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STANDARD OPERATING PROCEDURES
FOR INMATE MANAGEMENT

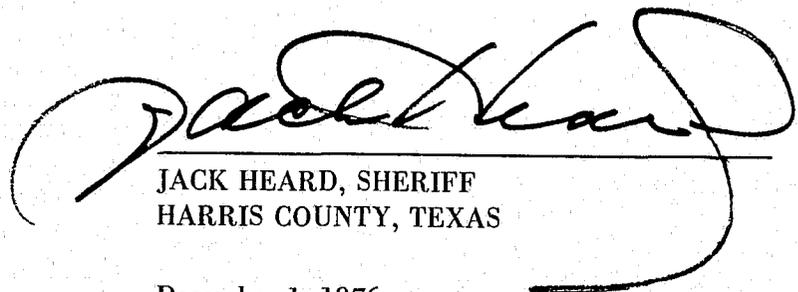
STANDARD OPERATING PROCEDURES
FOR INMATE MANAGEMENT
WITHIN THE
HARRIS COUNTY JAIL SYSTEM

NCJRS

APPROVED:

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ACQUISITIONS



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HARRIS COUNTY, TEXAS

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TABLE OF CONTENTS

| <u>TOPIC</u> | <u>PAGE NUMBER</u> |
|---|--------------------|
| INTRODUCTION | 1 |
| REVIEW OF LITERATURE..... | 3 |
| INDEX | 8 |
| SECTION I, GENERAL PROVISIONS | 12 |
| SECTION II, ADMISSIONS PROCEDURES | 13 |
| SECTION III, ROUTINE PROCEDURES | 20 |
| SECTION IV, SPECIAL PROCEDURES | 28 |
| SECTION V, TRANSFER/RELEASE PROCEDURES | 34 |
| FOOTNOTES | 36 |
| BIBLIOGRAPHY | 37 |
| APPENDIX A, FRISK SEARCH | 38 |
| APPENDIX B, STRIP SEARCH | 38 |
| APPENDIX C, CELL SEARCH | 39 |
| APPENDIX D, COMPUTATION OF GOOD TIME CREDIT | 39 |

CHAPTER I

Introduction

Evidence today suggests that jail administrators generally duplicate the institutional practices employed by prison officials, in spite of the legal distinction between the inhabitants of jails and prisons.

The vast majority of persons confined in a jail are pre-trial offenders, while prisons house convicted felons exclusively. Undeniably, jails also incarcerate persons convicted of misdemeanor offenses as well as persons convicted of felonies whose sentences are on appeal to a higher court. But it is becoming increasingly apparent, through a review of recent court decisions, that jail operations cannot precisely emulate those of a prison.

Obvious, too, is the absence of codified policies and procedures attendant to jail operations. A single source document does not appear to exist that encompasses the various mandates imposed on jail administrators by courts with appropriate jurisdiction or reflects the standards advanced by state and federal agencies and professional corrections organizations.

The need for such a document is clear and timely. The National Sheriff's Association (1972) states, "we learned from Sheriffs that there were few rules and no agreements on the functional purposes of a jail, nor were there any clear cut standards or goals [p. 5]."

Part of the problem, of course, is that jails are asked to fulfill more than one role, sometimes in diametric conflict.

The following definition from The Nation's Jails (1975) points out the dual nature and responsibilities inherent in jail operations:

A jail is a locally administered institution that has authority to retain adults for 48 hours or longer. The "intake point for the entire criminal justice system" the local jail is used both as a detention center for persons facing criminal charges and, along with prisons, as a correctional facility for those serving sentences [p. iii].

Jails, then, built primarily to house pre-trial detainees unable to post bail and county prisoners serving sentences locally for misdemeanor offenses cannot be directly operated under the same policies and procedures which would be germane to a prison - - even though historically this has been the case.

Increasing scrutiny from all sides and the demand for adherence to human rights has had an effect. This is emphasized in the manual Corrections (1973), which states, "pressures for change in the American correctional system today . . . come not only from prisoners but also from the press, the courts, the rest of the criminal justice system, and even practicing correctional personnel [p. 1]."

But the most insistent voice of change has been sounded by the courts. Recently there has been an increase in accountability as well as scrutiny. Corrections (1973) states, ". . . a series of cases has begun to hold correctional administrators accountable for their decision making, especially where such decisions affect first amendment rights (religion, speech, communication), the means of enforcing other rights (access to counsel or legal advice, access to legal material), cruel and unusual punishments, denial of civil rights and equal protection of the law [p. 9]."

Fully grounded now is the tenet that a prisoner is deprived only of those rights, "expressly or by necessary implications, taken from him by law."¹ And Palmer (1973) reaffirms that federal courts have increasingly become more willing to inquire into all aspects of correctional administration to insure that constitutional rights of the incarcerated are maintained. "Never before in the history of corrections have correctional staffs and administrators faced legal challenges to their actions as they do today [p. 149]."

The National Sheriff's Association (1972) points out that the rights over which the jail administrator has control generally involve the operation of the institution itself, since most aspects of the inmate's life while incarcerated are subject to regulations and thus substantially involve his rights. "Accordingly," it concludes, "each sheriff or jail administrator should prepare a manual of rules and regulations covering the operation of his institution in which the rights of prisoners are specifically set forth [p. 69]."

This sentiment is echoed by Blumer (1972), "the successful and safe operation of any jail depends on the ability of staff members to effectively follow a number of established procedures when dealing with prisoners [p. 1]," and even more specifically in Corrections (1973).

administrative convenience is no longer to be accepted as sufficient justification for deprivation of rights. Additionally, correctional administrators are subjected to due process standards which require that agencies and programs be administered with clearly enunciated policies and established fair procedures . . . [p. 19].

The preceding arguments are sufficient in themselves to necessitate the development of a model Standard Operating Procedures for Inmate Management; investigation into the availability of existing manuals for use as models, however, further underscores the dearth of written policy and procedure at the county jail level throughout the nation and adds an even more compelling impetus.

The document herein presented therefore:

1. Sets forth procedures for all pertinent aspects of inmate management beginning with the admission of inmates through their release or transfer from the Harris County Jails;
2. Insures that policy and procedures for inmate management encompass current legal requirements;
3. Provides detailed guidelines for jail personnel to follow in specific routine or special situations;
4. Serves as a basic training course for all new jail employees;
5. Directs the most humane treatment of inmates that is possible within the confines of institutional security restrictions;
6. Provides a model for administrators of other large jails to emulate.

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CHAPTER II

Review of Literature

The renewed emphasis on human rights by the courts and the society in general challenges jail administrators to refine and codify jail operations in accordance with federal and state guidelines.

One of the problems encountered in attempting to develop a model manual for the conduct of jail operations, from the few currently available manuals in use by local jails, is the almost universal lack of precisely defined or enumerated objectives, goals, standards, and procedures.

Los Angeles County, California (1973a, 1973b), provides for the institution and revision of a unit organizational manual, plus the delineation of concrete policy statements and levels of hierarchical responsibility for the conformance with such policy. Lane County, Oregon (undated, current as of October, 1975), prefers to issue individualized directives under the title of "Division Order." In this case also, although policy is clearly stated, the procedures for compliance do not appear to be adequately enumerated.

Albany County, New York (undated, a and b current as of October, 1975), provides a handbook outlining departmental policies and services to inmates; however, the only resource material available for custodial personnel is composed of an orientation for new officers covering only such subjects as operation of tier gates, frisk search of inmates, and handling and disposition of contraband, etc. Sacramento County, California (undated, current as of October, 1975), has produced a document which at first glance appears to be comprehensive, but which, upon further inspection, lacks clarity and only superficially addresses many important areas of jail operations.

The National Sheriff's Association (1972) once again refines the objective.

There should be a published manual on policy operation and procedures for the jail. This procedural manual should be clear and concise and should be based upon sound custodial and correctional principles [p. 8].

Corrections (1973) carries this a step further: "Precise definition of goals, and of standards making steps toward their achievement, is no waste of energy. Operating without them invites, if it does not guarantee, failure [p. 4]."

Even where, in currently produced manuals for local jail operation, an attempt is made to set forth specific procedures to be followed, frequently the phrasing utilized is ambiguous and thereby frustrates the goals of creating such a document. An example of this may be found in the San Diego County, California, Operations Memo (undated, current as of October, 1975). Custodial personnel are directed by that instrument to use as one of the criteria for disapproval of outgoing or incoming mail the fact that "... the letter is obscene (use good judgement) [#11 A]."

The legal ramifications of such a nebulous statement are of considerable importance to the jail administrator, the local unit of government operating the jail, and the employee assigned the responsibility of complying with the directive, as well as the inmate whose mail service is thus affected. As stated by Palmer (1973), "if the decision to exclude literature as obscene is left to a prison censor, without meaningful administrative or judicial services, the inmate's rights will often be dependent upon highly subjective decisions [p. 31]." Clearly, the need for inspection of literature entering and leaving the institution exists, but the employee must be provided complete and concise instructions sufficient for the performance of his assigned duties. These instructions must incorporate the courts' rulings in pertinent judicial decisions affecting the described operations as a first step in demonstrating compliance by the administrator.

In the San Diego County Operations Memo quoted above, some further allusion to mail censorship is made in various sections of the directive. However, the lack of continuity among statements and actions required on the part of employees to implement these instructions, both in this and in similar documents

from other jurisdictions, tends only to confuse staff and inmates alike.

Form, then, becomes of paramount importance also. Information is worthless if not communicable. As noted in the case of the San Diego County, California, Operations Memo, the information is in fact reasonably comprehensive and could, with some refinement, be construed as meeting the criteria set forth in recent court decisions.² Further, it may even be adequate in regards to the nebulous definition of pornography established by the Supreme Court.³ However, because the information was not placed in the proper format to maximize communication, its value is severely reduced, and to the extent that it causes confusion among employees attempting to obtain guidance in their daily operations, the value of such a directive may actually be negative. As cogently stated by the National Sheriff's Association (1973), "without clearcut administrative guidelines, personnel operate autonomously and make independent and sometimes inconsistent decisions [p. 8]."

Krantz, Bell, Brant, and Magruder (1973) underscore the need for providing policies and procedures which define and delimit individual discretion, thereby minimizing the potential of inconsistency. They further emphasize the need for accountability, stressed above, as a further promotion of a visible decision-making process subject to administrative review.

In addition, the nature of the prison or jail environment requires that specific policies, procedures and regulations be developed in order to clarify and codify the limits of behavior acceptable for inmates. According to Goffman (1961) without such clear-cut rules to delimit discretion, the nature of total institutions is such that purely discretionary decision-making will predominate. Further, untrammelled discretion inevitably leads to abuse because of uneven application, and uneven application leads directly to accusations of unfair treatment.

It is no wonder, then, that the South Carolina Department of Corrections (1972) emphasizes that "prison administrators as a class are perhaps named defendants in more suits than any other class of people of comparable size [p. 158]."

Times have changed and roles expanded. As pointed out by the National Sheriff's Association (1972),

the jail officer is no longer merely a keeper of keys and bodies. The emphasis now given to the protection of prisoners places great responsibility on staff. They must operate, in essence, a small community whose inhabitants lack freedom of mobility. Services such as food, laundry, clothing, medical treatment, religion, education, library, counseling, employment, mail, visits, and recreation should be made available and properly supervised, for a group of persons under various degrees of restraint [p. 9].

The requirement for specific, codified, and promulgated policies and procedures across such a broad spectrum of diverse duties is further complicated by the widely disparate rulings of the various courts concerning the rights and entitlements of inmates. As pointed out by Kerper and Kerper (1974),

it is very difficult to write meaningfully on the legal rights of prisoners. Statements of the law which are true today may not be true tomorrow. Trends which are discerned now may be reversed or prove to be ephemeral in the future. The rule in one federal district or circuit will not be the rule in another, and long lines of cases constituting what would generally be considered solid precedent must be discarded or carefully distinguished because of newly accepted philosophies or the recognition of new Constitutional rights [p. 277].

Until relatively recently, two factors, the sovereign immunity doctrine and the judicial "hands off" doctrine, combined to minimize judicial review of treatment accorded to inmates by jail administrators except in flagrant instances of Eighth Amendment violations.

Under the sovereign immunity doctrine a private citizen may not sue a governmental unit or its agent without its consent. According to Palmer (1973), the rationale underlying this doctrine involves three concepts: the traditional, common-law view that "the King can do no wrong," the belief that public monies

should not be utilized to redress private wrongs, and that in order to function effectively public officials need to be free from the threat of lawsuits arising out of their official actions. The sovereign immunity doctrine has been held by the courts to extend to municipal and county jails.⁴ The present trend, however, is for states to abandon sovereign immunity through judicial decision, amendment of state constitutions, or statutes authorizing lawsuits in specific circumstances. Even more inimical to the premisses of sovereign immunity was the finding in Cooper v. Pate (1964)⁵ that state prisoners may bring suit against local units of government and jail administrators under 42 U.S.C. section 1983 for money damages or other redress for deprivation of ". . . rights, privileges, or immunities secured by the Constitution"

Conditions in correctional institutions traditionally were ignored by the Courts, except where such conditions obviously constituted cruel and unusual punishment. This situation was due to the "hands off" doctrine pursued presumably as an outgrowth of judicial self-restraint, the strict constructionist philosophy followed by the courts until recently.

In charting the devolution of the "hands off" doctrine, it is illuminating to examine the tendency of the courts to become less adamant concerning their aloofness. In Ruffin v. Commonwealth (1891)⁶ the court stated,

. . . [the prisoner] has, as a consequence of his crime, not only forfeited his liberty, but all his personal rights except those which the law in its humanity accords to him. He is, for the time being, the slave of the state.

By 1952, however, courts apparently had come to feel that treatment of prisoners might on occasion be a matter of judicial interest; in Adams v. Ellis (1952)⁷ the court stated, "it is not the function of the Courts to superintend the treatment and discipline of prisoners in penitentiaries, but only to deliver from imprisonment those who are illegally confined." In a later case, Banning v. Looney (1954)⁸ the court reiterated the same theme, but appeared to leave itself the option of interceding in cases where it thought prison rules or regulations "extraordinary." As recently as 1968, the court still felt that prison officials and not the courts should operate prisons, stating that prison officials ". . . should be granted wide discretion in the exercise of such authority."⁹

It appears, however, that it was during this period that the courts began in earnest to discard the "hands off" doctrine in regards to inmates. In the Jackson v. Godwin (1968)¹⁰ decision, the court stated "additional support for judicial review can be found in the proposition that if a prisoner is serving time to pay his debt to society, any further restraint or deprivation in excess of that inherent in the sentence and the normal structure of prison life should be subjected to judicial scrutiny."

Developing to fill the vacuum occasioned by the retreat of the "hands off" doctrine is the "least restrictive means" doctrine, an extension of the earlier "compelling state interests" and the "clear and present danger" doctrines. The first breach in the "hands off" doctrine occurred in 1961 with the Sewell v. Pegelow¹¹ decision involving freedom of religion. Other decisions involving First Amendment rights closely followed, with the courts apparently balancing the rights of the state against the rights of the inmate. In a 1970 case, Carothers v. Follette,¹² the inmate's rights to freedom of expression were found to outweigh the state's interest in disciplining the inmate ". . . because of statements in letters written to persons outside prison walls, unless such letters present a clear and present danger of disrupting prison security or some other justifiable purpose of imprisonment." This philosophy evolved into a process by which rules and regulations which restricted the privileges and rights of inmates were weighed against "compelling state interests" necessitating such restriction. The courts began to require that correctional administrators adopt the "least restrictive means," interfering least with the inmate's Constitutional rights, in insuring a valid state interest.

The courts have increasingly found that values reflected in the Constitution take precedence over efficient administration of correctional programs. The National Council on Crime and Delinquency in Model Act for the Protection of Rights of Prisoners (1972) states ". . . the Supreme Court has manifested its powerful concern that correctional processes avoid the infliction of needless suffering and achieve standards of decency and efficiency of which the community need not be ashamed and by which it will be better pro-

tected. . . lawyers and prisoners are bringing - - and courts are hearing and determining - - constitutional and civil rights actions alleging unequal protection of the law, imposition of cruel and unusual punishments, and abuse of administrative discretion [p. 9]."

As noted by the National Advisory Commission on Criminal Justice Standards and Goals (1973), convicted offenders remain within the constitutional and statutory protection of the legal system and the courts will and should continue to monitor correctional decisions and practices - - the Constitution requires it. The Commission emphasizes,

the nature of the judicial process dictates that this supervision will be done case by case. A period of uneven and abrupt change will result. Correctional administrators could ease the transition by adopting on their own initiative new comprehensive procedures and practices that reflect constitutional requirements and progressive correctional policy [p. 10].

As reported by the Comptroller General of the United States (1976), current case law prescribes that a prisoner is deprived only of those rights expressly or by necessary implication taken from him by law.¹³ In addition, pre-trial detainees retain all rights retained by arrestees who have been released on bail, except for the curtailment of mobility deemed necessary to secure attendance at trial and the limitation necessary to protect the security of the institutions in which they are detained.¹⁴

A number of court decisions in recent years has established certain minimum standards to which inmates are entitled during their incarceration.¹⁵ Among the basic requirements included by the courts: (a) items of personal hygiene; (b) clothing and blankets; (c) access to sinks and showers (hot water); (d) clean laundry furnished on a reasonable basis; (e) essential furnishings (bed, mattress, chair, water closet); (f) adequate drinking water and diet prepared in kitchens meeting health standards; (g) adequate heat, light and ventilation. Prisoners may not be housed in unsanitary permanently overcrowded cells which will endanger personal safety or sanity.

