

# County debates suit over jail smoke system

BY FRANK PERKINS  
Fort Worth Star-Telegram

FORT WORTH — Tarrant County commissioners were to meet in special closed session today to discuss possible litigation over problems with the new jail's fire protection system, which an outside consultant says is inadequate and should be redesigned.

Those problems, coupled with

other construction glitches, have delayed the opening of the \$42 million Tarrant County Corrections Center and neighboring Criminal Justice Center, the new courts building, for almost a year. Commissioners yesterday declined to comment on today's meeting or the possibility of a lawsuit.

In August, the state Jail Standards

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## Jail

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Commission found that the smoke-purging system — the method of quickly sucking out smoke in a fire and replacing it with fresh air — did not work fast enough. The system failed its first and only test conducted by the commission.

County commissioners then hired Dillon Consulting Engineers of California to review the smoke-purging fire system in the 530,000 square-foot building. The report they received Dec. 26 outlined problems more serious than they had expected.

"The original program for the project clearly states that the systems are to comply with the Texas Jail Standards. They demonstrably do not," consultant Michael Dillon wrote.

He said that the modifications being proposed by the designers were "insufficient to address the previously identified problems; the scope of the required modifications is much greater; and the current designed and installed systems do not meet . . . prudent practice."

Dillon listed nine major flaws in the system, ranging from its inability to generate enough exhaust strength to comply with building

codes and jail standards to having no sprinkler system in the jail cells, where most jail fires start.

Architect Merv Croston and Associates, and Yandell and Hiller, the firm that designed the building's heating, air-conditioning and smoke-purging systems, have been working since the August test to get the smoke-purging system working. County officials say that system is the only thing keeping the badly needed 1,440-prisoner jail from opening and easing the county's jail crowding problems.

Representatives of both firms declined to discuss details of the problem or how much it would cost to fix it.

In addition, the report said that dampers installed to channel air flow and security screens designed to keep prisoners from getting out seriously reduce the flow of good air available to replace the smoky air being pulled out.

"This condition consists in great part due to the use of inappropriate practices," Dillon wrote.

"A system intended to operate in an emergency should, in fact, survive during the emergency," the report said. "Elements of the systems and their control devices are not likely to survive as currently designed and installed."

Dillon's report also cited a serious problem with ventilation throughout the building.

# Decision on lawsuit is delayed

Tarrant County  
officials say more  
details are needed on  
the jail issues.

BY FRANK PERKINS  
Fort Worth Star-Telegram

FORT WORTH — Tarrant County commissioners apparently are not ready to sue over construction glitches and design changes that have delayed opening of the new county jail and courts buildings for 10 months.

The buildings originally were planned to open in late March or early April 1990.

Unsolved problems with a fire protection system in the jail, slow furniture shipments and construction flaws in the courts buildings are being blamed for the delays.

The commissioners met in executive session for almost an hour yesterday, pondering whom to sue and for how much, but adjourned without making a decision.

"We still need a few more details on the jail issues before we can decide," said Commissioner Marti VanRavenswaay.

The jail opening delay centers on its smoke purge system, which is supposed to suck out smoke and

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## Jail

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fumes from a jail fire while pumping in breathable air.

The system failed a state Jail Standards Commission test in August, and architects have been trying to get the system to work properly ever since.

Two weeks ago, an outside consultant hired by the commissioners

reported that the smoke system needed what amounted to a redesign to meet Jail Standards Commission requirements.

A consultant's report outlined a list of design problems with the fire safety system, including that the jail's cells, which would house 1,440 prisoners, did not have sprinklers in them.

The commissioners paid the consultant \$30,000 for his report and while all have expressed concern about his findings, most say his recommendations are too expensive

### FORT WORTH

#### March work possible on parking garage

FORT WORTH — Construction on the county's \$6 million, 780-space parking garage could begin on March 1.

Commissioners last week approved a \$5,450 contract with Maxim Engineers Inc. to survey the victim assistance center and print shop that are on the site of the planned garage. The company also will check the asbestos level in the basement of the Criminal Courts Building.

"We don't have any idea that asbestos is a problem in the outbuildings, but we are pretty certain there is asbestos in the basement laundry project area," said Ed Rittmayer of Gilbane Construction, which is managing the construction of the county's justice and correction centers and the parking facility. "We need to make the survey before we can get a city permit to abate the asbestos and then tear down the victim's center and print shop."

The county also agreed to pay TU Electric \$86,115 to cover the cost of moving a major electrical power distribution center also on the garage site at 300 W. Bluff St. The installations carry 12,500-volt loads from TU's North Main plant to customers in the Belknap-Bluff Street area, according to George Hedrick of TU Electric.

# Carpenter seeks help for jail store

BY FRANK PERKINS  
Fort Worth Star-Telegram

FORT WORTH — Tarrant County's increasing jail population has put Sheriff Don Carpenter in an accounting crisis involving the controversial jail commissary and inmates' spending money.

The inmate funds have grown from a trickle in 1985 when Carpenter took office to \$5.5 million a year today because the jail population has quadrupled.

The account includes money the inmates had when they were jailed, or money deposited by family members so that the inmates can buy snacks, cigarettes and toiletries from the jail commissary — dubbed the "banana wagon."

Each prisoner may draw up to \$50 a month from his or her account to spend in the banana cart. The money is paid in the form of chits, which are treated as cash and require the same sort of accounting and security procedures.

"We've got almost 3,200 prisoners in these jails and I've got to have some help to keep up with this money," Carpenter said.

He wants to hire seven deputies to keep up with the money, which averages \$458,000 a month.

County Commissioner Bob Hampton said that the chit system is not good management because allowing the inmates to have it is an invitation to violence and gambling.

"Experts tell you the worse thing you can have in a jail is money or chits," Hampton said.

"If he had let us turn the operation of that commissary over to Signature Services Inc. two years ago, there would be no chits and those inmate accounts would be run by a computer and he wouldn't be in this bind."

Carpenter contends the chit system is superior to the computer accounting that Hampton supports.

"Using that computer would have us all fussing and fighting up here because those prisoners would argue the computer was wrong when it deducted \$50 from their account," Carpenter said.

He and Hampton have been feuding since 1987 about who should operate the jail commissary.

Carpenter bought the commissary from outgoing Sheriff Lon Evans when he took office in 1985.

In 1987, the county let bids on a commissary vendor, but Carpenter signed his own commissary contract with Mid-States Inc. and refused to let the county's choice — Signature Services — in the jail.

The matter went to trial last year and the trial court and 2nd Court of Appeals both ruled that although the sheriff has no authority to enter into a contract he does control who can enter the jail.

Mid-States is still working the commissary while appealing the case to the Texas Supreme Court.

County commissioners will discuss Carpenter's request at their meeting Monday.

FW STAR-TELEGRAM  
WEDNESDAY EVE.  
FEBRUARY 27, 1991

## County names contractor to overhaul jail air system

BY FRANK PERKINS  
Fort Worth Star-Telegram

FORT WORTH — Trinity Contractors yesterday was given the chore of fixing the faulty air circulation system that has delayed the opening of the new Tarrant County Corrections Center for 10 months.

The cost of the repairs is not yet known, said project manager Ed Rittmayer.

"They will have a materials and labor estimate ready by March 4," Rittmayer told county commissioners. "We also are preparing an estimate, and we are having another prepared by a third party as well."

Trinity, the major heating, ventilation and air-conditioning subcontractor for the corrections center, already has about \$6 million in contracts for the \$42 million project, Rittmayer said.

Commissioners hired the Dallas-based firm at the request of Gilbane Building Co., the county's construction manager on the project.

Trinity has begun surveying the ducting, machinery and controls for the smoke evacuation system to

determine what must be done to meet state jail standards.

"They will be doing some new duct work, as well as installing new 10-foot-tall, 7-foot diameter exhaust fans on the building's roof in an attempt to get the smoke evacuation system working," Rittmayer said.

He had no estimate on how long the modifications will take.

The building was designed by Croston and Associates of Fort Worth. The heating, venting and air-conditioning systems were designed by Yandell and Hiller, a local company that designed similar systems for the Fort Worth and Tarrant County Jail.

That jail opening also was delayed several months because of similar problems with its smoke-removal system.

The Texas Commission on Jail Standards requires such systems to be able to clear a smoke-filled jail within 15 minutes.

The new jail has yet to fulfill that requirement despite new duct work and other efforts.

FORT WORTH STAR-TELEGRAM  
TUESDAY EVENING  
5 MARCH 1991

## Jail subcontractors plead with county to release funds

BY FRANK PERKINS  
Fort Worth Star-Telegram

FORT WORTH — The county's ruling that Stolte Construction Inc. defaulted on its contract for the \$26 million Criminal Justice Center has left a number of subcontractors facing financial ruin.

A half-dozen contractors appeared before Tarrant County commissioners yesterday, pleading with them to release the 10 percent of their contract funds retained to guarantee that their work was completed.

Such money normally is released when the building is declared substantially complete. That declaration occurred in September, but the county's ongoing squabble with Stolte, the prime contractor, has kept the money in limbo.

Last month, the county drafted a complaint, saying that Stolte Construction failed to repair faults in the building ranging from mismatched exterior trim to workmen's fingerprints on the walls.

"That 10 percent is the profit in the job for most of us here," said Tom Cheatham of True Fireproofing, who said he is owed \$19,000. "Without it, we're in a lot of trouble."

Willie Templin, owner of American Automatic Sprinkler System, said keeping his money — known as

a retainage fee — could ruin a firm that has been in Tarrant County for 23 years.

"Our retainage comes to \$140,000. We can't cover that kind of losses. That \$140,000 will keep me and my employees afloat through this construction slump," said Templin, whose work has been finished about six weeks.

Templin told the commissioners that he has worked on many multimillion projects but that the Criminal Justice Center is the worst he has seen.

"This is the worst-managed project we've ever had the misfortune to win a bid to work on," Templin said. "By using both a construction manager and a general contractor, you have made it difficult to impossible to get change orders done in a timely manner or even figure out the plans.

"It is a disaster."

County Judge Tom Vandergriff promised the contractors that officials will do what they can.

Last week, the commissioners ordered the district attorney's office to begin preparing for legal action against Stolte's underwriters. Such a move would be an attempt to force the contractor to pay its subcontractors and complete the work at the center, which opened Feb. 18.

# Gunman Terrorizes

# Court

## *Defendant, judge fight over gun*

BY BILL HANNA  
AND JACK DOUGLAS  
Fort Worth Star-Telegram

FORT WORTH — A Kennedale man on trial for capital murder pulled a gun in court this morning, pointed it at bailiffs and escaped to the judge's private chambers, where he stormed in yelling at the jurist, "Let's go, judge!"

Criminal District Judge Don Leonard, who had been standing behind his desk, later was overheard telling another judge that he wrestled James Eugene Bigby to the floor, and was fighting with him when a prosecutor rushed in and disarmed Bigby.

Leonard was not injured in the incident and Bigby was quickly handcuffed by bailiffs and led to a holding cell until his trial resumed about an hour and half later, after another judge denied a defense motion that Leonard be recused — withdrawn — from the case.

During the recusal motion hearing, Leonard testified that Bigby "entered the room, ran up beside my desk, put the gun in my face and said, 'Let's go, judge!'"

Leonard said he grabbed Bigby's hand and pushed the gun over his head as they fell to the floor fighting and Bigby was subdued.

The courtroom drama stunned attorneys, spectators and reporters, who dived for cover beneath benches as hysteria broke out, some people screaming and others crawling to get out.

"They were screaming, 'Get down, get down, he's got a gun. Everybody run,'" Loretta Hardeman, another court's administrative clerk, said in describing three women who fled from the courtroom yelling.

She described the fleeing spectators as "real hysterical. Everybody just started dropping to the floor. They were hysterical and crying."

One of the three women, believed to a relative of the Arlington man and infant Bigby is accused of killing on Christmas Eve 1987, collapsed in a hallway outside the courtroom and was taken to a hospital in what was described as serious condition.

The incident erupted outside the jury's presence during a brief recess in the trial of Bigby, who calmly strolled from the defense table to the back of judge's bench, where he appeared to open a drawer and grab a small gun he pointed at two bailiffs.

Bailiff Tim Stallings, testifying later in the hearing on the recusal motion, said he thought Bigby was getting up to get a drink.

"But then I saw him dash toward the bench, I drew my weapon, but he got the judge's weapon.

"I pointed my weapon at him. I told him to stop. Then the pointed the judge's weapon at me. I ducked behind the [court clerk's] desk."

With pandemonium breaking loose, Bigby fled through a door at the back of the court and ran into a secured hallway leading to the judge's chamber.





People gather in a hall after Tarrant County Criminal District Court No. 3 was cleared when a murder defendant pulled a gun

Dallas psychiatrist Dr. James Grigson, who minutes earlier had testified that Bigby was insane at the time of the killings for which he is on trial, said Bigby headed into Leonard's chambers.

The judge was alone in the chambers and Assistant District Attorney Robert Mayfield, who had been conferring with Leonard in the chambers, was in a restroom in an adjacent office when Bigby rushed in, the judge later was overheard saying.

Officials immediately evacuated the seventh floor as bailiffs from throughout the courthouse scrambled up stairwells to the court. Several minutes later, the confrontation ended in Leonard's chambers with no gunshots fired.

Leonard, who declined to comment on the incident until after Bigby's trial, said, however, that he would not declare a mistrial and that testimony in the case would resume later today.

The incident occurred about 10 a.m. after Grigson, testifying as a defense witness, said Bigby was mentally unfit to realize what he was doing when he shot to death 26-year-old Michael Trekell and drowned Trekell's 4-month-old son, Jayson Kehler, in the kitchen sink.

Prosecutors then asked for a brief break to review that testimony before cross-examining Grigson, the Dallas psychiatrist who has been nicknamed "Dr. Death" for his frequent testimony as a prosecution witness in capital murder cases.

Bigby, who had been sitting at the defense table with his attorneys,

stood up during the break, walked around the table and casually strolled, apparently briefly unnoticed, to the judge's bench.

"James, what are you doing?" one bailiff suddenly yelled.

Bigby did not respond as he appeared to reach into a drawer on the judge's bench and come up holding a pistol. He turned and pointed it toward two bailiffs as onlookers dived for cover.

After Bigby was recaptured, lead prosecutor Gary Medlin declined to comment on the incident except to say, "He tried to escape."

But asked if he was surprised at the attempted escape, Medlin said, "Hell no."

Leonard, his white shirt blotched with what appeared to be black scuff marks, chatted with other court officials and judges in the hallway.

Although he declined to talk to reporters about the incident, he was overheard telling others he would not step down as judge in the case.

"You can't let people dictate what gets tried," he said. "It [the trial] is going to finish."

He also said he did not have time to think before he reacted by wrestling with Bigby.

"I didn't think at all. I just grabbed his hand," the judge said.

He then laughingly told an attorney who inquired about the scuffle: "It's just my old Waco High training," a reference to growing up in Waco and playing high school football there.

Yesterday, a state psychiatrist testified that Bigby had a history of mental problems but knew what he was doing when he killed Trekell and his son.

Austin psychiatrist Richard Coons said that during an interview with Bigby more than two years ago, the defendant told him that he went to the victims' home armed with a shotgun and a revolver and carrying T-bone steaks.

As Trekell was cooking the steaks, Bigby made his move, Coons said.

"He [Trekell] heard me and he started to turn around," Coons quoted Bigby as saying. "I shot him and his head kind of exploded. I straddled him and said, 'Can you hear me now?'"

The psychiatrist's testimony came in the fourth day of Bigby's trial.

Bigby's attorneys are contending that their client was insane at the time of the killings. However, in yesterday's testimony, Coons said that Bigby was not insane and that he knew what he was doing.

"My opinion was Mr. Bigby was legally sane at the time of the offense in that he did not have a severe enough mental disorder which prevented him from knowing right and wrong," Coons said.

While Coons testified, Bigby looked the other way, staring at the wall. During a short recess, he became visibly upset and began talking heatedly with his attorneys.

In December 1989, Coons examined Bigby and heard another account of how Trekell and Jayson were killed.

Reading from his notes, Coons said Bigby was convinced that Trekell was part of a conspiracy against him that surrounded a worker's compensation case against his former employer, Frito-Lay, even though Trekell didn't work there.

## Tarrant Briefly

FORT WORTH

### County security guard wounded in gun accident

A security guard at the Tarrant County Administration Annex was wounded in the leg early today when a pistol in his coat pocket accidentally discharged, county officials said.

The 51-year-old guard, whose name was not immediately released, was in good condition at John Peter Smith Hospital with three wounds from the same bullet in his left leg, said Lt. Dan Cauble of the Tarrant County Sheriff's Office.

The security guard was manning the front desk at the administration building, 100 E. Weatherford St., when the gun discharged about 4:45 a.m. The weapon was in his left coat pocket and when the guard leaned forward in his chair, the .45-caliber pistol discharged one round that shot through the pocket, into his upper leg, out his lower leg and into his foot, Cauble said.

Cauble said the gun was not the guard's service weapon but one from his private collection that he had brought to work. The guard is a retiree who works under the county bailiff's department, Cauble said.

## *Another closing is possible*

BY BILL TEETER  
AND STEFANI GAMMAGE  
Fort Worth Star-Telegram

FORT WORTH — Less than 24 hours after Sheriff Don Carpenter closed the Tarrant County Jail because the inmate population hit 3,223, the doors reopened with the release and transfer of 72 prisoners.

Thirty-two inmates were transferred to the state penitentiary this morning. The other 40 were released under a variety of actions, including nine paroles and nine pre-trial hearing motions or personal bonds, prison officials said.

About 32 more inmates will be sent to state prisons later this week and an additional 358 inmates are awaiting transfer, Carpenter said.

But another closing is possible.

"We're taking in so many, when it gets to a certain point, we'll have to halt it off," Carpenter said, adding he will draw the line at 3,200 inmates.

Thirty-seven cities use the jail.  
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# Transfers, releases allow Tarrant jails to reopen

# Jail

From Page 1

including Fort Worth and Arlington.

"The sheriff is accepting prisoners from other departments as the need arises," Carpenter he said. "It's a bad situation that we're in."

Fort Worth Capt. Greg Givens said police are restricting Class C misdemeanor arrests, such as those for drunken and disorderly conduct, some assaults and traffic warrants. The officers are issuing general complaint citations "if at all possible," he said.

Historically, though, Fort Worth has restricted some such arrests, especially for drunks who are taken to the Presbyterian Night Shelter, Givens said.

"Of course, if he [a person] had a murder warrant or burglary [warrant], we'd accept those," Givens said. "We're trying to work with the county to try to keep the population down as much as we can, understanding they're in a bind."

Construction delays that have plagued a new jail have contributed to the problem and forced Tarrant County officials to close the downtown lockup because of dangerous conditions caused by inmate crowding.

The county's jail population — which includes inmates housed at four sites — was far above the 2,000 that the facilities are designed to hold, said Tarrant County Jail Administrator J.C. Minter.

The last time the county closed the jail was September 1988.

If the new 1,440-bed downtown county jail were open, there would be no problem, Carpenter said. However, that jail's opening has

been hobbled by problems with a defective smoke evacuation system.

And with the new jail sitting empty, Carpenter said, he is even more concerned about the crowding during the summer, when the jail population is usually at its highest.

"I can't help it; the new jail hasn't come open. That is what is holding us up," Carpenter said.

Even with the new jail up and running, many inmates would be relegated to sleeping on the floor, he said.

"I'll have a hundred on the floor, probably," Carpenter said.

Minter said: "We've just reached the maximum we can safely take care of. We're not taking any in until we get below 3,200."

Carpenter's decision to shut down was supported by County Judge Tom Vandergriff.

"I have been in that jail and seen those sad, sad conditions," Vandergriff said. "It is really frightening, and Sheriff Carpenter has to make the decision when to close the jail and I support him on that."

Fort Worth contracts with the county to hold its prisoners because the city doesn't have its own jail. By last night one city, Mansfield, had agreed to take Fort Worth prisoners, said Lt. Alvin Allcon, a Fort Worth police spokesman.

Officials with various other Tarrant County law enforcement agencies said yesterday that their jails were less than half full but that if county facilities close again later this week, they may have inmate problems, too.

This week 62 prisoners are scheduled to be moved from the Green Bay facility, where 738 felons were being held yesterday, to prisons in the Texas Department of Criminal Justice system, Minter said. Carpenter said any such transfer could

open slots for new prisoners.

Officials hope the new jail will be open by mid-May, Vandergriff said.

"It is my personal hope that we can have the new Tarrant County Corrections Facility open for prisoners within the next 60 to 90 days," he said.

"We have not yet let the contract for the modifications that should cure the smoke evacuation problems, but we expect to do that as early as next week."

In Northeast Tarrant County, police officials said if the facilities should close again, they won't start to feel a jail crunch for a few days. Yesterday, two of the largest jails in that area — those in Hurst and North Richland Hills — were operating normally, police said.

In North Richland Hills, which has the largest jail in Northeast Tarrant County, only one prisoner was in the 60-bed facility, police said. In Hurst, 10 prisoners were in the city's 34-bed facility. Four were county prisoners, said Hurst police Lt. Steve Myers.

"If we have a busy week, we'll have problems," Myers said.

In Arlington, about 30 inmates were being held at the city jail, filling less than half of the center's 68 cells. The jail's capacity is 136.

"We've got plenty of room yet," said Craig Roberts, evening jail supervisor. "We'll probably be getting close by morning, but we're OK now."

Staff writers Frank Perkins, Domingo Ramirez Jr. and Kristin N. Sullivan contributed to this report.

Wednesday P.M., March 20, 1991

ETTA © 1991 FORT WORTH STAR-TELEGRAM  
HULME



"WE WERE LUCKY TO FIND A PARKING PLACE. HAVE YOU  
BY ANY CHANCE GOT CHANGE FOR A DOLLAR?"

CLEBURNE  
TIMES-REVIEW  
20 MARCH 1991

# Johnson County goes after Tarrant inmates

By CAROLEA HASSARD  
Times-Review Staff

Johnson County Law Enforcement Center has opened its doors to Tarrant County inmates, but nobody knows for sure yet whether our northern neighbor will take us up on it or not.

JCLEC could take 70 to 100 inmates off Tarrant County's hands, Jail Administrator Don Doak told Tarrant officials in a telephone proposal yesterday, to help relieve overcrowding that has just grown worse for the Tarrant facility over the last several months.

"I heard on the radio that they're in compliance as of this morning, but overnight or in two or three days,

they'll be right back again until they get the new facility open," Doak said today.

Reports said that as of yesterday, the jail bulged with 3,149 inmates, down from 3,223 on Monday. Over 500 inmates were sleeping on the floor. With an estimated 150 new prisoners entering every day, Tarrant County has been forced to drastically cut its intake.

Officials have temporarily shut down the jail, cut down on arresting misdemeanor offenders and released certain prisoners in its cutback effort.

Fort Worth Police are limiting arrests for Class C misdemeanors such as drunk and disorderly conduct, traffic warrants and some assaults,

newspaper reports have said.

Of the 72 Tarrant inmates released yesterday, 22 posted bail or had completed their sentence; 18 were paroled or released on personal recognizance; and 32 were sent to the Texas Department of Criminal Justice, or TDCJ.

But more room is still needed, and until the county's new 1,440-bed facility is running — its opening has been delayed at least three months due to a glitch in the smoke-evacuation system — extra inmates must be placed elsewhere.

"Obviously, we're going to be in a marginal situation daily for the next several weeks," Tarrant County Judge Tom Vandergriff was quoted as saying.

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## INMATES

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Several local jails have offered their extra beds, including the City of Mansfield, Arlington, Pantego, Dalworthington and of course Johnson

County.

"But we're just like everybody else," Doak said. "We're waiting to hear. Hopefully it'll come through."

## More prisoners added to packed Tarrant jail

BY STEFANI GAMMAGE  
Fort Worth Star-Telegram

FORT WORTH — After shipping a batch of prisoners to the state penitentiary yesterday and releasing 40 other inmates, Sheriff Don Carpenter was able to squeeze a few more people into the Tarrant County Jail, one day after he closed it because of crowding.

Meanwhile, County Judge Tom Vandergriff said he is in the market for additional bed space that could be used to house an overflow of prisoners, and Fort Worth police are issuing citations, if possible, instead of arresting people accused of Class C misdemeanors.

Tarrant County officials said the jail reopening may be only temporary.

"We are taking prisoners today, but we will stop at 3,200," jail administrator J.C. Minter said yesterday.

The jail population this morning stood at 3,127 after the release of 156 prisoners and addition of 86 new prisoners yesterday. When the doors slammed shut Monday, the jail held 3,223.

On average, 150 prisoners are booked into the jail each day, while 148 are booked out, Minter said.

"The normal amount went out, but no one came in," he said of yesterday's activity. "But there was no crash program to reduce the jail population."

Minter said of the 72 released, 32 were sent to the state penitentiary; nine were paroled without having to check in at the penitentiary; and nine others met guidelines to get out on pretrial release, work release or

personal bond.

Those guidelines, set by district judges, require the prisoner to be a first offender, live and work in Tarrant County and have no violent history, Minter said.

The remaining 22 inmates were released because they posted bond or completed their sentences, Minter said.

A lack of space and an inability to care for inmates caused the latest shutdown, he said.

"We basically have the bare necessities as far as clothing the prisoners we have," Minter said. "It's a space problem, too, when you have housing in the tank for 15 and you've got 30 of them in there."

Along with the close quarters have come increased tensions among the inmates, Minter said.

"We've had an increase in the level of violence ..." he said. "We've just noted a marked increase in it for the last several months since the population has started to rise so drastically."

Since the county's new 1,440-bed jail likely will not open for more than three months because of problems with its smoke-evacuation system, Vandergriff said he is looking into additional bed space.

"Obviously we're going to be in a marginal situation daily for the next several weeks," Vandergriff said.

While some operators of correctional facilities around the state, including Austin, "are advertising for business," Vandergriff said he would like to find closer jail space, such as in Mansfield.

Staff writers Martha Deller and Stephen J. Kim contributed to this report.

# July 1 opening set for new county jail

BY FRANK PERKINS  
Fort Worth Star-Telegram

FORT WORTH — The Tarrant County Corrections Center with room for 1,440 inmates won't be open until the first of July, county officials said.

It will take that long — a year after the initial deadline — to fix a trouble-plagued smoke evacuation system so it can pass jail standards, said County Administrator G.K. Maenius.

But the county closed its jail once this week because of overcrowding, Maenius said, so officials hope that deadline can be moved up.

"The closing of the jail because of overcrowding certainly has not gone unnoticed by our contractors working on the smoke-purge problems," he added.

The Texas Commission on Jail Standards requires that such systems remove smoke and replace it with fresh air within four minutes. The jail system has not been able to meet the four-minute standard.

That failure has delayed the jail opening almost a year and added about \$2 million to the project's \$42 million cost.

The problem also has triggered tension between the system's designer — Yandell and Hiller, a Fort Worth engineering firm — and the building's general contractor, Robert S. McKee Inc.

