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JAILS—PROBLEMS AND SOLUTIONS?

by

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Thank you very much. I appreciate the opportunity to participate and be a part of this workshop. I understand that in our audience we have some military people. I don't know whether the vita information on me mentions the fact that I twice served in the marine corps. It's kind of relative to this being Friday afternoon and my being the first speaker after lunch. I find myself once again taking up a position that is not foreign at all—that of being at the tail end of the line. I was always waiting for those ahead of me to get paid, to get their shots, and everything else, so I don't really find that this is an unfamiliar position. I was most happy when asked if I would participate. I didn't know, however, until I got the program that I would be the last of 21 speakers. At least I'm going to attempt to make this as brief and painless as possible. At the same time, I want to generate enough thought that maybe you'll ask a few questions. I don't expect that you're going to agree with some of the things that I have to say. On the other hand, maybe you will. Whatever the exchange happens to be, let us make it one that is somewhat informative for both of us.

Everybody gets up here as a speaker and starts telling you about problems, but damn few ever stand up to tell you about solutions to those problems. It seems that almost everything we try to do ends up in some type of failure. There was a question mark, you'll notice, behind the title of my talk: "Problems and Solutions?" That's not an error—that was put there for a purpose. That purpose is that I sure don't know all the problems and damn few of the answers. I'm not an expert and I'm not going to attempt to put myself in any such position.

I can remember some years ago when I went to speech school, one thing they told me was never stand up and say I'm not accustomed to public speaking or that I'm not a good speaker because they are going to find that out soon enough, and there's always a chance of fooling somebody out there.

The Texas Commission on Jail Standards was brought into being by the 64th Legislature in 1975 and in October, 1975, they appointed a nine-man commission to start the ball rolling toward two definite goals: the selection of somebody to give all the work to, and the development of a set of minimum standards.

I'm a former sheriff and a former police chief, having served 20 years in those particular capacities. I'm sure that this had something to do with my particular selection

because there was some great talent that had made application for this job. I thought that this was an important job. When you have the State of Texas with over 254 county jails, and you try to pull these into some particular line of agreement, I think that you can readily understand that this would be an almost impossible undertaking. Knowing that I could never be totally successful seemed to build some sense of a challenge in me, and I guess that challenge is the thing that made me finally accept the position.

The Texas Legislature passed the law on standards as a result of what was happening in our society. The federal court was having case after case filed by inmates or people who were hurt in one way or another as a result of what was happening in our society. Finally it was realized that somebody would have to modernize the jail system but there were those who thought that the Jail Commission couldn't do that.

We've had standards in this state for a long time—over 20 years as a matter of fact. Our jail standards came into being in 1957 and they set up certain criteria that all jails were to meet. The one thing that our legislature did not do at that time was to give someone the authority to enforce the law; and to make sure that it really didn't gain a great deal of popularity, they did not fund it in any way. Later, when the law suits began, our legislature thought that maybe it was time for Texans to start doing some of their own work, putting together the facts and looking after their own business rather than relying upon federal court to do so. I think that they also thought they could probably put together the kind of standards and the kind of personnel that would give more depth to jail standards. It was not difficult for the practicing attorney to take his client before the courts and find that the jail or the county officials fail to operate jails according to some ethical standards, but the architectural firms have designed jail after jail since 1957 paying little or no attention to the law. As a result of that, today we find ourselves with jails that are just a few years old and do not comply with the law. Counties are finding themselves flooded with tremendous bills in order to up-date their jails. I think that we have to remember that we are living in 1977. I don't care what the past was and I can't predict what the future holds, but I do know that we have a demanding society today, and I think the jail inmate has found himself in a very advantageous position.

It's time that we realize that we have a job as officials to protect people's rights and if it happens to be that you're in charge of protecting the rights of inmates, then you must do do. The time has come for all elected officials, from the commissioner court level to the sheriffs and anybody else to carry out the duties of their offices. The court is to provide safe, sanitary, operational facilities for the sheriff and keep it in good repair. The sheriff is to provide those in his custody necessities that are dictated by humane treatment.