While local jails may be exempt from compliance with local health and housing codes, they must meet minimum community standards of decency, particularly space, ventilation, plumbing, heating, electricity and sanitation regulations.¹⁶

While it has been allowed that the nature of appropriate medical treatment falls within the sound discretion of medical personnel, prisoners may not be deprived of competent medical and dental care.¹⁷ Adequate medical supportive facilities should be available to meet reasonably foreseeable medical, dental, pharmaceutical and medically prescribed dietary requirements.¹⁸

Reasonable access to the courts may not be denied or obstructed,¹⁹ and basic collection of representative legal materials should be available for inmates' use.²⁰

Prisoners must be permitted to follow the tenets of their religion, including dress and dietary requirements insofar as they can be reasonably accommodated.²¹ Religious privacy must be protected with services being held in places where prisoners not choosing to attend are not made unwilling participants.²²

Moreover, where local jails are used to house persons detained under civil commitment or pre-trial detainees unable to raise bail, facilities must be designed and equipped to meet additional requirements. The detainee is presumed not guilty of criminal misconduct; he may not be punished without or before trial. He may be held only under conditions comprising the least restrictive means of achieving the purpose requiring and justifying his detention.²³ Detention may not be more punitive than incarceration within the state's penal system, nor should it be substantially more burdensome than detention in other state or federal institutions used for the same purpose in the same area.²⁴

Other distinctions made between convicted inmates and pre-trial detainees include the following examples.

A convicted inmate may be compelled to shave,²⁵ but a jailer may not require a detainee to cut his hair or to shave off his beard.²⁶

There can be no censoring of incoming and outgoing detainee mail nor restrictions on persons to whom mail may be sent.²⁷ Censorship of jail mail of convicted inmates has been ruled unjustified, but inmates can be barred from receiving newspapers and religious mail where it can be shown that these items contain inflammatory reading matter and constitute a clear and present danger.²⁸ Additionally, convicted inmates can be denied access to the media - - specifically, correspondence for the purpose of public complaint about the laws and the treatment of the inmate.²⁹

Whether or not the courts will eventually require more vigorous classification of detainees, they have recognized that maximum security conditions cannot be justified as the "least restrictive means" of assuring that the vast majority of pre-trial detainees will appear in court.

In individual cases, courts have held that detainees were entitled to (1) enjoy access to a broad range of reading and writing materials,³⁰ (2) engage in recreational activities and to use recreational facilities,³¹ and (3) have outside communication by telephone.³²

And locally, in two recent Texas cases³³ delineating actions such as the medical and psychological screening of all incoming inmates, provision for classification, recreation, and continuance of education and rehabilitation programs to name a few, have further eroded the discretionary power of local correctional administrators to determine the direction taken by their own institutions.

The policies and procedures set forth in this document are based on the caveat from the President's Commission on Law Enforcement and Administration of Justice (1967):

Such action on the part of correctional administrators will enable the courts to act in a review rather than a directly supervisory capacity. Where administrative procedures are adequate, courts are not likely to intervene in the merits of correctional decisions; and where well thought out policies regarding prisoners' procedural and substantive rights have been established, courts are likely to defer to administrative expertise [p. 85].

CHAPTER III

Standard Operating Procedures For Inmate Management
Within The Harris County Jail System

INDEX

| <u>Topic</u> | <u>Paragraph</u> | <u>Page No.</u> |
|---|------------------|-----------------|
| SECTION I | | |
| <u>General Provisions</u> | | |
| Purpose | 1.0 | 12 |
| Supplementary References | 1.1 | 12 |
| Definitions | 1.2 | 12 |
| SECTION II | | |
| <u>Admissions Procedures</u> | | |
| Admission of Inmates | 2.0 | 13 |
| Admissions Criteria | 2.1 | 13 |
| Identity of Accompanying Officer | 2.1 A | 13 |
| Condition of Prisoner | 2.1 B | 13 |
| Juvenile Offenders | 2.1 C | 13 |
| Legal Commitment Document (s) | 2.1 D | 13 |
| Frisk Search | 2.2 | 13 |
| Notice of Incarceration by Inmate | 2.3 | 13 |
| Admissions Records | 2.4 | 14 |
| Confiscation of Personal Property | 2.5 | 14 |
| Issuance of Inmate Handbook | 2.6 | 14 |
| Processing Sequence | 2.7 | 14 |
| Segregation of Sexes | 2.8 | 14 |
| Segregation of Particular Inmates | 2.9 | 15 |
| Infamous Inmates | 2.9 A | 15 |
| Witnesses/Civil Prisoners | 2.9 B | 15 |
| Surveillance of Holding Cell | 2.10 | 15 |
| Identification | 2.11 | 15 |
| Interview by Pre-Trial Release Agency | 2.12 | 15 |
| Confiscation of Personal Clothing | 2.13 | 15 |
| Shower | 2.14 | 15 |
| Strip Search | 2.15 | 16 |
| Medical Examination | 2.16 | 16 |
| Issuance of Jail Clothing | 2.17 | 16 |
| Quarantine | 2.18 | 16 |
| Orientation | 2.19 | 16 |
| Visiting Card | 2.19 C | 17 |

| <u>Topic</u> | <u>Paragraph</u> | <u>Page No.</u> |
|---|------------------|-----------------|
| Priority Commissary Order | 2.20 | 17 |
| Psychiatric Screening and Examination | 2.21 | 17 |
| Classification of Inmates | 2.22 | 17 |
| Update/Distribution of Admissions Records | 2.23 | 18 |
| Transfer of Inmate (s) to Rehabilitation Center | 2.24 | 18 |
| Reception of Inmates at the Rehabilitation Center | 2.25 | 18 |
| Distribution of Property/Records | 2.26 | 18 |
| Housing Assignment | 2.27 | 19 |
| Housing Card | 2.27 B | 19 |

SECTION III

Routine Procedures

| | | |
|--|--------|----|
| Court Appearances | 3.0 | 20 |
| Court Dockets | 3.0 A | 20 |
| Court Clothing | 3.0 B | 20 |
| Notarization of Legal Papers | 3.1 | 20 |
| Reclassification | 3.2 | 20 |
| Assignment to Trusty Status | 3.3 | 20 |
| Computation or Forfeiture of "Good Time" Credit | 3.4 | 20 |
| Work Assignments | 3.5 | 20 |
| Use of Telephone | 3.6 | 21 |
| Visitation | 3.7 | 21 |
| Access to Attorney | 3.7 A | 21 |
| Access to Representatives of Criminal Justice Agencies | 3.7 B | 21 |
| Access to News Media Representatives | 3.7 C | 21 |
| Access to Clergy | 3.7 D | 21 |
| Access to Persons Named on Visiting Card | 3.7 E | 21 |
| Special Visits | 3.7 F | 21 |
| Access to Consular Officers | 3.7 G | 22 |
| Correspondence | 3.8 | 22 |
| Outgoing Mail | 3.8 A | 22 |
| Incoming Mail | 3.8 B | 22 |
| Mail Addressed to Jail Official | 3.8 C | 22 |
| Publications | 3.8 D | 22 |
| Absentee Voting | 3.9 | 22 |
| Inmate Trust Fund | 3.10 | 22 |
| Deposits | 3.10 A | 22 |
| Expenditures | 3.10 B | 22 |
| Release of Funds | 3.10 C | 22 |
| Refund of Trust Fund Balance | 3.10 D | 22 |
| Commissary | 3.11 | 23 |
| Health Services | 3.12 | 23 |

| <u>Topic</u> | <u>Paragraph</u> | <u>Page No.</u> |
|---|------------------|-----------------|
| Medical | 3.12 A | 23 |
| Dental | 3.12 B | 23 |
| Optical | 3.12 C | 24 |
| Hygiene | 3.13 | 24 |
| Clothing | 3.13 A | 24 |
| Linens | 3.13 B | 24 |
| Personal Grooming | 3.13 C | 24 |
| Feeding | 3.14 | 24 |
| Recreation | 3.15 | 24 |
| Programs | 3.16 | 25 |
| Religious | 3.16 A | 25 |
| Education/Vocational Training | 3.16 B | 25 |
| Counseling | 3.16 C | 25 |
| Avocational | 3.16 D | 25 |
| Band/Choral Groups | 3.16 E | 25 |
| Special Programs | 3.16 F | 25 |
| Library | 3.16 G | 25 |
| Use of Writ Room | 3.17 | 25 |
| Use of Day Rooms | 3.18 | 25 |
| Discipline | 3.19 | 25 |
| Discipline Committee | 3.20 | 26 |
| Security | 3.21 | 26 |
| Control of Weapons and Keys | 3.21 A | 27 |
| Count | 3.21 B | 27 |
| Cell Searches | 3.21 C | 27 |
| Frisk Searches | 3.21 D | 27 |
| Strip Searches | 3.21 E | 27 |
| Surveillance of Inmate Living Areas | 3.21 F | 27 |
| Movement of Inmates | 3.21 G | 27 |
| Restricted Areas | 3.21 H | 27 |
| Supervised Areas | 3.21 I | 27 |

SECTION IV

Special Procedures

| | | |
|---|-------|----|
| Contraband | 4.0 | 28 |
| Inmate Release of Property | 4.1 | 28 |
| Identification of a Juvenile Inmate | 4.2 | 28 |
| Abuse of an Inmate | 4.3 | 30 |
| Emergency Messages for Inmates | 4.4 | 30 |
| Death of an Inmate in Confinement | 4.5 | 30 |
| Escape | 4.6 | 31 |
| Escape from Jail Facility | 4.6 A | 31 |
| Escape from Escort | 4.6 B | 32 |

| <u>Topic</u> | <u>Paragraph</u> | <u>Page No.</u> |
|------------------|------------------|-----------------|
| Riot | 4.7 | 32 |
| Fire | 4.8 | 32 |
| Minor Fire | 4.8 A | 33 |
| Major Fire | 4.8 B | 33 |

SECTION V

Transfer/Release Procedures

| | | |
|---|-------|----|
| Transfer to Hospital | 5.0 | 34 |
| Temporary Release | 5.1 | 34 |
| Court Order | 5.1 A | 34 |
| Transfer to Texas Department of Corrections | 5.2 | 34 |
| Release from Custody of Sheriff | 5.3 | 34 |
| Conditional Release | 5.4 | 34 |
| Unconditional Release | 5.5 | 35 |
| Release Processing | 5.6 | 35 |
| Disposition of Records | 5.7 | 35 |

APPENDIXES

| | | |
|---|------------|----|
| Frisk Search | Appendix A | 38 |
| Strip Search | Appendix B | 38 |
| Cell Search | Appendix C | 39 |
| Computation of "Good Time" Credit | Appendix D | 39 |

SECTION I

General Provisions

1.0 Purpose. This manual establishes policies and procedures pertaining to the management of persons committed to the custody of the Sheriff of Harris County, Texas. It has been developed to conform, to the degree that is presently practical, to the prevailing detention standards advanced by various governmental agencies and professional associations. Furthermore, this document is intended to maximize the assurance that both the Sheriff's civil and criminal liabilities, and the incarcerated person's constitutional rights, are not abridged by any personnel of the Harris County Sheriff's Department.

1.1 Supplementary References. In addition to the policies and procedures contained in this manual, all Corrections and Detention Bureau personnel are required to adhere to the provisions set forth in the Harris County Sheriff's Department Manual of Policy and Ethics, the Harris County Sheriff's Department Inmate Handbook, the Policy and Procedures: Education and Rehabilitation Program, Harris County Sheriff's Department, the Medical Procedures: Harris County Sheriff's Department, and all special orders issued by the Sheriff, Chief Deputy, or Bureau Major.

1.2 Definitions. The following definitions are given for the exclusive purpose of clarifying the contents of this manual.

Bureau Major shall mean the Major, Corrections and Detention Bureau, Harris County Sheriff's Department.

Contraband shall mean all items that an inmate is prohibited from having in his possession, either by state statutes or as specified in the Inmate Handbook.

Department shall mean the Harris County Sheriff's Department.

Deputy shall mean all personnel who have received (or imminently anticipate) certification as a peace officer by the Texas Commission on Law Enforcement Officer Standards and Education.

Freeze shall mean the suspension of all inmate movement for a period of time sufficient to accomplish a specific objective (conduct a count, quell a disturbance, etc.).

He; His shall also infer the feminine gender.

Inmate shall mean any male or female person who is in custody of the Sheriff through legitimate court authority.

Jail Card shall mean the Harris County Sheriff's Department official record of an inmate.

Juvenile shall mean any male or female person who has not attained his or her seventeenth birthday.

May; Should shall mean permissive conformance.

Personnel shall mean all employees of the Harris County Sheriff's Department, including both deputies and civilians.

Prisoner shall mean any male or female person accompanied by legitimate police or court authority, pending acceptance into custody of the Sheriff.

RAP Sheet shall mean the criminal history record of an inmate that is provided by or through the Identification Division, Harris County Sheriff's Department.

S.O. Number shall mean the Sheriff's Office Number assigned to an inmate by the Identification Division, Harris County Sheriff's Department.

S.P.N. Number shall mean the numerical designation of the inmate that is electronically generated at the time the inmate's data is first entered into the computer terminal.

Shall shall mean mandatory compliance.

Shift shall mean the hours of established duty assignment.

Staff Member shall mean civilian employees of the Harris County Sheriff's Department.

Supervisor shall mean a deputy with a rank of sergeant or above, or a civilian employee with designated responsibility for a particular activity.

SECTION II

Admissions Procedures

2.0 Admission of Inmates. All males who are committed to the custody of the Sheriff shall be received at the Downtown Jail (except those detained under federal, immigration or military authority who shall be received directly at the Rehabilitation Center). All female inmates shall be received at the Downtown Jail only.

2.1 Admission Criteria. The following criteria shall be met before accepting a person into custody of the Sheriff:

A. Identity of Accompanying Officer. The Admissions Deputy shall request to see, and inspect, the badge of the officer accompanying the prisoner(s) as well as his agency identification card which contains his photograph, identifying data, badge number, and signature of the agency head. If the accompanying officer cannot or will not produce such identification, or if his identification does not conform to his person, his prisoner(s) shall not be accepted into custody of the Sheriff.

B. Condition of Prisoner. The Admissions Deputy shall observe the physical condition of the prisoner. If there is any visual or verbal indication that a prisoner is injured or ill, the Jail Physician or a medic shall be summoned immediately, and the Admissions Deputy shall not accept custody of the prisoner until the physician or medic has examined the prisoner and approved him for acceptance.

(1.) If the physician or medic determines that the prisoner should not be admitted into the Sheriff's custody, the Admissions Deputy shall refuse his acceptance and return the commitment document(s) to the accompanying officer.

(2.) In the event a prisoner who is injured or ill may be approved for acceptance into custody of the Sheriff by the physician or medic, the Admissions Deputy shall immediately summon an Identification Deputy who shall make color photographs of the prisoner in front of a calendar/time clock as evidence of the condition of the prisoner at the time of his acceptance into custody of the Sheriff. (Such photographs shall subsequently be affixed to the inmate's jail card.)

(3.) If, at any time during the admissions process, an inmate may be suspected of insanity, the Jail Psychologist, Jail Physician, medic, or Classification Deputy shall be summoned promptly for a determination of whether the admissions process may be continued or if the inmate should instead be taken over by them immediately.

C. Juvenile Offenders. Persons under the age of seventeen (17) shall not be accepted into custody of the Sheriff. When a person brought to the jail for admittance to custody may ap-

pear to be a juvenile, the Admissions Deputy shall exercise every available means to ascertain the correct age of the person (inspection of all identification on the prisoner, interrogation, and telephone verification by relatives named by the person).

(1.) If the person may be determined to be a juvenile, the Admissions Deputy shall refuse his acceptance and return the commitment document(s) to the accompanying officer. (THE SOLE EXCEPTION TO THIS RULE IS THAT A JUVENILE MAY BE ACCEPTED INTO CUSTODY UPON PRESENTATION OF A COURT ORDER WHICH DIRECTS THE SHERIFF TO INCARCERATE THE PERSON WHO HAS BEEN ADJUDICATED BY THE COURT TO STAND TRIAL AS AN ADULT.)

(2.) When an inmate in custody of the Sheriff may be subsequently identified as a juvenile, the procedures set forth in Paragraph 4.2 shall be observed.

D. Legal Commitment Document(s). All persons accepted into custody of the Sheriff shall be accompanied by a timely, properly prepared and appropriately executed commitment document. (All Sheriff's personnel who function as an Admissions Deputy shall be thoroughly familiar with all types of legal commitment documents.) The Admissions Deputy shall refuse to accept any person into custody of the Sheriff in the absence of a valid commitment document.

2.2 Frisk Search. When a prisoner has been accepted into custody of the Sheriff, a deputy shall immediately conduct a frisk search of each inmate before placing him in a holding area or cell to determine if any contraband article is concealed on the inmate.

A. The frisk search shall be performed in accordance with established procedures (see Appendix A, "Frisk Search"), and with the greatest degree of dignity possible for the inmate. Under no circumstances shall a deputy direct any personal remark to an inmate being frisked concerning his person, attire, or physical attributes.

