing the request for reclassification form (see Attachment C) and deliver the form to the institutional classification officer. All changes in housing assignments must be approved by the institutional classification officer.

1. The shift supervisor and senior officers (the rank of captain or above) may initiate an emergency relocation of housing pending the approval of the institutional classification officer. When such an emergency relocation is accomplished the request for reclassification should be accompanied by a copy of the incident report which documents the reasons for the relocation. All emergency relocations shall be in accord with the housing/classification plan.
2. Other reclassification evaluations may be initiated by staff for the purposes of trusty selection, as a result of minor disciplinary action, the discovery of additional program/ service needs, etc.

2. Reclassification Review Process

The reclassification review and evaluation may be conducted administratively by the institutional classification officer.

a. Administrative Review

1. Any routine changes in status as the result of judicial processes (reduction of charges, sentencing, etc.) which do not result in an increase in the level of security.
2. Routine changes of housing assignments where an increase in the level of security is not required.
3. Factual errors or discrepancies which require a correction discovered during a quarterly review.
4. Changes in program/service needs as authorized by the medical director or program director.
5. Requests for trusty or tutor status.

The inmate will be informed both verbally and in writing of the classification changes and the reasons therefor.

3. Appeals

Any classification decision, may be appealed to the Institutional Grievance Committee or directly to the detention commander. If the disposition is still unsatisfactory a final appeal may be made directly to the sheriff.

PERSONAL PROPERTY

Any inmate occupying a single occupancy cell for more than 15 days and any resident returned for any reason to an adult detention facility from TDC or a federal prison, shall be permitted to keep in his or her possession, the following:

1. Manual typewriter and accessories, e.g., ribbon, erasers, etc.
2. Radio and television, subject to noise limitations
3. Religious articles and medallions approved by the Chaplaincy
4. Reading materials from publishers or jail library
5. Law books and dictionaries
6. Pens, pencils and art materials
7. Paper, carbon paper, envelopes, labels, stamps
8. Legal documents
9. Writing materials, e.g., clipboards, without clips, folders
10. Writing accessories, e.g., plastic paperclips, plastic rulers, small boxes, index cards
11. Food and personal hygiene items that may be purchased at the commissary, including containers and utensils
12. Electric razor - battery operated
13. Photographs and photo albums
14. Eye glasses and/or contact lenses and solution
15. Any similar property determined by detention facility personnel so authorized not to be a weapon or more dangerous to any inmate than the above.

The above will be subject to reasonable regulation as to amount and size, bearing in mind health, safety and security considerations.

An inventory of all property kept in each cell shall be prepared by the inmate and checked and signed by the senior floor officer. The inventory shall be kept by the inmate. All items of personal property will be kept at the inmate's own risk because the doors of single cells are maintained unlocked during the day, subject only to loss by intentional wrongdoing.

All jewelry and other items of personal property must be kept in the detention facility property room. Any items of personal property that, in the opinion of the senior floor officer is reasonably probable to cause harm to any resident, shall be maintained in the property room. Inmates shall receive a receipt for all items of personal property so maintained.

If any item of personal property is used to harm any inmate, the same will be taken from the owner and placed in the property room to be returned upon release or transfer.

June 1, 1981

To Whom It May Concern:

Pursuant to a request made by Counsel I am herein outlining the structure and policy for inmate medical care of the Bexar County Jail which is under my direction.

PERSONNEL STRUCTURE

- I. The Medical Staff serving inmate needs at the Jail are under the direct control of the Medical Director who is a medical doctor and Board certified psychiatrist.
- II. A Registered Nurse is employed as the Clinic Administrator of the Jail and is directly responsible to the Medical Director. Any patient care administered through the Clinic Administrator is approved by the Medical Director.
- III. Two Assistants to the Physicians are employed at the Jail and are directly responsible to the Medical Director
- IV. The Jail has a Medical Records Administrator and Records Clerk. The Records Administrator is directly responsible to the Medical Director.
- V. Eighteen (18) licensed Vocational Nurses are employed at the Jail and function under the authority of the Nurse Administrator. There are two levels of L.V.N.'s, a level #2 which is senior (more experienced) and a level #1. The level #2 nurses are in charge of the nursing shifts which provide 24 hour medical coverage.
- VI. The Medical Director has a secretary who performs stenographic work for the Medical Director.
- VII. The County contracts for the services of four (4) part time physicians who are available Monday through Friday for examination and treatment of inmates who appear for sick call.
- VIII. The Jail has 24 hour coverage by a Medical Doctor on call and also 24 hour emergency ambulance service.

RESPONSIBILITIES

- I. All medical personnel, except Medical Doctors, are directly responsible to the Medical Director for patient care.
- II. The duties of the Medical Director are as follows:
 - A. He reviews all medical charts of patients receiving prescription drugs.
 - B. He directly authorizes the dispensing of all prescription drugs.

- B. They provide emergency medical care on a 24 hour basis under direction of a Physician.
- C. They provide patient care to the convalescent care unit at the Bexar County Jail.
- D. They screen, medically, all inmates received into the Jail.

SERVICES PROVIDED

- I. The dispensing of medication.
- II. Licensed vocational Nurses provide all levels of medication to the prisoners. Medications are counted, recorded and watched so that drugs are not dispersed freely throughout the jail. There are three (3) medication trips per day plus emergency trips made to every area of the jail.
- III. Sick Call Procedures.
 - A. The initial state of being seen medically begins with getting on a sick call list, but sick call is not limited to those who are on the list. The assistants to the physician visit each floor on a daily basis and during the visit to the floor, they screen those who may have developed complaints since the list was made up in order to pull records.
 - B. Following sick call, any of those problems that are beyond the scope of the assistant are referred to the sick call physicians. Any illnesses which cannot be handled in a dispensary setting are referred to the Bexar County Emergency Room or to the Bexar County Hospital Clinics either at Robert B. Green or at the main hospital.
 - C. Sick call screening on the floors is done by the assistants to the physician and third by the LVN's who cover 16 hours of each day.
 - D. Physician examinations are done in the dispensary area or on the second floor in the attorney visiting area by the psychiatrist. If an examination requires more than minimal examination time or equipment, the patient is sent to Bexar County Hospital for treatment.
- IV. Medical records are begun at the time the prisoner arrives at the jail. A medical records screening form is first filled out by the guard followed up by a self-administered sheet by the prisoner, followed by a check by the LVN who is on duty. The records include the initial screening, progress notes, medication sheets, consultation sheets and a continuous records of each visit with the prisoner.

V. Clinic Area.

The clinic is made up of three (3) cell areas, making up a total of 15 cell beds plus a dental examining room plus a general examination room plus an office plus storage room plus a psychological testing area plus a records area. This is supervised security wise by a guard who occupies a central position in this area.

VI. Continuity of Services.

- A. Services are set up so as to be not just one (1) time visits. Follow-up care is provided through outside clinics and agencies including Bexar County Hospital.
 - B. When a prisoner is hospitalized or sent to another facility, records are reproduced with the prisoner's permission and forwarded with him. Specifically, hospitalization records are obtained from Bexar County Hospital and made part of his record while he is at the Bexar County Jail.
 - C. Psychiatric evaluations can be obtained through three (3) general sources. One, direct consultations from the assistants to the physician. Two, direct consultations from a nurse or LVN group and third, from a prisoner or guard request concerning the overall health of the individual prisoner. These evaluations are conducted either on the floors of the jail or in the attorney's interview area on the second floor.
 - D. Dental Care is obtained through the consultation of a general dentist who visits the jail on a weekly basis, spending one (1) evening per week reviewing complaints and treating.
-