Roger Yandell, the design firm's president, yesterday said that the design is a good one and that most of the building can pass state standards.

He said he was speaking because his firm's reputation is at stake because of "distorted coverage" of the smoke-evacuation system prob-

lems.

"From Day One of the original test [last August] only 10 percent to 15 percent of the building has had smoke-evacuation problems," Yandell said.

The original concept included using above-ceiling spaces and other voids as return-air ducts, Yandell said.

The spaces were inadequately sealed during construction, and when the smoke-purge system was activated, the returns sucked in outside air, he said.

He estimated that up to half the air being moved was outside air that had leaked into the supposedly sealed system.

"It is our opinion that, had there not been extensive air leakage into the system, there would have been no need for remedial alternatives to enhance the capabilities of the smoke-purge system," Yandell said.

Jim Toney, project manager for McKee, was angered by Yandell's statement.

"We've sealed those chases [ducts] and sealed them and sealed them and sealed them," he said. "They continue to blame the contractor for their problems and I will say right here that is not the case."

Toney said the chases are made of concrete masonry and are not airtight.

"You've got to include the fact they are not airtight in any design you come up with and make allowances for air leakage from them," he said.

Yandell said he did just that.

"Instead of designing for 15 air changes an hour, we designed for double the air changes," he said.



FW STAR-TELEGRAM  
THURSDAY EVENING  
21 MARCH 1991

# Jail dilemma

## County must rent cell space elsewhere

It's a story that has been repeated so often that many people probably could recite the details from rote: The Tarrant County jail is so full that it must be closed to incoming inmates. It is time to write the final chapter on the story.

As bad as the situation might seem, the closing words may not be too far off. A new jail stands almost ready. It has been built, but the smoke-purge system does not work. Experts are trying to fix it, and county officials believe the jail may be operational before too long. They must keep this a top priority, because summer — when the jail inmate population usually increases — is approaching, and that could compound jail problems.

Temporary solutions appear possible. Some municipal jails have space, so some of the cities that usually take their prison-

ers to county jail might be able to keep them a little longer than usual. Also, some jails built for profit — such as one in Mansfield — could take some of the county jail inmate overload for a fee.

Much of the blame for the crowding lies with the state, of course. It has failed to build enough prison cells to house all its felons, so many of them back up in county jails, such as the one here, crowding them. The state must solve its prison problem. It also should pay the counties for handling this costly inmate assignment, which a court has ordered it to do.

Meanwhile, though, Tarrant County has no choice but to lease jail space where it can find it and keep the pressure on until the new jail has been cleared for occupancy.

# Tarrant jailer arrested in criminal trespass

BY BILL TEETER  
Fort Worth Star-Telegram

FORT WORTH — A Tarrant County jailer was arrested yesterday on investigation of criminal trespassing after a woman told police a man entered her apartment.

The 23-year-old jailer was arrested about 6:10 p.m. at an address on North Normandale Street. He was freed after posting \$2,500 bail, said Sgt. William Casto of the Tarrant County Sheriff's Department.

An arrest warrant affidavit accuses the jailer of intentionally entering the apartment Friday without the resident's consent. The affidavit also states that he knew the entry was forbidden.

According to the affidavit, the woman locked her door in the Country Place Apartments on Thursday night, turned on her hall light, and then went to bed.

About 2 a.m. Friday, she was awakened by someone next to her bed, the affidavit states. She began

to scream and the man put his hand over her mouth and told her not to scream, it says.

The woman asked why the hall light was off and the man told her an electrical storm had knocked it out, the affidavit states. The man turned on the bedroom light and she recognized him as a jailer who works part time as a security guard.

The man said her front door was open and he had come in to check on her, the affidavit states, but a few minutes later, the guard told her he was playing a trick on his girlfriend and had entered the wrong apartment.

The woman asked the guard to show her how the door was open, and when he stepped outside to show her, she slammed and locked the door, according to the affidavit.

It says that when she checked the hall light switch, she found it in the off position.

Sheriff Don Carpenter said he had not heard of the incident.

## Tarrant Briefly

### FORT WORTH

#### Jailer is charged with trespassing

A criminal trespassing charge was filed yesterday against a Tarrant County Sheriff's Department jailer who is accused of entering a woman's apartment without permission.

Michael K. Peratovich, 23, was charged with criminal trespassing of a habitation, a spokeswoman for the Tarrant County District Attorney's office said.

An arrest warrant affidavit said the woman awoke to find Peratovich in her apartment at the Country Place Apartments, 9200 N. Normandale St., about 2 a.m. Friday.

Peratovich, who also works as a security guard at the apartment complex, said he had entered her apartment because the door was open and he wanted to check on her. Later, however, he said he was trying to play a trick on his girlfriend and entered the wrong apartment.

# Jail bill error costs thousands

**A \$2.3 million double  
payment to the  
contractor has meant  
lost interest income for  
Tarrant County.**

**BY BOB MAHLBURG**  
Fort Worth Star-Telegram

The general contractor for the trouble-plagued new Tarrant County jail was wrongly paid nearly \$2.3 million because of a mistake by County Auditor Jim Causey's office.

The county paid the scheduled monthly bill twice in October 1989, an error that also cost county taxpayers tens of thousands of dollars in lost interest over the 17 months.

It also leaves general contractor Robert E. McKee Inc. just \$340,000 short of the full payment for the \$42.5 million jail.

And while county officials had intended to keep about \$2 million until they were satisfied with the jail — which is a year behind schedule and \$1 million over its original contract — they will not try to regain the money.

The money was mistakenly paid when employees in the accounts payable section of Causey's office did not realize the monthly bill had been already been paid, said Causey's top assistant, Ron Bertel.

One payment was made Oct. 16, the other Oct. 30. A computer that's supposed to prevent such errors read the bill as a different charge because it was charged to the previous year, he said.

(More on JAIL on Page 4)

## Jail

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"It's an unfortunate situation," Bertel said. "The system didn't work."

No action will be taken against the employees involved in the error, he said. Bertel said procedures have been changed to make sure all past payments are checked before other bills are paid.

The county lost less than \$100,000 in interest income because the county gets just 4.5-percent interest under a competitively bid investment agreement with Texas Commerce Bank.

And, Bertel said, there is a benefit to the \$2.3 million mistake — it has

made the contractor "a lot more cooperative."

The mistake's impact was discovered during preparations for next year's county budget by Budget Officer Debbie Schneider. Officials thought they had withheld nearly \$3 million, Bertel said.

Normally, at least 5 percent of construction funds are withheld as "retainage" until a project is finished to provide incentive for contractors.

However, Bertel and the county's hired private project manager, Ed Rittmayer of Gilbane Building Co., agreed that the small remaining amount should be adequate incentive to finish the work, including repairs to a multimillion-dollar smoke-removal system that has thwarted the opening of the sorely needed 1,440-bed jail.

Installing the smoke-removal system is part of McKee's construction contract, but construction managers feel the problems stem from a design error instead of McKee's construction work, Bertel said.

"The obvious question in everyone's mind is the smoke-purge system and Gilbane has taken the position that McKee has built the system as designed," Bertel said.

Bertel said he privately briefed each county commissioner about within the last week.

"Based on the assurances from Gilbane, there was no immediate desire [by the commissioners] to get the money back," Bertel said. "That's not to say after they read a story in the paper they won't change their minds."

McKee officials could not be reached for comment.

FW STAR-TELEGRAM  
SATURDAY EVENING  
30 MARCH 1991

## Tarrant jailer suspended in trespassing case

BY BILL TEETER  
Fort Worth Star-Telegram

FORT WORTH — A criminal charge was filed Wednesday against a Tarrant County Sheriff's Department jailer in a case in which a woman said the man entered her apartment without permission.

Michael K. Peratovich, 23, was charged with criminal trespassing of a habitation, said a spokeswoman for the Tarrant County district attorney's office.

Sheriff Don Carpenter said Peratovich, who could not be reached for comment last night, has been suspended with pay. Carpenter said he did not know how long the suspension would last.

Peratovich was arrested on a warrant Sunday night but is free on \$2,500 bond.

An arrest warrant affidavit said the woman awoke to find Peratovich in her apartment at the Country Place Apartments, 9200 N. Normandale St., about 2 a.m. March 22. Peratovich, who also works as a security guard at the apartment complex, said he entered her apartment because the door was open and he wanted to check on her safety. Peratovich later said he was trying to play a trick on his girlfriend and entered the wrong apartment, the affidavit also stated.

# Short sentences

## Overcrowding leads to paroles for criminals who have

By DOMINGO RAMIREZ JR.  
Fort Worth Star-Telegram

Dennis Allen Huff of Hurst served only 11 months of his three four-year concurrent state prison sentences for burglary, forgery and possession of a controlled substance and he never left Tarrant County.

Huff is but one of hundreds of state prisoners who have been granted "parole in absentia": a safety valve to relieve pressure on a prison system so crowded that critics say it no longer works.

The result: Tarrant County taxpayers, not the state, have footed a \$22 million bill to house state prisoners in Tarrant County since 1987.

Although inmates such as Huff do not serve any less prison time before they're paroled in absentia, they serve their entire term in county jails. And counties will probably never recover that cost, officials acknowledge.

Criminal justice officials say PIAs are becoming far more common as state pressure mounts to keep prison

populations below 95-percent capacity. Just this month, county officials were forced to close Tarrant County Jail for a day because of an overflow of prisoners.

"Five to 10 years from now, we probably would be looking at locking ourselves up to protect ourselves from the criminals," said Steven Cuvelier, an assistant professor in criminal justice at Sam Houston State University in Huntsville. "I don't see the number of PIAs going anywhere but up."

That also means giving prisoners little or no accessibility to rehabilitation programs — most county jails just don't have the resources.

Texas is one of the few states to use parole in absentia. Authorized by the state Legislature in 1985, PIA works in tandem with the parole system. Felons who reach their minimum prison time while at a county jail are paroled without being sent to a Texas Department of Corrections facility.

Inmates who qualify usually are

## never been to state prison

serving time for property crimes such as burglary and theft. Inmates convicted of violent crimes are not eligible in Texas.

In fiscal 1989-90, there were 10,769 PIAs statewide, according to figures from the pardons and parole division of the Texas Department of Criminal Justice. The number of PIAs peaked in late 1989, when the state was averaging 1,200 per month, state figures showed. That figure has been about 650 per month this year — and shows signs of

climbing.

Of the estimated 670 state inmates in Tarrant County who are ready to go to state prisons each month, about 60 will be PIAs, according to Tarrant County jail records. Other state inmates wait to go to state prisons — or to be paroled later.

A Texas crime study released last month by the National Center for Policy Analysis in Dallas showed that 90 percent of felons in the Texas

(More on PAROLE on next page)

# Parole

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criminal justice system are "doing time" outside of prisons. The center is a non-profit, non-partisan public policy research institute.

Morgan Reynolds, a Texas A&M University economist who conducted the Texas crime study, said state government could reduce the cost of building and operating prisons to handle the overcrowded conditions by turning more of the system over to private enterprise, and by relaxing restrictions on private employment of prisoners.

"I'm not a big proponent of rehabilitation programs, but in some cases, an inmate may serve six months — and that's hardly enough time for those programs to work," Reynolds said. "It is a revolving-door system."

That problem is compounded for PIAs, who never make it through the correctional system established for rehabilitation of some prisoners.

In many cases, county officials say, prisoners who are eligible for PIA face harder times in county jails, where inmates are kept under much higher security and cramped conditions, and have little access to rehabilitation programs. In some cases, mattresses in county jails are stacked at every available spot on floors.

"There's such a diverse group mixing in at the county level. It's an unknown group, so you see tighter restrictions," Cuvelier said. "At county, you're not looking at a lot of recreational time."

"And they're not serving any less time as a PIA."

An inmate in absentia "does relieve pressures on county jails," said David Young, assistant director of the state's pardons and paroles division of the Texas Department of Criminal Justice in Austin. "It also helps reduce cost overall because inmates are paroled out."

Criminal justice officials acknowledged that they try to parole 150 inmates statewide every day.

Said Chief Deputy John Pempell of the Tarrant County Sheriff's Department: "It's a cost-saving measure if a person is eligible for it. That person will be out on parole, anyway."

Huff, for example, was arrested by Tarrant County authorities in May 1988 on charges of burglary, forgery and possession of a controlled substance. Two months later, he was sentenced to three concurrent four-year prison sentences.

On April 3, 1989, during the height of overcrowded prison problems, a state pardons and paroles board voted to parole Huff in absentia. Huff's parole is scheduled to end in May 1992, according to pardons and paroles records.

Huff hasn't stayed clear of the law. He was arrested earlier this month in North Richland Hills on traffic warrants and paid his fines only after being jailed.

Critics fear that convicts who are paroled relatively early in their sentences — and without participating in a rehabilitation program — will continue to have run-ins with the law.

Young defended the parolee system, saying that county jails statewide still send their worst cases to

state prisons. Tarrant County officials can send 60 prisoners a week.

"The parole process for PIAs parallels those at TDC," Young said. "Special PIA officers interview felons at county jails and make presentations to the [parole] board. The board then decides to grant or turn down a parole."

Felons charged with aggravated sexual assault, aggravated sexual abuse, aggravated robbery, aggravated kidnapping and capital murder don't qualify for PIA. Nor does any criminal found with deadly weapons, state officials said.

"Our utilization of it [PIA] has picked up the last couple of years," Young acknowledged. "Additional beds in the next few years should help alleviate the number of PIAs."

Pardons and paroles officials estimated that 15,000 beds will be built within the next three years.

Until then, Tarrant County residents must pay to feed state prisoners and to maintain those county jail cells for them.

Last summer, an Austin judge ordered the state to pay Tarrant Coun-

ty and 11 other counties more than \$120 million for holding felons in their jails. The state has appealed that decision.

For Tarrant County, the judge ordered \$15,080,840 as compensation from Sept. 28, 1987, through Feb. 28, 1990. Since then, the bill has increased to \$21,746,760 — or \$40 a day for each prisoner held in the county jail.

"Since that decision, I've already sent six more bills," said Ron Beral, an assistant Tarrant County auditor. "I wouldn't expect to see that paid because we haven't been paid for the other bills. We don't rely on the state to pay the bills because this is not a certainty."

Experts concur that any solution to PIAs or overcrowded prisons will ignite long debates.

"We're faced with some hard decisions," Cuvelier said. "This state could build more jails — but even 25,000 to 30,000 [beds] more by the end of this decade would only be adequate to keep all state prisoners in state facilities."

# Outage darkens jail cells

## Pipe leak damages building's breakers

BY DAVID CASTELLON  
Fort Worth Star-Telegram

FORT WORTH — County officials said a leaky pipe knocked out lights in offices and jail cells at the Tarrant County Criminal Courts Building, 402 W. Belknap St., for more than seven hours yesterday.

Chief Deputy John Pempsell of the Tarrant County Sheriff's Department said the building was plunged into darkness at 8:07 a.m. after water dripping from an old pipe shorted an electric breaker on the sixth floor and caused one of the building's main breakers to burn out.

Employees at the court building, which houses Tarrant County Jail, said emergency generators were turned on minutes after the blackout, and TU Electric was able to restore partial service to the 14-story building by 9:04 a.m.

Electricians spent much of the day looking for the damaged breakers and were able to get full power back by 3:15 p.m.

Pempsell said the blackout posed no security threat because it mainly affected the lighting in the building, and not the alarms and other security devices in the jail, which houses

## Jail

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nearly 1,000 prisoners.

"The only thing in the jail is that some of the electric doors don't function," Pempsell said. "They have to be opened manually, but we have plenty of staff to do this."

Because of the outage, sheriff's officials canceled visiting hours with prisoners for the day.

Rick Swain, an electrician for the

building, said the emergency power kept hall and corridor lights functioning in the building for most of the day, while most offices and the jail cells were in the dark.

This forced many employees, including Doris Hembree, a criminal investigator for the Sheriff's Department, to rely on flashlights to do their jobs.

"We can't stop for anything," Hembree said. "I've been answering phones, taking messages and working cases just like I normally would."

# County frees up payments for jail

*Money still withheld in ongoing dispute with 1 contractor*

BY FRANK PERKINS  
Fort Worth Star-Telegram

FORT WORTH — The county commissioners and the general contractor on the Tarrant County Criminal Justice Center have made a deal that unclogs a cash-flow jam to scores of suppliers and subcontractors.

Some have been waiting as long as a year for their final payments, because the county and Stolte Inc. have been feuding over the final payment for the \$39 million project.

"This settlement will have no impact on those disagreements," said Jack Hancock, the project executive for Gilbane Construction Inc., the county's construction manager.

A court suit seems certain over the dispute between the county and Stolte.

The agreement reached yesterday would have the county release all but \$450,000 of the \$1.851 million it has retained to ensure that the construction project was finished as bid.

The \$450,000 the county will keep includes \$300,000 in costs for repairs and other expenses the county has accrued to date on the project and \$150,000 for disputed completion claims with Stolte.

The county will deposit the remaining \$1.4 million in a restricted account for Stolte to pay out to specific subcontractors and suppliers. The county and Stolte first will have

to agree on the correct amount due each firm awaiting payment, Hancock said.

A parade of subcontractors has appeared at the last few commissioners meetings complaining that the fuss with Stolte is keeping them from final payments. For some, it meant bankruptcy.

Willie Templin of American Automatic Sprinkler Systems of Fort Worth, who is owed \$70,000, said yesterday's action was a step in the right direction.

"I am obviously greatly relieved," Templin said. "The county needs to be concerned with getting money past the general contractor and its arguments with him and down to the people who did the work."

County Judge Tom Vandergriff agreed.

"Hopefully, this settlement will lead to an early payment to our subcontractors," he said.

Commissioners also turned down a Gilbane recommendation awarding a low-bid \$5.297 million contract to Spaw-Glass Inc. to build a

new county parking garage behind the old Criminal Justice Building.

Spaw-Glass built the city's Equestrian Center in the Will Rogers Complex. The project was marked by disputes over subcontractor payments and overruns.

Commissioner Dionne Bagsby led the move to reject the bid, saying Gilbane did not "aggressively seek" other bidders, specifically minorities.

"I also think it needs to go to a Tarrant County entity if at all possible," she said. Spaw-Glass' main office is in Paris, France.

Gilbane's Ed Rittmayer said the county received only two bids on the \$6 million project despite his appeals to the black and Hispanic chambers of commerce and the Texas Associated General Contractors organization.

"We followed all the bidding rules and the law," Rittmayer said.

A majority of the court favored awarding the contract to Thomas F. Byrne Inc., the second bidder, even though the veteran Fort Worth firm's bid was \$300,000 higher.



THE FORT WORTH STAR-TELEGRAM  
EDITORIAL  
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## Editorials/Opinions

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*Pulitzer Prizes . . . Spot News Photography, 1981; Meritorious Public Service, 1985*

# Welcome ruling

## High court supports Tarrant's position

A U.S. Supreme Court ruling this week that Texas must pay for Harris County to move state prisoners out of its jail to other, less-crowded facilities is welcome ammunition in Tarrant County's continuing campaign to make the state live up to its commitment to reimburse counties for expenses incurred in housing state prisoners.

The court ordered the state to pay Harris County up to \$750,000 immediately to cover the cost of transferring inmates from overcrowded Harris County jails to facilities in neighboring counties. Gov. Ann Richards subsequently authorized the \$750,000 payment "under protest," but surely she recognizes that the state has the responsibility — both morally and legally — to pay for the upkeep of state prisoners held for unduly long periods in county jails.

The Supreme Court's ruling represents another encouraging step in a long-running feud between state government and a number of counties over who bears the financial responsibility for state inmates when the state prison system is too crowded to accommodate them. Clearly, that responsibility lies with the state, which has the obligation to increase its capacity for prisoners as the need arises. It is nothing

short of shameful that a group of counties, including Tarrant, had to file a lawsuit to get the state's full attention.

The suit in which Tarrant County is a party is not the same one ruled upon in this week's Supreme Court's decision, but Tarrant's position in its litigation — which it shares with 11 other counties — was certainly not weakened by that ruling.

Although the Tarrant County jail is not in a critical position at this moment, history has shown that the potential for crisis is ever present. The jail has been closed on a number of occasions because of overcrowding. The most recent such closure occurred two weeks ago, when the inmate population reached 3,200.

Part of the problem, of course, is the necessity to keep inmates here who should be in the state prison. And overcrowding at the county level is not the only problem. County officials figure that upkeep costs about \$41 a day per prisoner, which means that county taxpayers have been forced to pick up a huge tab to house and feed prisoners who should be the state's responsibility.

The fact that the U.S. Supreme Court has recognized where such responsibility lies cannot help but strengthen Tarrant County's already sound position.

# Jail sidestep

## Legislators keep dodging their duty

The Legislature often has a disgusting but predictable way of responding to problems. It dodges them.

A current case in point: The state has failed to provide sufficient prison space for all felons, so thousands are being housed in county jails. That is causing jail crowding and costing the counties millions of dollars.

Instead of building enough prisons or otherwise solving the problem, lawmakers are considering a bill stipulating that state prisons would not have to accept inmates from county jails if doing so would violate court orders. A federal court has a cap on the prison population.

That's a nifty way for the state to sidestep its responsibility. But the net effect would be that the state would shift many of its inmate-housing duties to the counties. Then, since the counties would have to continue incarcerating the felons in county jails, the financial burden would

be legislatively dumped on county taxpayers.

This sleight-of-hand tactic would be terribly unfair to county taxpayers because it would increase their property taxes and force them to assume the state responsibility of housing many felons.

Rep. Mark Stiles, D-Beaumont, has introduced this little gem. The Corrections Committee voted 5-4 to send it to the full House. Many county officials have called it awful public policy — which it certainly would be — and called upon lawmakers to work with county officials in solving the state's criminal justice crisis.

State officials should do that. They must stop trying to dodge paying the counties for incarcerating the felons and stop trying to evade providing enough prison space to house them. Instead, they must start doing the job they were hired to do — meet problems head-on and solve them — and quit dreaming up misguided, irresponsible ways to dance around them.

FW STAR-TELEGRAM  
WEDNESDAY 04-10-91

## House prison legislation worries Tarrant officials

BY JOHN COUNCIL

Fort Worth Star-Telegram Austin Bureau

AUSTIN — Tarrant County officials are worried that a bill the Texas House was to consider today might stick the county jail with millions in unpaid bills for housing hundreds of state inmates.

Legislation sponsored by Rep. Mark Stiles, D-Beaumont, would allow state prisons to turn away state inmates housed in county jails until state facilities have the space.

The Tarrant County Jail contains more than 3,100 prisoners, of which more than 500 are state prisoners. Tarrant County Commissioner Bob Hampton fears that if the Stiles bill is passed, the state may never have to take its inmates back or build more prisons.

"It's not stated, but it goes to the fact that if you have no responsibility to take [state prisoners], you have no duty to build any more prisons," Hampton said. "There's no incentive."

Tarrant and others large Texas counties are suing the state to receive compensation for housing prisoners who have been sentenced

to state prisons.

But Stiles says the state doesn't have the money to pay the counties off, and his bill could save the state from having to figure \$500 million into a state budget that's already strapped.

Stiles says that the state is building prisons as fast as possible, and that they can't accept prisoners for space they don't have.

"This is just making sure that everybody understands that this has always been our intent and it's going to be part of the law. I don't understand what they're upset about, to tell you the truth," Stiles said.

Gov. Ann Richards met with a group of county officials Monday to discuss jail overcrowding. Richards said they agreed the state and counties needed a long-range plan to slow the prison population, but she did not say she opposed Stiles' bill as some county officials would have liked. Richards said she is still weighing her options.

"I think that is the intention of the Mark Stiles bill is to say we cannot write a blank check and we're not going to do it," Richards said.

## LETTERS TO THE EDITOR

### FORT WORTH

#### County releases funds for justice center work

Tarrant County will begin releasing \$1.4 million in construction funds to pay subcontractors who have waited up to a year for payment for their work on the Tarrant County Criminal Justice Center.

County commissioners Monday approved an amendment to the agreement they signed last week with Stolte Inc. to free the logjam of subcontractor final payments.

The agreement does not settle the disagreement between the county and Stolte over disputed charges and work on the project.

The county retains \$1.84 million due the contractor for the project. It will release all but \$450,000, which county officials said is for county expenses in administering the project.

#### New path for criminal justice

Thanks for Richard Henderson's March 24 Op-Ed Page column, "How to save money while fighting crime." This should have been printed on the front page.

I think that lawmakers should pass a bill mandating the work-release program for misdemeanor offenders and those individuals who are not a threat to society. Judge Mike Mitchell disagrees with this program. Instead, he wishes to see more room in the crowded jails. Apparently, he's missing the big picture, in which taxpayers' dollars could be saved.

The work-release program would prepare and rehabilitate offenders into the job market and instill in them a sense of pride, self-esteem and responsibility.

—Robert Swift  
Fort Worth

#### Laughable punishment

Work-release programs were created for very specific purposes. The offender was incarcerated but allowed to continue or seek employment. This income was used for family support or restitution for a criminal offense.

The Tarrant County program is a weekend non-incarceration program that has not been successful as some people would want the public to believe. There are no-shows, participants under the influence of drugs or alcohol and participants arrested for other crimes while still in the program.

This illusion of punishment being fed to society is ludicrous enough. Work release for felons is truly nauseating. Who would these carefully screened, non-violent, first-offender felons be? The poor who must depend on a court-appointed attorney or the upper-class offenders who can afford high-priced attorneys?

An attorney tells of clients being grateful for work-release programs. There are thousands of sentenced felons grateful that they serve only one-tenth of their sentences. This attorney would be gratified to know that these same felons are just as grateful the second, third and fourth times they're convicted.

How ironic that those in our justice system are more concerned with its image than effectiveness. They look at strong punishment as uncivilized, yet their failure to implement strong punishment is destroying civilization. Work release for felons would be one more nail in our ever-increasing number of coffins.

—William Kaesler  
Fort Worth

# Man held after 2 shot dead

BY BILL HANNA  
AND LYDIA LUM  
Fort Worth Star-Telegram

**BENBROOK** — A 53-year-old man was jailed yesterday after the fatal shootings of his newly widowed daughter-in-law and a man he accused of having an affair with her.

The dead are Gail McGlothlin, 29, and Patrick Henley, 31, according to the Tarrant County Sheriff's Department. Gail McGlothlin's father-in-law, Jerry McGlothlin, 53,

was in Tarrant County Jail last night with arraignment expected early this morning. He has not been charged.

Yesterday morning, Jerry McGlothlin accused his daughter-in-law of having an affair with Henley before her husband, Eddie McGlothlin, died about three weeks ago, said Harvey Lantrip, a Tarrant County Sheriff's Department investigator. During a phone conversation, Henley and Gail McGlothlin

told Jerry McGlothlin they were coming to talk to him in person.

Lantrip said that Henley and Gail McGlothlin arrived about 10 a.m. at Jerry McGlothlin's company, Coast to Coast Roofing, 5120 Rocky Creek Road near Lake Benbrook. The three began arguing, Lantrip said.