Some years ago, when I was a kid, we were very poor people. We knew all about the dust storms of Nebraska and Kansas and we understood poverty. We did a lot of trading. One day a man came to our house peddling a cuckoo clock. My mother traded him some vegetables for it and hung the cuckoo clock up in the living room. Lo and behold this cuckoo would come out and do its thing each hour and we all thought that was great stuff. But once in the middle of the night the cuckoo got stuck. After seventeen cuckoos, my mother rolled over and said, "Papa, wake up. It's later than its ever been!" I think that's the position we find ourselves in today. It's really later than it's ever been. There are many agencies and groups ready to bounce on the jail problem. They have the money, the talent, the law, the research people and are ready to file cases and it's really not hard for them to come up with a win. We are under the gun as people who operate jails, and I think that all of us had better realize that it's not later than it's ever been.

For those of you who are not privileged to live in this fine area, we're like no other state anywhere. I'm not a native Texan. I'm from Colorado. I was in Colorado 50 years. Oh, I heard Texas stories. The first time I went into the service, I ran into a Texan who started telling me about how big and wonderful everything was in Texas. I kept running into these Texans and they kept repeating the same things. I thought it was part of the curriculum in the public schools here; but I can tell you this—damned if I haven't found out that it's almost the truth! This is a big place and we've got more problems than you can shake a stick at. It's like putting four or five states together. You can just imagine the difference between the east and the west being over 800 miles apart. Some folks over in the west can't even understand the folks over in the east. Same thing applies to those in the north and those down south. We've got Spanish-speaking people to deal with. This is Texas. We were discovered a long time ago, so it's nothing to walk into a jail that's over a hundred years old. I have just completed a hundred and fifty-five jail inspections since February. I did it with six people. I wanted to learn about the problems of jails in Texas. It's unbelievable how each of these jails was indicating that they had almost identical problems. If our standards are going to stand as they are at this time, we have a renovation problem that's second to none. Those of you who are involved in jail management of any kind, think about a very simple item such as a safety vestibule. (A safety

vestibule is nothing more than a small corridor with a door on both ends, that is adjacent to the inmate living quarters. If you want an inmate out of the population, you merely call the inmate into the safety vestibule, isolating the inmate). Can you believe that practically none of our jails have safety vestibules? Building in this kind of an item can become a monumental task. Well, in looking at these standards which cover everything from renovation, to new construction through inmate rights, a lot of eyebrows are being lifted. County commissioners and some of our citizenry feel it's another state agency forcing their standards on local communities. Some of them plan to just wait and see what will happen. They don't plan to do anything until they're forced to. Others like the standards very much because it means they have a good chance of getting a new jail or correcting the old one. I'm terribly pleased at the fact that 94 counties, at this time, are taking it upon themselves to start some kind of a renovation, new construction, or at least are talking of putting together new facilities. Still, when you remember that we have a total of 254 counties, and a total of 258 county jails, you can see that a good number of these people are not necessarily buying anything that the Commission has done. But on their own initiative, others saw fit to get this thing off dead center and get started.

I've been told that around 40 per cent of all the jails in the State of Texas are under some kind of litigation at this time. I've had five new law suits forwarded to me this week. You see, we established guidelines for lawsuits when we designed our standards. Anyone can evaluate the standards against whatever facility they are incarcerated in and can tell whether they pass or whether they don't. Many elected officials thought that they would lose their upcoming elections if they went ahead with the jail standards. Everybody knows that the public does not want to spend tax dollars to build jails, but I think we had better realize that the mere fact that we have electric chairs, does not deter everyone from committing murder. The fact remains that a percentage of our society will forever violate man's law, and if you hold the public trust and it becomes your duty to detain a person as the law dictates, you should. To fight law suits is money down the drain, and most counties are aware of their problems and many of them have worked very hard with our Commission to see that it prospers.

One of the things that I am most happy about, as far as the standards are concerned, is that we cancel architects to submit to us every phase from the beginning stage to the final construction drawings. All of these have to be submitted to my office. We go over them because we feel we are in the best position to give the management help in the design stage. One of the things that I am very happy about in our standards is that every submission of prints must be accompanied by a tentative budget to operate the facility. That way when the building is done there is also adequate budgeted money there in order to operate it. We understand that people don't know a great deal about

jail management, and this is one of the avenues in which we can provide some expertise. This business of drafting and redrafting sets of plans is very costly and certainly we are able to minimize that.