B. In the event contraband may be found on an inmate, the procedures set forth in Paragraph 4.0, "Contraband," shall be observed.

2.3 Notice of Incarceration by Inmate. Promptly upon acceptance into custody of the Sheriff, the inmate shall be permitted to have access to a telephone directory and place a telephone call to whomever he chooses to advise of his confinement.

A. In the event the called party does not answer the telephone, the inmate shall be permitted

to repeat telephoning until such time as he may successfully reach the called party.

B. If a telephone call may constitute a long-distance charge, a deputy shall obtain from the inmate the name and telephone number of the person he desires to contact and place a collect call for the inmate.

C. If, during subsequent admissions processing, an inmate states that he has not been able to use the telephone or reach a called party, the deputy or staff member so advised shall insure that the inmate is permitted to make a telephone call at that time in his presence.

2.4 Admissions Records. Appropriate entries in the Book-In Log and State Book shall be recorded promptly for each inmate accepted into custody, and the Admissions Deputy shall initiate a jail card by entering all required information into a computer terminal in strict compliance with instructions provided by the Data Processing Division. (The inmate's personal possessions and money shall also be collected by the Admissions Deputy at this time, and pertinent descriptions included in the computer entry data (see Paragraph 2.13).

A. Only Sheriff's personnel who have been issued a computer security code number shall be allowed to enter (or access) inmate computer data.

B. The Admissions Deputy shall restrict his questioning of the inmate to the information required for the jail card. Under no circumstances shall he ask questions about the offense for which the inmate has been incarcerated.

C. Following completion of the (jail card) computer entry, the data shall be checked for accuracy, and a hard copy shall be produced from the computer-printer for use in subsequent processing. (At no time shall an inmate be allowed to have his jail records in his personal possession. In subsequent admissions processing, the records shall at all times remain in the sole possession of the deputy or staff member then responsible for the admissions process.)

2.5 Confiscation of Personal Property. The Admissions Deputy shall take all personal possessions and money he has collected from the inmate and:

A. List all items (with an accurate, concise description of each item) on the inmate's property envelope.

(EXCEPTION: Bench Warrant inmates from the Texas Department of Corrections shall be allowed to retain their tobacco, matches, stationery items, stamps, and personal hygiene articles. The only personal property that all other inmates may retain is a religious medal. If such items are retained by an inmate, such items shall not be listed on the personal property envelope.)

B. Place all items, except money, in the property envelope. If any item is too large for inclusion in the property envelope, it shall be listed on

the envelope, but a tag shall be attached to the item (with the inmate's name and S.P.N. number written on the tag) and the item stored separately.

C. Money shall be placed in a separate envelope, with the amount of money and inmate's name and S.P.N. number written on the face of the envelope.

D. The Admissions Deputy shall then seal both the property and money envelopes and sign each with his name, badge number, date, and time of day.

E. He shall then obtain the inmate's signature on both envelopes, and transmit both sealed envelopes (as well as any tagged property) immediately to the Bank Deputy.

F. In the event an inmate refuses to sign either envelope, the Admissions Deputy shall secure another deputy as a witness who shall also write his name, badge number, date and time of day on the envelope(s) together with the notation "inmate refused to sign."

G. Upon receipt of an inmate's property and money envelopes, the Bank Deputy shall immediately secure the property envelope, issue a receipt to the inmate for the total amount of money collected from him, and hold his money envelope for a brief time (sufficient to determine if he may be released on bond promptly) before depositing his money and initiating a trust fund account in his behalf.

2.6 Issuance of Inmate Handbook. Upon completion of the personal property accounting, each inmate shall be given a copy of the Inmate Handbook and advised that his S.O. number will subsequently be recorded on the handbook (by the Identification Deputy) for his use in ordering commissary, correspondence, etc. Inmates who read and speak Spanish only shall be given a Spanish version of the handbook.

2.7 Processing Sequence. Following completion of the procedures set forth above, the following sequence shall be observed:

- A. Identification (2.11).
- B. Interview by Pre-Trial Release (2.12).
- C. Confiscation of Personal Clothing (2.13).
- D. Shower (2.14).
- E. Strip Search (2.15).
- F. Medical Examination (2.16).
- G. Issuance of Jail Clothing/Bedding (2.17).
- H. Quarantine (2.18).
- I. Orientation (2.19).
- J. Priority Commissary Order (2.20).
- K. Psychological Screening and Examination (2.21).
- L. Classification (2.22).

2.8 Segregation of Sexes. After the admissions procedures have been completed (2.0 through 2.6), all female inmates shall be separated from

male inmates and placed in a holding cell to await processing through Identification and by Pre-Trial Release personnel. Upon completion of those processes, a female deputy shall collect all female inmates and remove them to the women's floor of the jail for further processing. (The processing procedures shall be the same as those specified for male inmates.) AT NO TIME WHILE IN CUSTODY OF THE SHERIFF SHALL FEMALE INMATES BE ALLOWED IN ANY CLOSE PROXIMITY TO MALE INMATES.

2.9 Segregation of Particular Inmates.

A. Infamous Inmates. Each inmate who has been charged with a heinous, sensational and/or highly publicized crime shall be processed and housed individually and independently from all other inmates so long as he remains in custody of the Sheriff.

B. Witnesses/Civil Prisoners. A person who is committed to the custody of the Sheriff as a state witness, or through civil process, shall be processed and housed separately from all other inmates so long as he remains in custody of the Sheriff.

2.10 Surveillance of Holding Cell. Inmates who have been placed in a multiple-occupancy holding cell awaiting further admissions processing shall at all times remain under the constant surveillance of a deputy.

2.11 Identification. Inmates awaiting the Identification process shall be removed from the holding cell at such intervals and in such numbers as they may be processed by identification personnel. In addition to their routine functions, identification personnel shall have the responsibility to:

A. Record the inmate's S.O. number on his jail card, as well as the inmate's copy of the Inmate Handbook.

B. Record any alias name(s) used by the inmate (which may be revealed through a search of identification files) on his jail card.

C. Enter the inmate's right thumbprint in the appropriate space on his jail card.

D. Take two mug shots of the inmate, and attach the photos to his jail card.

E. Return the jail card and photos to the deputy who will deliver the inmate to the next processing station.

2.12 Interview by Pre-Trial Release Agency. Each inmate committed to the custody of the Sheriff shall, as a part of his admissions process, be interviewed by Pre-Trial Release Agency personnel.

A. Inmates going through admissions processing shall be removed from a holding cell by a deputy at such intervals and in such numbers as may be requested by Pre-Trial Release personnel.

B. A copy of the inmate's jail card, RAP sheet (provided by the Identification Division), and any other pertinent data relating to the in-

mate shall be made available to the Pre-Trial Release personnel by the deputy who escorts the inmate to their interview station.

C. The Pre-Trial Release representative who interviews the inmate shall note the time/date of the interview and his name on the inmate's jail card.

D. Upon conclusion of the Pre-Trial Release interview, the inmate shall be escorted by a deputy to the Property Room for further processing. The inmate's jail records shall be delivered to the Property Deputy by the escorting deputy

2.13 Confiscation of Personal Clothing. Upon an inmate's arrival in the Property Room, the Property Deputy shall promptly check with the Admissions Office to determine if a release paper (bond) is awaiting the inmate then in his custody.

A. If bond has been made (or is imminent), the inmate shall be returned to a holding cell to await release, and the Releasing Deputy so notified.

B. If bond for the inmate is not in progress, the Property Deputy shall:

(1.) Instruct the inmate to remove all his clothing, and place it on the counter.

(2.) Inspect each item of clothing for concealed contraband and vermin. (if contraband may be discovered in an inmate's clothing, the procedures set forth in Paragraph 4.0 shall be followed.)

(3.) Execute a property card for the inmate, listing an accurate and concise description of each item of clothing taken from him.

(4.) Instruct the inmate to sign the property card. (If he refuses to do so, follow the same procedures set forth in Paragraph 2.5, F.)

(5.) Place all articles of the inmate's clothing in a property bag (except vermin-infested clothing which shall be set aside, noted with the inmate's name and S.O. number, and sterilized before it is stored).

(6.) Any item which may be too large to contain in the property bag shall be noted on the inmate's property card, tagged with the name of the inmate and his S.O. number and property bag number written thereon, and stored separately.

(7.) Note the property bag number on the inmate's jail card and property card.

(8.) Seal the property bag and hang it, in numerical sequence, in the clothing storage room.

(9.) File the property card in numerical sequence.

C. Under no circumstances shall any inmate be allowed in the clothing storage room for any purpose at any time, nor shall any inmate be permitted access to the property card file.

2.14 Shower. Following confiscation of an inmate's personal clothing, a deputy shall issue each inmate soap, wash cloth and towel, and instruct the inmate to shower. (If a bruise, cut or other

evidence of injury is evident on the inmate's body which was not obvious until he undressed, the procedures set forth in Paragraph 2.1, B (2.) shall be observed.)

2.15 Strip Search. When an inmate has completed showering, a strip search of his body shall be performed by a deputy in accordance with established procedures (see Appendix B, "Strip Search"), and with the greatest degree of dignity possible for the inmate. Under no circumstances shall a deputy address any personal remark to an inmate being strip searched concerning his person or physical attributes. (In the event contraband may be discovered on or in the body of an inmate, the procedures set forth in Paragraph 4.0 shall be observed.)

2.16 Medical Examination. Following the strip search, each inmate shall be medically examined by the Jail Physician or a medic, in accordance with prevailing medical procedures.

A. A medical record shall be initiated for each inmate, with notations of any data which may be pertinent to the classification, housing feeding, work assignment, and other treatment of the inmate while he is in custody of the Sheriff.

B. The medical record shall be attached to the inmate's jail records for subsequent admissions processing, and ultimately retained in the Medical Clinic at the facility where the inmate is housed.

C. If an inmate being examined may be discovered to have a communicable disease, such inmate shall be isolated immediately, and a determination made by medical personnel as to prompt diversion to the Jail Clinic or to an outside hospital facility (see Paragraph 5.0). Under no circumstances shall such an inmate be further exposed to other inmates or personnel.

D. Any inmate identified as suffering from acute alcoholism, drug abuse or addiction shall be transferred to an outside hospital facility immediately and remain there for so long as withdrawal treatment is required (see Paragraph 5.0).

E. Before hospital care is rendered or before any medical or surgical procedure is undertaken, consent to such care or treatment must be obtained from the inmate patient or someone authorized to consent for the inmate. The primary responsibility for adherence to this rule is vested in medical staff members of the Harris County Sheriff's Department.

2.17 Issuance of Jail Clothing. Upon completion of the medical examination, each inmate shall be issued the following items and instructed to dress:

A. Jail Clothing:

- (1.) One Trousers.
- (2.) One Shirt.
- (3.) One Underwear.

- (4.) One Pair Socks.
- (5.) One Pair Shoes.

B. Bedding/Linens:

- (1.) One Sheet.
- (2.) One Pillowcase.
- (3.) One Towel.
- (4.) One Washcloth.
- (5.) One Blanket (during fall/winter months).

C. A Personal Hygiene Kit.

2.18 Quarantine. After an inmate has completed all admissions processes delineated above, he shall be escorted (with his jail records) to the quarantine area to await further processing.

A. Unless released on bond, an inmate shall remain in the quarantine area for at least the first 72 hours of his incarceration, to insure his prompt availability for mandatory 24-hour and 72-hour court hearings.

B. To the extent that accommodations are available, each inmate shall be placed in single cell confinement.

C. If assignment to a multiple cell is necessary, the following initial segregation of inmates shall be observed:

- (1.) Youthful inmates (ages 17 through 20) shall be segregated from all other inmates.
- (2.) Pre-Trial first offenders shall be confined separately from inmates with prior convictions.
- (3.) Material witnesses and civil process inmates shall be confined independently of all other inmates.
- (4.) Special problem inmates (physically handicapped, violent, and aggressive, homosexuals, etc.) shall be housed apart from other inmates.
- (5.) Inmates who are co-defendants in a criminal charge shall not be assigned to the same cell or in the same immediate area.

D. The deputy on duty in the quarantine area shall, upon assignment of an inmate to housing in that area, note the exact cell location on the inmate's jail card, and immediately notify the Admissions Deputy who shall immediately enter that data into the inmate's computer record.

E. Inmates housed in the quarantine area shall be given a change of clean clothing each day they are confined there.

2.19 Orientation. When an inmate is first confined in the quarantine area, the deputy on duty there shall be responsible for the following:

A. Ascertain that each inmate has a copy of the Inmate Handbook in his possession. If not, he shall issue the inmate another copy of the handbook and make a notation of the inmate's S.O. number on the cover of the handbook.

B. The deputy shall invite, and answer to the best of his ability, any questions which an inmate may pose relative to the rules and regulations set forth in the Inmate Handbook.

- C. Visiting Card. Issue each inmate a pencil and visiting card, explain the purpose of the card, and instruct the inmate to complete the card.
- (1.) If an inmate may request a copy of the local telephone directory to obtain or verify an address, the deputy shall make a copy of the directory available to him.
 - (2.) If an inmate does not desire to complete a visiting card, he shall be instructed to write the word "NONE" across the card and sign his name and the date. (If he refuses to do this, the deputy shall make that notation on the card, sign his name and badge number, and have it witnessed by another deputy who shall sign his name and badge number on the card.)
 - (3.) The visiting card shall be retained in the quarantine area during such times as the inmate is physically located there, for clearance of his visitors. (The card, however, shall be sent with the inmate when he is processed through Classification.)

2.20 Priority Commissary Order. An inmate confined in the quarantine area shall have the opportunity to place one (1) priority commissary order during the period of time he is confined in the area, provided he has in his possession a receipt from the Bank Deputy which reflects an amount of money sufficient to cover the cost of items he desires to purchase.

A. A priority commissary order shall be restricted to three packages of cigarettes or smoking tobacco, matches, writing materials and postage stamps, and personal hygiene articles.

B. A Commissary Deputy shall periodically come to the quarantine area each day, with a selection of items noted in Subparagraph A, above, and:

- (1.) Issue an order form, in duplicate, and pencil to each inmate who desires to purchase commissary (and who has not previously received a priority commissary order).
- (2.) Collect the pencil, order, and the inmate's receipt.
- (3.) Compare the cost of items ordered to the total amount of money shown on the bank receipt. If the total cost of items ordered by the inmate does not exceed the total amount shown on his bank receipt, issue the items to the inmate.
- (4.) Deliver the original copy of the order, together with the inmate's bank receipt, to the Bank Deputy immediately so that an appropriate and timely deduction from the inmate's money deposit may be made.
- (5.) Retain the duplicate copy of the order for commissary records.

2.21 Psychological Screening and Examination. All inmates, while still housed in the quarantine area, shall be processed individually by Psychological Screening and Examination personnel, and a psychological evaluation form for each inmate shall be prepared by them.

A. Any inmate suspected of insanity, or certified

to have mental or emotional disabilities, shall be transferred from the jail immediately to the county hospital facility designated to house such persons. (The procedures set forth in Paragraph 5.0 shall be observed.)

B. If an inmate suffering from alcoholism, drug abuse or addiction is identified by the Jail Psychologist, the procedures set forth in Paragraph 5.0 shall be observed.

C. If an inmate is approved for retention in the jail by the Jail Psychologist, the inmate's psychological evaluation form shall be attached to his jail records for subsequent transmittal to the Classification Office.

2.22 Classification of Inmates. Prior to reassignment from housing in the quarantine area, each inmate shall be interviewed privately by a Classification Deputy who shall execute a classification profile form and determine the inmate's security classification.

A. In determining security classification of an inmate, the Classification Deputy shall thoroughly review and evaluate each document listed below, and subject the inmate to appropriate interrogation:

- (1.) Jail Card.
- (2.) RAP Sheet.
- (3.) Medical Record.
- (4.) Psychological Evaluation.
- (5.) Visiting Card.

B. Each inmate shall then be assigned one (or a combination) of the following classification codes:

(1.) Pre-Trial Offenders:

- F01: First Offender, age 17 to 20.
- F02: First Offender, age 21 to 26.
- F03: First Offender, age 27 and older.
- R1: Recidivist, age 17 to 26, one prior felony conviction.
- R2: Recidivist, age 27 and older, one prior felony conviction.
- R3: Recidivist, two or more felony convictions.

(2.) Post Trial Offenders:

- MC: Misdemeanor Conviction.
- FC: Felony Conviction.

(3.) Other Categories of Inmates:

- WS: Witness for the State.
- CC: Civil Contempt.
- F: Federal.
- M: Military.
- I: Immigration.
- BW: Bench Warrant.

(4.) Additional Designations, if appropriate:

- VA: Violent/Aggressive.
- ER: Escape Risk.
- IC: Infamous or Heinous Crime.
- PH: Physical Handicap.
- SM: Special Medical.

- SR: Suicide Risk.
- P: Protection (from other inmates).
- H: Homosexual.
- MR: Mentally Retarded.

C. After the classification profile has been completed and the inmate's classification code(s) determined, the Classification Deputy shall then promptly transmit all the inmate's records then in his possession to the Admissions Office, with notification that the inmate is ready for transfer to the Rehabilitation Center. The inmate shall be returned to the quarantine area to await his prompt transfer to the Rehabilitation Center.)