Jerry McGlothlin told police he acted in self-defense. He said that when he again accused the two of  
(More on SLAYINGS on Page 2)

## Slayings

From Page 1

having an affair, Henley lunged at him and he fired, Lantrip said. Jerry McGlothlin told police he turned around, saw his daughter-in-law pointing a small handgun at him, and fired again, Lantrip said.

Gail McGlothlin and Henley were dead when sheriff's officials arrived about 11 a.m.

Investigators recovered a .357 Magnum revolver and a small handgun in the second-floor office where both bodies were found.

The owner of an adjacent company, Don Charron, said he heard the argument that led to the shooting. He said he heard yelling and screaming coming from the second-floor office about 10:20 a.m.

"I didn't think much of it, because I heard yelling over there all of the time," Charron said. "I heard Jerry accuse Gail of sleeping around. It was so loud you couldn't miss it. I didn't think anything of it, but then I saw one of the employees run out of there screaming and telling everybody to go home."

Charron said part of the argument may have revolved around Eddie McGlothlin's death. His share of the roofing company was willed to Gail McGlothlin, Charron said.

But Jerry McGlothlin's nephew, Patrick McGlothlin of Arlington, said he was not aware of any family disputes. He said Eddie McGlothlin, 32, died of pneumonia.

Lantrip said Eddie McGlothlin's death was ruled to have been due to natural causes, and the body was cremated.

Fort Worth Star-Telegram

WEDNESDAY P.M., SECTION B

T APRIL 24, 1991



Fort Worth Star-Telegram / TONY RECORD

Investigators remove one of two bodies

Patrick McGlothlin said Eddie McGlothlin and a brother, Ronnie McGlothlin, were adopted and helped their father build the company. About eight years ago, Ronnie McGlothlin left and opened Empire Roofing Co. while Eddie McGlothlin became more involved in his father's business and eventually became president.

"This is what Jerry wanted," Patrick McGlothlin said. "He wanted to turn over the business to him, maybe even both of the boys, because they helped him build the business."

He said he wasn't sure whether Eddie McGlothlin had left his share of the company to Gail McGlothlin.

The business was started about 20 years ago in Albuquerque, N.M.

## Sheriff's officers cleared in search

Two Tarrant County sheriff's lieutenants have been cleared of any significant wrongdoing after an investigation into allegations that they conducted a warrantless search of a jailer's residence.

Lts. Phil Cranz and Abiel Correa were with the sheriff's internal affairs unit at the time of the search. Fort Worth lawyer Leonard Schilling sent a complaint to Tarrant County Sheriff Don Carpenter saying that on March 13, Cranz and Correa searched detention Officer Billy Johnson's room.

Johnson was renting the room in the Saginaw home of Lt. David Sloane, who is also with the Sheriff's Department.

The internal affairs officers went to the home to look into a March 11 gun accident in which Johnson was injured.

The lieutenants are not being disciplined but have been transferred to other units in the department, Carpenter said this week.

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# Industrial park owner opposes prison project

BY FRANK PERKINS  
Fort Worth Star-Telegram

FORT WORTH — A Fort Worth industrial park owner is mobilizing opposition to a 400-person facility for parole violators scheduled to open July 8 in the old Fruehauf Trailer warehouse on Blue Mound Road in northern Tarrant County.

The facility will be owned and operated by Wackenhut Corp., the largest private prison corporation in the nation. It will house non-violent parolees in a 130,000-square-foot warehouse subleased from the Fruehauf Trailer Co., which moved its operations out of the 40-acre site about 10 months ago.

John Grace, owner of the 250-acre Meacham Freeway Center Business Park on Meacham Boulevard and Blue Mound Road across the street from the building, said he is upset at the secrecy of the project.

"No one I've talked to out here knew anything about it until a story ran in the newspaper a few days ago," Grace said. "When they heard about it, the Meacham Boulevard Committee, which I am member of, got very disturbed. I decided to stick my neck out and take the lead on attempting to get it stopped."

He said his actions may be too late.

"I understand they'll be signing the lease this week or the next," Grace said. He added that Wackenhut officials will meet with him Thursday to discuss the project.

Wackenhut officials said the inmates will be parolees who have committed technical violations of their parole, such as failing to attend

drug and alcohol abuse counseling or missing appointments with their parole officer.

Wayne Calabrese, the corporation's vice president for business development, said the facility will mean 100 jobs drawing an annual payroll of \$2.5 million and the pumping of \$1.5 million a year into the area economy for goods and services.

But Grace said that the plan is economic development suicide.

"Here's an opportunity to use this industrial park to bring in a major corporation with thousands of new jobs, but what we're getting out there is a form of a jail that will bring in only 100 new jobs. And can you imagine what will happen to future development when folks learn there is a jail in the center of the park?" Grace asked.

Jim Wells, an industrial real estate broker with Reitz, Alexander and Bruner and a co-chairman of the Tarrant County Economic Development Commission, said he agreed with Grace's concerns about the project's effect on the park's development potential.

"The parole facility would in effect kill the park," Wells said. "There is a very narrow, very thin market for what is an outstanding heavy industrial complex there, and it would take some very hard selling to convince a major corporation to move its operations next door to a penal facility."

Wells said one of his clients in Grace's park already is bothered by the Wackenhut prospect.

# *Escapee returned to jail*

## **Inmate caught after escaping from hospital**

**BY KATHY SANDERS**  
Fort Worth Star-Telegram

FORT WORTH — A Tarrant County Jail inmate, taken to the hospital complaining of chest pains, enjoyed a short-lived freedom yesterday after slipping past his hospital guard while in handcuffs, leg irons and a "belly belt," officials said.

He was found five hours later when a Sheriff's Department investigator — who'd just driven through a Dairy Queen and headed into the parking lot of a convenience store to watch for the escapee — said she found him making a phone call.

"Nobody had seen a picture of him; all we had was a description," said sheriff's investigator Doris Hembree. "I saw the faded black pants . . . saw that his right wrist was scraped and swelling and I noticed grass stains all over him. That kind of gave it away."

The man, William Franklin Ferreira, 24, was making a phone call at 810 W. Northside Drive, when he was taken back into custody at 11:35 a.m., officials said.

Already jailed on charges of theft and burglary of a habitation, Ferreira now faces a felony escape charge.

Hembree said Ferreira was taken to John Peter Smith Hospital about 8 p.m. Wednesday after saying he had chest pains. About 6:30 a.m. yesterday, he slipped past his guard and, still in chains, including a belt around his waist to secure his other shackles, made his escape, Hembree said.

At some point, Ferreira used a hammer to separate the leg irons and was able to uncuff one wrist, Hembree said. He then took a sock and covered the handcuffs, like a wrist band.

## Two men are charged with murder in separate Fort Worth slayings

FORT WORTH — A capital murder charge has been filed against a second suspect in the December robbery and slaying of a Fort Worth cabdriver, and a murder charge has been filed against a man for the slaying last month of a Fort Worth landscaper.

George Hermosillo, 21, was charged with capital murder yesterday by the Tarrant County district attorney's office, three days after he was arrested. He is being held at Tarrant County Jail in lieu of \$50,000 bail, jail clerk Nancy Hunter said.

Jose Fernandez, 21, a parole violator held since January in connection with the slaying, was charged Thursday with capital murder. Fernandez is being held

in lieu of \$500,000 bail, authorities said.

"He did also sign a statement that gave us information he and another person had gotten the idea from watching the news after a Dallas cabdriver was killed," police spokesman Alvin Allcon said after Fernandez was charged.

Lorain L. Dingman, 64, died approximately four hours after neighborhood residents found him slumped over the front seat of a Yellow Checker cab parked in a field in the 2800 block of College Avenue.

A murder charge was also filed yesterday against Donald Davis, 22, in connection with the slaying of Johnny Lee George, 27, who was gunned down April 25.



# State prison plan upsets county commissioners

BY JOHN COUNCIL  
Fort Worth Star-Telegram Austin Bureau

AUSTIN — A wide-ranging criminal justice plan promising 14,250 new prison beds without obligating the state to relieve county jail crowding moved quickly through legislative committees yesterday, angering Tarrant County officials.

Two similar plans approved by House and Senate committees would cost an estimated \$400 million to \$500 million, said House sponsor Mark Stiles, D-Beaumont.

The plans — introduced late last week and acted upon by the Senate Finance Committee and the House Criminal Jurisprudence Committee — would attempt to reduce jail crowding by doing everything from rewarding counties with cash incentives to completely revising Texas' penal code. The plans now go to the chambers' calendar committees.

Senate sponsor Jim Turner, D-Crockett, says the bills represent a unified effort between the state and counties to handle Texas' growing inmate population.

"The bottom line is that we all have the same interest — and that is keeping violent criminals behind bars and away from the public," Turner said. "We can't do this job unless it's cooperative venture."

So far, counties have not been pleased with the bills, saying they provide no incentive for the state to take its own prisoners.

The compromise jail bill angered Tarrant County commissioners, who quickly approved a resolution attacking the measure and ordered it sent by fax machine to the Capitol to get their official displeasure before the Legislature.

Controversial provisions in both the House and Senate bills would allow the state to refuse to accept state inmates  
(More on JAILS on Page 2)

## Jails

From Page 1

housed in crowded county jails until Texas prisons have the space.

"This is an ignorant, insulting bill," said Commissioner J.D. Johnson. "It is disgusting to even discuss this bill with our supposed state leaders. Maybe Tarrant County should do our own parole and probation because the state apparently is not capable to handle its duties."

Tarrant County and about a dozen other populous Texas counties are suing the state to have state inmates removed from crowded county jails.

Sponsors of the legislation say they have the support of Gov. Ann Richards, Lt. Gov. Bob Bullock and Speaker Gib Lewis.

A controversial provision that has county officials and lawmakers at odds says that the state does not have a duty to accept inmates from county jails. Turner said he may be willing to negotiate on that provision as a condition for settling ongoing lawsuits.

"If there's no settlement of that litigation, that language would remain just like it is, as far as I'm concerned," Turner said. "On the other hand, there may be some room in there for negotiation if the counties agree to bring about a dismissal of their litigation."

Lawmakers and county officials met with the state attorney general's staff on that provision yesterday.

Other major provisions of the bills include:

- A total one-time payment of \$10 million to \$11 million to counties with crowding problems.

- A revision of the state's penal code aimed at establishing a priority list of crimes and corresponding jail terms for those crimes.

Also yesterday, the House tentatively approved legislation to allow the state to relax the current 95-percent capacity limit on prison populations. State law sets a 95-percent ceiling because of a federal court order against prison crowding.

The 95-percent ceiling could be relaxed only if a federal court returns control of prisons to the state. The state criminal justice board, governor and attorney general also would have to agree to the change.

"I have only two words for those state officials who claim the counties have 'bought into' on this bill: Name one," Tarrant County Commissioner Bob Hampton said. "It is ridiculous to say this or any other county in Texas would buy into this measure."

Commissioner Dionne Bagsby said the bill is "dangerously irresponsible" and amounted to the state abandoning its constitutional duties.

FORT WORTH STAR-TELEGRAM

WEDNESDAY

15 MAY 1991

## A bad plan

### State jail proposal would hurt counties

Legislators still don't get it.

For the benefit of anyone who may have been out of touch with civilization for the last few years (including lawmakers), let's restate the problem: Texas has failed to provide enough prison space for all of its inmates. So county jails have been forced to house much of the overload, putting a tremendous financial burden on the counties. Tarrant County's estimated cost to date is \$30 million.

So what do some lawmakers propose to do? Pass a bill that would legally and permanently transfer much of the responsibility for incarcerating some of the felons from the state to the counties. Easy does it.

Faster than you could say sleight-of-hand — and so quick that Tarrant County officials could not personally protest but had to respond by faxing their opposition to Austin — a plan was whisked through legislative committees. On its face, it might sound nice. But it is woefully lacking and terribly unfair to county governments and county taxpayers.

Sponsoring lawmakers billed it as a plan to relieve prison/jail crowding and

said it is a unified effort between state and county governments. If this be unity, Texans had better duck for cover. County officials are screaming their heads off in protest.

And with good reason. The proposal by and large ignores the problem. And, to the extent it does recognize it, it would shift the massive, costly burden of incarcerating many felons to the counties. Oh, the state dangles a carrot, but the carrot is not nearly large enough to cover the counties' cost.

Plainly and simply, the plan would allow the state to stop accepting inmates until Texas prisons have space. It calls for building thousands of new prison spaces but not nearly enough. So the counties would continue to be forced to keep many felons in their jails at great cost.

This plan won't get the job done. Legislators should put it on hold, get back in touch — *really* in touch — with the counties and devise a truly unified plan that would assure that the state will assume its responsibility by housing felons and, if not, fully reimburse the counties for performing that function.

FW STAR-TELEGRAM  
21 MAY 1991

# Senate endorses jail compromise

## State promises to build prisons to ease county overcrowding

By JOHN GONZALEZ

Fort Worth Star-Telegram Austin Bureau

AUSTIN — A far-reaching but fragile compromise was reached yesterday between the state and counties with overcrowded jails.

Under the hard-fought agreement sanctioned by the Senate, Tarrant County would surrender its legal claim to money spent housing prison-bound inmates in exchange for the state's written promise to accept all felons within 60 days of sentencing beginning in 1995.

"Every county should be overjoyed," said sponsoring Sen. Jim Turner, D-Crockett. "This is a major concession on the part of the state."

The pact was endorsed 26-4 in the Senate and was sent to the House, where an uncertain future awaits as the legislative session enters its final and most hectic week.

Some House members are expected to balk at the bill's hefty price tag — at least \$500 million to build 28,500 new prison beds by 1995, in addition to the 15,000 beds being

built.

"This isn't just a feel-good bill. It's going to hit the back pocket," said Sen. Ted Lyon, D-Rockwall.

The prison system has about 50,000 beds now, but fewer than 100 beds were available yesterday. Counties, meanwhile, are housing about 9,000 inmates sentenced to the Texas Department of Criminal Justice.

Winning House support isn't the main problem, proponents of the deal said. They're more concerned about whether Harris County — which has the biggest backlog and claims the most money owed — will change its mind about accepting the offer.

The proposal was worked out Sunday after five weeks of talks among Gov. Ann Richards, state attorneys, legislators, prosecutors, judges and county and prison officials. The compromise was endorsed by Tarrant County Judge Tom Vandergriff.

The House won't be asked to consider the bill until Harris, Tarrant,

Dallas and nine other counties that sued the state agree to drop their case, which could take several days.

Last year the state was ordered to pay the 12 counties at least \$110 million, but the state has appealed that ruling.

Under the tentative agreement, complaining counties would share only \$11 million immediately but in 1995 would be assured that the state has a legal duty to house sentenced felons.

While Texas law says the state has a responsibility to incarcerate felons, crowding at the state and county levels during the past decade has forced the courts to examine whether that responsibility is the same as a compelling duty. The state has argued that it isn't; the counties contend the opposite.

Vandergriff said that he hopes each of the counties will deal quickly with the question of whether to halt the litigation. Tarrant County commissioners are scheduled to meet Friday, but might hold an emergency meeting before then, he said.

FW STAR-TELEGRAM  
23 MAY 1991

## 600 paroled as prisons near limit

The Associated Press

DALLAS — More than 600 felons have been paroled in special hearings in the past month as the Texas prison population edges toward a court-imposed limit, according to a published report today.

The *Dallas Times Herald* reported in a copyright story that special hearings were conducted twice in the past month for hundreds of inmates, resulting in parole approval for more than two-thirds of those considered.

"This is not really designed to just open the floodgates and let out people who don't deserve to be out,"

said James Granberry, parole board chairman.

Known as "special reviews," the hearings are the first since the fall of 1989, when a parole panel worked nonstop for several weeks to consider every eligible inmate in the prison system, said Granberry.

In the most recent hearings Monday and Tuesday, a special three-member panel of the Texas Board of Pardons and Paroles reconsidered the cases of 547 inmates earlier denied parole. That panel voted to release 304 inmates, the newspaper reported.

The state prison population yes-

terday was 46,707 inmates, or 94.68 percent of capacity under limits set by a federal court, officials said.

The Texas Board of Criminal Justice on Friday adopted a policy allowing prison managers to slow or stop admissions from county jails when prison population approaches 95 percent of capacity.

Carl Jeffries, the prison system's assistant director for classification and treatment, said if the policy prevents population from hitting the court-mandated 95 percent cap, the system could avoid triggering the state Emergency Prison Management Act.

# No agreement reached on crowded prisons

BY JOHN GONZALEZ

Fort Worth Star-Telegram Austin Bureau

AUSTIN — Gov. Ann Richards met for nearly two hours yesterday with officials from Tarrant and other counties in an unsuccessful effort to nail down an agreement that would end jail crowding woes.

Richards emerged from the negotiations with representatives of urban counties who are suing the state only mildly hopeful that a compromise will be reached any time soon, but Tarrant County Commissioner Bob Hampton said the two sides are closer than ever to satisfying their respective demands.

The state has offered to build 28,500 new prison beds by 1996 at a cost of at least \$500 million if the counties will drop their lawsuit seeking monetary damages for having to keep prison-ready inmates in jail because of prison crowding.

The plan, detailed in legislation, was approved by the Senate this week and is on the House calendar for a vote today.

Proponents urged the 12 suing counties to agree to withdraw their lawsuit as soon as possible, but officials from several of the counties were unable to win quick agreements from their commissioners courts. That prompted Richards to summon the county representatives.

"It's important to us, if this is to go forward . . . that we have some kind of an agreement from all the counties that the litigation then will be resolved and cease," she said.

Pressed for a prediction on the

outcome, Richards said: "I don't know whether it will [be accepted] or not. I do think, though, that we've made tremendous progress, and there's a whole new feeling of trust among the people who are involved in these discussions.

"By and large, everything is very good. I just can't promise you that it's a done deal yet, because it isn't."

Hampton said he has a selling job with fellow commissioners because of lingering questions about how, beginning in 1995, the state will handle its responsibility to accept felons within 60 days after they are ready for transfer to prison.

"That might be a sticking point," Hampton said.

"Whatever comes out of these negotiations must be approved by at least two other commissioners, or perhaps three if not myself," he said.

The House sponsor of the legislation, Rep. Mark Stiles, D-Beaumont, praised Richards' negotiating effort.

"All I can tell you all is that Governor Richards is a magnificent negotiator, and I feel like we are going to have what is going to be looked upon as a long-term comprehensive answer to the county jail overcrowding problem," Stiles said.

Stiles said the counties want the bill amended to provide more short-term money to compensate them for housing felons the state has no place to put and to include a cap on how long counties have to hold state prisoners.

"I think that counties realize that the state is their partner," he added.

Monday, May 27, 1991

*Bubba Flint*

# TEXAS CRIMINAL JUSTICE SYSTEM



Special to the Star-Telegram / BUBBA FLINT

# State seeks suits' end, more beds

BY JOHN GONZALEZ

Fort Worth Star-Telegram Austin Bureau

AUSTIN — The state prison system will break ground next month for four new penitentiaries, but the new units will not be enough to alleviate jail crowding problems.

Instead, at a cost of \$1 billion, the Legislature this week agreed to embark on another round of prison building — adding 28,500 beds to the existing 49,333 beds and the 12,750 authorized for construction.

By promising to increase capacity to 90,583 beds by 1996, state officials hope to end the costly lawsuits resulting from prison and jail crowding.

"I was surprised that we were successful in accomplishing the jail suit legislation," Gov. Ann Richards said yesterday. "We still don't know if all the counties are going to agree, so it's not all said and done."

In addition to the \$1 billion construction commitment, the bill provides for the state to pay \$143 million to counties for housing felons and for incentives to divert them from prison. The legislation is an attempt to settle a legal dispute involving the state and a dozen Texas counties, which contend they should be paid for housing convicted state felons. But the law takes effect only if all 12 counties agree to suspend their lawsuits against the state.

"This is a very substantial commitment," said Sen. Jim Turner, D-Crockett, who negotiated the pact.

Officials from Tarrant and 11 other counties meet tomorrow in Austin to decide whether to accept the offer.

Final details of the agreement were being worked on yesterday by attorneys for the state and counties.

In litigation brought by the 12 counties — Tarrant, Dallas, Collin, Lubbock, El Paso, Travis, Bexar, Hidalgo, Victoria, Hunt, Galveston and Nueces — the state contended that it had no duty to squeeze felons into the Texas Department of Criminal Justice, which operates under federal court-ordered population

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## Jails

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limits.

But a Travis County judge ruled against the state and ordered it to pay the counties \$110 million for past upkeep of felons. The case is on appeal to the 3rd Court of Appeals in Austin.

Harris County, whose jails are enduring the largest felon backlog in the state, has separate litigation pending. A federal judge ordered the county to end jail crowding by transferring excess felony inmates to other jails and to send the bill to the state.

Consequently, Harris County has been billing the state about \$750,000 every 18 days. Johnson County officials are negotiating to take some Harris County inmates.

As a result of negotiations that went literally to the final hour of the 140-day legislative session, Tarrant and other counties will receive limited compensation for housing prison-ready inmates until 1995.

Counties formally must accept

the compromise within three weeks or risk a veto by Richards. The deal also requires the Legislature to carry out a complete revision of the Texas Penal Code, including laws on sentencing.

Tarrant County will share in the \$143 million set aside for counties, but its main crowding relief will come from the opening of the new 1,400-bed Tarrant County Jail in midsummer.

County Judge Tom Vandergriff said he expects Tarrant commissioners to agree to the settlement but he was withholding judgment until a final draft of the agreement was available.

Criminal Justice Board member Allan Polunsky said the promised prison construction push will be challenging for prison administrators, but should put an end to the long-running dispute.

"It's historic. It will give us an opportunity to focus on the future expansion of the prison system, and not on intramural fighting among the counties of Texas. There's been too much of that and it's really drained our resources," Polunsky said.

# Counties undecided about new prison bill

BY JOHN GONZALEZ

Fort Worth Star-Telegram Austin Bureau

AUSTIN — Tarrant and 11 other counties that joined together to sue the state over jail-crowding costs failed to reach an agreement yesterday on whether to drop the litigation in return for a state promise to solve the crisis by 1996.

The 12 counties have until June 16 to drop their suit. Otherwise, Gov. Ann Richards has threatened to veto a hard-fought compromise bill passed Monday that would ad-

dress the issue through a \$1.1 billion combination of prison construction and direct payments to counties.

As a fresh reminder of the cost of jail crowding, a Travis County district court jury yesterday decided in a separate lawsuit that Harris and Montgomery counties are owed more than \$50 million for housing inmates that the state should have held.

The jury found that from Sept. 28, 1987, through April 30, 1991,

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Harris County should be paid for 2.3 million prisoner-days at a rate of \$21.34 per day, or about \$49 million.

For Montgomery County, the finding was for 65,256 prisoner-days at a rate of \$17.31 per day, or about \$1.1 million.

In a third lawsuit, Harris County is under a federal court order to avoid jail crowding. The order requires the county to ship extra inmates to other counties and send the state the bill, which averages \$750,000 every 18 days.

In their suit, Tarrant County and 11 other counties last year were awarded a total of \$110 million as reimbursement for housing felons.

The counties would forgo that sum if they drop their suit. In return, the state would spend \$1 billion on prison construction and give \$143 million to counties for diversion programs and direct payments of \$20 a day for housing each felon until Sept. 1, 1995.

Under the legislation on Richards' desk, the state, beginning on Sept. 1, 1995, would have an explicit obligation to find room for all felons within 45 days after their sentencing papers are completed.

Part of the Travis County jury's ruling was that five days after sentencing was a reasonable time for the state to take custody of Harris felons. For Montgomery County,

jurors considered seven days to be the reasonable time.

But those findings apparently did not play a large role in the other counties' disagreement over whether to accept the state offer, their lawyer, Steve Bickerstaff, said after he met privately with county representatives.

"We were advised of it [the ruling], but we had enough other issues to deal with that we didn't really concentrate on the Harris County suit," Bickerstaff said.

"We discussed the proposed settlement from the state and there remain some issues that will have to be resolved satisfactorily with the state. I don't yet know what the result will be," he said.

"We've got 12 counties and we've got 12 different points of view," he added.

The lawyer declined to identify points of contention, saying merely that the counties were not ready to sign off on the pact.

Tarrant County Judge Tom Vandergriff, who participated in the meeting, was not available for comment.

Attorney General Dan Morales said he remains hopeful that the counties will accept the state's offer. He said the jury ruling should convince both the Legislature and counties that the pact is a good deal.



# Heads or tails?

## Promotions decided with a coin flip

BY FRANK PERKINS  
Fort Worth Star-Telegram

FORT WORTH — Two high-ranking Tarrant County sheriff's officers — including the warden of the Tarrant County Jail — won their promotions on the flip of a coin.

The coin toss, said Sheriff Don Carpenter, was the fairest way to give two candidates with equal abilities a fair shot

at a promotion.

Deputy Chief Barbara Williams flipped a quarter in April to decide whether Sgts. Steve Trubey or Quentin Maxey would be promoted to lieutenant in the criminal warrants division. Maxey won.

And Carpenter said he flipped a coin two years ago to decide between Capts.

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## Coin

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Savalla Swanson and Ralph Hayes for promotion to major. Swanson won that call.

Swanson was named warden of the low-risk facility shortly thereafter and in August became warden of the main jail.

"Flipping a coin makes everything fair across the board," Carpenter explained. "When you've got two people who are absolutely top men out for the same job, the best way is to flip a coin and let the best man win. That way, it's hard for anybody to say I was partial, and there can't be any bitching.

"I'm not partial. Everybody up here is treated the same whether they're men or women, white, black, brown or what-have-you."

Swanson and Maxey are black; both losers in the coin tosses are white.

Determining promotions by flipping a coin is not a widespread practice among other county departments, according to Gerald Wright, county personnel officer.

"I have never heard of it in any other department since I've been here," Wright said. "We have nothing in our personnel policies that would allow any sort of coin flipping. We would never approve that method for determining a promotion."

Wright said the sheriff's officers are under state civil service rules, which require managers to decide which candidate is best qualified by evaluating work records, not flipping a coin.

"We certainly wouldn't advise any department head to make such decisions based on the flip of a coin," Wright said.

The losers in the Sheriff's Department coin flips apparently are content with the outcome.

"Well, I wished I had won it, but Maxey is a good man and he's doing a good job," said Trubey, a 22-year veteran of the department. "I thought it was fair, but I wish I had been the winner."

Said Maxey, a 14-year veteran: "We've been good friends for years. We both agreed to settling the question with the coin flip and we are still friends."

Swanson and Hayes work in the confinement office, and they, too, are still friends, Swanson said.

Swanson, an 11-year employee of the department, said he and Hayes agreed to the process.

"It is an acceptable method of determining a winner when you

have two candidates who are equally well-qualified," he said. "Of course, I am speaking as the man who won the call."

Asked if he was happy with the outcome, Hayes said, "I'm still working at the Sheriff's Department; that's all I have to say."