While we are trying to find some good, logical way that everybody can be happy with the system as it is, or make as few changes as is possible, I think we had better stop and take a good look at what is happening to us. We don't read in the paper about petty thieves anymore. That is kid stuff. We are talking about aggravated crimes. We are talking about mutilated bodies and explosions. We have upped the level of viciousness of crimes, and when we are fortunate enough to solve the crime, we incarcerate in our jails a more vicious inmate. If we incarcerate the more vicious inmate and we lessen security at the same time, I think you can readily see the type of problem we are up against. More serious problems face those who build, manage, and maintain a jail than ever before. Texas has some laws that other states do not enjoy. One is that if you are sentenced to 10 years or less and you want to appeal your case, you remain right there in the county jail. You can understand with the number of appeals that are being filed, what kind of continued population a county jail could have in it.

Jails have to be designed so that we can segregate and separate for many reasons—not just male/female, felon/misdemeanor, but for many reasons. We have the assaultive type, the suicidal type, and any number of types that require segregation.

One of the many things that we have to take a look at is who runs jails. In the State of Texas one of the lowest paid people is a jailer in a county jail. There is no more difficulty duty in the field than being a jailer—putting up with abuse and walking up and down rows of bars. A jailer pulls more time in a jail than does an inmate so we need them better trained today. They need to know the law, they need to be able to understand all the different plans, procedures, and policies and see that they are carried out so that they do not violate inmate rights. We have heard, "Dammit, if those guys don't want to be in jail and suffer all of those kinds of things they shouldn't have violated our law." Well, I understand that and I certainly agree, but that attitude doesn't take the heat off of those who have the responsibility of taking care of those who are incarcerated.

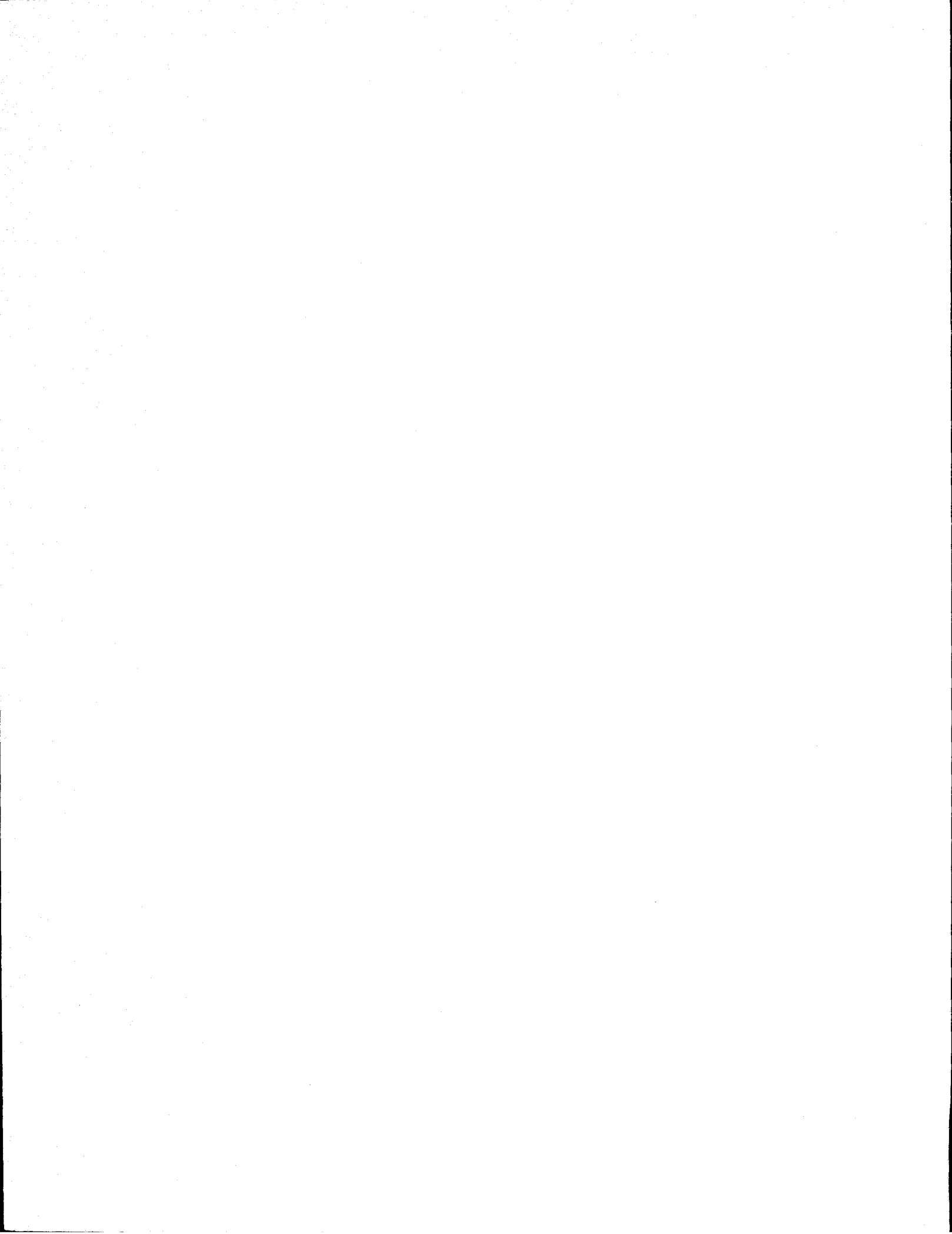
If we are well trained, effective and professional in the application of our duties, we end up finding ourselves in a very dangerous position. We could add to our problem-solving ability if we could encourage our courts to do certain things. Our jails are overcrowded. If we could only have quicker trials. Why let a man sit around in jail for up to 12 months before his trial comes up? Just because somebody can't program a workload is no reason for society to go along with keeping people in jail with all its