2.23 Update/Distribution of Admissions Records.

When an inmate's records are returned from the Classification Office, an Admissions Deputy shall:

- A. Review the records, and enter any pertinent additional information into the inmate's computer file.
- B. Place the following documents in an envelope, and print the inmate's name, S.O. number and property bag number on the face of the envelope:
 - (1.) Jail Card.
 - (2.) RAP Sheet.
 - (3.) Medical Record.
 - (4.) Psychological Evaluation.
 - (5.) Classification Profile.
 - (6.) Visiting Card.
- C. Print the inmate's name, S. O. number, quarantine cell location, property bag number, and classification code(s) on a transfer list.
- D. Seal the envelope, and place in a file marked "Inmates Awaiting Transfer to the Rehabilitation Center."

2.24 Transfer of Inmate(s) to Rehabilitation Center.

When a sufficient number of inmates (to constitute a van load) are ready for transfer to the Rehabilitation Center, the following actions shall be observed by deputies so designated:

- A. Transportation Deputy:
 - (1.) Obtain the current transfer list.
 - (2.) Amass the inmates named on the transfer list, and place them in a holding cell nearest the transport exit of the jail. (Load inmates into the van following completion of all transfer procedures, then deliver inmates to the Admissions Office at the Rehabilitation Center.)
 - (3.) Collect the property card and property bag (and any of the inmate's property tagged and stored separately) for each inmate being transferred, and secure the property in the van apart from inmate accessibility:
- B. Bank Deputy
 - (1.) Issue a check payable to the Inmate Trust Fund for the total amount of monies due all inmates who are being transferred, attach each inmate's trust fund card to the check, place in an envelope, seal, address to the "Bank Deputy --- Rehabilitation

Center," and give the envelope to the Transportation Deputy.

- (2.) Release property envelope (and any valuables stored separately) for each inmate being transferred to the Transportation Deputy, and obtain his signature on a receipt for each property envelope.

C. Releasing Deputy:

- (1.) Obtain, from the Transportation Deputy, the transfer list and make a change of location entry in the computer file of each inmate being transferred.
- (2.) Give the Transportation Deputy the records envelope for each inmate being transferred.
- (3.) Return the transfer list to the Transportation Deputy for transmittal to the Admissions Office, Rehabilitation Center.

2.25 Reception of Inmates at the Rehabilitation Center.

Upon arrival at the Rehabilitation Center from the Downtown Jail, inmates shall be frisk searched (see Appendix A, "Frisk Search") and promptly segregated in accordance with their classification codes and placed in a holding cell or tank (whichever is appropriate to conform to their classification codes) to await further reception processing.

2.26 Distribution of Property/Records.

The Transportation Deputy who transfers the inmates from the Downtown Jail to the Rehabilitation Center shall do the following:

- A. Deliver to the Bank Deputy the envelope addressed to him, and the property envelope (and all separate property which is tagged and listed on the envelope) for each inmate named on the transfer list.
 - (1.) The Bank Deputy shall immediately verify the contents of each property envelope (open each envelope and compare the contents to the items/descriptions listed on the face of the envelope).
 - (a.) If any discrepancy occurs, the Bank Deputy shall immediately prepare and submit directly to the Jail Captain a detailed report of the discrepancy --- including the name and badge number of the deputy who delivered the envelope to him and the date and time the delivery was received.
 - (b.) If a discrepancy does not occur, the Bank Deputy shall re-seal the property envelope, sign his name, badge number, date and time of day, and place the envelope (and all other tagged property listed on the envelope in secure storage.
 - (2.) The Bank Deputy shall then verify the contents of the envelope containing trust fund records. If a discrepancy occurs, the same procedures set forth in Paragraph A, Subparagraph (a.) above shall be observed.

B. The Transportation Deputy shall next deliver to the Property Deputy the property card and

property bag (and all separate tagged property listed on the property card) for each inmate named on the transfer list.

- (1.) The Property Deputy shall immediately open each property bag and compare its contents to the items listed on the property card. If any discrepancy occurs, the same procedures set forth in Paragraph A, Subparagraph (a.) shall be observed.
- (2.) Property bags shall then be re-sealed and hung, in numerical sequence, in the clothing storage room; tagged property shall be stored separately; and the property card shall be filed in numerical sequence.

C. The Transportation Deputy shall then deliver the transfer list to the Admissions Deputy, together with the records envelope for each inmate named on the transfer list.

- (1.) The Admissions Deputy shall open each records envelope, remove the visiting card, and transmit the card promptly to the deputy who maintains the visiting card file.
- (2.) All the inmate's remaining records shall then be given promptly to the Classification Deputy who shall:
 - (a.) Assign the inmate to appropriate housing.
 - (b.) Immediately enter the inmate's housing location into his computer file (and note the location on his jail card).
 - (c.) Staple one of the inmate's mug shots to his jail card, and return the jail card to the Admissions Deputy for filing in alphabetical sequence at the admissions desk. (The second mug shot shall be attached to the inmate's housing card (see Paragraph 2.27, B, below).)
 - (d.) Transmit the inmate's medical record to the Jail Clinic.
 - (e.) Create a file for each inmate and retain his RAP sheet, psychological evaluation, and classification profile in his file.

2.27 Housing Assignment. Housing shall be segregated in conformance with the various classification codes. (See Paragraph 2.22, B.)

A. A Classification Deputy has the exclusive authority and responsibility to determine an inmate's housing assignment, and under no circumstances shall an inmate be transferred to alternate housing without the immediate notification and approval of the Classification Deputy. (In an emergency situation, a deputy may remove an inmate from his assigned housing and place him in a segregation cell, but only for the duration of time that is necessary to notify the Classification Deputy.)

B. Housing Card. Following assignment of an inmate to housing, the Classification Deputy shall prepare a housing card (with mug shot attached thereto) for him.

- (1.) A deputy shall then be notified to pick up the housing card, remove the inmate from the holding cell, and deliver both to the Control Deputy in the area to which

the inmate has been assigned housing.

- (2.) The inmate's housing card shall be maintained on file at all times in the Control Station of the area to which he is assigned.
- (3.) When an inmate may leave the immediate housing area for court, school, work assignment, hospital, etc., his housing card should be removed to an "out of area" file denoting the reason for his absence (such as court, school, work assignment, hospital, etc.). Upon the inmate's return to the area, his housing card should be transferred back to the "in area" file.

SECTION III

Routine Procedures

3.0 Court Appearances. Any inmate who is scheduled to appear in any court in Harris County shall be delivered to the court (in absolute conformance with directions of the court) by the deputy charged with that responsibility at that time.

A. Court Dockets. Court dockets shall be prepared by Central Jail Records personnel daily, and distributed to each Jail Captain.

- (1.) Each Jail Captain shall have the responsibility to insure that each inmate named on the docket (who is housed in his jail facility) is delivered by a deputy to the holding cell for the appropriate court at the designated time and date, and the bailiff of the court promptly notified of the inmate's presence.
- (2.) If an inmate named on the docket is not housed at the jail facility indicated on the docket, or if an inmate so named is hospitalized either in the Jail Clinic or an outside hospital, the Jail Captain shall have the responsibility to insure that both Central Jail Records personnel and the clerk of the court in which the inmate is scheduled to appear are both notified immediately.

B. Court Clothing. Each Jail Captain shall have the responsibility to insure that each inmate named on the court docket (who is housed in his jail facility) is dressed in the type clothing noted on the docket (either jail or street attire).

- (1.) If the inmate is to appear in court in jail clothing, the inmate shall be dressed in freshly laundered and pressed jail clothing.
- (2.) If the inmate is to appear in court in street clothing, the inmate shall be allowed to:
 - (a.) Wear his clothing stored in his property bag (which he wore at the time he was received into jail), or
 - (b.) Call a member of his family and request that they bring street clothing to him at the jail. (If this is done, the family member who delivered the clothing may reclaim it after the inmate's court appearance, or such clothes shall be secured in the inmate's property bag upon the conclusion of his court appearance, and the additional clothing items listed on the inmate's property card. (Refer to Paragraph 2.13, A.)

3.1 Notarization of Legal Papers. Any inmate who may request to have a legal document notarized shall be promptly referred by the deputy or staff member who receives the request to the deputy or staff member designated as a Notary Public. The inmate's legal document(s) shall be promptly and properly notarized, without any

charge to him.

3.2 Reclassification. An inmate shall be promptly reclassified (in accordance with the procedures contained in Paragraph 2.22) by a Classification Deputy when any one of the following events may transpire:

A. Change in status (pre-trial to post-trial, or additional charges filed).

- (1.) Central Jail Records personnel shall have the responsibility to notify a Classification Deputy each time an inmate receives a case disposition by a court, or when new charges subsequent to incarceration are filed against an inmate.

B. Disciplinary Justification.

C. Receipt of relevant new information concerning the inmate (additional or contradictory background information, abnormal behavior while in confinement, medical reasons, etc.).

D. When an inmate may be reclassified, his housing assignment shall be changed to conform to his revised security code(s). (Refer to Paragraph 2.27.)

3.3 Assignment to Trusty Status. When an inmate in pre-trial status may be convicted by a court on a misdemeanor charge(s) and sentenced to serve time in the jail, the inmate shall automatically be accorded trusty status (for the express purpose of gaining good-time credit) unless:

- A. The inmate has a record of disciplinary actions against him during his present period of incarceration, or, if,
- B. The inmate refuses to perform a work assignment, if requested to do so.

3.4 Computation of Forfeiture of Good-Time Credit. Good-time credit shall be awarded, or forfeited, in accordance with the procedures outlined in Appendix D, "Policy and Procedures for Computation of Good-Time Credit on County Jail Sentences."

3.5 Work Assignments. The only inmates who may be required to perform work assignments (other than maintenance of their own living area) are those who have been convicted of a misdemeanor and are serving county jail sentences as defined by state law.

A. Generally, only inmates who volunteer to perform work assignments shall be given work assignments.

B. When an inmate may volunteer for a work assignment, the inmate shall be referred to a Classification Deputy who shall:

- (1.) Personally interview the inmate.
- (2.) Determine whether or not the inmate's

security code(s) is compatible with the work assignment, and

- (3.) Either reject or accept the inmate for a work assignment.

C. If an inmate is given a work assignment in the kitchen, or duty of a strenuous nature, the inmate shall be referred to the Jail Physician or a medic for appropriate medical examination and clearance prior to the time the inmate is allowed to commence the work assignment.

D. It shall be the responsibility of the Classification Deputy who makes the inmate's work assignment to notify other appropriate jail personnel (Control Deputy in the inmate's housing area, deputy who prepares call-out sheets, etc.)

3.6 Use of Telephone. To the extent that supervision and telephone lines may be available, inmates who present a plausible reason for making a telephone call should be allowed to do so. In all instances when an inmate may be allowed to use the telephone, the number shall be dialed by a deputy or staff member. (In the event the call may constitute a toll charge, the call shall be made collect to the party called.)

A. When an inmate may request to use the telephone, the deputy who receives the request shall refer the request promptly to the ranking supervisor on duty at that time. The ranking supervisor shall, in turn, determine whether or not the request is plausible and either permit or deny the inmate's request.

B. Without exception, each pre-trial detainee who requests to do so shall be permitted to telephone his attorney at least one time each week, or more often when necessary.

- (1.) The deputy who dials the attorney call shall make a notation of the date, time, and number called on the inmate's housing card.

3.7 Visitation. Upon conclusion of any visit, the inmate shall be thoroughly searched for the possession of any contraband before he is returned to another part of the jail. The following rules shall apply to specific types of visits:

A. Access to Attorney. An attorney (or his authorized representative) shall be permitted to visit his inmate client at any time between the hours of 7:00 a.m. and 11:00 p.m. daily. In the event an attorney may need to visit an inmate client during the 11:00 p.m. to 7:00 a.m. period, the attorney's request shall be directed to the ranking supervisor on duty at the time. The ranking supervisor shall, based on the plausibility of the attorney's request, either permit or deny the visit during the off-hour period.

- (1.) When an attorney (or his authorized representative) may request to visit his inmate client during the 7:00 a.m. --- 11:00 p.m. daily schedule, and upon his presentation of appropriate identification, the deputy who receives the request shall proceed immediately to have the inmate

escorted to an Attorney Visiting Booth. If there is any indication that the inmate may be delayed in appearing for the visit, the attorney or his representative shall be notified promptly of the delay and the reason stated to him.

- (2.) All visits between an attorney (or his representative) and his inmate client shall be conducted in private in an Attorney visiting Booth (or in a private room if necessary).

B. Access to Representatives of Criminal Justice Agencies. Upon presentation of appropriate agency identification, any member of a criminal justice agency (police, courts, probation or parole) who desires to interview or interrogate an inmate shall be permitted to do so within daylight hours.

- (1.) The deputy who escorts the inmate to and from the interview room shall observe the physical condition of the inmate both upon entering and leaving the interview room. If it may appear that the inmate has been physically abused during the course of the interview, or if the inmate may allege mistreatment by the interviewer(s), the deputy shall promptly notify his immediate supervisor. The supervisor shall ascertain whether or not mistreatment of the inmate has occurred and bring the matter to the attention of the Bureau Major, through appropriate channels.

C. Access to News Media Representatives. News media representatives shall be permitted to interview inmates within daylight hours, provided that:

- (1.) the inmate consents to the interview;
(2.) the inmate executes a photo release form (which shall be maintained in the office of the Jail Captain).
(3.) If the interview relates to the charge(s) for which the inmate is in jail, the interview shall not be permitted until the approval of the inmate's attorney has been obtained.

D. Access to Clergy. Upon presentation of appropriate identification, an ordained minister may visit with an inmate between the hours of 7:00 a.m. and 9:00 p.m. daily.

E. Access to Persons Named on Visiting Card. Inmates shall be permitted visits with persons listed on their visiting card in accordance with the rules and schedule set forth in the Inmate Handbook.

- (1.) An inmate may be permitted to revise his visiting card upon request. When such a request may be made by an inmate, the deputy who receives the request shall direct the inmate to the deputy who maintains the visiting card file.

F. Special Visits. Persons not named on the inmate's visiting card who may request to visit an inmate shall be referred to the ranking supervisor on duty in the jail at such time for his determination of whether or not the visit

may be allowed. If such a visit may be allowed, the inmate must consent to the visit before he is brought into the visiting room;

- (1.) Any request for a visit which does not conform to the established visiting hours schedule shall be referred to the ranking supervisor on duty in the jail at such time for his determination of the urgency of the request.

G. Access to Consular Officers. A consular officer shall be free to visit, correspond and communicate with any citizen of his country who may be incarcerated in a Harris County Jail. Furthermore, an inmate who is a foreign national (not having U.S. citizenship) shall have the right to communicate with the consular officers of his country.

3.8 Correspondence. Under no circumstances shall an inmate's outgoing or incoming mail be censored. The following rules shall apply:

A. Outgoing Mail. An inmate may write to anyone as often as he wishes, so long as each letter bears the appropriate postage and is placed unsealed by the inmate in the mail box provided for that purpose. (EXCEPTION: An inmate is not permitted to write to another Harris County Jail inmate unless they are immediate family members.)

- (1.) All outgoing mail shall be collected, inspected for contraband, sealed and posted by the Mail Deputy promptly according to an established schedule.
- (2.) If an outgoing letter is improperly stamped or addressed, the letter shall be returned promptly to the inmate.
- (3.) If an outgoing letter may contain contraband, the letter and contraband shall be delivered promptly by the Mail Deputy to the Jail Captain for his determination of appropriate action to be employed.

B. Incoming Mail. Each letter addressed to an inmate shall be promptly delivered to him upon receipt by the Mail Deputy, opened in the inmate's presence and inspected for contraband and handed to him.

- (1.) If contraband may be contained in a letter, the envelope, letter and contraband shall be delivered promptly by the Mail Deputy to the Jail Captain for his determination of appropriate action to be employed.
- (2.) Any letter addressed to an inmate which is non-deliverable (inmate released from custody of Sheriff, etc.) shall be returned promptly to the sender with an appropriate explanatory notation on the face of the envelope made by the Mail Deputy.

C. Mail Addressed to Jail Official. An inmate shall be allowed to send a sealed, unstamped letter to the Sheriff, Chief Deputy, Bureau Major, or Jail Captain. Such letters shall be delivered to the person addressed without interference or delay.

D. Publications. An inmate is not permitted to receive any newspaper, magazine or book un-

less it is sent directly to the inmate from the publisher. In such instances, the inmate must first have obtained the approval of the Jail Captain to receive the publication before it is sent to him from the publisher.

E. Other. Except for books which have been approved for receipt by an inmate, an inmate is not permitted to receive any package.

3.9 Absentee Voting. Any inmate who has not been convicted of a felony and has a Voter Registration Certificate shall be allowed to vote absentee in any election which may be held during his confinement in a Harris County Jail. Furthermore, his ballot addressed to the Harris County Clerk shall be sealed by him and posted immediately by the Mail Deputy.

A. It shall be the responsibility of the Jail Captain to post a notice of each election to be held in Harris County, together with an explanation of procedures to be observed by qualified inmates who may desire to vote, throughout inmate living quarters at least 30 days prior to the close of absentee voting each election.

3.10 Inmate Trust Fund. A trust fund shall be initiated for each inmate, and all deposits and expenditures from each fund shall be promptly recorded by the Bank Deputy.

A. Deposits. Deposits to an inmate's trust fund shall be governed by the rules set forth in the Inmate Handbook. (If an inmate may receive a business or agency check payable to him, he shall be allowed to endorse the check and have the total amount of the check deposited to his trust fund account.)