Three county commissioners said they would never use coin flips to promote employees.

"Calling heads or tails is not in my county personnel manual," said Pct. 1 Commissioner Dionne Bagsby. "It would be bad for morale."

Pct. 2 Commissioner Marti Van-Ravenswaay said, "A manager must make promotion decisions based on a careful evaluation of the employees under established personnel procedures."

Commissioner J.D. Johnson said he values his employees "too much to just rely on a coin flip to determine who gets promoted."

# Sheriff Flipper

## Coin toss is not a management tool

*There once was a sheriff from Tarrant,  
Whose unorthodox ways were apparent;  
He promoted sometime,  
On the toss of a dime,  
Making career risks even more inherent.*

Heads you win. Tails you lose. Football games start with a coin toss. The winner gets to decide whether to kick or receive. Fair enough. But when it comes to deciding a career promotion, surely there are better ways.

Sheriff Don Carpenter has his own way. He has used the coin flip in some instances to decide who gets promoted — and who doesn't. The sheriff says his system is fair, shows he's impartial, is not illegal and is a good way to decide which of two people who are exactly equal should be promoted.

Needless to say, other courthouse offi-

cial disagree. The personnel office and various county commissioners in so many words say no, no, never. They say promotions should be based on employee evaluations under established personnel procedures. They are right.

Trouble is, the sheriff can pretty much control what goes on in the sheriff's office. One thing he should control, though, is this practice of sometimes promoting via coin toss. It not only is bad for morale and awful management practice, it could also unfairly and harmfully flip the career of some employee who deserves — and has every right to expect — better.

## Deputy suspended over car

### Officer drove vehicle that was stolen in '87

BY BILL TEETER  
Fort Worth Star-Telegram

FORT WORTH — A Tarrant County sheriff's deputy has been relieved of duty while city police complete an investigation into why he has been driving a luxury car reported stolen in 1987.

The deputy, who works in the Sheriff's Department Internal Affairs Division, was suspended with pay at noon Tuesday, Sheriff's Capt. Pat Howell said. City detectives, rather than county investigators, are looking into the case because the car was stolen within Fort Worth police jurisdiction, Howell said.

A stolen vehicle report written May 9, 1987, describes the car as a two-tone, gray, four-door 1983 Lincoln Town Car. The car was taken from 2130 Jacksboro Highway sometime between 9:30 p.m. May 8, 1987, and 12:30 a.m. May 9, 1987, the report shows.

The deputy, whose name authorities would not release, was interviewed by city detectives, said Capt. D.L. Reagan, head of the Fort Worth police Criminal Investigation Division. The contents of the interview could not be released, Reagan said.

The deputy has not been arrested, and detectives yesterday had not decided what action to take in the case, Reagan said.

Authorities declined to say how they learned that the car driven by the deputy had been reported as stolen.

In his duties in internal affairs, the deputy handles jail prisoner grievances and discipline, Howell said.

# 12 counties accept state deal on jails; 2 refuse settlement

BY JOHN GONZALEZ  
Fort Worth Star-Telegram Austin Bureau

AUSTIN — Negotiations to remedy statewide jail-crowding problems progressed on one front but stumbled on another yesterday, the eve of a legal deadline for settlement of the long-running county-state dispute.

While Tarrant, Dallas and 10 other counties agreed to drop their lawsuit against the state in return for the Legislature's pledge to build more prisons, two other counties — Harris and Montgomery — refused

to sign off on the deal yesterday.

Without the pact, Gov. Ann Richards said she will veto legislation that would commit the state to a \$1 billion prison-building push by 1996.

Tomorrow, 20 days since the end of the legislative session, is the last day Richards can veto bills or sign them into law.

A bill containing that prison-building commitment was passed in the last hour of the Legislature on May 27. But it contained a provision

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## Jails

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making the promise invalid unless the counties abandon by midnight tonight various legal claims to money owed for housing felons.

About 9,000 felons are housed in jails and awaiting transfer to prison units. Some counties are seeking millions of dollars for years of what they consider state charges.

The state has claimed that it doesn't have a legal obligation to immediately take custody of felons. The bill on Richards' desk would clarify that issue and obligate the state, beginning in 1995, to accept felons within 45 days of completion of sentencing paperwork.

The compromise bill also specifies that until 1995, counties would be paid \$20 a day to house felons, or roughly half the average cost.

But those provisions were deemed unsatisfactory by Montgomery and Harris counties, whose officials said the bill's other key feature — one-time payments to complaining counties — were woefully inadequate.

Montgomery County commissioners, meeting in Conroe yesterday, voted unanimously not to drop the damage suit they have pending with Harris County. Two weeks ago, a jury awarded the two counties more than \$50 million for past upkeep of prison-ready inmates.

Harris County officials, meeting yesterday in Houston, continued to balk at ending their litigation, despite a personal plea from state Attorney General Dan Morales.

Instead, Texas' largest county issued a counterproposal that would require the state to agree to increasing the number of inmates accepted from its jails, from 180 a week to 250 weekly. The proposal also would require the state to lift the prison population caps that it has imposed on itself to comply with federal court mandates.

Dave Walden, executive assistant to Harris County Judge Jon Lindsay, said that if the state accepts the offer today or tomorrow, Montgomery County officials will agree to end the lawsuit.

"We'll just have to wait and see," he said.

Richards is in Washington, D.C., and is expected to return to Texas this afternoon.

The 12 counties involved in a separate lawsuit were mostly unanimous in agreeing to drop their pending claim in which a judge awarded them \$110 million. The case was appealed by the state.

Tarrant County's decision to go along with the suit termination was a close call, however. Commissioners voted 3-2 to join the settlement.

County Judge Tom Vandergriff, who along with Commissioners Dionne Bagsby and Marti VanRavenswaay voted in favor, said the agreement was less than perfect but a step forward in ending the protracted legal battle.

Vandergriff said that the state agrees in the settlement to build almost 30,000 more prison beds by 1995 and pay the counties \$23 million. The county, meanwhile, only concedes to put aside the lawsuit provided the state complies with its pledges.

The counties, he said, retain the right to reinstate the lawsuit at any time if the state does not live up to the agreement.

"It [the settlement] isn't the perfect world I would have hoped for, but it makes it a better world," Vandergriff said.

"I think the settlement . . . repre-

sents a meeting of the minds that is shared statewide, and that is that the state should be out of the courtroom and in the construction business," he said.

Commissioners Bob Hampton and J.D. Johnson opposed the measure because they believed it would do little to compel the state prison system to quickly accept convicted state felons.

The agreement gives the state up to 45 days to accept the prisoners. That is too long a time, Hampton said, because it takes the county about 10 days to process the paperwork on a convicted felon, and giving the state an additional 45 days would only serve to perpetuate the severe overcrowding problem.

Only if the state would agree to take custody of the prisoners within 14 or 15 days would he favor the settlement, he said.

"The state doesn't live up to its responsibilities," Hampton said of the settlement. "It [the 45-day clause] is still a sticking point with me, and I, in good conscience, cannot consider this is to be good public policy."

Staff writer Victor Inzunza contributed to this report.

# Court deals blow to suits filed by crowded prisoners

Chicago Tribune

WASHINGTON — Crowded cells, unsanitary facilities and other problems in the nation's prisons do not constitute cruel and unusual punishment unless inmates can prove "deliberate indifference" by prison officials, the U.S. Supreme Court ruled.

Voting 5-4 in an Ohio case, the court said that prisoners must show more than negligence on the part of prison officials to win

lawsuits over the conditions of their confinement. However, the justices said that inmates do not have to go so far as to prove that officials acted with malicious cruelty.

In a partial victory for prisoner Pearly Wilson, the court unanimously ordered a new review of his case by the 6th U.S. Circuit Court of Appeals, which had thrown out the suit because Wilson had not

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## Prisons

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shown that officials acted "maliciously and sadistically for the very purpose of causing harm."

The ruling could have implications on a pending federal lawsuit filed by inmates over conditions in the Harris County Jail, Texas officials said.

Ruling in what is known as the Alberti case, a judge recently held that conditions in the Harris County Jail were unconstitutional, ordering the county to shift overflow inmates to other counties and the state to pay those costs. The state was held responsible for the costs because it did not provide adequate space for felons.

"Our attorneys see enough of a parallel that they're going to do some pretty energetic research to see if it's a standard that could apply in the Alberti case," said Gray McBride, spokesman for Texas Attorney General Dan Morales.

Dissenting justices in yesterday's ruling said the "deliberate indifference" standard would be nearly impossible to prove in many cases and could leave officials free to argue that inhumane conditions resulted from lack of state funding rather than their indifference.

"The ultimate result of today's decision, I fear, is that serious deprivations of basic human needs will go unredressed due to an unnecessary and meaningless search for 'deliberate indifference,'" Justice Byron White wrote for the dissenters.

"Inhumane prison conditions often are the result of cumulative actions and inactions by numerous officials inside and outside a prison, sometimes over a long period of time. . . . In truth, intent simply is not very meaningful when considering a challenge to an institution, such as a prison system," he said.

White said that since states have chosen imprisonment as a form of punishment, they "must ensure that the conditions . . . comport with the 'contemporary standard of decency' required by the 8th Amendment."

He was joined by Justices Thurgood Marshall, Harry Blackmun and John Paul Stevens.

However, the court majority said it merely was extending the standard used in previous cases, starting with a 1976 ruling that rejected an inmate's claim that prison doctors violated his rights through their treatment of his medical needs.

Because the 8th Amendment specifically bars cruel and unusual "punishment," Justice Antonin Scalia wrote for the court, "If the pain inflicted is not formally meted out as punishment by the statute or sentencing judge, some mental element must be attributed to the inflicting officer before it can qualify" as a violation of the Constitution.

Chief Justice William Rehnquist and Justices Sandra Day O'Connor, Anthony Kennedy and David Souter also voted in the majority.

"This decision essentially immunizes prison officials from any accountability unless their conduct is grotesque," said Rodney Joslin, managing partner of Jenner & Block, a Chicago-based law firm that often takes prisoner rights cases without charge.

Staff writer John Gonzalez contributed to this report.

## Sheriff's challengers setting up, taking aim

BY JAMES WALKER  
Fort Worth Star-Telegram

Challengers already are lining up for their shot at Tarrant County Sheriff Don Carpenter in next year's elections.

At least five Republicans are considering running against Carpenter in the GOP primary in March and River Oaks Police Chief Dub Branson, a Democrat, has been gearing up for months for a run at the sheriff

in the general election almost a year and half away.

Carpenter, who rode then-President Ronald Reagan's coattails into office in 1984 and shocked many observers by winning re-election in 1988 after a controversy-filled first term, said yesterday that he will seek a third term.

"Yes sir, I'm going to run again and I'm going to be sheriff again,"

(More on SHERIFF on Page 2)



Don Carpenter: Believes he can win third term

## Sheriff

From Page 1

Carpenter said.

If so, Carpenter will have to survive a primary fight with, among others, former Democrat Jim Hunter, who lost to Carpenter by fewer than 700 votes in 1988, and possibly with former Republican County Commissioner O.L. Watson, whose political career generated almost as much controversy as the sheriff's.

One of Carpenter's employees, investigator Mike Utley, and Assistant District Attorney James McEntire said yesterday that they will seek the GOP nomination.

Haltom City police Detective David Williams is considering a run for the nomination, Republican sources said. Williams couldn't be reached yesterday.

Carpenter's second term has been marked by a series of controversies, including the 1989 shooting death of court clerk Juanita Hermosillo. Hermosillo was shot by her boyfriend, Manny Cabano, at the Tarrant County Courthouse during a hostage incident in which Carpenter ordered the Fort Worth Police Department's tactical squad to leave the scene. He then personally conducted negotiations with the boyfriend, a former sheriff's deputy. Cabano killed himself after shooting Hermosillo.

Also in 1989, Carpenter temporarily stopped accepting prisoners from Tarrant County cities because he said the county jail was crowded.

Throughout his tenure, Carpenter has had strained relations with other department heads in county government. He is also involved in a 3-year-old court battle with county commissioners over control of the Banana Wagon commissary that sells candy and cigarettes to jail prisoners.

Carpenter also has come under fire for unorthodox management practices, including flipping a coin to decide which of two employees would get a promotion.

Still, Carpenter said he has done a good job as sheriff and plans to run on his record.

"I feel great and I'm not worried about anything," he said.

Hunter, who has scheduled a formal announcement of his candidacy this morning, was second-guessed for not running a more aggressive campaign against Carpenter in 1988. He does not plan to make that mistake again, if his opening campaign strike is an indication.

"Currently, management of the Tarrant County Sheriff's Department reminds me of Dante's *Inferno*," Hunter said in a statement concerning his planned entry into the race. "The further you journey into the organization, the more horrors are revealed."

Watson, who was defeated in the 1990 Republican primary after a former county employee filed a sexual harassment complaint against him, said he is pursuing legal action against the employee.

Watson has commissioned a poll and will be guided by its results in deciding whether to run for sheriff, said a Watson associate who asked to remain anonymous.

Utley, who said Carpenter has made life difficult for him at work since he learned Utley might oppose him, said morale in the Sheriff's Department is so low, "it would have to climb up for there to be any morale."

Utley said Carpenter was responsible for the termination of a grant from the state and the North Central Texas Council of Governments that provided funds for his juvenile investigator job.

Carpenter said he had nothing to do with the termination of the grant and confirmed that Utley will be transferred to a job in the jail when his current job is over.

McEntire said he decided to run because "it's time Tarrant County had a professional Sheriff's Department."

Branson, who, if he wins the Democratic nomination, might face Carpenter in the general election in November 1992, was reluctant to criticize Carpenter.

But he said that deciding promotions with a flip of a coin is "the most ridiculous thing I've ever heard of. It's a management copout."

# County sheriff

## New definition could revitalize office

This joke is making the rounds at the courthouse: Why not pick the next sheriff by flipping a coin?

It's an obvious reference, of course, to the way Sheriff Don Carpenter on occasion has promoted deputies. It is one of many such Carpenter criticisms, which, in part, have brought several opponents rushing into the 1992 Tarrant County sheriff's race.

Ordinarily, we do not favor such early beginnings in political campaigns. Lengthy races bore voters and over-extend candidates. But, in the case of next year's sheriff's race, this quick jump off the starting blocks is most welcome.

The sheriff's pitiful record would be reason enough for it, but the campaign should not focus entirely on Carpenter.

Some of its emphasis should be on the philosophy of how the sheriff's department should be operated in these changing times. That would include redefining the sheriff's job in this urban county. Outcome of this needed debate is critical to the office's future, no matter who gets elected.

The sheriff's office here is big business. This year, its budget is more than \$29 million. That means that about one in five

county government dollars will go to sheriff operations. Of all county employees, about one in three work in the sheriff's department. The sheriff's budget and workforce are both expected to increase at a quick clip, mainly because of an ever-growing county jail inmate population.

Which brings us to the primary thrust of what an urban county sheriff's job should be today: jail administration. With thousands of inmates in county jail facilities on any given day — populations that put the jails at or above capacity and drain the county government treasury and its other efforts — it is imperative that the sheriff devote more attention to this part of the job. This means the sheriff's responsibilities — and abilities — should be more administrative and managerial and less those traditionally associated with the office. Other sheriff's functions also should be re-examined in view of changing needs.

All of this requires incisive debate. It is hoped that the fast-start, multiple-candidate 1992 sheriff's race will encourage this. From it could come an informed, attentive, concerned electorate better able to choose a sheriff attuned to the times and more fully prepared to meet today's requirements.

### WHO'S NOT (WHAT'S NOT):

**Don Carpenter:** It's not going to be a matter of *if* the incumbent Tarrant County sheriff gets beaten in the 1992 elections, but a question of who does the honors.

Almost half a dozen of Carpenter's fellow Republicans want to knock him off in the party primary, and old Democratic foe Dub Branson's waiting in the wings if Carpenter survives the onslaught within his own party.

Since there are so many challengers, maybe we ought to use the Carpenter method of selecting his successor: Flip a coin.

## Hunter announces plans to

BY VICTOR INZUNZA  
Fort Worth Star-Telegram

FORT WORTH — Jim Hunter, who has twice launched unsuccessful bids for Tarrant County sheriff, announced yesterday a third campaign for the county's chief law enforcement post.

In 1988, Hunter lost to incumbent Sheriff Don Carpenter by less than 700 votes. Hunter was second-guessed for not running a more

aggressive campaign, and yesterday he vowed to come out fighting.

"Our current sheriff has time and again demonstrated his lack of qualifications as a law enforcement officer . . .," Hunter, 48, said. "Don Carpenter has become an obstacle to effective government which taxpayers can no longer afford."

Unlike the first two times, in this election the two would face each other in the primary election.

## run for sheriff next year

In his first two sheriff races in 1984 and 1988, Hunter was a Democrat. But he switched to the Republican Party to run for the congressional seat left open by the resignation of Jim Wright two years ago. Hunter lost that bid too.

Hunter has served as a federal agent for the Drug Enforcement Administration. He also has held posts with the U.S. Justice and Treasury departments,

Hunter is the first to formally announce his candidacy for sheriff and is expected to face Carpenter in the GOP primary in March.

Carpenter has not formally announced but has publicly stated his intentions to seek a third term. One of Carpenter's employees, investigator Mike Utley, and Assistant District Attorney James McEntire have said they will also challenge Carpenter.

# State inspectors say jail facility unsafe

BY FRANK PERKINS  
Fort Worth Star-Telegram

FORT WORTH — A Texas Jail Standards Commission inspection team said the Tarrant County Corrections Center being constructed is "unsafe" because of difficulties getting fire hoses on two floors around corners.

"I am really concerned about this problem, but nobody apparently has been listening to me," said supervising inspector Robert Dearing of the commission staff. "In my opinion, it's unsafe."

The stiff rubber fire hoses, Dearing said, were almost impossible to deploy around corners.

Dearing cited the problem during a briefing yesterday in County Judge Tom Vandergriff's office while he and fellow inspector Terry Julian reported on their annual inspection of the three buildings where the county holds prisoners: the city-county jail, the old county jail and the Green Bay Facility.

None of the three was in compliance with jail standards because of crowding, but the state grants the county variances to continue to operate the jails.

Variances to the standards have allowed the jails to remain open for the past eight years, Dearing said. But, he said, many of the variances dealing with overcrowding will end when the new jail opens.

Dearing did not inspect the Corrections Center because it is still under construction, but he brought up the fire hose problem because the second- and third-floor hoses were not included in a variance granted last year on similar problems.

"The problems on the upper floors are chiefly those of being within city codes," Dearing told Vandergriff. "The problem on the second and third floor is one of safe-

ty. I'll sleep a lot better if you get that problem fixed."

During the meeting, County Special Projects Director Jim Stewart offered a solution. Making a quick sketch on a yellow pad, he showed how a guide arm attached to the hose reel could automatically deploy when the nozzle was pulled off the reel. The hose would feed through the guide and track around corners.

"That will work," Dearing said.

After he sees final plans, Dearing said, he would suggest the commission grant the jail a variance to open.

County Administrator G.K. Maenius said he expects the new jail to open by mid-July, after workers finish a \$1.1 million revamping of the facility's smoke evacuation system, which failed its first jail standards inspection last August.

Dearing was highly complimentary of the current jail facilities, despite their not being in compliance with state standards.

"I've inspected these jails every year for 15 years," Dearing said. "I've seen you go from 444 prisoners to over 3,100, and Tarrant County has always been improving the quality of its jails."

He listed nine areas of non-compliance, including the lack of numerous single cells, lack of supervised exercise and recreation, too few guards and an inadequate air-conditioning system that can't keep the temperatures between 65 degrees and 85 degrees, as required by jail standards.

All except the air-conditioning problem will be solved when the new jail opens, Dearing said.

"That old jail is a hot oven," Dearing said. "Inmates are running around in their underwear. That problem can be fixed now and should be."



# Judge temporarily blocks private

BY BOB MAHLBURG  
Fort Worth Star-Telegram

FORT WORTH — A judge yesterday approved a court order temporarily blocking further construction on a controversial private prison in north Fort Worth.

State District Judge Fred Davis also ordered a hearing at 2 p.m. tomorrow to hear arguments on a request by attorney Jim Lane for a temporary injunction to further limit work on the proposed prisoner release center in the former Fruehauf Trailer warehouse, 4800 Blue Mound Road. The facility had been scheduled to open July 22.

The judge's ruling is a victory for three residents of the Diamond Hill-Jarvis area — Fort Worth school board member Eva Herrera, Irma Barrington and Edith Webb — who filed the request for the restraining order yesterday afternoon.

Residents say the 400-bed private prison, to be run by Wackenhut Corrections Corp. of Florida, would en-

danger the neighborhood and damage years of work to upgrade the historic area. The center would house non-violent parole violators.

Judge Davis agreed that allowing construction to go on would cause "irreparable injury" because residents would be denied their legal right to object to the prison. Residents have argued that Wackenhut failed to give them legal notice of the proposal as required by state law.

Lane said in the petition that Wackenhut failed to notify state Rep. Doyle Willis and other local officials about the plan as required by law. In addition, a legal advertisement in the *Star-Telegram* about a May 9 public hearing was too small and too vague to meet legal requirements, he said. The prison proposal was described in an April 20 article in the *Star-Telegram*, but even Willis said he didn't learn about the plan until early June.

Wackenhut vice president Wayne Calabrese, reached late yesterday at

the firm's main office in Florida, said he had not heard of the court ruling and needed to consult the firm's attorney.

"We don't have any comment other than we hope the issues can be resolved on schedule [before the

## prison in north Fort Worth

prison's scheduled opening]" Calabrese said.

"We feel we did comply with the state notification and we are optimistic about prevailing in court," he said. He declined to comment on the specific allegations.

Suzanne Hudson, also an attorney for the residents, said the proposed center, once opened, could be substantially expanded without any further public hearings under state law.

State officials have said the near-

unanimous opposition to the prison at a June 10 public meeting has at least temporarily derailed plans for the facility, but Wackenhut officials have said they still hope to dispel community concerns and open the center.

# KAS/Tarrant

## Diamond Hill-Jarvis residents

BY BOB MAHLBURG  
Fort Worth Star-Telegram

FORT WORTH—Opponents of a controversial private prison proposed in north Fort Worth agreed yesterday to let the prison be finished but not to house prisoners, at least until after an Aug. 1 public meeting to let them protest the plan. Wackenhut Corrections Corp.

and three Diamond Hill-Jarvis residents who sued to stop the firm from opening the prison for parole violators accepted the deal. State District Judge Fred Davis then approved it. The former Fruehauf Trailer building, 4800 Blue Mound Road, is being converted to house the prisoners.

Diamond Hill-Jarvis residents

who sued Wackenhut vowed to continue to fight the prison, which they say would be dangerous and hurt years of work to upgrade the area.

"They can finish the construction, but we still won't accept it," school board member Eva Herrera said after the court hearing. "They should not have started it in the first place."

Fort Worth Star-Telegram

THURSDAY P.M., SECTION B

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## agree on jail deal

State Rep. Doyle Willis called the court agreement "a big victory" for the neighborhood. But Wackenhut attorney George Young said it will only temporarily delay the opening of the 400-bed facility, which was to open July 22.

State officials in Austin, who have final approval on the prison site, said yesterday that the court order

and strong local opposition to the prison have left them uncertain.

"We have a legal contract with Wackenhut, so there's sort of a legal bond there between us," said David Young, assistant director of the Pardons and Paroles Division of the Texas Department of Corrections.

"But there's considerable public op-

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guage paper.

A new public hearing is scheduled at 6 p.m. Aug. 1 in Room B-118 at the Northwest Campus of Tarrant County Junior College.

## Prison

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position and concern from elected officials, so we've been in official discussions. We're kind of between two poles here. Obviously with that opposition, you have to give some pretty serious consideration."

Willis and state Sen. Mike Moncrief, among other local leaders, oppose it.

Young said the final decision is up to Bob Owens, Pardons and Parole Division director, and James Lynaugh, Criminal Justice Department director.

State officials also said that despite previous statements that the prison is intended for non-violent offenders, it could house prisoners convicted of any crime — including capital murder and rape — who have violated terms of their parole.

"Anyone with a parole violation is eligible to go there," said Marsha McLane, assistant director of community services for the Pardons and Parole Division. "There's no restrictions on the crimes they're sent to prison for."

Residents say Wackenhut did not give them notice of the prison plan as required by state law. The court order requires that the plan be advertised in the *Star-Telegram* and *El Informador*, a local Spanish lan-

# Jail bank

## Inmates' money not taxpayer problem

Bank on it, crime pays the criminals and costs you. Case in point:

The Tarrant County jail on average has about 3,200 inmates. Those inmates have money, which is kept in a trust fund. Four sheriff's employees have been keeping watch over the money. Inmates use some of the money to buy personal items, such as tobacco products and candy from the jail commissary.

But, alas, the inmate trust fund, or bank, has grown so much that Commissioners Court has been asked to hire six workers, or bankers, to keep tabs on the money. Cost of the employees would be \$131,086. Eventually, a trust fund supervisor could be required, pushing the operational cost higher.

With hundreds of inmates daily checking in and out of jail and with hundreds of inmates daily getting money from outside sources, such as family members, and with hundreds of inmates daily debiting

their trust fund accounts to buy from the jail commissary and with the law apparently saying the sheriff has to handle the inmates' money, some such system for doing that obviously has to be in place.

But if the trust fund is such that this many people will be required to run it, it's also obvious that the trust fund is sizable and that the commissary does big business (exact amounts could not be immediately determined.)

So let us be so bold as to suggest that the cost of running the inmate trust fund be taken out of jail commissary profits or that inmates pay for it directly (just as ordinary citizens pay for many of their banking services) or that those who might vote for this proposal cut their respective budgets by amounts equal to the cost of the inmate trust fund operation.

That is, do whatever it takes to help keep the cost of running the trust fund off the weary backs of the already-overburdened, crime-ravaged taxpayers.

# Diamond Hill residents ask council to oppose jail

## Hearing on prison is Aug. 1

BY STEFANI GAMMAGE  
Fort Worth Star-Telegram

FORT WORTH — A contingent of north Fort Worth residents fighting a proposed prison in their neighborhood pleaded with the City Council last night to adopt a resolution opposing the facility and to do whatever else it can.

"We're down here with our hat in our hand, asking for your help," said Albert DeLeon, one of about 30 Diamond Hill residents at the meeting.

Also seeking support against the proposed Wackenhut private prison for parole violators was state Rep. Doyle Willis.

After the meeting, Mayor Kay Granger said she believes the council supports a resolution opposing the facility. She also said the city attorney's office will research the matter further and may find "something that makes it [the prison] impossible even without a hearing."

Wackenhut, the nation's largest private prison firm, is converting a former Fruehauf Trailer building on Blue Mound Road into a prison. But a judge has barred the firm from opening the prison until after a pub-

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lic hearing Aug. 1.

In other action, the City Council fired Fort Worth's legislative lobbyist, ending a six-month relationship with the longtime attorney and former executive director of the State Bar of Texas.