problems and costs. I think that it is time that the courts minimized continuances and proceeded on to a quicker review of appeals. I have been through many courthouses through the years where I could have a shot a shotgun in the courtroom and never hit a person because it wasn't being used. Over at the jail, however, there was a bunch of inmates waiting for trial. If there are too many cases to hear them during the day, there is nothing to stop us from working after supper. I think it is time that we changed our pitch. What we have done has not worked. Those of you in probation or parole, if you think you are successful, then I congratulate you. But be honest, how well has our system really worked? I think we have to be concerned, we have to be innovative. Things that are tried and true and do work should be used. Some bright minds happen to be in this audience and a lot of good things can come from it, but to continue to carry on because that is the way we have always done it is foolish.

Building new jails today is a very costly venture, probably the most costly venture that I know. Good designs are hard to come by. We get many ideas of what is best but it is almost an impossible dream when we see what comes before us on paper. We have federal guidelines that tell us that this is the way to do it if we want federal funds. Then we turn right around in this state and say if you do it that way it will never pass our inspection.

Some type of collusion of minds is going to have to come to pass. It is necessary to be in some position where everybody can realize what is good for their community. The difference in communities also dictates a difference in jails, and when you go to local officials who make the decisions on spending the money, you can imagine their confusion. We must look beyond the building stage, we must look into the future operation because we are looking at a facility that will stand for 50 years. To stay status quo is not going to advance or improve the position that we are in.

The last statement I want to make is that I believe in rehabilitation. As soon as the person is ready to be rehabilitated, I think we are in a position to rehabilitate him. We have the talent, the know-how and the time to do it, but while some will be rehabilitated, a good number will not be. Still, I don't think we should leave a stone unturned in order to provide rehabilitation to everyone who can use it, but for those people who maliciously violate with intent, man's law by inflicting misery and death upon others—for those who prove that they cannot live in any kind of orderly society, I think it is time that we provide secure incarceration in such a way as to permit our communities' citizens to once again feel the protection of all of the laws and of our constitutional rights. Let me say that it has been a pleasure to come down and to spend this time with you.



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