B. Expenditures. An inmate shall be allowed to expend from his trust fund for purchase of items from the Inmate Commissary.

C. Release of Funds. An inmate who may desire to withdraw money from his trust fund for the purchase of a publication/subscription, or for payment to an attorney, bondsman or family member shall submit a written request to the Jail Captain. If the request meets with this criteria and does not violate jail rules, the Jail Captain shall appropriately endorse the inmate's request and forward it to the Bank Deputy who shall issue and send the check to the party named by the inmate, and retain the inmate's request with his trust fund records.

D. Refund of Trust Fund Balance.

(1.) Release from Confinement. When an inmate may be released from custody of the Sheriff, the Bank Deputy shall immediately issue a check payable to the inmate for the full balance of funds in his trust fund account, and the check given to the inmate at the time of his release.

(2.) Transfer of Inmate. When an inmate may be transferred to another institution or agency, the Bank Deputy shall immediately issue a check payable to the inmate for the full balance of funds in his trust fund account, and the check given to the

representative of the institution or agency at the time the inmate is released to his custody.

- (3.) Death. If an inmate dies while in custody of the Sheriff, his trust fund account shall be closed and held in abeyance, pending notification of disposition of funds by an appropriate court.

3.11 Commissary. Each inmate shall be allowed to purchase items from the Jail Commissary according to the rules and procedures set forth in the Inmate Handbook. All commissary orders shall be processed through the Bank Deputy who shall have the responsibility to (a) insure that the inmate has sufficient funds on deposit to cover the purchase(s), and (b) to make the appropriate and timely deduction from the inmate's trust fund balance.

3.12 Health Services.

A. Medical. Each inmate shall be accorded the most expedient and appropriate medical attention that may be available to him. The medical staff is charged with the responsibility to adhere to community-informed consent standards for treatment and procedures as specified in the publication entitled Medical Procedures: Harris County Sheriff's Department.

- (1.) Medical staff shall routinely make a round throughout inmate living quarters during each shift daily to conduct sick call.
- (2.) Deputies shall accord the medical staff their full and prompt cooperation, and are responsible to remain alert to inmates who may appear to be physically ill or injured but who have not registered a medical complaint. Deputies shall have the obligation to refer medical staff to such inmates during their next conducted sick call or to follow emergency procedures if the observed illness or injury so justifies.
- (3.) In no instance is a deputy permitted to ignore, diagnose or treat an inmate's medical complaint, except that a deputy may administer emergency First Aid pending arrival of a medic at the scene. All medical complaints pertaining to an inmate shall be referred immediately to, and handled by, medical staff exclusively.
- (4.) Emergency. When an inmate may request or require emergency medical attention, the deputy who first observes the situation or receives the complaint shall follow the actions set forth below:
 - (a.) If the injury or illness appears to be the RESULT OF VIOLENCE, the duty supervisor shall be called immediately. The duty supervisor shall, in turn, immediately notify the Medical Clinic and arrange to meet a medic where the inmate patient is located. (All violence-related injuries or illnesses must be promptly and thoroughly investi-

gated, and full and factual reports submitted to the Bureau Major.)

- (b.) The Medical Clinic shall be called directly and immediately to report all other emergency medical complaints, illnesses or injuries --- with as complete information as is available given to them.
 - (c.) Based on the extent of the reported illness or injury, the medic will determine whether to come to the site or to have the inmate patient sent to the Medical Clinic.
 1. If the medic requests that the inmate patient be sent to the clinic, a Clinic Pass shall be issued to the inmate immediately, and the inmate directed to the Medical Clinic.
 2. If the inmate patient appears to require physical assistance to get to the Medical Clinic, the deputy shall either:
 - a. Secure a deputy to accompany the inmate patient to the Clinic, or,
 - b. Designate and issue a Clinic Pass to another inmate to accompany the inmate patient to the Medical Clinic.
 - (d.) The Medical staff is charged with the responsibility to examine the inmate patient, administer the appropriate treatment, and make one of the following dispositions:
 1. Treat the injury or illness and return the inmate to his living quarters,
 2. Admit the inmate patient to the Jail Clinic, or
 3. Arrange for transport of the inmate patient to an appropriate County Hospital with a Jail Ward.
- B. Dental. Dental services shall be available to inmates. A Dental List shall be maintained in each inmate housing area, and the procedures outlined below shall be followed in extending dental services to inmates:
- (1.) When an inmate may request or require dental attention, the inmate shall be directed to the Medical Staff who in turn shall insure that the inmate's name is placed on the Dental List.
 - (2.) Dental Lists shall be collected from each floor weekly, and call-out sheets for inmates who have signed the lists shall be prepared and distributed. All inmates whose names appear on the Dental call-out sheets shall be permitted to proceed to the Clinic at the time and date specified on the call-out sheets.
 - (3.) Since a Dentist is only available once each week at each Jail, it is quite possible that an inmate will not get dental attention as quickly as he may feel it is required. It is important, therefore, to explain the dental procedures to inmates in order for them to understand why the delay is necessary.
 - (4.) In the event of a dental emergency, the deputy who first receives the complaint

shall immediately notify the Medical Clinic and a medic shall, in turn, determine the extent of the emergency and initiate the appropriate action to resolve the emergency.

C. Optical. Eye examinations (and eyeglasses, if required) shall be made available to inmates under the following conditions:

- (1.) All requests for eye examinations/eyeglasses which may be made by an inmate or a member of the Medical staff shall be submitted in writing to the Jail Captain. The Jail Captain shall promptly ascertain if the inmate has a sufficient balance in his trust fund account to pay for the examination/eyeglasses, or if instead the inmate may make arrangements with his family or friends to make payment for him.
- (2.) If payment may be made by the inmate, he shall execute a release for payment direct to the optometrist. If payment is to be made by the inmate's family or a friend, a deposit sufficient to cover the cost of examination/eyeglasses must be made to the inmate's trust fund account and a release for payment executed by the inmate prior to his examination by the optometrist. Any inmate who may execute a release for payment direct to the optometrist shall be examined by the optometrist on his next scheduled visit to the jail.
- (3.) Inmates who are unable to make or arrange payment direct to the optometrist shall be eligible to receive examination/eyeglasses, the expense for which shall be paid from the Commissary Fund, except for the following categories of inmates:
 - (a.) Inmates in a bench-warrant status from another jail or prison;
 - (b.) Inmates held for federal, immigration, or military detaining authorities.
- (4.) Prior to scheduling eye examinations for inmates, the Jail Captain shall determine, to the extent possible, that the inmates to be examined will be in custody of the Sheriff for at least thirty (30) days after the examination.
- (5.) Eye examinations shall be scheduled with an area optometrist at such times as a minimum of three (3) inmates may require examinations. In the event a lesser number of inmates have been required to wait for an examination for a period of at least two (2) weeks, an appointment will be scheduled with the optometrist without regard to the total number of inmates to be examined.
- (6.) In the event the optometrist, following his examination, may determine that an inmate does not require eyeglasses, a statement shall be obtained from him verifying his diagnosis. (The statement may be submitted by the optometrist on his invoice for the examination.

3.13 Hygiene. Every jail employee has the responsibility to insure that the highest level of cleanliness prevails within the jail at all times. When an unsanitary condition may be observed by or reported to an employee, such employee shall immediately correct the condition (if the resources are available to him) or notify a duty supervisor about the problem. Jail facilities shall be thoroughly cleaned daily. Furthermore, the ranking supervisor on each shift shall have the personal responsibility to conduct an inspection of the jail during his shift daily and to have any unsanitary conditions corrected promptly.

A. Clothing. Inmates shall be given a change of clean clothing daily. The deputy charged with the responsibility to issue clothing shall exercise every effort to insure that each inmate is given the proper size clothing, and that clothing issued is in a serviceable condition.

B. Linens. Inmates shall be given a change of fresh linens at least twice weekly.

C. Personal Grooming. Inmates shall be expected to shower and shave daily, and to maintain their hair clean and combed. Deputies and staff are cautioned that the physical appearance (hair, mustache, beard, etc.) of an inmate who is in a pre-trial status should not be altered, since his identification in court by a witness or victim may become questionable or impossible if his appearance has been changed.

3.14 Feeding. Inmates shall be fed three meals daily, in accordance with the established feeding schedule. If more than 12 hours pass between three meals, supplemental food must be served.

A. Supervision. Food shall be served only under the immediate supervision of a deputy, and care shall be taken that hot foods are served reasonably warm and that cold foods are served reasonably cold. Meals should be served in dining rooms or day rooms, and not in cells.

B. Rations. Inmates shall be allowed to accept or decline any food offered to them. All inmates shall receive an equal portion of each food item, except for inmate workers who may have earned double-rations. Discrimination of any inmate through feeding shall not be tolerated.

C. Eating Utensils. The deputy who issues eating utensils to inmates shall have the responsibility to issue each authorized utensil, and to collect each utensil from each inmate promptly upon completion of eating.

3.15 Recreation. Each inmate (except those in isolation or protective custody) shall be permitted outdoor recreation three (3) times each week, for a one (1) hour period each time, weather permitting. Inmates who choose to participate shall be required to conduct themselves according to the rules of good sportsmanship, or their recreational privilege may be suspended.

A. The Recreation Deputy shall have the responsibility to issue, collect, and control all sports

equipment, and to schedule and supervise recreational activity for inmates.

3.16 Programs. Inmates (except those in isolation or protective custody) shall be allowed to participate in any program conducted within the jail, so long as they maintain appropriate behavior and meet the criterion established for a particular program.

A. Religious. Weekly schedules of church services and Bible classes shall be posted throughout inmate living areas, and inmates who desire to attend such services and/or classes shall be permitted to do so.

B. Education/Vocational Training. Any inmate who may desire to enroll in an Adult Basic Education Class or a vocational training program shall be permitted to submit an application form, and such form shall be transmitted promptly by the deputy who first receives it from the inmate to the Director, Education and Rehabilitation Program.

(1.) Inmates enrolled in an Education and Rehabilitation Program shall be named on weekly call-out sheets, and allowed movement to and from classes according to established schedules.

(2.) The publication entitled Policy and Procedures: Education and Rehabilitation Program, Harris County Sheriff's Department, shall govern both conduct of the program and inmate participation.

C. Counseling. Inmates who may desire religious or marital counseling shall be referred to the Jail Chaplain; those who may desire job counseling shall be referred to the Director, Education and Rehabilitation Program. An inmate who requests legal advice shall be referred to his attorney. Under no circumstances is a deputy or staff member permitted to extend legal advice to an inmate.

D. Avocational. An inmate who desires to participate in an avocational program (art, leathercraft, etc.) shall be instructed to submit a written request to the Jail Captain, and such request shall be forwarded promptly by the deputy who first receives the request to the Jail Captain. The Jail Captain, in turn, shall determine whether or not to enroll the inmate in the program, and promptly notify the inmate of his decision.

E. Band/Choral Groups. An inmate who desires to join the band or a choral group shall be instructed to submit a written request to the Jail Captain, and the same procedures established in Paragraph D above shall apply.

F. Special Programs. As special programs such as drug or alcohol abuse, etc., may be available to inmates, notices and schedules announcing such programs shall be posted throughout inmate living areas, and inmates who desire to participate shall be allowed to do so.

G. Library. Library Request Forms shall be maintained throughout inmate living areas at all times, and any inmate who desires to obtain reading materials from the library shall be permitted to do so provided he does not mutilate

or destroy any publication loaned to him from the library.

(1.) The librarian shall visit each cellblock once each week to distribute and collect reading materials.

3.17 Use of Writ Room. Any inmate who requests to do so shall be allowed access to legal materials in the Writ Room for the purpose of researching or preparing his own legal documents. Access to, and use of, the Writ Room shall be governed by the following:

A. The inmate shall be instructed to submit a written request for use of the Writ Room to the Jail Captain, and all such requests shall be promptly delivered by the deputies who receive them from inmates to the Jail Captain.

B. The Jail Captain shall have the responsibility to insure impartial use of the Writ Room by inmates, and to sign each request and forward it promptly to the person assigned to supervise the Writ Room/Library.

C. The person assigned to supervise the Writ Room/Library shall maintain a log of each request received according to the date it was submitted by the inmate, and to utilize such log for preparing and distributing call-out sheets listing inmates who shall be allowed use of the Writ Room on a particular day.

(1.) The person assigned to supervise the Writ Room/Library shall accord the inmate assistance in the location and use of legal reference materials, and,

(2.) He shall have the responsibility to check or search each inmate, upon departure from the Writ Room/Library, to insure that no legal reference materials are carried out of the room.

D. Under no circumstances may any person (inmate or personnel) remove any legal reference materials from the Writ Room/Library, except upon written authorization by the Bureau Major.

E. Any person who may mutilate, deface or abuse any legal reference material shall be prohibited from future use of the Writ Room/Library, and appropriate disciplinary action against such person shall be employed.

3.18 Use of Day Rooms. Inmates shall be allowed use of Day Rooms according to the hours and conditions specified in the Inmate Handbook. Educational and leisure games which may be available for use in Day Rooms shall be distributed equally on an impartial basis throughout inmate living areas.

3.19 Discipline. All personnel shall be familiar with, and enforce, the rules and regulations for inmate conduct which are cited in the Inmate Handbook.

A. An inmate shall be subject to discipline for only those offenses enumerated in the Inmate Handbook (or those which have been, or may be, proscribed by state law).

B. An inmate who commits a misdemeanor or felony offense (during incarceration) that is referred to the Harris County District Attorney for prosecution shall not be subjected to an institutional disciplinary hearing. Such inmate shall, however, be placed in segregation in accordance with the conditions and period of time specified by the Bureau Major.

(1.) All misdemeanor and felony offenses committed by inmates during incarceration shall be referred immediately to the Detective Bureau for investigation and filing of charges with the District Attorney.

C. Except for minor infractions of rules which may warrant only a verbal warning or reprimand, deputies and staff members are not permitted to administer or prescribe punishment to or for any inmate. Furthermore, in no instance is a deputy or staff member permitted to direct, suggest or sanction use of any inmate to punish another inmate. Disciplinary sanctions shall be determined by the Discipline Committee exclusively!

D. When a deputy may witness a violation of written rules by an inmate, or when a violation of rules may be reported by another inmate or personnel, the deputy who sees the violation or receives the report shall initiate the following actions to be observed by specific deputies in the chain of command:

(1.) If the inmate offender is violent, or there is immediate and reasonable cause to believe the inmate offender will continue to inflict injury on another person or to himself, then the inmate offender shall be promptly confined in a segregation (not isolation) cell. When such an action may be necessary, the duty supervisor, shift lieutenant, and Classification Deputy shall be so notified immediately.

(2.) Promptly prepare one (1) typewritten copy of an Inmate Offense/Incident Report, stating fully and accurately all facts pertaining to the rule(s) violated. All information specified on the report form shall be completed by the deputy who initiates the report. The reporting Deputy shall also be responsible for completing two (2) copies of the Confirmation of Service and having the inmate sign them showing that he is aware of the charges that have been brought against him. Leave one (1) copy of the Confirmation of Service with the inmate.

(3.) Immediately transmit the copy of the Inmate Offense/Incident Report and one copy of the Confirmation of Service form to the duty supervisor.

(4.) The duty supervisor shall, in turn, review the report, conduct any further investigation which he may deem appropriate, and promptly transmit all copies to the shift lieutenant (together with any supplementary information he may have gathered).

(5.) Upon receipt of an Inmate Offense/Incident Report and Confirmation of Service, the shift lieutenant shall promptly

forward them through the Jail Captain to the Chairman of the Discipline Committee.

(6.) The Chairman, Discipline Committee, shall be responsible for the following actions:

(a.) Schedule a Discipline Committee hearing for the inmate charged with an offense(s) no sooner than 24 hours after the inmate has been advised of the hearing, and no later than seven (7) days after the commission of the offense.

(b.) At the time of the Discipline Committee hearing, the deputy who initiated the Inmate Offense/Incident Report may be required to appear for testimony, or for cross-examination by members of the Committee.

(c.) Following the Discipline Committee hearing, a Committee Procedure and Determination Report form shall be completed and distributed as follows:

1. One copy to the Bureau Major for review.

2. One copy to the Classification Deputy for filing with the inmate's record.

(If the inmate may be enrolled in an Education and Rehabilitation Program course, one copy shall be forwarded to the Director, Education and Rehabilitation Program.)

(d.) All inmates shall have the right to appeal sanctions imposed against them by the Discipline Committee. Such appeals must be submitted by the inmate, in writing, directly to the Bureau Major. Each deputy shall have the responsibility to insure that all such appeals are transmitted promptly and directly to the Bureau Major.

3.20 Discipline Committee. A Discipline Committee shall be appointed by the Bureau Major every four (4) months, to be composed of a lieutenant, a sergeant, and a deputy as committee members. The Bureau Major shall simultaneously appoint an alternate member in each rank to serve on the committee in the absence of the regular member with comparable rank, or to replace a regular committee member who may have been a party (reporting or investigating deputy) to the Inmate Offense/Incident Report under review.

A. No member of the committee may serve for more than four (4) months within any 12-month period.

B. The Chairman of the Discipline Committee shall be designated by the Bureau Major each time a committee is named by him.