Granger and two council members said the termination was for budgetary reasons. Two other members, however, said they were unsatisfied with the performance of lobbyist Larry Montgomery.

The city in December agreed to pay Montgomery \$5,000 per month plus \$1,000 in expenses when the Texas Legislature is in session and half that when the Legislature is not in session. Under the terms of Montgomery's two-year contract, the city could cancel on 30-day notice.

Granger said the city does not

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anticipate hiring another consultant for the upcoming special session of the Legislature. The mayor said that she and some council and staff members will cover the session.

The council again discussed a proposed youth curfew but did not act on the controversial measure. Granger said a vote probably will be scheduled for July 16.

Police Chief Thomas Windham for several months has called for a curfew to keep youths under 17 off the street late at night. Windham said he believes "we have the support to get it passed," but acknowledged being discouraged by the council's continued questions.

Several council members asked the city attorney's office to determine whether a "sunset clause" could be added so the ordinance's effectiveness could be assessed periodically, such as every two years. Some members also wanted to know if penalties could be added to require violators to perform community service.

The proposed parole facility that caused protest last night had been touted as a 400-bed prison with only a five-year lease. But terms of the lease for the property stipulate that it could eventually house as many as 2,000 prisoners and remain in operation 26 years:

Wackenhut is leasing the property from Fruehauf. Fruehauf has not used the land for years but retains complete control under a lease with Fort Worth Industrial Development. That non-profit corporation launched by the Fort Worth Chamber of Commerce, issued bonds in 1966 to help Fruehauf build the plant and create jobs.

Under original terms of the chamber agreement, the Fruehauf property must be turned over to Fort Worth taxpayers in 1996, but Fruehauf has the right to extend that lease.

Mayor Pro Tem Virginia Nell Webber and Councilman Carlos Puente, who called the facility "an unfair burden on this community," asked that a resolution on the matter be scheduled for a vote at the next meeting. Councilman Morris Matson asked the city staff to review oral covenants of the original agreement to see if any specific uses were stipulated.

# Expansion plan for prisons takes on urgency at session

By JOHN GONZALEZ

Fort Worth Star-Telegram Austin Bureau

AUSTIN — If there's one thing most legislators can agree on, it's the need for more prison beds as part of a tough anti-crime stance.

With that in mind, lawmakers meeting in a special session on the state's 1992-93 budget yesterday accelerated the pace of negotiations to address prison and jail crowding problems with a massive building effort.

Today the Senate will debate a measure calling for a \$1.1 billion prison construction boom — 28,850 beds — paid for with bonds that when repaid would nearly double the cost of the expansion.

Already worried about the public's reaction to that proposal, House members are contemplating offering voters an alternative: Consider raising the sales tax a penny per dollar, from the current 6.25 percent, to be dedicated to prison construction. Such an increase, when combined with city sales taxes and, in some areas, transportation and stadium districts, would raise sales taxes to as high as 8.75 percent in Tarrant County.

While those options were being discussed yesterday, behind-the-scenes talks resumed with county officials who have pending lawsuits over the cost of county jail crowding caused by the state's difficulty in finding enough beds for prison-bound felons. A new element in the dialogue is a desire to keep Houston's jail woes from preventing a settlement with the state's other 253 counties.

During the regular session that ended May 27, Tarrant and a dozen other counties agreed to end their litigation in return for a state commitment to house all felons beginning in 1995. But because Harris County rejected the offer, the deal was nullified.

Now Sen. Jim Turner, D-Crockett, who negotiated the first pact, is trying again — this time with a built-in "olive branch" to unhappy Harris County officials who say the state is not offering them enough money to settle their claims.

His new version removes the provision requiring all counties to agree to a settlement, but it presents the possibility that if a county doesn't settle, it would lose state payments for housing felons until 1995.

"The only things that would be denied is the \$20-a-day payments for inmates, and I think that will be an olive branch for Harris County," Turner said.

While criminal justice issues move closer to final action, there were roadblocks for proposals that make up the government reorganization package being pushed by Gov. Ann Richards and other leaders.

One embattled plan would merge environmental regulatory functions under a new umbrella agency — a plan that drew criticism yesterday from Agriculture Commissioner Rick Perry, Land Commissioner Garry Mauro, and House Government Organization Committee Chairman Bruce Gibson, D-Godley.

But today the Senate is expected to approve such a plan and probably move the debate toward a House-Senate negotiating committee where policy decisions would ultimately be made.

The Senate's plan would create a new agency to assume duties of the Texas Water Commission, Texas Air Control Board, Water Well Drillers Board and other entities.

Gibson said there are strong differences in opinion among some agency officials, affected industries and environmental groups about whether and how to merge the agencies.

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# Tarrant investigator

BY STAN JONES  
Fort Worth Star-Telegram

An investigator with the Tarrant County Sheriff's Department yesterday announced plans to run against his boss in next year's Republican primary.

Mike Utley, 34, the youngest member of Sheriff Don Carpenter's criminal investigations unit, said he "can no longer stand by and watch while the current administration makes a laughingstock out of our agency."

"There's a lack of leadership at the top which creates low morale in the department," said Utley, who joined the department in 1983 as a patrol officer. "The good-ol'-boy

system has planted its feet firmly and has taken over the sheriff's office."

Surrounded by family members and friends, Utley kicked off his campaign with a brief ceremony on the Tarrant County Courthouse steps at 7 p.m. yesterday, about two hours before fireworks lit up the downtown skyline.

Utley promised some fireworks of his own in the coming months, saying he plans to run an aggressive campaign attacking Carpenter's management style.

He accused Carpenter, who is expected to seek a third term next year as a Republican, of employing a dis-

# plans bid for sheriff

crimination promotion system. "If he likes them, they get it [a promotion]," Utley said. "He picks the people for the positions before the positions are even posted. That's gone on ever since I've been there."

Utley, who is making his first bid for public office, is the second Republican to officially announce his candidacy for sheriff. Private investigator Jim Hunter, who lost to Carpenter in 1984 and in 1988 as a Democrat, entered the sheriff's race as a Republican last month.

At least two other Republicans are considering a bid against Carpenter, whose two terms have been marred by controversy. He recently drew criticism for deciding between

two candidates for promotion with the flip of a coin.

Utley, who is married and has three children, said his firsthand knowledge of the Sheriff's Department plus management experience gained from family-run businesses make him uniquely qualified to be sheriff.

"I'm the only candidate with experience within the department," Utley said. "I've seen the problems and I know how to go about alleviating some of them."

"I believe the public is ready for a new, young, aggressive-type sheriff, one that doesn't use the position like a retirement," he said.

# Debate puts jail laundry on spin cycle

BY FRANK PERKINS  
Fort Worth Star-Telegram

FORT WORTH — The issue was poundage or the number of clothing changes allowed yesterday as Tarrant County commissioners debated how big a laundry to build for the county's jail population and how often inmates should change their clothing.

John Peter Smith Hospital washes inmates' uniforms for the county and charges Sheriff Don Carpenter 19 cents a pound for washing 2,045,000 pounds of laundry a year. Adding transportation costs and guard salaries to deliver and pick up the laundry runs the contract cost to \$511,021 a year.

Building a laundry in the old Tarrant County Jail would cost \$620,810 for machines and space modifications, based on a change of uniform per inmate every four days. Once in place, the laundry would turn out the same amount of laundry for less than half the JPS contract cost, roughly \$204,000, with capacity for expansion.

The jail laundry also would do the inmates' underwear as well, a service John Peter Smith cannot perform because underwear is delivered in nylon knit bags.

"Our current equipment will not accommodate the bags," said Drenda Witt, a JPS spokeswoman. "We're negotiating with the jail on this problem, but right now we don't have the equipment to handle the mesh bags."

Inmates must wash their underwear in utility sinks in the jail day rooms and hang it to dry on the jail bars. Drying laundry is an everyday jail occurrence, according to Chief Deputy John Pempsell.

"The washing cycle up here never stops," he said.

Commissioner J.D. Johnson was disturbed by Carpenter's decision to provide a change of coveralls for the prisoners every four days, a practice that Johnson said coddles inmates and would add to the cost of providing an adequate laundry. Dallas County, he pointed out, allows one change per week.

# Coin-toss determines jail food contractor

BY FRANK PERKINS  
Fort Worth Star-Telegram

FORT WORTH — Another coin-flipping incident involving a Tarrant County department occurred July 2, but unlike the deputies' promotions decided by calling heads or tails in Sheriff Don Carpenter's office, this one had the blessing of a 3-year-old Commissioners Court order.

Carpenter relies on a coin flip to determine the winner of a promotion between two candidates who the sheriff says are "tied" for the job.

"It's the fairest way I know to settle things like that," he said in a recent interview on the issue. "That way, nobody can say you wasn't fair."

But County Personnel Director Gerald Wright said such coin-flipping was not a part of the county's personnel management procedures.

However, the Commissioners Court order mandates the flip of a coin to determine the winner in another kind of a tie — a tie bid.

This heads-or-tails situation developed July 2 when both the Van Tone Co. Inc. and Lako Feed Co. bid \$14.50 per case for pre-sweetened liquid drink mix for the jail.

"Believe me, your honor, after all the newspaper publicity on the sher-

iff's coin-flipping, we tried every way we could think of to find some difference in these two bids, but there weren't any," Sharan Gunn, the county's purchasing agent, told County Judge Tom Vandergriff.

She said she had no other option but to rely on the Sept. 6, 1988, court order establishing rules for flipping a coin to determine the winner of a tie bid.

Accordingly, she called representatives from both companies, a pair of impartial witnesses, including one individual who was passing by in the hall, and the buyer responsible for the bid into her office and flipped the coin.

Van Tone was the first bidder on the bid tabulation sheet, and by court order, was heads. Lako Feed was second on the tabulation sheet, and thus was tails.

Van Tone won, and walked away with the \$20,880 contract.

"We staff members were all very uncomfortable about having to flip the coin, but the witnesses and the company representatives had a great time," Gunn said.

Chief Deputy John Pempsell, one of the witnesses in the coin-toss, said Sheriff Carpenter knew of the event. "It was no surprise to him," Pempsell said. "He has a copy of that 1988 court order on his desk."

"The [state] Jail Standards Commission only requires one clothing change a week, and on the whim of the sheriff, we've doubled that, and I have a problem with it," Johnson said. "If they [the prisoners] want more than one change of clothes a week, let them stay out of jail."

County records show the initial planning for the laundry approved by the court, including Johnson, was based on a Nov. 26 memo that stated, "Assumes implementation of twice-weekly clothing changes."

Commissioner Marti VanRavenswaay said the question of how often the inmates changed clothes was "running down a rabbit trail."

"Four-day changes are not over-indulgent," she said. "It is a question of compromising basic health and hygiene considerations, and I have a problem with that."

Commissioner Dionne Bagsby complained that the estimates supplied by the staff failed to compare like costs:

# Fingerprints

## Fight crime with countywide database

Because there is abundant crime in Tarrant County's future, there also ought to be an automated fingerprint identification system — AFIS — in that same future. That would be enormously beneficial in fighting crime, law-enforcement officials say. We agree.

Tracing criminals through fingerprints is one of the oldest tools in law enforcement. Trouble is, the fingerprint system now in use is far behind the times. The archaic practice of manually storing and matching fingerprints must be brought into the computer age. AFIS would do that.

AFIS would have a data base started with fingerprints now on file and supplemented as fingerprints of newly apprehended suspects are fed photographically into the computerized system.

As prints are recovered at crime scenes, they could be matched against those in the system to help make arrests. With AFIS, cross-checking could be done almost instantaneously. Each participating law-enforcement agency could put fingerprints into the system, and each could retrieve them. The result would be a vast, electronic fingerprint storage and tracing network.

Tarrant County government, which has been considering AFIS, is the logical entity to proceed with it. There are several possible ways for the county to do that.

It could establish its own system and, through a per-use or pro-rata fee arrangement, let municipal police departments and perhaps other law-enforcement agencies use it. Or, the county might join the Dallas Police Department's AFIS system, already successfully operating, thereby creating the core of what someday might become a regional AFIS. Or, the county

might tie in with an AFIS run by the Texas Department of Public Safety.

Whatever arrangement is made, the long-range goal must be toward an AFIS that is at least regional in scope because criminals recognize no boundaries. The broader the AFIS scope, the more effective it will be.

Money, of course, is a major factor. Preliminary estimates are that a county system would cost between \$2 million and \$3 million. That figures out to a reasonable \$2 to \$3 per person in Tarrant County. But, like other local governments, county government has limited resources. If the county and the cities and perhaps others could share the cost, the financial burden would be more manageable.

Police departments in Tarrant County respond to well over 1,000 calls daily, and many of them involve crimes whose investigation could be greatly enhanced with this updated fingerprint-tracking system. More of those who commit crimes would be apprehended if the present, cumbersome, time-consuming, paper-filing system were replaced with this speedy, electronic system. That has been the experience in Dallas and in other places where AFIS has been installed.

Make no mistake. Crime pays and pays big. The criminals are not dumb; they know this as well as anybody. They also know that the fingerprint-tracking systems available to most police departments don't work very well — at least not very fast. And speed often can be crucial in catching criminals.

Law officers need the best equipment available. AFIS is available. County government should aggressively pursue the placement of it at the fingertips of every police agency here.



# Senator sides with residents to oppose prison's opening

BY BOB MAHLBURG  
AND LYDIA LUM  
Fort Worth Star-Telegram

Sen. Mike Moncrief has joined the fight against opening a 400-bed private state prison for parole violators in north Fort Worth, but chances to stop the prison appear slim, a neighborhood leader says.

The Democrat is the second state lawmaker to oppose the \$1.5 million facility, which Wackenhut Corrections Corp. will operate.

At a June 10 meeting, Democratic Rep. Doyle Willis led a crowd of more than 250 angry Diamond Hill residents in protesting the conversion of part of the old Fruehauf warehouse in their neighborhood to a prison.

Diamond Hill-Jarvis resident Albert De Leon, who has been part of a citizens group that Willis appointed, said yesterday that he welcomes Moncrief's help. But De Leon said he plans to tell residents at a follow-up meeting tonight that the outlook is gloomy.

"I'm going to have to tell them it doesn't look good," said De Leon. "This place is 80 percent complete and they plan on moving in by the 21st of July."

Willis is scheduled to serve as chairman at the 7 p.m. meeting at the Diamond Hill-Jarvis High School auditorium. Willis has complained that he was not included in negotiations between the state and Wackenhut.

Moncrief said he likes the idea of community-based correctional facilities; but he opposes the north

Fort Worth site because the neighborhood appears united against it and residents didn't get a fair chance to voice opposition.

"It is unfortunate that Wackenhut chose this location prior to receiving neighborhood input," Moncrief said in a statement. "It is the location, not the concept that I am opposed to. I recognize Wackenhut to be the professionals in this field . . . but the needs and the concerns of this neighborhood come first. I am committed to assisting Wackenhut in pursuing an acceptable alternative location."

De Leon, who has been active in politics in north Fort Worth for years, lives about one-half mile from the proposed prison. He said he fears escapes and harm to the community, which has worked to get a new branch library and other improvements in recent years. Some homes are 500 feet away, he said.

De Leon said a newspaper legal advertisement announcing the plan called the prison an "intermediate sanction facility" and identified the proposed site only as "Fort Worth."

The Texas Department of Criminal Justice has contracted with the prison firm to run the lockup for parolees who committed violations such as failing to attend counseling or missing parole officer appointments.

Despite numerous calls and letters of protest, De Leon said Willis is the only public official who has confirmed that he will attend tonight's meeting. Moncrief is out of town, an aide said.

## Council for prison hearing, against police pay proposal

BY STEFANI GAMMAGE  
Fort Worth Star-Telegram

FORT WORTH — The City Council yesterday called for a full and open hearing on a proposed private prison in north Fort Worth and also came out against a proposed city charter amendment that would establish a formula for police pay.

The council conferred with City Attorney Wade Adkins about the proposed Wackenhut facility for parole violators and listened to lengthy debate from members of a standing-room-only crowd representing both sides of the issue. Then the council, in a unanimous voice vote, approved a watered-down resolution expressing "concern regarding the public hearing process" and urging a "full, fair and open hearing" on the matter.

An Aug. 1 public hearing has been set as part of an agreement reached by Wackenhut Corrections Corp. and three Diamond Hill-Jarvis residents who sued to stop the firm from opening the prison. A district judge has barred the firm from opening the facility until after the hearing.

Councilman Carlos Puente, who represents the neighborhood where a Fruehauf Trailer building on Blue

Mound Road is being converted for the prison, said he opposes the facility but lacked council support to pass a resolution expressing outright opposition to the facility.

Puente, who has said the prison is "an unfair burden on this community," last week called for a resolution on the matter along with Mayor Pro Tem Virginia Nell Webber. City staff presented council members with a resolution opposing the prison for consideration at yesterday's meeting.

While saying "it would have been better" to have passed a motion against the facility, Puente said the resolution has some merit.

In opposing the Fort Worth Police Association's Aug. 10 pay referendum, the council's resolution states the proposed charter amendment attempts to remove the council's lawful authority to determine salaries and delegates such authority to elected officials in Arlington, Dallas, Garland and Irving. The association's pay plan would link pay for all police department employees to departments in the four cities.

That resolution also was approved on a unanimous voice vote.

# Sheriff's deputy charged with stealing car, is fired

*Lincoln  
taken in  
May '87*

BY VICTOR INZUNZA  
Fort Worth Star-Telegram

FORT WORTH — A Tarrant County sheriff's deputy in charge of jail prisoner discipline was fired this morning after he was arrested and charged with stealing a luxury car in 1987.

Arthur Flores, who worked in the Sheriff's Department Internal Affairs Division, was officially terminated at 8 a.m. for civil service violations governing conduct unbecoming of an officer, Sheriff's Capt. Pat Howell said.

Flores, who was hired in 1988, had been under suspension with pay since early June, when an investigation by the Internal Affairs Division found that the gray, four-door 1983 Lincoln TownCar that Flores was driving had been stolen, Howell said.

The stolen vehicle report written May 9, 1987, shows the car was taken from 2130 Jacksboro Highway sometime between 9:30 p.m. May 8, 1987, and 12:30 a.m. May 9, 1987.

Authorities declined to say how they learned that the car driven by the deputy had been reported stolen. In his duties in internal affairs, the deputy handled prisoner grievances and discipline, Howell said.

Once the Sheriff's Department learned of the stolen car, the case was turned over to the Fort Worth police detectives because the vehicle was stolen within Fort Worth police jurisdiction.

A warrant was issued for Flores' arrest yesterday and he posted bond and was released, Howell said.

# Tarrant closes jail to all but Fort Worth

By BILL TEETER  
Fort Worth Star-Telegram

FORT WORTH — The Tarrant County Jail population dropped slightly but remained overcrowded this morning, forcing officials to keep in force a ban on accepting prisoners from any Tarrant County city other than Fort Worth.

Officials closed the jail to new prisoners when the inmate count reached 3,213 yesterday. Normally, the limit is 3,200 and by this morning the count had declined to 3,204.

Officials, however, said they were limiting incoming inmates to those arrested by Fort Worth police.

"Whenever we get bed space, we'll bring in some from the outer agencies," said Sheriff's Sgt. Sam Sumner.

When not overcrowded, the jail houses prisoners for the sheriff's de-

partment and police departments in Fort Worth and 33 other cities in the county, said Sheriff's Sgt. William Casto.

But sometime yesterday the jail stopped accepting prisoners from the outlying cities, and no more will be taken until the population drops below 3,200.

Casto said it is not unusual for the jail to restrict admissions when the jail population breaks the limit, and the restrictions are lifted as inmates are released.

Lt. Bob Bramblett of the Bedford Police Department said he had not been told of any admissions problems at the Tarrant County Jail but that it was not causing problems for his department. He also said the doors of the jail have been closed to outlying cities several previous times this summer.

FW STAR-TELEGRAM  
SATURDAY EDITION  
13 JULY 1991

## Tarrant Briefly

FORT WORTH

### County jail reopens to suburban cities

The Tarrant County Jail reopened yesterday to suburban cities after slight overcrowding on Thursday forced jail officials to book only inmates arrested by Fort Worth police and the Sheriff's Department.

Sometime yesterday morning, the jail resumed accepting inmates from the county's 33 cities in addition to Fort Worth, a jail spokeswoman said. The county sent 23 prisoners to prison in Huntsville yesterday, allowing officials to lift the restrictions.

The jail housed 3,181 inmates last night, the spokeswoman said. The limit is 3,200.

# Officials close jail's doors for second time in a week

## *Inmates being held by cities*

BY KATHY SANDERS  
Fort Worth Star-Telegram

FORT WORTH — For the second time in a week, the overcrowded Tarrant County Jail this morning stopped accepting new inmates, forcing suburban cities to house their own and the Fort Worth Police Department to temporarily incarcerate its prisoners in a Mansfield holding facility.

"The jail is closed as of 9:30 this morning," jail administrator Jim Minter said. "We're accepting prisoners on a priority basis. Fort Worth prisoners are being accepted, classified, changed into jail uniforms, then transferred 10 at a time to Mansfield," which has a contract with the city of Fort Worth.

The closure to new prisoners was ordered when the population of the jail, which has a capacity of 3,200, reached 3,233 this morning, Minter said.

"We had 520 prisoners on the floor as of midnight and since then, we've taken in 21 more prisoners," he said.

The county's Green Bay facility also is overcrowded with 480 inmates, 96 over the maximum approved by the state, Minter said.

"I don't foresee any immediate relief," he said.

Most suburban cities have holding facilities where some arrested people stayed for up to 72 hours last week, when the jail stopped accepting new inmates.

Minter said jail officials will contact each police agency three times a day to check on what "prisoners they have and we draw from that list by seniority." In other words, whoever is arrested first will be placed in jail first.

Two things will move a person up on the list: medical problems needing special attention and a "high-risk" prisoner involved in a sensational case, he said.

Minter also said jail officials are reviewing all cases to see if any inmates are eligible for "certain types of releases" that would lower the population.

# Jail relaxes ban on new prisoners after population drops to 3,202

BY KATHY SANDERS  
Fort Worth Star-Telegram

FORT WORTH — The Tarrant County Jail remained crowded this morning, but officials relaxed the ban on new inmates and again began taking prisoners from Fort Worth, the Department of Public Safety and Sheriff's Department.

The jail population this morning stood at capacity with 3,200 inmates, said jail administrator Jim Minter. He said 13 people are being held in outlying areas awaiting transfer to the jail.

Jail officials closed the facility yesterday morning, when the number of prisoners reached 3,233, and said they were temporarily turning away prisoners from all Tarrant County law enforcement agencies, including the city.

The prisoner count had fallen to 3,209 last night and when it dropped

even lower this morning, jail officials again began accepting prisoners from Fort Worth and DPS. None, however, was being accepted from suburban cities.

Minter said this morning that 30 Fort Worth prisoners were awaiting appearances before a magistrate to set bond and that they would be transferred to the Mansfield facility. Nine people arrested by Fort Worth police were taken to the Mansfield holding facility yesterday, he said.

The county's Green Bay facility also was overcrowded yesterday with 480 inmates, 96 over the maximum approved by the state, said jail administrator Jim Minter.

People arrested by Fort Worth police yesterday were given jail uniforms, booked in and transferred to a holding facility in Mansfield.

Most suburban cities have holding facilities where some arrested

people stayed for up to 72 hours last week after the jail stopped accepting new inmates July 11.

Minter said jail officials were contacting each police agency three times a day to check on what "prisoners they have, and we draw from that list by seniority." In other words, whoever is arrested first will be placed in jail first; sheriff's department inmates and those ordered arrested by the courts, however, have first priority, Minter said.

Two things will move a person up on the list: having medical problems needing special attention or being a "high-risk" prisoner involved in a sensational case, he said.

Minter said jail officials are reviewing all cases to see if any inmates are eligible for "certain types of releases" that would lower the population.

## Private prison only awaits approval from state officials

BY BOB MAHLBURG  
Fort Worth Star-Telegram

FORT WORTH — Renovation work and hiring for a private prison are finished, but the biggest hurdle remains: approval from state officials to open the facility in the face of neighbors' and legislators' opposition.

Officials at the Texas Department of Criminal Justice, who have the final say, have indicated that because of the opposition in the Diamond Hill-Jarvis neighborhood, they're not sure they will give approval despite a signed state contract with Wackenhut Corrections Corp. The facility would house convicted state prison inmates who have been released but then violated

terms of their parole.

Wackenhut recently received a city certificate of occupancy to use the building and finished hiring the last of 92 employees.

"All the people are in training," said Wackenhut regional vice-president Ron Champion. "It was supposed to be open by now."

Most employees are correctional officers, who will get starting pay of \$6.50 per hour, said Pat Cannan, a Wackenhut spokesman. Others would provide services like drug and alcohol counseling or teach reading and how to use a checkbook. Wackenhut has spent \$1.5 million converting the former Fruehauf Trailer Corp. building on Blue Mound Road.

# Jailhouse rock

FW STAR-TELEGRAM  
FRIDAY EDITORIAL  
19 JULY 1991

## Let's rattle some cages and get it open

Let's see now. The county's new downtown jail was to open in the spring of 1990. They had planned a big party in it, with dining and dancing and merriment aplenty. But the jail wasn't ready. Party pooper.

Then the jail was to open last fall. Then this spring. Then June. Then July. July? Oh, this is July. July 19, to be precise. That leaves a dozen days to make the latest projected jail opening date. Anybody out there care to lay a bet?

The jail is built. You've probably noticed it there on the north end of downtown in that complex of county buildings. It is hard to miss. It just doesn't work as it should. For example, the smoke purging system does not purge smoke. Changes are being made. Fingers are being pointed. Lawsuits appear in the offing.