3.21 Security. It shall be the duty of all personnel to maintain the security of the jail, and the safety of all inmates, at all times. To maximize security/safety, the following general measures shall be observed:

A. Control of Weapons and Keys. No weapon shall be permitted to be worn or carried into any portion of the jail that is accessible to inmates. Furthermore, any keys that may be in the possession of a deputy or staff member shall be secured to the person or his clothing and carried inside the clothing when the keys are not in actual use. Under no circumstances shall any inmate ever be permitted to handle a jail key, or afforded any opportunity which may permit him to duplicate it.

B. Count. It shall be the responsibility of each shift supervisor to conduct a count of all inmates each time he comes onto duty, and he shall not be permitted to terminate his shift assignment until the count has been cleared by his successor. Count shall not be confined merely to the beginning of each shift each day, but shall also be conducted at irregular intervals, and specifically following disturbances or other events that may be staged by inmates to divert the attention of personnel.

C. Cell Searches. Cell searches shall be conducted by deputies at least once daily, but at irregular times during each day. A cell search must also be conducted at any time there is reason to believe that a weapon or dangerous contraband may have been introduced into a cell. (Procedures for conducting a cell search are outlined in Appendix C, "Cell Search.")

D. Frisk Searches. Frisk searches of inmates shall be conducted at all times specifically required in this manual, and at any other time there is reason to believe that an inmate may have contraband in his possession. (Procedures for conducting a frisk search are outlined in Appendix A, "Frisk Search.")

E. Strip Searches. Strip searches of inmates shall be conducted at all times specifically required in this manual, and at any other time there is reason to believe that an inmate may have contraband concealed on or in his body that is not detectable through a frisk search. (Procedures for conducting a strip search are outlined in Appendix B, "Strip Search.")

F. Surveillance of Inmate Living Area. It shall be the duty of each Floor Deputy to conduct a tour of the cell areas for which he is assigned responsibility at least once each hour during his shift. Such tours shall be conducted at irregular intervals, and in the most quiet manner possible for the deputy.

G. Movement of Inmates. Any movement of inmates within the jail, or to and from the jail, shall be conducted in accordance with the following rules.

(1.) Within Facility. Except for group feeding of inmates from cellblocks to the dining room and return, no inmate shall be permitted to leave his cellblock unless he is named on a call-out sheet, or is issued a pass by the Floor Control Deputy. (It is the duty of the Floor Control Deputy to maintain an accurate accounting of all inmates housed in his area at all times.) (Refer to Paragraph 2.27, B.)

(2.) To and From Jail. All inmates moved to

and from the jail for any reason shall be named on a Transfer List prepared in duplicate by a Release Deputy. One (1) copy of the Transfer List shall be given to the Transportation Deputy who escorts the inmates to their destination(s), and one (1) copy of the Transfer List shall be retained in the Admissions Office until all inmates named on the list have been returned to the jail.

H. Restricted Areas. Inmates shall not be allowed in the following areas within the jail at any time:

- (1.) Inmate Bank.
- (2.) Inmate Property Storage Room.
- (3.) Inmate Records Office.
- (4.) Medical Supplies Storage Room.
- (5.) A Control Picket.
- (6.) Any Office or Deputies' Lounge in which a weapons cabinet may be contained.

I. Supervised Areas. Except for cellblocks and dayrooms, inmates shall not be allowed in any other area of the jail except under the direct and constant supervision of a deputy or staff member.

SECTION IV

Special Procedures

- 4.0 **Contraband.** Various items which are considered contraband are specified in the Inmate Handbook. When contraband may be found on an inmate, or in his cell, the deputy or staff member who first discovers the prohibited item(s) shall:
- A. Take the contraband from the inmate (or remove it from his cell);
 - B. Place a tag on the contraband item(s) showing the date and name and S.O. number of the inmate from whom it was taken;
 - C. Secure the contraband until such time as it may be promptly delivered directly to the Jail Captain (or the ranking supervisor on duty in his absence).
 - (1.) Under no circumstances is a deputy or staff member permitted to keep or destroy contraband; all prohibited items shall be transmitted without undue delay to the Jail Captain for his disposition.
 - D. Contraband which may be found on an inmate during the admissions process shall not be considered as the basis for generating an Inmate Offense/Incident Report unless the contraband item(s) is prohibited by state law (narcotics, dangerous weapons, etc.).
 - E. At any time during incarceration following the admissions process, any inmate who may be found with contraband shall be the subject of an Inmate Offense/Incident Report (refer to Paragraph 3.19).
 - F. Upon receipt and inspection of the contraband item(s), the Jail Captain shall determine whether or not the inmate's possession of the item(s) constitutes violation of a state law.
 - (1.) If so, the contraband item(s), together with a copy of the Inmate Offense/Incident Report, shall be promptly transmitted to the Detective Bureau for investigation and filing of charges with the District Attorney's Office. (In such instances, the inmate shall not be subjected to a Discipline Committee hearing.)
 - (2.) All other contraband item(s) shall be destroyed by the Jail Captain (except money, which shall be given to the Bank Deputy for deposit in the Commissary Fund) following conclusion of disciplinary proceedings against the inmate.
- 4.1 **Inmate Release of Property.** An inmate may be permitted to release a personal property item(s) to his bondsman, attorney, or a member of his immediate family. The following actions shall be observed:
- A. The inmate must submit a written request to the Jail Captain which contains the following information:
 - (1.) Description of item(s) to be released;
 - (2.) Relationship, name, address and telephone number of the person to whom item(s) are to be given;
 - (3.) Reason for release of personal property;
 - (4.) Inmate name and S.O. number.
- B. Upon receipt and approval of an inmate's request for release of personal property, the Jail Captain shall advise the person designated by the inmate to receive the item(s) of the date and time the property may be picked up by them. (Only the person designated by the inmate to receive the item(s) shall be allowed to pick up such item(s).)
- C. When the person designated by the inmate to receive the property appears at the jail to receive it, the Jail Captain shall:
- (1.) Request to see, and verify, identification of the person to receive the inmate's property;
 - (2.) Obtain the item(s) to be released from the inmate's property envelope or property bag;
 - (3.) Require the person receiving the property to write, sign and date the following statement on the face of the inmate's request for release of property before the item(s) is handed to the person:
"I certify that the property listed in this request was given to me on (date property received)."
(Signature.)
 - (4.) The Jail Captain shall then place the inmate request in the inmate's property envelope or property bag from which the item(s) was removed, and re-seal the envelope or bag.
- 4.2 **Identification of a Juvenile Inmate.** When an inmate may profess to be a juvenile (other than those who have been adjudicated by a court to stand trial as an adult), or when an inmate may be identified as a juvenile by any other credible source, the deputy who first hears or receives the report shall promptly do the following:
- A. Segregate the person from all other inmates;
 - B. Notify the shift supervisor the name, S.O. number, and cell location of the person who is believed to be a juvenile.
- C. The shift supervisor shall immediately relay this information to the ranking deputy on duty at that time (Captain, Senior Lieutenant, or Lieutenant). The ranking deputy shall, in turn:
- (1.) Interrogate the inmate and attempt to establish, in fact, whether or not the inmate is a juvenile.
 - (2.) Obtain, from the inmate, the name(s), addresses and telephone numbers of parents, legal guardian, or relatives who

may confirm and prove that the inmate is a juvenile.

- (3.) Telephone the person(s) named by the inmate, advise that the subject in jail professes to be a juvenile, and verify from them the inmate's date of birth.
 - (a.) If the inmate is not declared to be under seventeen (17) years old by the person(s) contacted, prepare a record of the conversation stating the name and relationship of the person contacted, the date of the inmate's birth as stated by them and other pertinent aspects of the conversation; attach the record of the conversation to the inmate's Jail Card, and direct that the inmate be returned to an appropriate housing location within the jail (it will no longer be necessary to segregate the inmate).
 - (b.) If the person(s) contacted confirm that the inmate is under seventeen (17) years old, request that they bring proof of the subject's age to the jail as soon as possible. (Proof of age should be verified by a Birth Certificate; however, if a Birth Certificate does not exist, school records or other official documents reflecting date of birth may be substituted.) When talking with the person(s) named by the inmate to contact, they should also be questioned as to whether or not the subject has a juvenile record. If affirmed, the Harris County Juvenile Probation Department may be contacted directly for confirmation of age and advised that the subject is in custody of the Harris County Sheriff's Department and that the arresting agency will be notified to pick the inmate up at the jail.
 - (c.) The juvenile inmate shall be segregated from all other inmates pending his release from Sheriff's Department custody.
- (4.) Upon receipt of proof of age (or confirmation by the Harris County Juvenile Probation Department), the ranking deputy shall make two (2) duplicate copies of the document used to confirm age of subject (or prepare a report in duplicate of the conversation with the representative of the Harris County Juvenile Probation Department contacted), and promptly:
 - (a.) Notify the arresting agency (shown as "Arrest. Off." on the inmate's Jail Card) that the inmate placed by them in confinement at the County Jail facility is a juvenile, request that they proceed to the jail as soon as possible to pick up the inmate, and establish when they expect to pick up the inmate. (It is advisable to notify specifically the supervisor of the Agency's Division or Bureau -- such as Narcotics, Vice, etc. -- which made the arrest.)

(NOTE: It is the responsibility of the arresting agency to pick the juvenile inmate up at the County

Jail facility and either transport the subject together with the appropriate Offense Report to the Juvenile Ward at the Harris County Juvenile Probation Department, or to determine whether or not the juvenile subject may be released by them to the custody of parent(s) or legal guardian(s).)

- (b.) It is the responsibility of the arresting agency to contact and advise the appropriate court in which charges are pending of the fact the defendant is a juvenile. The arresting agency should also obtain and furnish disposition of the case(s) to the jail, i.e., dismissal, transfer, etc., so the jail may clear its records and method of release.
- (c.) If the arresting agency refuses to come to the jail and pick up the inmate, or delays doing so for a length of time in excess of eight (8) hours, the ranking deputy shall then:
 1. Contact the Court of Record (the court shown on the inmate's Jail Card as having jurisdiction over the inmate's case(s)), state the circumstances involving the juvenile inmate, and request their disposition of charges in order to facilitate the removal of the subject from custody of the Harris County Sheriff's Department as soon as possible.
 2. Notify the arresting agency of the disposition directed by the Court of Record above.
- (5.) When a representative of the arresting agency appears at the jail to claim the juvenile inmate, require his agency identification and his signature on the inmate's Jail Card with the notation that the juvenile inmate was released to his custody at the specific time and date of release. The person assuming custody of the juvenile inmate should also be given a copy of the proof of age (or record of conversation with the Juvenile Probation Department).
- (6.) Established book-out procedures (refer to Paragraph 5.6) shall then be observed, with the following additional actions:
 - (a.) Once book-out procedure has been completed, the Releasing Deputy shall attach a copy of the document verifying proof of age to the back of the jail card.
 - (b.) Once the above has been accomplished, the Releasing Deputy shall immediately notify the Identification Division and request the ranking supervisor to seal the records of the juvenile.
 - (c.) Upon completion of the above, the Releasing Deputy shall initiate a "Request to Purge or Seal Jail Records" and forward the original copy of this form immediately to the Sheriff's Department Systems Analyst. One copy of the above

form will be immediately dispatched to the Bureau Major, and an additional copy will be affixed to the jail card (together with the proof of age document) and filed in the designated separate and secure area apart from all other jail cards.

4.3 Abuse of an Inmate. Verbal and/or physical abuse of an inmate will not be tolerated. Violation of this rule by any deputy or staff member may serve as the basis for immediate termination of employment. Furthermore, any deputy or staff member who initiates, suggests, or permits an inmate's abuse by another inmate or inmates or another person or personnel shall be held equally responsible for consequences of the inmate's abuse.

A. The only physical force which may be employed by a deputy or staff member against an inmate is the degree of reasonable force that is necessary for self-protection, the protection of another person, or to protect the inmate from himself.

B. Any deputy or staff member who may bear witness to the verbal and/or physical abuse of an inmate by any person shall have the responsibility to:

- (1.) Immediately stop the abuse by whatever reasonable means are available to him;
- (2.) Promptly obtain medical attention for the abused inmate, if required;
- (3.) Report the incident to the Bureau Major (or Jail Captain in his absence).

(a.) The Bureau Major or Jail Captain shall have the duty to conduct, or direct, an immediate investigation of the incident.

1. If the reported offender is a deputy or staff member, he shall be relieved from duty pending a final determination of guilt or innocence.

2. If the reported offender is not an employee of the Harris County Sheriff's Department, the Bureau Major or Jail Captain shall determine whether or not to file assault charges against him before he is permitted to leave the jail premises.

C. Any deputy or staff member who bears witness to the verbal and/or physical abuse of an inmate by any person and does not follow the procedures set forth above shall be held equally responsible for consequences of the inmate's abuse.

4.4 Emergency Messages for Inmates. All emergency messages which may be received for an inmate shall be referred immediately to the ranking supervisor on duty in the jail at that time.

A. If the emergency message may be notification of a death or other event which may cause trauma to the inmate recipient, the ranking supervisor should have the message delivered to the inmate by the Jail Chaplain if he is available. If the Chaplain is not available, the ranking supervisor shall be responsible to have

the inmate brought to his office and personally deliver the message to him.

B. The ranking supervisor shall direct close observation of any inmate who may receive a death or traumatic message. Deputies assigned to the inmate's housing area, work supervisors, etc., should be instructed to pay close attention to the inmate to preclude his suicide, emotional breakdown, or a possible escape attempt.

C. Both the person who transmits an emergency message and the inmate recipient should be advised by the ranking supervisor that the Sheriff's Department does not have the authority to temporarily release any inmate except by Court Order. Any request for an inmate's temporary release from jail to attend a funeral or for any other purpose must be directed by the inmate's attorney or a member of the inmate's family to the judge of the court in which the inmate's case(s) is filed (or a comparable court).

4.5 Death of an Inmate in Confinement. If a death of an inmate in the jail occurs, the deputy who first observes the corpse shall:

A. Preserve the scene;

B. Notify the Medical Clinic and instruct that a medic come to the scene immediately; and

C. Notify the ranking supervisor on duty in the jail at that time, and request that he come to the scene immediately.

D. Upon confirmation by the medic that death has in fact occurred, the supervisor at the scene shall:

(1.) Notify the Harris County Medical Examiner that a death has occurred and request that he proceed to the scene immediately.

(NOTE: A corpse cannot be moved until so authorized by the Medical Examiner. The Medical Examiner also has the responsibility to call for a body car to transport the corpse to the morgue.)

(2.) Notify the Detective Bureau and request that a detective proceed to the scene immediately to conduct a full investigation of the event.

(3.) Notify the Identification Division and request that an Identification Deputy proceed to the scene immediately to lift fingerprints from the corpse. (Such prints shall be used to determine positive identification of the corpse, and a set of the prints shall be attached to the inmate's jail card to insure that the appropriate card is subsequently purged from the jail records.)

(4.) Determine the status of the deceased inmate (county, federal, immigration or military prisoner, or bench warrant prisoner).

(a.) If the inmate is a federal, immigration or military prisoner, notify the appropriate agency immediately and:

1. Report all details concerning the death,

2. Ascertain if the agency has any

specific instructions to be followed, and,

3. Determine if the agency will notify the inmate's relative or if they desire that the Jail Chaplain do so.
 - (b.) If the inmate is a bench warrant prisoner, notify the agency to which the inmate would have been returned under routine conditions.
 - (5.) Obtain the name, address and telephone number of the relative shown on the inmate's jail card. (If a relative is not shown on the inmate's jail card, obtain the inmate's visiting card to determine the name(s) of appropriate person(s) to notify.)
 - (6.) Notify the Jail Chaplain, advise him of the inmate's death and the name, address, telephone number and relationship of the relative to notify, and request that he advise the relative immediately of the inmate's death. (The Jail Chaplain shall advise the Bureau Major promptly after the relative has been notified.)
 - (7.) Instruct Central Jail Records to:
 - (a.) Notify the court(s) to which the inmate's case(s) is assigned that the inmate is deceased.
 - (b.) Compare the fingerprints of the corpse to those on the jail card to verify positive identification.
 - (c.) Implement routine "Book-Out" procedures, showing date and time of death as "DATE OUT" and "TIME OUT" data, and death as the "RELEASING AUTHORITY."
 - (8.) Collect the inmate's personal property (from both the cell and the inmate's property envelope and property bag), for release to the inmate's relative, and notify the relative by telephone or letter that the property is available for them to pick up at the jail. (When the property is claimed, the inmate's relative shall be required to sign a receipt for it, and the receipt attached to and filed with the inmate's jail card.)
- E. If the death of an inmate may occur in an outside hospital:
- (1.) The deputy who is assigned to guard the inmate at the hospital (at the time the inmate's death occurs) shall immediately notify the ranking supervisor on duty at the appropriate jail at that time.
 - (2.) The ranking supervisor who is notified of the inmate's death shall follow the same procedure set forth above.
- 4.6 Escape. Procedures to be observed when an inmate may escape will be dictated by whether the escape was made from a jail facility, or from an escort outside the jail premises.
- A. Escape from Jail Facility.
- (1.) The deputy or staff member who first discovers the escape shall immediately notify the ranking supervisor on duty in the jail at that time. He shall also:
 - (a.) Secure the area from which the escape was made;
 - (b.) Lock-up all inmates in the escape area (for subsequent questioning);
 - (c.) Prepare a list naming all deputies and staff members who may have been in the escape area during the time(s) the escape may have occurred; and transmit the list promptly to the ranking supervisor.
 - (2.) The ranking supervisor on duty in the jail at the time the escape is reported shall immediately:
 - (a.) Notify the Central Radio Dispatcher that an escape has occurred, and give the following information if known:
 1. Name, age, sex, race, physical description and dress of escapee(s);
 2. Direction followed and mode of travel utilized by escapee(s);
 3. Time of escape.
 - (b.) Place a freeze on all inmate movement, and conduct an inmate count. (If the name of the escapee is not known, identity of the escapee will be determined through a physical comparison of inmates to their housing cards.)
 - (c.) Collect all records pertaining to the escapee (jail card, visiting card, classification file, etc.).
 - (d.) Promptly contact the Detective Bureau and advise the duty supervisor of names and addresses of persons reflected in the escapee's records. (The Detective supervisor will, upon receipt of this information, assign units to such locations for surveillance.)
 - (e.) Interrogate inmates who were in the escape area (as well as inmates housed in the escapee's cellblock) to determine:
 1. Possible places the escapee may have gone;
 2. Names and addresses of persons outside the jail who may have been involved in the escape.
 - (f.) Notify the Jail Captain, Bureau Major, Chief Deputy and the Sheriff that an escape has occurred.
 - (3.) The Central Radio Dispatcher, upon notification that an escape has occurred, shall immediately:
 - (a.) Broadcast all information to Harris County units and area law enforcement agencies.
 - (b.) Notify the Helicopter Division.
 - (c.) Assign complaint clerk to notify the Patrol Bureau supervisor on duty at that time, and handle all incoming phone calls regarding the escape.
 - (d.) Instruct all Detective Bureau units (including Intelligence and Narcotics) to contact the Detective Bureau duty supervisor by public service.
 - (e.) Dispatch a Detective unit to the jail facility from which the escape was

made.

- (4.) The Detective unit dispatched to the escape site shall, upon arrival there:
 - (a.) Interview inmates and deputies for additional information;
 - (b.) Originate the Offense Report;
 - (c.) File the appropriate charge(s);
 - (d.) Serve as liaison for the search of the escapee in progress.
 - (5.) The Detective Bureau supervisor on duty at the time the escape is reported shall:
 - (a.) Assign units for surveillance of all locations to which the escapee may go;
 - (b.) Contact the Identification Division to obtain RAP Sheets and mug shots of the escapee.
 - (c.) Compile all information into formal messages for radio dispatch and teletype messages to other law enforcement agencies.
 - (d.) Obtain the escapee's arrest record, and contact arresting officer(s) named in the arrest record for additional information.
 - (6.) The Patrol Bureau supervisor on duty at the time the escape is reported shall promptly assume command of field operations, and may direct the following if deemed appropriate:
 - (a.) Set up a perimeter of police vehicles;
 - (b.) Erect road blocks, and conduct a search of vehicles stopped at the road block.
- B. Escape from Escort.** If an inmate may escape while under escort or guard away from a jail facility, the deputy from whom the inmate escaped shall immediately notify the ranking supervisor on duty at the jail facility where the inmate had been housed.
- (1.) The ranking supervisor on duty in the jail at the time the escape is reported shall follow the same procedures set forth above, except that actions such as inmate count, lock-up of inmates, etc., may not be required.
 - (2.) The deputy from who the inmate escaped shall be directed to report immediately to the Detective Bureau supervisor on duty at that time for further instructions.
- 4.7 Riot.** When a riot by inmates may erupt, the deputy or deputies in the problem area(s) shall immediately:
- A. Call for assistance from other deputies, and utilize whatever means are available to insure that the ranking supervisor on duty in the jail at that time is notified immediately;
 - B. Seal off the problem area(s) [lock all doors leading to the area(s)];
 - C. Move inmates into cells, and lock all cell doors.
 - D. If the riot assumes major proportions, the ranking supervisor on duty shall:
 - (1.) Notify the Central Radio Dispatcher,

who shall broadcast a call for assistance from Harris County units in the area;

- (2.) Instruct that all civilians be escorted from the jail immediately, and insure that only peace officers are admitted into the jail during the riot;
 - (3.) Shut down all operations and activities;
 - (4.) Insure that inmates in non-riot areas are locked up;
 - (5.) Issue riot control equipment and deploy other deputies to the problem area(s);
 - (6.) Notify the Bureau Major, Chief Deputy and Sheriff of the situation. (NOTE: USE OF TEAR GAS OR FIRE HOSES TO QUELL A RIOT MAY BE AUTHORIZED ONLY BY THE SHERIFF OR THE CHIEF DEPUTY.)
 - (7.) If the riot may be prolonged, the ranking supervisor on duty shall instruct personnel to call off-duty jail deputies and summon them to return to duty immediately.
- E.** Under no circumstances shall an inmate or inmates be permitted exit from the jail, whether or not a hostage(s) is in their custody.
- F.** When any minor or major riot has been quelled, the following actions shall be observed:
- (1.) A freeze of all inmate movement shall be affected, and an inmate count shall be conducted.
 - (2.) Medical attention shall be accorded to all deputies and inmates who may have been injured.
 - (3.) All minor riots shall be subjected to prompt investigation by the Bureau Major.
 - (4.) All major riots shall be subject to prompt investigation by the Detective Bureau.
- G.** All inmates who may have precipitated or participated in any riot shall be restricted to their cells pending appearance before the Discipline Committee.
- H.** Any deputy or staff member who may be found responsible for precipitating or aggravating any riot by inmates shall be subject to immediate termination of employment. (Under no circumstances shall such a deputy or staff member be permitted duty assignment pending a final determination of his employment status.)

- 4.8 Fire.** In the event a fire occurs in the jail, the deputy who first sees it shall make one of the following determinations and employ the appropriate procedures:

Minor Fire: one which may be extinguished or contained by the deputy with staff and/or inmate assistance. (Examples of a minor fire are a burning mattress, garbage can on fire, etc.)

Major Fire: one which is (or may quickly become) beyond immediate control.

A. Minor Fire.

- (1.) Notify the ranking supervisor on duty in the jail at that time;
- (2.) Remove inmates from the fire area to a safe and secure area;
- (3.) Turn off all fans, and close all windows;
- (4.) Obtain all firefighting equipment on the floor, and proceed to extinguish the fire. (Utilize the assistance of inmate trustees if other deputies or staff are not available.)
- (5.) After the fire has been extinguished:
 - (a.) Obtain medical aid for everyone who may require it;
 - (b.) Open all windows and turn on all fans;
 - (c.) Direct a clean-up of the area;
 - (d.) Return inmates to their cells (or to alternate cells for those whose cells have been damaged beyond occupancy);
 - (e.) Freeze movement of all inmates, and conduct an inmate count;
 - (f.) Submit a written and complete report of the incident to the Jail Captain;
 - (g.) All minor fires shall be subject to prompt investigation by the Bureau Major.

B. Major Fire.

- (1.) The deputy who discovers the fire shall:
 - (a.) Notify the ranking supervisor on duty in the jail at that time;
 - (b.) Remove inmates, one cellblock at a time, to a safe and secure area;
 - (c.) Turn off all fans;
 - (d.) Unlock all window screens, and close all windows;
 - (e.) Shut all doors leading to the fire area;
 - (f.) Before leaving the area, exercise every reasonable effort to insure that all persons have been removed from the area.
- (2.) Upon notification of a fire, the ranking supervisor shall immediately:
 - (a.) Notify the Fire Department and the Central Radio Dispatcher. (The Central Radio Dispatcher, shall in turn, notify the Building Superintendent and the Bureau Major, Chief Deputy and Sheriff. He shall also broadcast the incident to all Harris County units and area law enforcement agencies.)
 - (b.) Shut down all jail operations and activities;
 - (c.) Dispatch deputies to all floors of the jail to unlock cellblocks and doors and conduct an orderly, floor-by-floor, evacuation of the building.
 1. At the Downtown Jail, the evacuation should be made through the stairway leading to the jail basement. Inmates should be contained in the basement garage

area, required to sit down, and armed deputies stationed at all exits to prevent their escape from custody. (Prior to moving inmates into the basement garage area, the ranking supervisor should first order the removal of all vehicles parked in the basement.)

2. At the Rehabilitation Center, inmates shall be moved out of the building into the fenced recreational area, required to sit down, and armed guards dispatched to each surrounding guard tower.
 - (d.) Obtain medical aid for everyone who may require it.
- (3.) After the fire has been extinguished, the building may not be reoccupied until such clearance may be given by the ranking Fire Department official at the scene.
- (4.) Following re-location of inmates in that (or an alternate) jail facility, an inmate count shall be conducted (by a comparison of jail cards to persons if necessary to establish the identity of any missing inmates).
- (5.) The command to transfer inmates to another facility following a fire (except for necessary hospital admissions) may only be issued by the Sheriff or Chief Deputy (or the Bureau Major in their absence).
- (6.) Any major fire shall be subject to prompt investigation by the Detective Bureau.

- 4.9 Inmate Grievances. Any inmate shall be allowed to file a grievance at such times as he may be subjected to abuse, harrassment, abridgement of his civil rights, or denied privileges specified in the Inmate Handbook. (Grievances shall be restricted to incidents which may occur while the inmate is in custody of the Harris County Sheriff's Department.)
- A. The grievance shall be filed in the form of a written statement promptly following the incident, sealed in an unstamped envelope and addressed to the Sheriff (see Paragraph 3.8, C). Such a letter shall be transmitted promptly and without interference to the Sheriff.
 - B. The grievance shall state fully the time, date, names of those deputies and/or staff members involved, and pertinent details of the incident including the names of any witnesses.
 - C. Upon receipt of a grievance by the Sheriff, he shall review the grievance, and determine: (a) if the grievance constitutes a proscribed act by a deputy or staff member, (b) a violation of the inmate's civil rights, (c) a criminal act, or (d) an abridgement of inmate privilege as cited in the Inmate Handbook.
 - (1.) If the grievance constitutes a proscribed act by a deputy or staff member, a criminal act, or a violation of the inmate's civil rights, the Sheriff may forward the grievance to the Head of Special Investigations for prompt investigation and a report of his findings and recommendation(s) to the Sheriff.
 - (2.) If the grievance constitutes an abridgement of the inmate's privileges as specified in the Inmate Handbook, the Sheriff may appoint an impartial member of the Harris County Sheriff's Department staff to investigate the grievance and report his findings and recommendation(s) to the Sheriff.
 - (3.) In instances where the grievance may serve as the basis for arbitration, the Sheriff may appoint a committee of three impartial staff members and an inmate representative(s) to review the matter and make recommendations to him.
 - D. Any deputy or staff member who subjects an inmate to harrassment, curtailment of privilege or any type of punishment because of a grievance, or attempts to prevent or interfere with the reporting of a grievance, shall be subject to immediate dismissal from employment.
 - E. Any inmate who submits a grievance which proves to be prevaricated, upon conclusion of investigation, shall be subject to disciplinary action.
 - F. Any inmate who submits a grievance to the Sheriff which is not patently frivolous or prevaricated shall receive a response from the Sheriff following investigation of the grievance, to include findings and actions employed by the Sheriff.
 - G. In the absence of the Sheriff, a grievance shall be referred immediately to the Chief Deputy who shall observe the above actions which are designed for the Sheriff.

SECTION V

Transfer/Release Procedures

- 5.0 Transfer to Hospital. Transfer of an inmate to an outside hospital may only be authorized by an appropriate court or by the Medical Director, Harris County Sheriff's Department, except that in an emergency situation such transfer may be authorized by the attending medic in the absence of the Medical Director. When an inmate patient is accepted into an outside hospital, the responsibility to adhere to community-informed consent standards is relegated to the receiving hospital.
- A. When transfer of an inmate to an outside hospital may be authorized, the ranking supervisor on duty in the jail at that time shall:
- (1.) Instruct the Releasing Deputy to enter the appropriate change of location in the inmate's computer record, and make an appropriate notation on the inmate's jail card.
 - (2.) Obtain the inmate's housing card from the appropriate Control Deputy, and retain the housing card in a "hospital" file in the Admissions Office until such time as the inmate is returned to the jail.
 - (3.) If the inmate may be hospitalized (instead of receiving emergency treatment and returned to the jail within a short time), the ranking supervisor shall:
 - (a.) Remove the inmate's personal possessions from his cell, and secure such items in the Inmate Property Room;
 - (b.) Notify the relative of the inmate listed on his jail card;
 - (c.) Notify Central Jail Records, who shall have the responsibility to advise the clerk of the court in which the inmate's case(s) is assigned as well as the inmate's attorney (if the name of the attorney is known to them).
 - (4.) A deputy shall be designated by the ranking supervisor on duty at the time to escort each inmate to an outside hospital. Such deputy shall remain with the inmate until the inmate is treated and released back to his custody. If, instead, the inmate is admitted for hospitalization, the escorting deputy may not leave the hospital until he has assisted the Hospital Deputy in completing a hospital card for the inmate.
 - (5.) Upon return of an inmate from an outside hospital, the inmate's computer record and jail card shall be updated, and Central Jail Records notified of his return to the jail.
 - (6.) The housing assignment for an inmate returned to the jail from hospitalization shall be determined by a Classification Deputy in consort with the Medical Director.
- 5.1 Temporary Release. No inmate shall be released temporarily from custody of the Sheriff for any reason, except when such temporary release may be specified in a Court Order directed to the Sheriff of Harris County, Texas.
- A. Court Order. Upon receipt of a Court Order directing any specific action relating to transfer or movement of an inmate, Central Jail Records shall have the responsibility to notify the ranking supervisor on duty at the jail, where the inmate is housed of the terms and conditions of the Court Order. It shall then be the responsibility of the ranking supervisor so notified to insure absolute compliance with the Court Order.
- 5.2 Transfer to Texas Department of Corrections. All actions pursuant to the transfer of inmates from custody of the Sheriff to the Texas Department of Corrections shall be vested in Central Jail Records.
- A. Upon receipt of a roster of inmates to be transferred to T.D.C. from Central Jail Records, the Jail Captain shall:
- (1.) Prepare a report, in duplicate, pertaining to the jail conduct of each inmate named on the roster. (One copy of each report shall be transmitted to T.D.C. together with the inmate; the second copy shall be attached to the executed Delivery Order and returned to Central Jail Records.)
 - (2.) Allow each inmate named on the roster to fill out a post-card notice and send to a relative or friend to request they pick up his personal property (refer to Paragraph 4.1). If an inmate may not desire to transfer his personal property, he shall be required to complete an authorization donating his property to a welfare organization.
 - (3.) Insure that all inmates named on the roster are transferred on the date specified.
 - (4.) Insure that each delivery order is properly executed by the Texas Department of Corrections officer who receives the inmate, and that the executed delivery order is returned immediately to Central Jail Records together with a copy of the Report of Inmate Conduct.
- 5.3 Release from Custody of Sheriff. Central Jail Records shall have the responsibility to notify the Release Deputy of the time/date and name of each inmate to be released from custody of the Sheriff. Direction for release of an inmate shall be specified as either conditional or unconditional.
- 5.4 Conditional Release. A conditional release will specify that the inmate shall be released to (a) an

individual, (b) an organization or its representatives, or (c) released to a specific place.

A. Release to an Individual. The Release Deputy shall verify the identity of the person designated to receive the inmate.

B. Release to an Organization or its Representative. The Release Deputy shall verify the identity of the person and his affiliation with the organization named prior to release of the inmate to the organization's representative.

C. Release to a Specified Place. The Release Deputy shall make the necessary arrangements to deliver the inmate to the designated place for release at the specified time.

5.5 Unconditional Release. An unconditional release is one with no stipulations. The inmate shall be released at the time/date specified for release by Central Jail Records.

5.6 Release Processing. Upon notification that an inmate shall be released, the Release Deputy shall:

A. Remove the inmate's jail card from the file, and place the card in the "Release Pending" file.

B. Telephone the Floor Control Deputy in the inmate's housing area, and instruct him to prepare the inmate for release.

C. Dispatch a deputy to pick up the inmate, together with his housing card, from the Floor Control Deputy. (The Floor Control Deputy shall then update his internal records.)

D. Upon receipt of the inmate and his housing card from the Floor Control Deputy, the escorting deputy shall reverify identity of the inmate, and proceed with him to the Inmate Property Room.

E. The Property Deputy shall:

(1.) Remove the inmate's property card from file, return all items which belong to him, and obtain his receipt for the items. (Such receipt shall be written and signed on the face of the property card.)

(2.) Instruct the inmate to change into his personal clothing, and insure that the inmate returns his jail clothing.

(3.) Give the inmate's property card to the escorting deputy.

F. Following the inmate's change of clothing, the escorting deputy shall proceed with him to the Bank Deputy who shall:

(1.) Obtain the inmate's property envelope, return all items which belong to him, and obtain his receipt for the items. (Such receipt shall be written and signed on the face of the property envelope.)

(2.) Give the inmate's property envelope to the escorting deputy.

(3.) Issue a check to the inmate for the balance of funds in his trust fund account.

(4.) Update internal records and place the inmate's trust fund records in an inactive file.

G. The escorting deputy shall then proceed with the inmate to the Releasing Office, hand the housing card, property card and property envelope to the Release Deputy, and identify the inmate.

H. The Release Deputy shall then remove the inmate's jail card from the "Release Pending" file and reverify identity of the inmate (insure that photos on the housing and jail cards are the same, and are photos of the inmate being released).