Problem is, the new jail is desperately needed. It is to be the centerpiece of the county's jail operations, a major part of the criminal justice system designed to

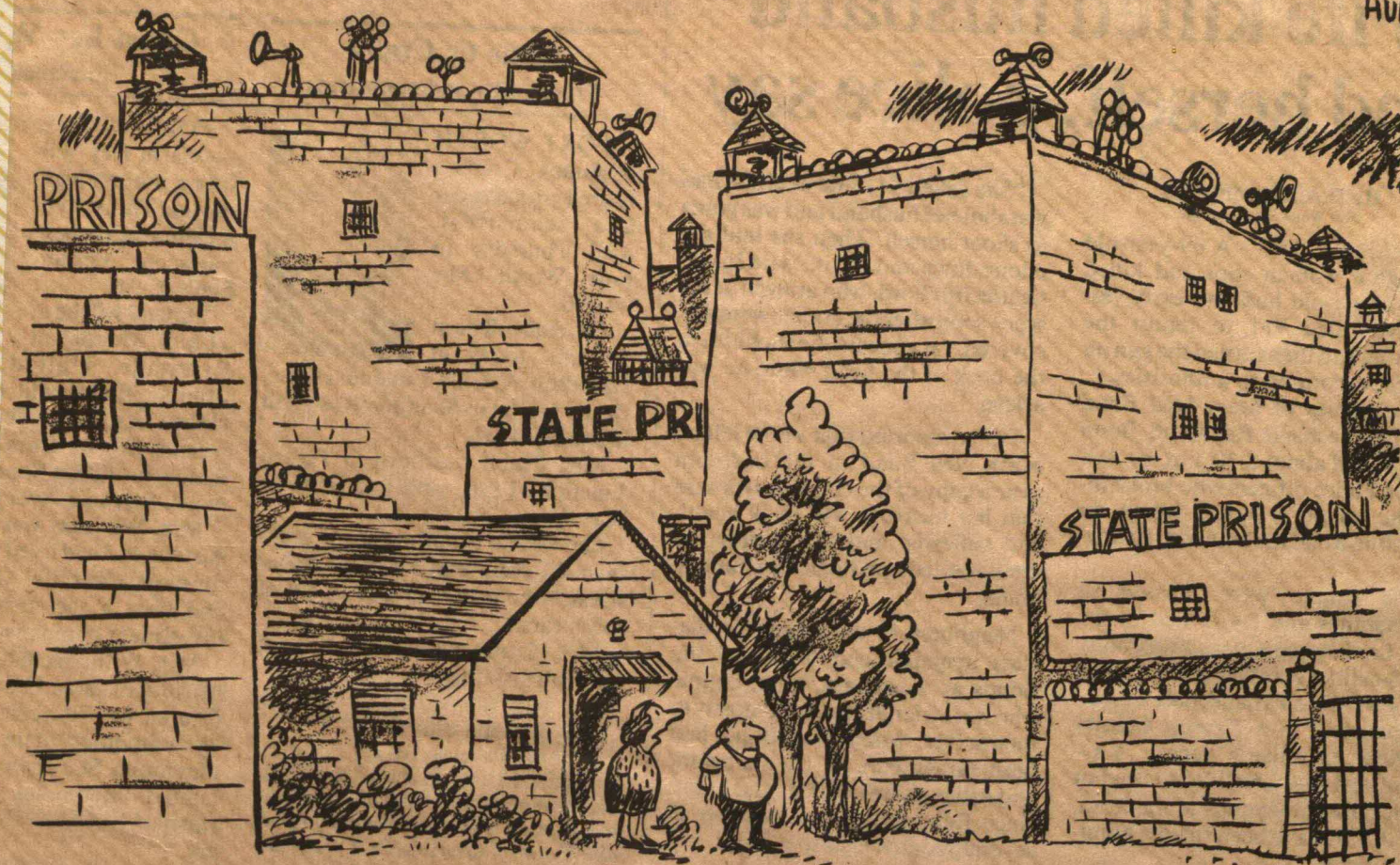
keep thugs off the streets. But because the jail isn't ready, the existing jail has again been closed to incoming inmates, causing an inmate-backup in many city jails.

This jail crowding is not entirely the county's fault, of course. Much of the blame lies with the state, which has failed to provide sufficient prison space. Hundreds of felons are stacked up in the county jail, taking up room the county needs.

But that score will have to be settled with the state. Meantime, Commissioners Court must get high behind and get the new jail open. If that means rattling some cages — and we don't mean jail cages, we mean those who built the jail and those overseeing its construction and those responsible for getting it open — then so be it. Taxpayers are out a bundle on the new jail and they pay a goodly sum for county policy makers and managers. For that kind of money, they are entitled to answers, not excuses.

Saturday, July 20, 1991

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HULME



"I'VE BEEN EXPECTING THIS, EDWARD. I THINK WE'RE  
THE LAST TWO PERSONS IN TEXAS WHO AREN'T IN JAIL."



# Black hole

F-W STAR TELEGRAM  
EDITORIAL  
23 JULY 1991

## Texas can't build enough prison beds

Regardless of whether the Texas Senate or House prevails on the level of spending to provide additional prison space, neither will be sufficient if the state expects to incarcerate all criminals for the full duration of their sentences. Consequently, future prospects remain grim for reining in the runaway prison population.

As Rep. Ric Williamson of Weatherford said last week, reminiscent of the movie *Field of Dreams*, no matter how many new beds the state builds, prisoners will come to fill them.

The Senate unanimously approved a \$1.1-billion bond package to construct almost 30,000 new prison beds, but the House Appropriations Committee followed a more frugal approach by adopting Fort Worth Rep. Bill Carter's bill that would build 11,300 beds at a cost of \$396 million.

Inmates now serve between 10 percent and 14 percent of their sentences before being released on good time or on parole to make room for the swelling numbers waiting to take their place. Not all of them have been convicted of new crimes but return because their paroles have been revoked. Many recidivists are being recycled for their second, third or more prison terms.

Sen. Ted Lyon of Rockwall, sponsor of the Senate bill, said the 28,850 new beds he is seeking would extend the average period of incarceration to 25 percent of the original sentence. More than 102,000 new beds would be required, he said, to

ensure serving even one-third of the sentence.

Prisons have become a black hole that defies a neat solution because the overcrowding has become a function of the state's demographics. Increasing numbers of the inmates are from low-income urban areas. About 85 percent never finished high school, and about 80 percent have some history of drug abuse.

As the soaring incidence of recidivism suggests, many of those who fall early into the cycle of crime leave prison after a relatively short duration only to return and begin the cycle once again. Predictably short prison terms offer no deterrent to re-entering that vicious cycle.

Texas does not now, and probably never will, have enough money to warehouse every criminal offender. Incorrigibles must be separated from society, but the present system places many in the high-security prisons who need not be there. Less-expensive, lower-security facilities — particularly for youthful, aged, infirm and non-violent inmates — that impose punishment and rehabilitation commensurate with the crime offer more effective alternatives.

Like many other states, Texas cannot escape the dreary reality that increasing numbers of people already have fallen into socially destructive lawlessness as a way of life. Prisons can isolate them for a while, but the more prisons we build, the more we admit the failure to arrest a value system that reinforces the notion that crime pays well enough for too many to avoid breaking its insidious cycle.

# Lewis expects compromise on prison bill

The Associated Press

AUSTIN — House Speaker Gib Lewis said he expects a prison construction plan to wind up somewhere between the 11,300 new beds approved by the House and the 30,000 endorsed by the Senate.

"What that number will be, I have no idea," said Lewis, D-Fort Worth. The House plan would cost \$440 million; the Senate measure, \$1.1 billion.

Each calls for financing new pris-

ons through sales of state bonds, with a constitutional amendment that would require voter approval. Besides prison construction, bond proceeds would be authorized for youth correction and mental health facilities.

The Senate today rejected the House's version of the bill. The measures will go to a conference committee to work out the differences. The House approved its proposed

constitutional amendment Monday, following action last week by the Senate.

The House initially rejected a separate bill needed for the bond program and prison construction to go forward, if the constitutional amendment is approved by voters.

The House gave its final approval to the bill today, 78-61. That measure also may wind up in a conference committee with the version approved by the Senate.



## Prison good for economy

As a resident and homeowner in the Blue Mound community, which is one mile north of the proposed Wackenhut correctional facility site, I believe that the prison should be allowed to open. I would hope that everyone in Diamond Hill, Blue Mound and Saginaw would come together and support this project instead of letting the fear of the unknown waste a positive economic reality.

First, let's look at some of the ramifications of the proposed correctional facility. Let's ask ourselves what good comes from an empty warehouse in our community. It provides no jobs and provides no economic support to our local communities.

Second, correctional facilities are recession-proof. That means jobs and opportunities for everyone. Fort Worth and surrounding communities should be proud that Fort Worth is being considered because we're losing everything else. Mayor Kay Granger and the City Council should be ashamed of making quick statements about the facility before they have heard from everyone.

Third, let's ask ourselves, are we safer with a correctional facility in our neighborhood or parole violators living among us? Rational thought would tell us that a prison would be best for all of us. North Tarrant County, let's take a stand and support this facility. Let's say yes to the facility and send a tough sign to the criminal element.

—Philip Lisle  
Blue Mound

## Prison for our safety

I do not understand the logic of those opposed to the opening of the Wackenhut parole-violator prison in Fort Worth. I would be the first to oppose a prison being built in Fort Worth if there were better alternatives.

Unfortunately, the reality of our criminal-justice system is that there is a lack of bed space to house Texas criminals. We do not have adequate space to house new criminals now, so I doubt that there is much chance of getting a parole violator who has not committed a new crime back in prison.

If this parolee violates the rules of his parole and receives no response from the state, it will only pave the way for the parolee to commit more violations and eventually new crimes.

Why Fort Worth? The only other facility like this is in San Antonio. Much expense is incurred in transporting North Texas criminals to San Antonio, and the additional space is desperately needed.

The parolees will be transported in and out of the facility. They will not be released on Blue Mound Road once their time has been served. If they were from Fort Worth, they will be returned to Fort Worth, but if they were from somewhere else, they will be returned there!

The Wackenhut facility will keep these parole violators off the streets, and I think that is a goal all law-abiding citizens share. I want to see our streets safe, and I think this new prison can help to achieve this.

The murderer of my sister was recently paroled. If he chooses to violate the restrictions of his parole, I want there to be adequate prison space to reincarcerate him for the violation. I do not want to be told by the state that there is no room at the inn!

—Rona K. Stratton Smith  
Fort Worth

# Prison plan draws protest

## *Diamond Hill residents besiege state official*

BY FRANK PERKINS  
Fort Worth Star-Telegram

FORT WORTH — More than 700 people crammed into a Tarrant County Junior College cafeteria last night to take sides over the establishment of a parole violators facility at 4700 Blue Mound Road in north Fort Worth.

Their arguments were directed to

Bob Owens, director of the state's division of Pardon and Paroles in Austin. His department will decide later this month whether the private prison will be allowed to open as planned.

One major factor will be who will be responsible for the money already spent on the facility should it not open.

"That's the real question," said state Sen. Mike Moncrief, D-Fort Worth, who opposes the facility.

Wackenhut Corp. already has signed a lease and spent \$2.5 million in renovating and outfitting the old Fruehauf Trailer Corp. warehouse, which the company wants to convert into a prison for 400 people.

(More on PRISON on Page 2)

Diamond Hill-Jarvis neighborhood residents, wearing yellow pins that said "Prison, No No No" and carrying similar banners, filled one side of the cramped cafeteria at TCJC's Northwest Campus. They cheered loudly as Donnis Hatchett of the Diamond Hill-Jarvis Civic League handed Owens stacks of petitions and letters bearing more than 4,500 signatures of residents opposed to the plan. Donnis also gave Owens audio tapes from 200 other residents who were unable to attend last night's hearing.

"What we are telling you, Mr. Owens, is that the people in Diamond Hill don't want that prison and under state law, you can't make us take it if we don't want it," Hatchett said.

Hatchett was one of six speakers from the Concerned Citizens Committee formed in late June by State Rep. Doyle Willis, D-Fort Worth, to battle the proposed facility.

"My wife was raised in Diamond Hill," Willis said. "She told me, 'You let that prison open in Diamond Hill and I'll divorce you.'"

About 30 other speakers took turns at the microphone, with each side greeted by loud boos and wisecracks from the opponents. The hearing was gavelled to a close shortly before 11 p.m.

The hearing was triggered by a June 24 court injunction against Wackenhut. The injunction was sought by residents who said the notices of public hearings on the facility were deficient because they did not point out exactly where the facility would be located.

A state district judge ordered Wackenhut not to occupy the facility until last night's public hearing was held.

About 300 supporters of the prison — many of them Wackenhut employees — were also in the audience wearing blue "ISF Yes" buttons. ISF stands for Intermediate Sanction Facility, the official name of the Wackenhut prison.

Wayne Calabrese, Wackenhut's vice-president of business development, told the crowd that the corporation was ready to make some promises.

"If this facility is permitted to

open, I promise you it will have only parole violators who have not violated their parole by committing another crime," Calabrese said.

"Secondly, Wackenhut will not expand into any other buildings in the area," he said.

Tarrant County Sheriff Don Carpenter drew cheers, groans and boos when he spoke out for the facility.

"I am just going to talk brass tacks," he said. "I've got 145 parole violators up there in that jail that are costing you \$40.11 a day for me to keep. Let me send them out to that Wackenhut facility and put the really bad guys in those jail cells."

Jeers also followed a letter from Police Chief Thomas Windham promising to increase police patrols around the facility to ease neighborhood concerns.

But there were no jeers when Rona Stratton Smith, sister of Retha Stratton who was killed by Wesley Wayne Miller in 1982, spoke in favor of the proposal. She described how her sister was found stabbed 38 times, the knife still in her body, and how Miller was given 25 years for the crime.

"I worked for a year and a half to get very restrictive parole limits for him," she said. "He's now out under mandatory supervision and living in Wichita Falls, but if he violates any of his parole requirements, I want him in a place like this facility, not out on the street."

Owens said he had a lot to think about. "I've enjoyed hearing all these positions. We'll be studying the situation and we should be making a decision pretty quickly."

Wackenhut officials said they could start operating the facility within two weeks if they get the go-ahead from the state.

*"My wife was raised in Diamond Hill. She told me, 'You let that prison open in Diamond Hill and I'll divorce you.'"*

— State Rep. Doyle Willis  
D-Fort Worth



Fort Worth Star-Telegram / RON JENKINS

The new high-tech "duress pens" are a focus of controversy

## *Pocket alarms called useless by jail officers*

BY FRANK PERKINS  
Fort Worth Star-Telegram

FORT WORTH — Jail officers whose lives may depend on a high-tech, ultra-high-frequency silent alarm device they carry in their pockets say the alarms are useless in 60 percent of the new Tarrant County Confinement Center.

"If the system doesn't work 100 percent of the time in 100 percent of the jail, it's worthless," Warden Jim Skidmore said. "They've spent money on a system that doesn't work."

The \$134,000 system — known as duress pens — includes what resemble fat ballpoint pens. If an officer is threatened or grabbed by an inmate, a touch of a button on the pen can activate a tuning fork. The vibrations are picked up by sensing devices in the walls and ceilings that signal the jail's central security office. The pens, with a range of about 45 feet, must be aimed at the sensors to activate them.

"They don't work in the jail kitchen, where there'll be all those knives; they don't work in the prisoner recreation areas, in the fire escape stairways, the shower rooms or the cells in the floor pods," he said.

But the architects said the system is installed only in those areas where guards mingle with the prisoners.

Architect Merv Croston of Parker/Croston said Carpenter and his staff have not complained to him about the system but, he said, Carpenter's guards never have been comfortable with the direct supervision method.

# Hispanics will get few prison jobs

BY BOB MAHLBURG  
Fort Worth Star-Telegram

FORT WORTH — A privately run state prison planned for the predominantly Hispanic Diamond Hill-Jarvis area will employ few Hispanic workers, figures from Wackenhut Corrections Corp. show.

About 65 percent of Diamond Hill residents are Hispanic, according to U.S. Census data, but Hispanics have been hired for fewer than 7 percent of the jobs.

Wackenhut officials have repeatedly tried to soften the North Side neighborhood's opposition to the prison by touting economic benefits, such as the planned annual purchase of \$1.5 million of local goods and a \$2.5 million payroll.

But City Councilman Carlos Puente and other neighborhood representatives criticized Wackenhut for not hiring more Hispanics.

"Again I think they're showing a lack of representation of the dominant group in the Diamond Hill area and it's another indication of their insensitivity," Puente said yesterday.

Of 87 employees hired, 49 are white, 32 are black, 6 are Hispanic, and none are Asian or other minority groups members.

Company officials could not say whether any of the people hired were from the Diamond Hill neighborhood.

The prison eventually will employ 96 people, most of whom will be guards paid starting wages of \$6.50 per hour, Wackenhut officials said.

Puente said he had not heard a breakdown of employees until he was provided numbers yesterday by a reporter. Wackenhut officials gave the figures after a request for information on the race, ethnicity and background of workers.

Eva Herrera, a Diamond Hill resident who has fought the prison in court and serves as a Fort Worth school board member, called the hiring unfair.

"We have very high unemployment and where do they come off employing just a few numbers?" she asked.

The prison would house prison parolees from 50 counties in North Texas who have violated their release terms. Diamond Hill leaders fear the prison will hurt property values, set a bad example for their children and endanger residents with escapes by "two-time losers."

Pat Cannan, a Wackenhut spokesman, defends the hiring, which he said was done at a job fair open to anyone at the Fort Worth-Tarrant County Convention Center.

Wackenhut has a 30-year history of providing jobs in Texas, including a separate security firm that employs more than 1,300 employees at banks, construction sites and other firms in Fort Worth, Dallas and other major cities, he said. Although based in Florida, the firm recruited nearly all Texas residents for the prison, Cannan said.

Figures provided by the company indicate 70 of 87 workers are from Tarrant County, eight are from Dallas County, eight are from elsewhere in the state, and one is from Florida.

FW STAR-TELEGRAM  
WEDNESDAY EVENING  
31 JULY 1991

## Make sure they're locked up

Do we need the Wackenhut parole-violator facility in Fort Worth?

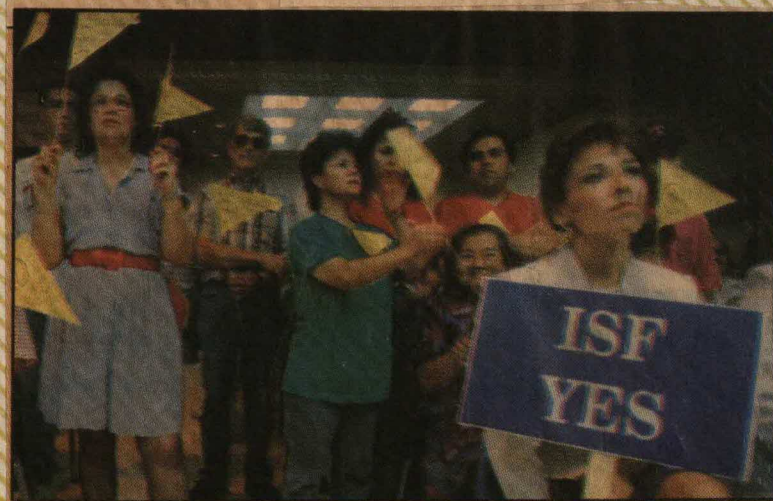
This secured prison facility is being built to house Texas parolees who have in some way violated their parole plan in a way other than committing a new crime. I, as a resident of Tarrant County, would much rather see a parole violator locked up here in Fort Worth than be told by state officials that our prison space cannot be used up on a parole violator.

More often than not, the criminal has received only a slap on the wrist for the crime he or she was paroled for. The punishment of a prison stay means very little to today's criminals. Then, this parolee is put back into our society and decides not to abide by the rules agreed upon with the parole board because the parolee knows that the state cannot give up valuable bed space for a parole violation.

Do we just slap the criminal on the wrist again and tell him or her not to do it again, or do we revoke the parolee's newfound freedom with a stay at a secured facility?

The right to remain on parole should be taken seriously, and the way to ensure that this is done is to lock up those who choose to violate the rules. I would much rather see these criminals locked up again than see them making a bigger joke out of our criminal-justice system by retaining their freedom.

—Kenneth B. Smith  
Fort Worth



Fort Worth Star-Telegram / RON JENKINS

Residents express their opinions on proposed facility



The following service awards have been earned in May and June. Employees are eligible for recognition at five-year increments (five, 10, 15, 20, and so on). A special thanks to those employees who are celebrating a service anniversary at this time.

#### **FIVE YEARS**

Patricia Elrashid  
Francine W. Pennington  
Richard P Honecker  
Constance L. Fulton  
Cynthia E. Marks  
Marlon E. Seghetti  
Michelle A. Stark  
Nancy E. Simmons  
Kevin N. Trotter  
Frances B. Flores  
Ella M. Driver  
Carlotta L. Vann  
David D. Pack  
Teresa L. Gilbreath  
Scott E. Anderson  
Robert P. Richardson  
Jerry W. Treadway  
David T. Campos  
Walter A. White

Sharon K. Oldham  
Robert J. Powell  
Debra D. Harrison  
Floyd F. Clark  
Dorothy A. Wood  
Sandy L. Livingston  
Mary K. Cole  
Pamela R. Dunlop  
Richard D. Collins  
Dolores Foster  
Theresa W. Tidwell  
Lynda R. Thorne  
Michael Intharansy  
Maria R. Flores  
Vicky Davis  
Sondra Whiteley  
Peggy Matthews  
Frances L. Brewer

#### **TEN YEARS**

Norma G. Evans  
Manuel A Garcia  
Michael D. Parrish  
Fred D. Raulston  
Florence A Dunagan  
Dona V. Henson

Louis D. Groom  
Joe Yanes  
Kevin W. Grannan  
Agnes G. Courtney  
Susan V. Peart

#### **FIFTEEN YEARS**

Charles T. Bellows, Jr.  
Fleta C. Turner  
Richard L. Nipp  
Bruce W. Smith  
Alvin J. Mayeaux, Jr.

Robert A. Morris  
Judith K. Sims  
William Brigham  
Ann Steele  
Judy McDonald

#### **TWENTY YEARS**

Terry L. Bailey  
Donald K. Edwards  
Margaret Sue Smith

#### **TWENTY FIVE YEARS**

Guadalupe Coronado

All information for the next issue of "The County Line" must be submitted no later than August 15, 1991.

# Several jailers reported injured in training class

## Tarrant's training injures several jailers, records show

BY STAN JONES  
Fort Worth Star-Telegram

FORT WORTH — Several Tarrant County Sheriff's Department jailers have been injured, including one whose back was broken, while participating in a self-defense class using techniques and equipment some experts say can be dangerous, according to county medical records and interviews.

Since the in-house training program began late last year, a female jailer injured three ribs and damaged a breast implant during training. She later required surgery. Another deputy injured his hand; one dislocated his shoulder; and one fractured at least one rib.

The *Star-Telegram* learned of the injuries from workers' compensation records obtained from the county through the Texas Open Records Act and from interviews with Sheriff's Department employees who attended the classes.

A 52-year-old jailer suffered a fractured vertebra Jan. 31 while she and four other jailers attempted to subdue a co-worker during a mock exercise. The guard would not consent to an interview, but friends and co-workers said she had to undergo intensive therapy and wear a body cast for most of the 5½ months she was away from work.

"It's like a free-for-all. That's what it's like," said one jailer who went through the four-day self-defense course at the department's north Fort Worth training center. The jailer spoke on condition of anonymity for fear of being fired or harassed. "They just bang into each other."

But another jailer, who also declined to be quoted by name, praised the training program and said the injuries were the result of freak accidents rather than improper training.

"Overall, the class, to me, was excellent," said the jailer, who noted that students wore pads on their arms and knees to lessen the chance of injuries. "All this was just to help us and show us some [defensive] moves. But some people got hurt."

The training, which is mandatory for jailers, has been toned down in the last few months to bring the injury rate under control, according to several participants.

Sheriff Don Carpenter would not discuss the department's training injuries, which have cost the county more than \$10,000 in claims plus an undetermined amount in medical bills. Carpenter also prohibited the department's self-defense instructors from being interviewed.

"We're not talking about defense tactics. We don't want to respond," Carpenter said. "We've got the training we got and the less conflict, the better."

Several hundred guards and deputies are believed to have taken part in the self-defense classes since their inception, and no injuries requiring workers' compensation benefits have been paid since May.

Robert Koga of California, a nationally recognized law enforcement expert who teaches instructors how to train other officers, said that although self-defense courses can be physically demanding, serious injuries should rarely occur.

"If you're having training where you're injuring a lot of students, then someone's doing something wrong as far as I'm concerned," said Koga, who annually trains instructors at the Dallas County Sheriff's Department and some area police departments. Koga said he has not trained any Tarrant County Sheriff's Department instructors.

Records provided by the county show five instances in which county jailers were injured during self-defense training and received workers' compensation benefits between January and June of this year. However, the records do not reflect any claims that may be pending, nor do they include injuries in which no claim was filed.

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Jailers and deputies who attended the training said at least a dozen people have been injured. Two jailers reported witnessing four injuries during a one-week period, although available records document only two injuries in a single class. On April 23, one jailer received a rib

and breast implant injury while another suffered a dislocated shoulder, the records show.

The known training injuries account for almost a third of the 17 workers' compensation claims involving the Sheriff's Department that have been paid so far this year.

Other area training academies report far fewer injuries.

Lt. Jack Watson, training academy director for the Dallas County Sheriff's Department, said guards there are taught self-defense tactics as part of their basic recruit training, but he could not recall a single serious injury in the classes since he joined the academy in 1983.

"Cadets being injured — that's really the exception rather than the rule," Watson said. "We go through a very structured, measured training program and we don't encounter that problem."

Mike Walker, a Duncanville Police Department officer who teaches self-defense tactics through the North Central Texas Council of Governments, said "there is something wrong" when injuries like those reported in the Tarrant County Sheriff's Department occur.

"People shouldn't go through de-

fense tactics and be injured to the extent you were telling me about," said Walker, who recalled only two significant injuries to students in his classes during the past six years.

The Sheriff's Department self-defense classes are taught by Lt. John Smedley, who has been a certified instructor since 1982, and Officer James Cook, who was licensed as an instructor in July of last year.

While some county deputies said the training was professional and the tactics easy to master, others complained that they were not fully prepared before being called onto exercise mats to practice judolike throws and other methods for "taking down" and subduing a violent inmate.

"I thought it was a little rough," one female student said. "Instead of just telling us how to do it, it was kind of like going gangbusters."

Other officers who witnessed injuries blamed improper equipment. They said the exercise mats were lumpy and not attached together properly, making it difficult for students to maintain their balance at times.

The broken back injury occurred, they said, when the jailer's foot was sandwiched between two mats and

someone stepped on her other foot during an exercise involving six students. She was one of five students trying to wrestle another student to the floor in a slow-motion maneuver designed to acquaint the students with the tactic.

The jailer fell backward in a twisting motion that fractured a bone, they said.

"The minute she hit the mat, she rolled over on her side like in a fetal position with her knees up," a witness said. "All I could hear was [her] screaming, 'Oh my God, I'm hurt.'"

The jailer was taken by ambulance to a local hospital.

Training experts said proper equipment is essential to safety.

"We find in many cases agencies don't have proper mats," said instructor Koga. "Equipment has a lot to do with minimizing injuries."

Koga, Walker and Watson also questioned using six students for a single take-down maneuver.

"All you do is get in each other's way and invariably have a higher potential for injuries. At the most it shouldn't be more than two," Koga said.

Walker described the tactic as "pure craziness," while Watson said, "We don't get into that."

## Workers say course is rough



# Where the spending on crime

Thursday P.M., August 1, 1991 / Fort Worth Star-Telegram / Section B, Page 5

## stops, nobody knows

We live on a circle.

On that circle are about 60 homes, give or take a house or two or three.

The houses, we'd guess, have about equal market value, give or take a thousand dollars or two or three.

Which means that the owners of each house pay about the same amount of property taxes.

Which means that the owners of each house pay, we'd guess, something in the neighborhood of \$200 — give or take a ten spot or two or three — each year in county government taxes (by that, we mean taxes specifically for county government, not all of the taxes that the county tax office collects for other entities, such as the hospital district, the junior college district and the water district.)