I. Enter the inmate's right thumbprint on the jail card in the space marked "Release Print". Make a comparison of the "Commit. Print" and "Release Print" as further verification of the inmate's identity.

J. Instruct the inmate to sign for receipt of his property on the jail card in the space marked "RECD."

K. Release the inmate in accordance with the appropriate action specified in either Paragraphs 5.4 or 5.5 above.

(1.) If the inmate is to be discharged under "Conditional Release," the individual or organization/representative designated to receive the inmate shall be required to sign and time/date receipt for the inmate on the reverse side of the inmate's jail card.

L. Upon release of an inmate, the Release Deputy shall:

(1.) Enter the appropriate release data in the inmate's computer record;

(2.) Notify Central Jail Records that the inmate has been released;

(3.) Affix his signature on the jail card in the space marked "Rel. Jailer" and complete the spaces noted "Date Out," "Time Out", and "How Rel.";

(4.) Enter the inmate's name and other appropriate data in the daily "Book Out" Log.

(5.) Transmit the inmate's jail card, housing card, property card, and property envelope to the Classification Deputy.

5.7 Disposition of Records. The Classification Deputy shall, upon receipt of a released inmate's records:

A. Update housing availability records.

B. Advise the Medical Department that the inmate has been released. (The Medical Department should then place the inmate's medical record in an inactive file.)

C. Obtain the inmate's visitors card from the deputy who maintains the visitors card file, and place the card in the inmate's classification file.

D. Forward the inmate's jail card to the Jail File Room.

E. Place all remaining documents in the inmate's classification file, and retain the file in an inactive status.

FOOTNOTES

¹Coffin v. Reichart, 143 F. 2d 443 (6th Cir. 1944).

²Notably, Roth v. U.S., 354 U.S. 476 (1957) and In re Van Geldern, 14 Cal. App. 3d 838, 92 Cal. Rptr. 592 (1971).

³See also Jones v. Wittenberg, 330 F. Supp. 707, 720 (N.D. Ohio 1971).

⁴Grove v. County of San Joaquin, 156 Cal. App. 2nd 808, 320 P. 2d 161 (1958).

⁵Cooper v. Pate, 378 U.S. 546 (1964).

⁶Ruffin v. Commonwealth, 62 Va. 790 (1891).

⁷Adams v. Ellis, 197 F. 2d 483 (5th Cir. 1952).

⁸Banning v. Looney, 213 F. 2d 771 (10th Cir. 1954).

⁹Long v. Parker, 390 F. 2d 816 (3d Cir. 1968).

¹⁰Jackson v. Godwin, 400 F. 2d 529 (5th Cir. 1968).

¹¹Sewell v. Pegelow.

¹²Carothers v. Follette.

¹³Coffin v. Reichart, *supra*.

¹⁴Inmates of Milwaukee Co. Jail v. Peterson, 353 F. Sup. 1157 (E.D. Wis. 1973).

¹⁵Finney v. Ark. Bd. of Corr., 505 F. 2d 194 (8th Cir. 1974); Holt v. Hutto, 363 F. Sup. 194 (E.D. Ark. 1973); Holt v. Sarver, 442 F. 2d 304 (8th Cir. 1971).

¹⁶Gates v. Collier, 501 F. 2d 1291 (5th Cir. 1974), adopting and aff'g. 349 F. Sup. 881 (N.D. Miss. 1972).

¹⁷Gates v. Collier, *supra*; Nerman v. Alabama, 349 F. Sup. 278 (M.D. Ala. 1972).

¹⁸Finney v. Ark. Bd. of Corr., *supra*; Steward v. Henderson, 364 F. Sup. 283 (N.D. Ga. 1973).

¹⁹Johnson v. Avery, 393 U.S. 483 (1969).

²⁰Gilmore v. Lynch, 319 F. Supp. 105 (N.D. Cal. 1970); Younger v. Gilmore, 404 U.S. 15 (1971).

²¹Ross v. Blackledge, 477 F. 2d 616 (4th Cir. 1973).

²²Cf. Edwards v. Davis, 3 Pris. L. Rep. 54 (D.N.C. Dec. 11, 1973) (Consent decree).

²³Hamilton v. Love, 328 F. Sup. 1182 (E.D. Ark. 1971).

²⁴Rhem v. Malcom 507 F. 2d 333 (2d Cir. 1974); Inmates of Suffolk Co. Jail v. Eisenstadt, 360 F. Sup. 676 (D. Mass. 1973), aff'd. 494 F. 2d 1196 (1st Cir. 1974), cert. denied 419 U.S. 977 (Eisenstadt).

²⁵Brooks v. Wainwright, 428 F. 2d 652 (5th Cir. 1970).

²⁶Seale v. Manson, 326 F. Supp. 1375 (D.C. Court 1971); Brenneman v. Madigan, 343 F. Supp. 128 (N.D. Cal. 1972).

²⁷Jones v. Wittenberg, 330 F. Supp. 707 (N.D. Ohio, W.D. 1971); Hamilton v. Love, 328 F. Supp. 1182 (E.D. Ark., W.D. 1971); Payne v. Whitmore, 325 F. Supp. 1191 (N.D. Cal. 1971).

²⁸Desmond v. Blackwell, 235 F. Supp. 246 (M.D. Pa. 1964).

²⁹McDonough v. Director of Patuxent, 429 F. 2d 1189 (4th Cir. 1970).

³⁰Inmates of Milwaukee Co. Jail v. Peterson, 353 F. Supp. 1157 (E.D. Wis. 1973).

³¹Rhem v. Malcom, 371 F. Supp. 676 (D. Mass. 1973).

³²Brenneman v. Madigan, 343 F. Supp. 128 (N.D. Cal. 1972).

³³Taylor v. Sterrett, 342 F. Supp. 411 (N.D. Tex. 1972); Alberti *et al* v. Sheriff of Harris County, Tex., *et al* (S.D. Tex. 1975).

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APPENDIX A

Frisk Search

Before conducting a frisk search, the deputy shall instruct the inmate to empty all pockets in his clothing, place the items on the floor, and move out of reach of the items.

When groups of inmates are to be frisk searched, all such inmates shall be lined up, spaced apart, and faced with their palms extended at arms length against a wall.

Under no circumstances shall a deputy frisk search an inmate of the opposite sex.

The following actions shall be observed by the deputy as each inmate is frisk searched to determine the presence of concealed items:

1. Instruct the inmate to stand erect, feet apart, with arms extended outwards.
2. Move behind the inmate, then:
 - a. Carefully examine the shirt collar.
 - b. Run hands over the inmate's shoulders, down the outside of his arms to the shirt cuffs, and carefully examine the shirt cuffs.
 - c. Move hands up the insides of the arms to the armpits.
 - d. Run hands down the inmate's shirt front, carefully checking the pockets.
 - e. Move fingers around the inside of the waistband, feeling for any objects which may be concealed there or behind the belt.
 - f. From the waistline, move hands down the inmate's buttocks.
 - g. Put both hands on one leg at a time, and run them carefully down each leg, being certain to check each trouser cuff.
 - h. Move hands over the inmate's lower abdomen and crotch carefully, to inspect for contraband that may be hidden or taped to those areas.
 - i. Instruct the inmate to extend one foot at a time, backward, then inspect each sock and shoe for concealed articles.
3. When the body frisk is completed, instruct the inmate to face the wall with palms extended at arms length against the wall, then carefully check each item that the inmate removed from his pockets.
4. Items that an inmate is allowed to have in his possession shall then be returned to him, and he shall be instructed to move out of the frisk search area and on to his next station.
5. The procedures set forth in Paragraph 4.0 of the Standard Operating Procedures shall be observed when contraband may be found on an inmate during the frisk search.

APPENDIX B

Strip Search

When conducting a strip search of an inmate, it is necessary to examine both his body and his clothing. If possible, the strip search should be conducted in an area out of the sight of other inmates and staff; however, it is advisable to conduct the search in the presence of another deputy. Under no circumstances is a deputy permitted to conduct or witness a strip search of an inmate of the opposite sex.

The following actions shall be observed:

1. Instruct the inmate to remove his clothing, place clothing on the floor, and to move out of reach of the clothing.
2. Instruct the inmate to stand erect, feet apart, with arms extended outward, then inspect for contraband in his:
 - a. Hair.
 - b. Ears, mouth and nose.
 - c. Arms, armpits and hands.
 - d. Groin.
 - e. Soles and toes of feet.
 - f. Rectum (instruct the inmate to turn around, bend over, and spread his buttocks).
 - g. Remove any bandages, inspect, and replace with new ones.
3. Instruct the inmate to remove any artificial devices (such as false teeth and artificial limbs) and inspect.
4. If the inmate may be wearing a plaster cast, and the deputy may believe contraband is concealed in the cast, the cast may only be removed and inspected by a medic.
5. When the body search is completed, instruct the inmate to stand erect, feet apart, hands on top of head, and move out of his reach to inspect his clothing.
6. Check for presence of contraband in clothing. Extreme caution should be exercised by the deputy, to avoid being cut by concealed sharp instruments, when inspecting:
 - a. Pockets.
 - b. Linings.
 - c. Fly, waistband, cuffs, seams, collars, hatband.
 - d. Inside of all garments.
 - e. Soles, heels, and insides of shoes.
 - f. Socks (inside and outside).
 - g. Contents of any packages, envelopes, books, etc., in possession of the inmate.
7. Following inspection of the clothing, the inmate shall be instructed to dress, move out of the strip search area, and proceed to his next station.
8. The procedures set forth in Paragraph 4.0 of the Standard Operating Procedures shall be observed when contraband may be found on an inmate during the strip search.

APPENDIX C

Cell Search

Before initiating a cell search, the inmate(s) shall first be removed from the cell. The deputy who inspects the cell shall leave it as neat as it was before the search.

The following actions shall be observed:

1. Remove all blankets, sheets and covers from the bed and inspect them carefully. After inspection fold such items and place them aside.
2. Closely and carefully examine:
 - a. Mattress.
 - b. All furniture which may be in the cell.
 - c. Lavatory and toilet (including the bottom of those fixtures).
 - d. Floor drain.
 - e. Ventilation grill.
 - f. Faucets, drains and any openings in cell door tracks.
 - g. Light sockets.
 - h. Books.*
 - i. Personal letters and papers (letters and papers may be removed from envelopes and inspected, but not read, by the deputy).*
 - j. All containers.*
 - k. Small articles (such as spools of thread, etc.).*

*These items shall be returned to their same place and condition prior to inspection.
3. Examine each bar in the cell to determine if it has been cut or loosened.
4. Examine all locking lugs to determine if they have been jammed.
5. Examine any panels and protective screens to determine if they have been loosened in preparation for removal.
6. Following the cell search, no cell shall be left unlocked by the deputy.
7. The procedures set forth in Paragraph 4.0 of the Standard Operating Procedures shall be observed when contraband may be found during a cell search.

APPENDIX D

Policy and Procedures for Computation of Good Time Credit on County Jail Sentences

I. Authority

Legislative authority for Sheriffs to award good time credit in some circumstances is embodied in Article 5118A, Vernon's Annotated Texas Civil Statutes. This article reads in part "In order to encourage county jail discipline, a distinction may be made in the terms of prisoners

so as to extend to all such as are orderly, industrious, and obedient, comforts and privileges according to their deserts. . . Commutation of time for good conduct, industry, and obedience may be granted the inmates of each county jail by the Sheriff in charge." This statute has no application to a prisoner incarcerated in a county jail under a sentence calling for imprisonment in a penitentiary (state or federal), and in such cases the Sheriff cannot award any commutation of the sentence.

II. Inmate Eligibility Requirements

An inmate assessed a sentence to the county jail is eligible for commutation of sentence through award of good time credit only if all cases against him in Harris County have been disposed of; that is, there are no open cases pending against the inmate in Harris County courts. Good time credit shall be awarded to commute the sentences of all inmates eligible under these criteria unless charges of misconduct have been sustained against the inmate and an offense report and disciplinary committee report denying good time credit eligibility to the inmate have been made a part of the inmate's permanent file.

III. Computation of Commuted Time Through Award of Good Time Credit

- A. The following definitions of terms shall be used in computing commutation of sentence.
 1. Start Date: The date the court considers the inmate's sentence to have commenced. The actual date will be one of the following:
 - a. The date the inmate was tried, as listed on the commitment.
 - b. A later date, as specified by the court, to allow the inmate time to put his affairs in order.
 - c. A date prior to the trial date if the court awards the inmate credit for time the inmate was held in jail awaiting trial.
 2. Up Date: The date the inmate is scheduled to be released if his/her fine(s) and cost(s) are paid in cash.
 3. Out Date: The date the inmate is scheduled for release if he must serve out his fine(s) and cost(s) rather than paying them.
- B. The following procedures shall be followed in computing commuted sentences:
 1. Start Date (no credit given by the court for pre-trial detention): No computation required.
 2. Start Date (credit given by the court for pre-trial detention): Since the date sentence is to commence (trial date if no other date is specified) is a day of confinement, any credit given by the court must begin on the previous day. Therefore, beginning with the day prior to the trial date (or date sentence is to commence, if deferred by the court), count back the number of days credit given by the court. The last day counted will be the start date.

Example: On 8/15/76 an inmate is sentenced to 30 days in jail, fined \$50.00, given credit for 10 days in jail awaiting trial, and assessed \$49.00 in court costs.

In computing start date, the only information of interest in this example is the trial date, 8/15/76, and the 10 days credit given. Counting back 10 days, starting with 8/14/76 as the first day, the start date is 8/5/76.

3. Up Date: Counting the start date as the first day, count forward the number of days to which the inmate was sentenced. In the above example the up date is 9/3/76.
4. Out Date: Fine and cost, without good time credit, is served at the rate of 1 day in jail for each \$5.00 of fine and cost. In the above example fine and cost combined is \$99.00. Dividing \$5.00 into \$99.00 gives a quotient of 19.8 (days). Since the court does not recognize a portion of a day in jail, any portion of a day to be served is treated as a full day. In the above example the fine and court costs can be satisfied by the inmate's spending an additional 20 days in jail. These twenty days are added to the up date, counting the day following the up date as the first day. In the example above, the out date is 9/23/76.

If an inmate is held on more than one commitment, the sentences run concurrently. Up dates are computed for all sentences, and that up date which would release the inmate at the latest time is used. Fines and court costs for all commitments are added together to compute the out date.
5. Commuted Up Date: An inmate is not eligible for commutation of sentence through award of good time credit by the Sheriff prior to date of trial; therefore good time credit cannot be applied to credit given by the court. Starting with the date the inmate is eligible for the commencement of good time credit (usually the date of trial), count the number of days to the up date. Divide this number by 3; the result is the number of good time credit to be awarded. Starting with the day before the up date, count back the number of days to be awarded. The last day counted will be the revised or commuted up date. In the example given previously if the inmate is eligible for good time credit on the date tried, he will be awarded six days good time credit, because we have divided 20 days by 3, resulting in a quotient of 6.67. Because the court's sentence must be satisfied in full and the court does not recognize a portion of a day in jail, the inmate can receive good time credit for only six days. In the example the revised or commuted up date is 8/28/76.
6. Commuted Out Date: Fine and cost, with good time credit, is served at the rate of 1 day in jail for each \$7.50 of fine and cost. In the above example fine and

cost combined is \$99.00. Dividing \$7.50 into \$99.00 gives a quotient of 13.2 (days). Since the court does not recognize a portion of a day in jail, any portion of a day to be served is treated as a full day. In the above example the fine and court costs can be satisfied by the inmate's spending 14 days in jail. These fourteen days are added to the commuted up date, counting the day following the commuted up date as the first day. In the example the commuted out date is 9/11/76.

IV. Responsibility for Implementation of Good Time Credit

Upon receipt of commitment(s) the Court Desk Deputy of Central Jail Records will compute the inmate's up and out dates as outlined in section III and determine the inmate's eligibility to receive good time credit as outlined in section II. If it is determined that the inmate is eligible for good time credit, the Court Desk Deputy shall compute commuted up and out dates as outlined in section III above. The detaining facility Shift Commander or Shift Supervisor, and the Classification Officer shall be notified of the commuted up and out dates so that the No. 3 copy of the inmate's jail card and classification record may be properly annotated. The Court Desk Deputy shall properly annotate the No. 1 copy of the jail card, enter the information into the computer, and file the commitment(s).

V. Forfeiture of Commuted Time

Good time credit may be forfeited and taken away by the Sheriff for "violation of any rule known to the prisoner (including escape or attempted escape)." Any portion or all of the good time credit which may have accrued in favor of the prisoner to the date of said misconduct may be cancelled by the Sheriff. If, as a result of a disciplinary committee hearing, it is decided that an inmate's good time credit is to be forfeited, it shall be the responsibility of the disciplinary committee chairman to provide a copy of the disciplinary committee report to the Classification Officer and to the Central Jail Records Court Desk Deputy. The Court Desk Deputy shall immediately recompute the up and out dates, annotate the No. 1 copy of the inmate's jail card, make an appropriate computer entry, notify the Shift Commander or Shift Supervisor so that the No. 3 copy of the jail card may be revised, and file the commitment(s) under the new out date in accordance with existing policy. No deputy shall annotate any jail card concerning forfeiture of good time credit unless a disciplinary committee report directing such action is placed in the inmate's permanent file.

END