The reason we mention our circle and the homes on it and the market value of those homes and the estimated county taxes paid on those homes is because of a little routine item on this week's Commissioners Court agenda.

The item?  
Shampoo.

Shampoo?  
Shampoo.

It's not just any old shampoo, mind you. It's medicated shampoo.

A year's worth of it will cost the county \$35,328.

Which brings us back to our circle and the homes on it and the market value of those homes and the estimated, collective county taxes paid on those homes.

The way we figure it, it will take all of the county taxes of all of the property owners on our circle some three years, give or take a month or two or three, to pay for that shampoo.

We like to play around with dollar figures we see on local government agendas. We like to figure out the figures, see what they cost some of us, individually and collective-

ly.

By themselves, there on some dull, routine agenda, some of the numbers really don't seem to have much meaning.

To our way of thinking, it's only when you figure the taxpayer into the equation — in this particular case, us — that the spending done by our local governments comes

home to rest. Or, maybe we should say unrest.

So that's why we broke down the cost on the shampoo.

On a per capita basis, of course, the cost of that shampoo amounts to only pennies. The \$35,328 annual cost of the shampoo comes out to some three cents or so per person when figured on the basis of the 1.2 million people who live in Tarrant County.

Or, consider that new county jail which

has just gone up downtown. The per capita cost is about \$40 per person, excluding interest.

Glad those 1.2 million people are there to assist; it would take those of us on our little circle something like 350 to 400 years to pay the principal on that jail.

Interest, of course, would add a few hundred more years.

And, remember, those of us on the circle are already in hock for about three years for that shampoo.

There's more.

One recent agenda item listed meat for the jail at a cost of \$135,941. Taxpayers on our circle could pay for that in under a dozen years.

Plus, \$159,462 was listed for groceries for the jail, a cost those of our circle could cover in something approaching 15 years.

Plus, \$92,975 for produce for the jail. Our circle could handle that cost in less than a decade.

By the way, that \$35,328 worth of shampoo is also for the jail.

Gotta keep those inmates' hair clean, you know.

And, of course, there's that never-ending list of other inmate-related things we taxpayers get to pay for. Things like tax-paid lawyers for defendants, which each year runs into the millions here, plus medical care and mattresses and clean uniforms and on and on and on for the inmates.

So there you have it. Just another of those little-noticed items that show up week after week after week on the agenda that remind us of how, in one endless way after another, crime adds and adds and adds to the taxpayer burden.

And keeps us going 'round 'n' 'round in circles, scratching our heads and trying to figure out how to pay for it.

FW STAR-TELEGRAM  
WEDNESDAY EVENING  
7 AUGUST 1991

## \$25 million jail budget passed by county budget committee

BY FRANK PERKINS  
Fort Worth Star-Telegram

FORT WORTH — Sheriff Don Carpenter's record jail budget proposal yesterday sailed through a county budget committee, which trimmed it to \$25 million. This year's budget was \$16.3 million.

The lion's share of the sheriff's \$31.9 million request would hire jail guards, particularly to staff the new 1,440-bed county jail.

Carpenter asked commissioners to increase the current 714 positions in the confinement department to 962. After two hours of discussion, a budget review committee recommended a total of 870 jail staffers.

"I don't see that we have any choice except to restore the jobs," said Commissioner J.D. Johnson, chairman of the review committee. "We've got to meet standards."

The jail, which failed its first state inspection a year ago because of a faulty smoke-ventilation system and other shortcomings, should be ready for another inspection by the state Jail Standards Commission by the middle of this month, officials said.

County budget director Debbie Schneider last week had cut Carpenter's jail budget request to \$19.9 million, but the budget review committee composed of her, Johnson, Commissioner Marti VanRavenswaay, and County Administrator G.K. Maenius agreed informally to restore half of those cuts.

"We'll probably wind up giving the sheriff a jail budget of around

\$25 million," Johnson said.

Said jail Administrator Jim Minter: "That's about what we expected. That is definitely a bare-bones jail budget, but it will allow us to operate the facilities in compliance with jail standards."

The committee restored 79 personnel positions that Schneider had cut. Minter said he had to have the jobs to stay within jail standards that call for one guard for every 48 prisoners.

"I can honestly tell you this is the absolute minimum staffing it will take to run these jails," Minter said.

Minter agreed to spread the hirings out through the budget year to cut costs, but added that once the new jail is opened, he has to have floor officers on hand and trained. No opening date has been set.

The committee kept a firm hand on the rest of the budget purse strings, quashing requests for exercise bicycles for the minimum security jail.

"Put them to work with the other 450 prisoners you have out on work release programs," Johnson said.

"We can't," Minter said. "They have not yet been tried and they have to volunteer for the work release program, we need the bicycles to let them work off steam."

They didn't get them.

The committee also ordered the sheriff to begin buying midsize patrol cars instead of the larger models, saving about \$2,000 per car in the process.

# Ease off

## Examination needed in sheriff's training

Working in law enforcement can be risky enough in itself. But when law officers are subjected to a high incidence of injury while training to do their jobs, that's entirely too much to ask. It's also unnecessary and holds government open to the possibility of liability, which can be costly to already overburdened taxpayers.

The *Star-Telegram*, through an examination of workers' compensation records obtained from Tarrant County government through the Texas Open Records Act and via interviews with some employees who have attended sheriff's department training classes, has found that several jailers were injured while participating in self-defense training using techniques and equipment various experts call dangerous.

Some examples:

- A female jailer injured three ribs and damaged a breast implant during training. She later required surgery.
- One deputy injured his hand.
- One deputy dislocated a shoulder.
- One deputy fractured at least one rib.

One jailer described the self-defense course as a "free-for-all." One said, "... It was kind of like going gangbusters." Some blamed improper equipment. Some training experts in other places opined that such serious injuries should rarely occur.

Sheriff Don Carpenter would not discuss the training injuries with the reporter who wrote the story. He also prohibited the department's self-defense instructors from being interviewed. Said the sheriff:

"We're not talking about defense tactics. We don't want to respond. We've got the training we got and the less conflict, the better."

Sorry, sheriff, but remaining mum won't cut it. As county employees, these jailers are entitled to know that the training program in which they are forced to participate is as safe as possible and that every precaution to assure that — from using expert staff to using reasonable techniques to providing the best available equipment — is being taken.

The mere fact that these are county employees opens county government to the possibility of lawsuits, medical costs and other potential liabilities and that, in and of itself, makes it much more than solely the sheriff's business. It is known, for example, that the injuries already have cost the county more than \$10,000 in claims. What might the eventual, total cost be to the county?

The sheriff can't cavalierly treat this as if it should be of no concern to others. It most certainly is. These injured workers, county government and county taxpayers have an enormous stake in this.

Because of that, it is essential that Carpenter immediately re-examine the training procedures used, take any corrective steps required to ensure heightened safety and then convey to the public the moves he has made. That is necessary so the workers involved will know they are not needlessly put at risk and county citizens will know that their tax dollars are not being squandered because an elected official failed to take due care on their behalf.

# Assistant DA running for sheriff

BY VICTOR INZUNZA  
Fort Worth Star-Telegram

FORT WORTH — On the steps of the new Tarrant County Justice Center, Assistant District Attorney Steve Marshall yesterday announced plans to run for the county's chief law enforcement post.

Marshall, 30, a Republican making his first bid for office, said Sheriff Don Carpenter has failed to provide leadership and has been unable

to forge a working relationship with the city of Fort Worth and other Tarrant County municipalities.

Marshall, in a speech to a small group of supporters, acknowledged that beating the sheriff will be tough, but he promised, if elected, to turn the job into "the leading law enforcement voice in Tarrant County."

"I'm not tilting at windmills," Marshall told the gathering. "I

promise to fight the fight and, with your help, make a difference."

Marshall is the third person to announce his candidacy for what is expected to be a crowded race next year.

Private investigator Jim Hunter, who lost to Carpenter in 1984 and 1988, and Mike Utley, a Sheriff's Department investigator, have entered the Republican primary.

Tuesday P.M., August 13, 1991 / Fort Worth Star-Telegram



Fort Worth Star-Telegram

## Solution to prison overcrowding

Texas has many problems, but I can solve the two problems of empty military bases and full prisons. Turn those problems over to Joe Rodriguez and J.O. DeShane. Rodriguez had a letter published July 28.

I believe that by combining his ideas with mine, these problems could be solved.

The only addition that I can make would be to convert the closed military bases into prisons. This should not be very expensive because most of them are fenced with guard gates. With all this extra space, I can't see where we would have overcrowded prisons.

Rodriguez suggested that the inmates be divided into three shifts. One could sleep eight hours per while another shift does road work or other community services. The third shift would have eight hours to wash clothes, bathe, etc. He suggested that these shifts could be rotated from time to time. He pointed out that this would triple the bed space.

When you add my suggestion of converting military bases, we should be able to keep inmates for their full sentence. I believe they should serve the full term. An early release should be an exception to the rule.

So, Texas, what are you waiting for? Rodriguez has shown you how you can solve this problem if you want it solved. And, if you need to, you are welcome to use my idea of converting closed military bases into prisons.

—J.O. DeShane  
Fort Worth

# Kennedale reviewing jail policies after inmate hangs himself

BY CHERYL PHILLIPS  
Fort Worth Star-Telegram

KENNEDALE — A Fort Worth man described by his mother as a "good boy" who was trying to get his life back on track died early Sunday apparently hanging himself with his socks in the Kennedale jail.

Mark Stephen DeLong, 29, was found hanging from a cross bar on the cell wall and was pronounced dead an hour later at John Peter Smith Hospital in Fort Worth.

DeLong had been in the jail since Tuesday on charges of burglary of a building. The man's mother, Phyllis Carr of Fort Worth, said her son had planned to plead innocent. She lamented that she could not afford to post the \$25,000 bail and said she was trying to raise money for her son's funeral.

"How can you commit suicide in jail when they take everything from

you? So how can you do it?" Carr asked as she sat on a recliner in the family's small frame house in Fort Worth. She clenched a tissue in her fist as she fought back tears. "Mark was a good boy. He didn't need to die."

Kennedale Police Chief David Geeslin said his department will investigate its jail policies and procedures and will consider using closed-circuit television cameras to monitor activities in each cell. Kennedale's jail cell areas are monitored by camera, but cameras are not used to view inside the cells, Geeslin said.

Deaths that occur in Texas jails must be reported to the state attorney general's office and Geeslin said he will submit the report today.

"We're going to conduct an investigation of the whole procedural setup," he said. Kennedale officials

had considered monitoring inside each cell, but feared such a tactic would violate prisoners' privacy rights, Geeslin said.

Privacy issues do surface in county facilities, which are regulated by the Texas Jail Standards Commission, said commission planner Wayne Gondeck.

While city jails are not regulated by the state agency, the organization advises its county jails to give inmates screened-off areas to dress and use the bathroom if they do monitor the inside of cells, Gondeck said.

Kennedale's cells don't have screened-off areas.

"They have wash space and a toilet and a water fountain in there, so it does make it kind of personal in there," Geeslin said.

The cells in the Kennedale jail have recessed lighting so prisoners

cannot hang themselves from ceiling fixtures, he said. And the telephones the department has installed have short cords, he said.

The 14-bed jail often is left unattended with just a dispatcher monitoring activities through the audio systems, Geeslin said. Patrol officers are assigned to check on prisoners in the jail, but because officers have numerous duties, there are times when more than an hour passes without a patrol officer checking on prisoners, he said.

Carr said her son had been frustrated by having to stay in the Kennedale jail for several days because there was no space in Tarrant County Jail, Carr said.

She said DeLong had been depressed about an ongoing battle to regain custody of his child from the state. His parental rights were terminated by a court in February, but

DeLong had been fighting the ruling, Carr said. DeLong initially lost custody of his daughter, now 2, when he was homeless and living in a mission in Dallas.

Shortly after DeLong lost custody of his daughter, Carr moved to Fort Worth from the family's home state of Michigan to help out, she said.

DeLong had hoped his life would get better, Carr said, adding that he had found a job at Samsill Corp. in Fort Worth. He even had planned to go to college. And he'd never mentioned wanting to take his own life.

"He had artistic talents, drawing. And he wanted to be a child guidance counselor, to help children," Carr said.

DeLong's death provisionally has been ruled to be asphyxiation due to hanging, said Troy Taylor, an investigator with the Tarrant County Medical Examiner's Office.

A final ruling won't be made for several weeks until the medical examiner's office completes its investigation, Taylor said.

"This is kind of a touchy situation, because of hanging himself in the jail," Taylor said. "We'll look at all the evidence and be positive to go over all of it and make sure everything is up to par," he said.

On Saturday, Carr stopped by the jail to leave a bar of soap and a fresh set of clothes for her son. She was not allowed to see DeLong because visiting hours were over, she said.

Later that evening she found a message on her telephone answering machine from her son.

"He said, 'Mom, I called to let you know I'm all right,' and hung up," Carr said between sobs. "He wasn't a bad boy. He just had a rough life. It hurts."

## New county jail to be tested again Aug. 23

BY FRANK PERKINS  
Fort Worth Star-Telegram

FORT WORTH — The new Tarrant County Corrections Center will be ready for its second Texas Jail Standards Commission test Aug. 23.

Passing the jail standards test would clear the way for moving prisoners into the \$47 million facility, county commissioners were told yesterday.

Ed Rittmayer, project manager for Gilbane Building Co., the county's project manager on the facility, said that only three of the building's 1,200 cells still have problems with the smoke evacuation system.

The system is designed to suck out

smoke and fumes from a fire and replace the bad air with fresh. It failed its first test last August, delaying the jail opening at least a year while workers launched a \$1.1 million effort to bring the highly complex system up to standards.

"We should have those three holding cells corrected and the system fully working this week and we should be ready to be tested not later than Aug. 23," Rittmayer said.

"That is good news indeed," County Judge Tom Vandergriff said.

County officials said that if the jail is approved, prisoners could begin moving in shortly afterward, but Sheriff Don Carpenter said he ex-

pects it to be well into next year before the jail is in full use.

"We're going to open that jail up one floor at a time as we get the guards trained and other things we need to run it right," Carpenter said in an earlier interview.

In other action, the commissioners approved a new carrier — United of Omaha — for the county's employee health insurance, dropping Sanus Health Systems Inc.

Earlier this year, Sanus angered many of the county's 3,000 employees by suddenly dropping the Harris Hospital system from its list of treatment facilities, saying Harris charges were too high.

## State prison plan will have to wait for another session

The Associated Press

AUSTIN — A proposed settlement of county jail crowding lawsuits against the state will have to wait for another legislative session, along with a \$1.1 billion prison bill, lawmakers said yesterday.

Negotiations on the issue failed after Harris County senators refused to accept a compromise plan and House negotiators walked away from the bargaining table Friday.

House and Senate legislators tried to reach an accord on proposals to build 25,000 new prison beds and settle lawsuits brought by 14 counties whose jails are crowded with approximately 10,000 state prisoners.

"We've pretty well stopped negotiating with members of the Harris County delegation," Sen. Ted Lyon, D-Mesquite, said yesterday. "The rest of the state, as far as they're concerned, can go to hell."

Sen. Jim Turner said officials "just wanted more money than we could afford to pour into Harris County."

"Harris County's refusal to cooperate and come to the table and reach a settlement, it really cost all of our counties a good program that in the long term would have been in the best interest of the state," said Turner, D-Crockett.

House Speaker Gib Lewis also criticized county officials, saying,

"It's unfortunate that Harris County felt that they were obligated to kill the prison bill."

"It's unfortunate that we have a situation that people have worked long and hard on and you have one county that doesn't want to cooperate with the other 200-plus counties," said Lewis, D-Fort Worth.

But Sen. Gene Green, a lead negotiator from Houston, said the fault did not lie with Harris County. Lawmakers seeking a compromise

on the issue "haven't been able to come up with anything that's in the middle," he said.

"If Harris County is killing the program, it's probably because the state is killing Harris County by keeping the prisoners there instead of helping us," said Green, a Democrat.

Sen. Cyndi Krier, R-San Antonio, said Bexar County leaders also "have great concerns" about the proposal.

## CITY REBUILDS ITS CHICKEN COOP

# No vacancy

*Facility's crowding may force use of makeshift jail*

BY KATHY SANDERS  
Fort Worth Star-Telegram

FORT WORTH — The Chicken Coop may be back.

A constant "no vacancy" sign at the Tarrant County Jail and the continuing high crime rate has forced the Fort Worth Police Department to convert its fourth-floor storage area to a makeshift jail for the second

time in 2½ years.

And while the opening tomorrow of a private jail in the city may put off the need for the 200-bed chicken coop awhile, it is ready just in case.

"We haven't opened it yet. We're prepared to open it if it becomes necessary," Police Chief Thomas Windham said yesterday. "The reason is simply that there is no other

place to put them at this current time.

"I don't know if it's the last or only alternative, but for us and the look we've taken at it, it's the best alternative," he said.

Tarrant County Jail Administrator Jim Minter said the jail had 3,211 inmates, 11 over capacity, (More on COOP on Page 4)

## Coop

From Page 1

with 554 sleeping on the floor. Another 147 inmates being held in suburban jails were awaiting transfer, including 70 Fort Worth prisoners.

"They're backed up at the door now. The numbers will be higher tonight," he said.

Police Capt. Greg Givens said the "chicken coop," named because of the sections of chain link fence used to form cells for 10 to 12 people, was ready Monday. So far, the Police Department has not had to use it.

"We're in good shape with the weather cooperating," he said. "When it's bad like this, we have fewer assaultive type arrests."

Whenever Sheriff Don Carpenter is forced to close the jail, Fort Worth contracts with other jails, such as Mansfield and North Richland Hills.

"If nothing happens, conceivably, when the county fills up and we fill up at the outside agencies, we'll start on the fourth floor and once

that's full, that's it, no more arrests," Givens said.

Even now, some Class C misdemeanor warrants, such as disorderly conduct, are not being served because there is no place to put the prisoners, Windham said.

Windham also said some warrants for the arrest of parole violators are executed only if officers run into the wanted person during routine duty.

"To my knowledge, no one is making any overt effort to arrest those people," he said.

Givens said that in an average Texas jail, about 60 percent of the inmates are held on misdemeanor charges and civil court commitments, such as failure to pay child support. In Tarrant County, however, they make up only 5 percent of the jail population. The other 95 percent are people jailed in connection with felonies.

Some relief may come tomorrow with the anticipated opening of the Wackenhut Corrections Corp.'s new parole violators facility.

Carpenter said he intends to send 50 parolees to the 400-inmate pri-

ivate jail on Blue Mound Road in Fort Worth, a move he hopes will forestall the need for the chicken coop.

Still, although no one is sure when inmates will begin filling the store-room jail, officials feel certain it will occur if the current arrest rate holds.

"It could be as early as Saturday, it may be a week," Givens said. "But by September for sure."

Police officers working overtime will guard the inmates, while the county will continue feeding, clothing and providing mattresses and covers. The cost is expected to average about \$3,000 a day for the city. That will be in addition to the \$3,200 a day the city will be spending on contracts with other jails, Givens said.

The chicken coop came into being in December 1988 when overcrowding at the jail forced Fort Worth police to unroll the chain link fence and go into the jail business.

The fence came down in November 1989 after seeing 5,000 inmates pass through and more than 60,000 police hours spent running the jail and transporting prisoners, Wind-

CONTINUED ON  
NEXT PAGE

ham said.

"I made a statement back when we demolished those previous cages that never again," the chief said. "But I guess a person should never say never."

Givens said law enforcement agencies countywide are working together to solve the problem, but "the solution is political. The elected officials have to get together and dedicate themselves to building enough jail space for the citizens of Tarrant County. . . . It's hard to control crime if we don't have the space to put our prisoners."

Both Windham and Givens faulted state legislators for not dealing with the problem, saying that if the state would accept prisoners from the county, Tarrant County would not be overcrowded.

"Until the Legislature properly addresses the prison problem, we'll always have prison overcrowding and a high crime rate," Windham said.

Staff writer David Castellon contributed to this report.



Fort Worth Star-Telegram / RON JENKINS

Officer Greg Givens inspects the "chicken coop"



FW STAR-TELEGRAM  
EVENING EDITION  
14 AUGUST 1991

# Jail stalemate

## State, counties must keep negotiating

The inmates keep coming. They fill the county jails, and there is insufficient space in the prisons to accommodate all of them. So they keep stacking up in county jails, and the counties keep spending money to house them and sue the state to recover that money.

The counties win the suit but haven't received the court-awarded money, and the Legislature and the counties talk but can't compromise and . . .

Meanwhile, nothing gets resolved, and the jail/prison crowding problems worsen.

Once again, a legislative session has ended without a solution to this costly, disruptive, divisive issue. This time, it happened mainly because state lawmakers and Harris County were unable to strike a deal over the housing of inmates. That's the same reason a deal fell through last legislative session. Somewhere, somehow, there has to be a solution. Lawmakers and the counties must find it.

The problem has been mounting for years. The state has failed to build enough prisons. This means that thousands of felons are being kept in county jails, costing counties hundreds of millions of dol-

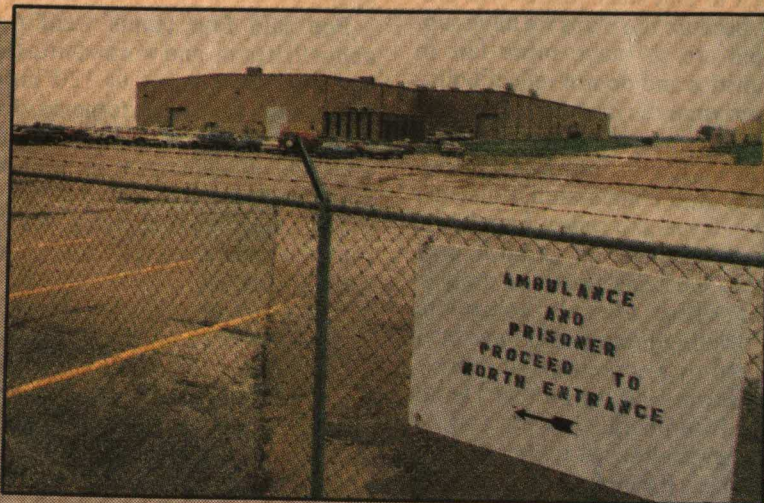
lars. In Tarrant County, the felon-care bill is estimated at more than \$30 million.

The counties desperately need to stop or sharply reduce this spending and to recover at least some of their money. The state also needs to get the matter settled.

Most of the counties involved are willing to compromise. The state is, too, and is willing to pay the counties \$20 daily for each state prisoner held over a certain percentage. The state also would pay a county for sending felons from its crowded jail to a county with excess jail space. Plus, the state would agree to house all felons by Sept. 1, 1995.

Obviously, much headway has been made since the state and the counties began negotiating. But, just as obviously, differences remain. Lawmakers and the counties must stay at the bargaining table and try to agree.

They must do it because the issue is damaging to state-county intergovernmental relations and because, as long as the issue is unresolved, Texans will have no assurance that this integral part of the criminal-justice system is properly functioning to keep lawbreakers off the streets.



Fort Worth Star-Telegram / MARK GAIL

The north Fort Worth prison site is fenced off

## *State confirms prison to open in N. Tarrant*

BY FRANK PERKINS  
Fort Worth Star-Telegram

FORT WORTH — A spokesman for the state division of Pardons and Paroles has confirmed that a prison for parole violators will open within a few days in a north Fort Worth industrial park.

David Young, parole spokesman, made the announcement shortly before noon today.

"Bob Owens, the division director, has authorized me to say the decision has been made to open the facility," Young said. "Since the facility is already up and operational, it should be accepting parole violators within the next few days."

### **Prison debate welcomed**

Your July 23 editorial ["Texas can't build enough prison beds"] on Texas prisons is a useful start in what could be an important public debate if it is not allowed to deteriorate into handwringing and stereotypical accusations.

Your comments that a short prison term is no deterrent and that incorrigibles must be separated from society are true, but they beg for you to go beyond rhetoric to concrete actions.

For example, please educate us about the private prison scheduled to open on Blue Mound Road. What is Wackenhut Corrections Corp.'s record? What is the experience of similar prisons? Are the opponents only those who don't want it in their backyard or are their fears reasonable? If that private facility operated at capacity today, how would it affect the parolee population in Tarrant County?

—R.C. Deskin  
Fort Worth

FW STAR-TELEGRAM  
EVENING EDITION  
15 AUGUST 1991

# North side lockup to get parole violators tomorrow

## *Carpenter to move 50 from jail*

BY FRANK PERKINS  
Fort Worth Star-Telegram

FORT WORTH — Wackenhut Corrections Corp.'s new facility for parole violators in north Fort Worth is due to get its first prisoners tomorrow, Sheriff Don Carpenter said yesterday.

Carpenter said he will send 50 parole violators to the prison at 4700 Blue Mound Road to relieve overcrowding in the Tarrant County Jail complex.

The director of the state's pardons and paroles division, Bob Owens, announced yesterday in Austin that he had decided to open the 400-bed facility despite strong protests from the Diamond Hill-Jarvis neighborhood. That neighborhood lies south of the facility, a former Fruehauf Trailer Corp. manufacturing plant.

"Mr. Owens took into consideration the strong community opposition, but he made his decision to open the facility based on the best interests of public safety for the whole state," said David Young, a spokesman for the pardon and paroles division.

Young said the initial group of parole violators will come from North Texas.

Said Carpenter: "That will help me a lot. We're in bad shape as far as room goes over here in our jails. Moving 50 of them over to the Wackenhut facility will help me out."

North side City Councilman Carlos Puentes is still upset.

"I am very disappointed in the decision to open the prison," he said. "I supported the community in trying to keep it from opening, and I will continue to make sure the needs and concerns of the community are taken care of by Wackenhut."

Young said the pardons and paroles staff will make sure only parole violators who have no criminal charges pending against them will be sent to the \$2.5 million Wackenhut prison, which is called

(More on JAIL on Page 4)

# Jail

From Page 1

an intermediate sanction facility.

However, the inmates will be on parole from convictions for the full gamut of felonies, ranging from murder to auto theft.

"They're being sent to Wackenhut for failing to pass a drug test or failing to meet with their parole officer, not because they have new criminal charges pending against them," Young said.

Carpenter said he hopes moving the 50 parole violators could prevent the Fort Worth Police Department from opening its temporary "chicken coop" to hold prisoners when the sheriff is forced to shut down the jail because of overcrowding.

The state will pay Wackenhut an average of \$38 per prisoner per day to keep the parole violators for up to 90 days, Young said.

He said neighborhood residents should have no fear that the violators would be released at the facility once they have served their time.

"They will be brought to the facility on secure chain-buses and will be taken back to their county courthouses again on secure chain-buses when it is time for them to be released," Young said.

John Grace, owner of Meacham Three-Way Center Industrial Park across the street from the facility, said the prison will be an economic death sentence.

"That prison will cost the city millions of dollars in lost income from that property," Grace said. "It will stifle development in this area."

The Fruehauf complex had been vacant since the company moved in 1986. Wackenhut's prison is in one of the Fruehauf buildings, surrounded by chain-link fence topped with barbed wire.

A number of other industrial parks are in the same general area, just northeast of Fort Worth Meacham Airport.

Grace's father, W.E. "Bill" Grace, was president of Fruehauf when the company moved onto the property in 1966.

Under terms of the industrial revenue bonds that the city sold to develop the property, the title to the 400,000-square-foot Fruehauf complex, including the Wackenhut holding, will revert to the city in 1996, Grace said.

"Since the city in effect owns the property, I can't understand why the city and the Fort Worth Chamber of Commerce didn't fight this project all the way," Grace said. "It is a mystery to me I guess I'll never solve."

Puente said the reversion clause may be a way to close the prison five years from now.

"If it reverts back to the city as the original deal indicates, then we could have a different situation out there," Puente said. "It is hard to predict what the city would do under those circumstances."

# Jail talks

## Morales working to end the stalemate

Dan Morales has a better idea.

The state attorney general wants those involved in the prison/jail stalemate — judges, state and county government representatives and others — to meet to try to settle the issue. To which we say, hip-hip-hooray! If this will help push, shove, nudge, cajole or kick it off dead center, power to it.

The prison/jail-crowding mess is costly, disgusting, counterproductive and needless. It has resulted in protracted lawsuits, intergovernmental and intra-governmental bickering and wasteful spending.

Incarcerating felons is the state's responsibility, and the state has shirked it. As a result, many felons have stacked up in many county jails.

The counties insisted the state pay them for housing the felons. The state refused. The counties sued. The counties

won. But only one — Harris County — has received any money. Meanwhile, the state and the counties have tried to compromise. Most counties have agreed to settle; Harris County is the main holdout. So the problem remains.

The governor is expected to let the Legislature take up the issue during the special session that begins Monday. That will help. If Morales can get all of the interested parties into the same room in an informal setting, maybe some of the air will be cleared, guidance will be forthcoming and, we hope, so will agreement. Then the Legislature and the counties can approve it.

Do it. In the name of state and county residents who are weary of paying more and more tax money to keep crooks locked up only to see them go free because officials are so wrapped up in finger-pointing and foot-dragging that they can't get the problem solved, do it.

### Maxie C. Leonard

Warden

**FORT WORTH** — Maxie C. Leonard, a retired warden at the Tarrant County Jail, died Thursday at a Fort Worth hospital. He was 64.



Funeral will be at 3:30 p.m. Saturday at Greenwood Funeral Home. Entombment will be in Greenwood Mausoleum.

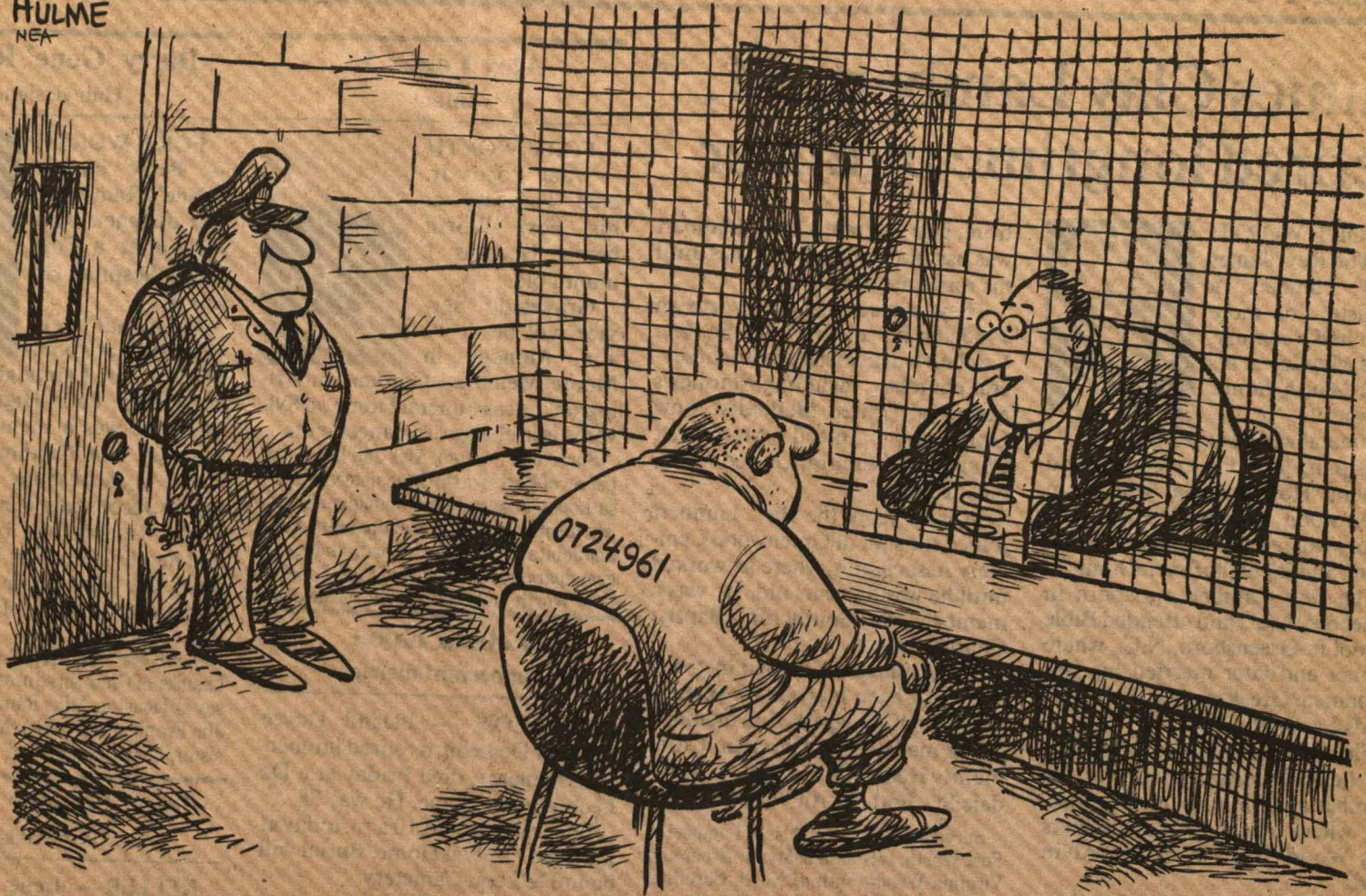
Mr. Leonard was born in Sweetwater in West Texas and had lived in Fort Worth for 25 years.

He retired from the Army after 25 years of service.

Survivors: Wife, JoAnn Leonard of Fort Worth; three sons, Larry Leonard of Watauga, Byron Leonard of Lakeside and Billy Leonard of Fort Worth; three daughters, Donna Leonard, Lisa Hoover and Angela Miller, all of Fort Worth; sister, Opal Carson of Sweetwater; and 11 grandchildren.

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Saturday, August 17, 1991



"WE'RE FILING A COUNTERSUIT AGAINST THE SYSTEM. IT FAILED YOU."

# Residents debate suing or moving as jail opens

By BILL HANNA  
Fort Worth Star-Telegram

FORT WORTH — The opening of Wackenhut Corrections Corp.'s north Fort Worth facility for parole violators has some residents talking about leaving the Diamond Hill-Jarvis neighborhood and others wondering if they can afford to file a lawsuit.

Yesterday, the 400-bed prison accepted its first 55 inmates, all felons who have violated parole.

Angry Diamond Hill-Jarvis residents say that Wackenhut was allowed to convert a warehouse into a parole facility without notifying the public and that hearings were held too late. After yesterday's opening, some were talking about selling their homes and leaving, said Donnis Hatchett, a member of a residents committee formed by state Rep. Doyle Willis.

Hatchett said residents have considered a lawsuit and have received pledges of financial support but don't know if they can afford to sue.

"There is a lot we could do if we had financial resources, but to sue the state is a very costly move and probably beyond our reach," he said.

Hatchett said residents also plan to fight for zoning changes that will prevent similar moves by Wackenhut or anybody else. The committee appointed by Willis will meet with residents at 7 p.m. Thursday at Dia-

mond Hill-Jarvis High School to discuss any future strategies, Hatchett said.

City Councilman Carlos Puente, who represents north Fort Worth, opposed the facility. Puente said he hopes Wackenhut officials will reach some type of settlement with residents to help improve the neighborhood.

"I would really like to see some agreement that would be to their benefit without harming their ability to pursue a lawsuit if necessary," he said.

The facility opened in part of the Fruehauf complex, which has been vacant since the company moved in 1986. In 1996, the Fruehauf property will revert to the city under the terms of the industrial bonds the city sold to develop the property.

Tarrant County Jail administrator Jim Minter said that the move of parolees went smoothly but that it will do little to ease the county jail's overcrowding problem. He said that already, another 144 parolees are ready to move into the facility when the county receives approval, expected next week, from the state's Pardons and Paroles Division.

Tarrant County Sheriff Don Carpenter said the opening of the Wackenhut center could prevent the opening of a temporary overflow jail, dubbed the chicken coop, at the Fort Worth Police Department.

# County told bids won't delay jail

BY FRANK PERKINS  
Fort Worth Star-Telegram

FORT WORTH— County commissioners yesterday threw out bids on kitchen equipment including walk-in freezers for the new 1,440-bed Tarrant County Corrections Center after county officials said the decision won't delay the new jail's opening.

No official opening date has been set, although some county officials want it open by October. Sheriff Don Carpenter, who must provide staff for the facility, has said repeatedly he won't have enough staff trained to fully open the jail before the first of the year.

Purchasing Agent Sharan Gunn said that new bids were necessary because dropping the installation

portion of the equipment bid could lower the cost significantly. Sharan said that the only bid received for the walk-in freezers was "exorbitant."

The new bid specifications should be ready to go out within a few days, with the selection of new vendors due by the end of September, she said.

"Can you guarantee us this action won't delay the opening of that facility?" asked Commissioner J.D. Johnson.

"Yes, sir," said County Administrator G.K. Maenius.

Maenius said the Sheriff's Department has given tentative approval to the catering plan.

ARA Foods Inc. currently caters two of the prisoners' meals daily in

the county's 400-prisoner Greenbay facility for about \$30,000 a year, according to budget officer Debbie Schneider.

The project is a year behind schedule, chiefly due to its extremely complex smoke purge system, which is supposed to pull out smoke and fumes from a fire inside the jail and put in fresh air.

The system failed one Texas Jail Standards Commission test last August. The county has spent \$1.1 million on the system, which is due for another test Friday.

In other action, the court awarded a \$194,000 contract to Joe R. Jones Inc. to build a 72-person courtroom on the fifth floor of the new Tarrant County Justice Center.



## Solution proposed in jail dispute

BY JOE CUTBIRTH

Fort Worth Star-Telegram Austin Bureau

AUSTIN — State leaders yesterday agreed to a plan that would solve the long-running dispute over who pays for state prisoners being lodged in county jails.

Individual counties must agree to settle, abate or dismiss pending litigation against the state to qualify for benefits outlined in the bill. Tarrant County is among 12 counties that have filed a class action suit in state district court.

"There is language in the bill we have been pushing for, and we are happy to see it in the agreed version, but we will have to take a hard look at the bill once it is drafted" before deciding whether to support it, said Chris Gavras, spokesman for Tarrant County Commissioners Court.

About 700 inmates bound for state prison are being housed in Tarrant County Jail facilities. The number represents roughly 30 percent of the county's inmate population.

Officials estimate that the state owes Tarrant County \$30 million for holding felons since 1985.

Under the plan, which still must be approved by the legislature, Tarrant County would receive about \$8,400 a day for felons intended to be in state prison until the backlog reaches half its present level. It also will receive two one-time payments of \$700,000 each, one in 1991 and the other in 1993.

Gov. Ann Richards praised the agreement, which will send roughly half the \$158 million included in the recent budget bill for jail overcrowding directly to Harris County. The rest of the money will be divided between the state's 254 counties, and some of that will also be sent to Harris County.

"I think we are pretty much there [at an agreed resolution]," Richards said. "I can't tell you yet it's a done deal, but I can tell you it's as close to a done deal as anything I've seen."

The plan would require the state:

- To accept all prison-ready inmates within 45 days of their convictions beginning Sept. 1, 1995.

- To pay the actual cost of transferring inmates from constitutionally overcrowded jails.

- To pay \$20 per inmate day for each inmate in excess of 50 percent of a county's backlog as of April 1, 1991. That number would drop to 25 percent of the backlog during the 1994-95 biennium if Harris County agrees to settle its individual lawsuit against the state.

Richards said that she will name a special committee this fall to study and make recommendations on how the state's penal code can be revised to help ease prison and jail overcrowding.

"This system where we are letting out rapists to put in hot check artists is absolutely absurd," she said.

Sen. Ted Lyon, D-Rockwall, said that unless the state overhauls its criminal code, it will be virtually impossible for it to take state-ready inmates within 45 days in 1995.

# Leaders add funds to jail deal

BY JOE CUTBIRTH  
AND JOHN COUNCIL

Fort Worth Star-Telegram Austin Bureau

AUSTIN — Money that would help expand Tarrant County's boot-camp facility, substance-abuse treatment programs and other programs for non-violent criminals was added yesterday to a jail-overcrowding settlement forged this week by state leaders.

The Texas House is scheduled to debate the measure today.

"I'm very encouraged by the progress that has been made," Tarrant County Judge Tom Vandergriff said. "We are anxious to pursue every opportunity to be innovative and to try and find some alternative correctional and rehabilitation projects."

House and Senate leaders agreed to earmark an additional \$30 million in the Department of Criminal Justice budget for a community performance grant program. That program had been eliminated in an earlier version of the compromise. If the money is disbursed under formulas used for other community corrections grants, Tarrant County will receive roughly \$2.5 million.

The agreement is part of compromise legislation. The pact is designed to end a long-running suit brought by 12 Texas counties seeking relief from jail overcrowding caused by felons being held for the state prison system.

On Wednesday, leaders agreed to a plan that would divide \$158 million in direct relief to the 12 counties and establish timetables for the state to accept the prisoners.

The community-based programs are designed to reduce the backlog of state inmates in county jails by increasing the number of sentencing options available, such as boot camps and work-release programs for non-violent offenders. That would allow prison officials to keep inmates convicted of more serious crimes for more of their sentences instead of paroling them to make room for new prisoners.

"It just simply is not enough to build additional prison facilities," Vandergriff said. "We have to come up with some innovative programs to reverse these trends that have been crucifying not just governmental entities but society itself."

Tarrant County officials estimate that the boot-camp facility and accompanying substance-abuse program scheduled to open early next year will serve about 320 inmates. If lawmakers allow the grant money to remain in the compromise prison package, the programs could serve another 100 inmates, said Don Smith, director of Tarrant County's community supervision and corrections department.

# Neighbors reject settlement with prison firm

BY FRANK PERKINS  
Fort Worth Star-Telegram

FORT WORTH — A north side neighborhood last night turned down a settlement offer from the company that opened a parole violators' prison near their homes despite their objections and complained the company has not kept its word since opening the prison a week ago.

State Rep. Doyle Willis, D-Fort Worth, who represents the neighborhood, yesterday filed an official complaint with the state's Pardons and Parole Division, maintaining Wackenhut Corrections Corp. violated its promise to him and the neighborhood the day it opened Aug. 16.

Gloria Fuentes, Willis' administrative assistant, said Willis told the state that Wackenhut "had said no

prisoners would be loaded or unloaded outside the facility but inside it in the sally port. Instead, they unloaded them outside on the southwest side, where there were a bunch of TV cameras and photographers."

Speakers in the audience complained that the buses carrying prisoners to the facility at 4700 Blue Mound Road are driving down

neighborhood streets instead of keeping to the truck route as Wackenhut had promised.

Wayne Calabrese, Wackenhut's vice president for business development, said later in an interview that the company will investigate.

"It is not our policy to respond to unsubstantiated claims," Calabrese said from his Coral Gables, Fla.,  
(More on PRISON on Page 2)

## Prison

From Page 1

home. "The incidents will be investigated in due course."

Calabrese said he had not heard the allegations until the *Star-Telegram* reported them to him.

The settlement offer was unanimously rejected last night by more than 100 residents meeting at Diamond Hill-Jarvis High School. Wackenhut had offered a \$10,000 donation for neighborhood charities each year the prison remained open, additional fencing around openings into the building and establishment of a neighborhood oversight committee to monitor the prison's operations. In return, the neighborhood would have agreed to take no further legal action to close the facility.

Calabrese had no comment on the community's decision. "We want to hear from them first," he said.

Eva Herrera, Fort Worth school board trustee, said the offer was offensive.

"It is an insult to our neighborhood that Wackenhut thought they could buy our integrity for 10,000 bucks," she said.

She is one of six members of the Concerned Citizens Committee that Willis formed to fight the prison opening. Other members are Albert DeLeon, Donnis Hatchett, Dorothy Atherton, Ruth Martin and Patsy Steele.

The crowd voted to add Lupe Hoyos, Harold Lide and Thomas Davila to the committee, which will continue to explore ways to close the prison.

Hatchett, chairman of the Diamond Hill Civic Association, told the crowd that "we got out-politicianed."

He said the way to win at that game was to remember where each one of the 23 state officials ranging from Willis to Gov. Ann Richards

stood when the Wackenhut question came up.

"If I have to paint it myself, I promise you there will be a sign outside every polling place in Diamond Hill on election day that says, 'These people helped put that prison in our neighborhood.'"

Hatchett urged the neighborhood to show up in large numbers at the Sept. 3 City Council meeting to demand more police protection for their neighborhood.

Herrera said the group still could take legal action.

She also called upon neighborhood residents to keep their eyes and their videocassette recorders focused on the facility, housed in the former Fruehauf Trailer Co.'s manufacturing plant.

"We need records of any violations," Herrera said. "They are goofing up every day out there. Give them to us with the day and the date and we'll send them to Austin to the pardons and paroles people."

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## House bill gives Tarrant \$6.8 million for jail relief

BY JOHN GONZALEZ

Fort Worth Star-Telegram Austin Bureau

AUSTIN — The Texas House approved a \$188 million package of criminal justice measures yesterday that includes \$6.8 million in payments to Tarrant County to ease jail crowding in 1992-93.

The Tarrant County payment includes \$1.6 million in incentives to divert offenders from the prison system, an \$811,971 settlement for past keeping of felons and \$4.4 million in emergency relief for continuing care of felons.

The plan presumes that prison expansion and diversion programs will help halve the county jail's backlogged felon population in the next two years. Equally important to counties, the proposal declares that in 1995 the state will be duty-bound to accept all felons into prisons.

Sponsors said the plan meets the approval of county officials who for two years have been waging a legal war to recover money spent to house felons sentenced to prison.

But House members also added several controversial provisions that are expected to be nullified when the Senate considers them today or tomorrow.

Among them were a ban on parole for certain violent offenders; a requirement that parolees return to

the county of their offenses and a mandate for a study of corporal punishments, including public lashings and dismemberments.

"I'm sure there are some amendments the Senate's going to take off," said Rep. Allen Hightower, D-Huntsville, who co-sponsored the measure, House Bill 93.

Co-sponsoring Rep. Mark Stiles, D-Beaumont, added: "We wish we could lock everybody up for whatever juries sentenced them for. But because of this drug and alcohol crisis that hit our country 10 years ago — none of us were ready for it — we can't build ourselves out of it."

The package does not include any prison construction money. However, lawmakers already have authorized for the Nov. 5 statewide ballot a proposal to issue \$1.1 billion in bonds for construction of prisons, mental health and youth facilities.

Even so, some lawmakers criticized the overall approach as inadequate because it relies heavily on diversion programs until new prisons are built.

"This bill as written will trigger even faster releases on parole out the back door," said Rep. Debra Danburg, D-Houston. She successfully amended the measure to ban parole for those convicted of aggravated rape and aggravated robbery.

Sunday, August 25, 1991



Lance Moreland: Was in his grandmother's custody

## Search on for boy, mother

Two women and a child kidnapped during his grandmother's slaying may be heading north, police say.

BY BILL TEETER  
AND STEFANI GAMMAGE  
Fort Worth Star-Telegram

FORT WORTH — Homicide investigators believe a 3-year-old boy, abducted during the slaying of his grandmother Friday, is with his mother and another woman possibly headed for Oklahoma or Iowa, police said yesterday.

Homicide Sgt. Paul Kratz said the mother previously had relinquished custody of the toddler, Lance Moreland, and was thought to be headed north from Texas with another woman in a red Chevrolet Beretta.

“Apparently at least one of them has some relatives up in those areas [Oklahoma and Iowa],” he said. “We are actively searching for all the suspects and the child at this time. Right now the primary focus is to locate the child.”

Two men, ages 21 and 22, and a 20-year-old woman arrested within hours of the slaying of Betty Jo Moreland, 49, remained in Tarrant County Jail yesterday on investiga-

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## Abduct

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tion of capital murder. Bail was set at \$500,000 each.

“We don't know whether robbery or burglary was just an afterthought or an attempt to cover up the original offense [the slaying and kidnapping] itself,” Kratz said.

Moreland's daughter, Terri Munoz, 33, found the body when she arrived at 1221 Edney St. with two

*“We are concerned at this point for the child's safety, given the information we have on how this offense was carried out and these people's involvement in this offense.”*

— Paul Kratz  
homicide officer

young girls and interrupted a robbery shortly after 4 p.m. Friday. Munoz fled from the home with the children and drove to a nearby home to call police.

After calling the police, Munoz spotted several people leaving her mother's house and driving away in a car. She jotted down the license number.

Police later stopped a car matching the description provided by Munoz and arrested its two occupants. Three other people were arrested later at an apartment in the 4900 block of Ridglea Lane, but two were not considered suspects in the slaying and abduction and were detained on other charges, Kratz said.

Kratz said items missing from Moreland's home were found in the car and the apartment, but he declined to say what was recovered.

Moreland's death has provisionally been ruled a homicide by suffocation, but that is subject to change after further tests, said Rick Clayton, medical investigator for the Tarrant County Medical Examiner's Office.

Kratz said he did not know the relationship of the two women who fled with the boy, but one of the women is believed to be the missing boy's mother, the slain woman's daughter-in-law. Her identity had not been released late yesterday.

The daughter-in-law, police said, granted Moreland custody of the boy shortly after his birth. The boy and his grandmother had been living alone in the Edney Street home where Moreland was slain.

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# Tarrant going with current with guards amid inmates

BY FRANK PERKINS  
Fort Worth Star-Telegram

FORT WORTH — When guards at the new county jail finally step into the cellblocks along with the inmates they supervise, Tarrant County will step into the mainstream of a corrections theory spreading across the United States.

The new \$47 million, 1,440-inmate Tarrant County jail will largely abandon the

traditional style of jail, with all its inherent dangers, in favor of a concept called direct supervision that puts the guards in among the inmates instead of outside the cell bars.

At first glance, the concept seems insane: locking in a guard among 48 inmates. That idea had veteran jailers such as Tarrant County Jail Warden Maj. J.F. Skidmore shaking their heads in disbelief.

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## Jail

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"Quite frankly, I thought the idea was crazy," Skidmore said.

But he changed his mind. "I came back from my three training tours at the Bexar County direct-supervision facility in San Antonio totally convinced it would work because for the first time, the officers in the pods controlled both the space and the inmates. In the old jail, all we really were doing was keeping them from escaping; we had no control over them in the tanks or cells," Skidmore said.

And Corrections Officer Sam Ousley, a veteran of the county's maximum-security jail, said he felt like Daniel in the lions' den the first time he stepped into a cellblock, or pod, under the direct-supervision concept.

"I was pretty uncomfortable being in among the inmates," Ousley said, "but after a while, I got used to it and then I realized that I was not feeling the tension and stress that I had felt daily while working in the main jail because I was confined in there just like the inmates."

The jail's opening date depends on approval from the state Commission on Jail Standards, whose representatives are scheduled to inspect the facility today. The jail failed an inspection last year when the smoke evacuation system did not meet state standards.

Officials at the National Institute of Corrections in Boulder, Colo., credit direct supervision with dramatic drops in the levels of inmate violence, sexual assaults, contraband weapons and fear levels within the 50 or so county jails that have embraced it since it was devised by the Federal Bureau of Prisons in the late 1970s.

"There is no doubt about it," said Dee Haley, a corrections program specialist with the institute. "Both inmates and the staff are safer under direct supervision."

Statistics from county jails nationwide now using the technique support that statement.

Thomas Berry, administrator of the Bexar County direct-supervision facility in San Antonio, was

warden of the notorious Tombs Jail in New York City.

The Tombs became the second county-level direct-supervision jail in the nation in 1983 when it reopened after a massive redesign and rebuilding. It had been closed by a federal court order nine years earlier because of inhumane conditions.

"In the Tombs' first year as a direct-supervision facility, we had 39 violent incidents occur," Berry said. "But the next year, we had only 21. That may sound like a lot, but we used to have at least 39 violent incidents a week in the old Tombs."

The Pima County Jail in Tucson, Ariz., opened as a direct-supervision facility in 1986 and, according to jail administrator Maj. David Bosman, the jail has had only two inmate suicides and a single contraband weapon — a broken broomstick — found since it opened.

"We've had no escapes in five years, no sexual assaults, no inmate murders and no major disturbances in the new facility. Those problems were a common occurrence in the old traditional type jail we had here," Bosman said.

Why do assaults, violence and vandalism suddenly diminish when inmates shift to a direct-supervision jail? David Bogard, administrator of the Arlington County Jail in Arlington, Va., says it is a question of rationality.

"If you expect inmates to act rationally and give them a rational environment to live in, then you will get rational behavior from them," Bogard said.

With a corrections officer in the pod with them 24 hours a day, there is no leadership vacuum; the officer is clearly in charge. That frees the inmates from having to be afraid of each other.

"If there is no need to be afraid, then there is no need to make shanks [homemade knives] or other contraband weapons," Bogard said.

Skidmore and Bogard agree that it takes a special type of corrections officer to make the system work. In Tarrant County, all the 100 or so guards involved in direct supervision will be volunteers from among the county's jailers. They must undergo 40 hours of classroom training and spend a week at the Bexar County facility in preparation for their new assignments.

"They must have good communication skills; that is an absolute must," Bogard said.

Skidmore said: "Retired military are excellent pod officers. They have had great experience in making 48 people do what the 48 don't want to do by using command presence, leadership and motivation techniques rather than brute force."

The pod environment becomes even calmer when female officers run all-male pods.

"There is a male-female ethic at work here," Skidmore said. "When you have a male guard give an order to an inmate, if he doesn't word it just right, it can become a macho challenge to the inmate's masculinity."

"But a female officer doesn't have to be all that careful about how she words her order. She can come into the pod and say 'Mop that floor' and that same inmate will say 'Yes ma'am,' and start mopping."

"In his mind, she is a woman, and as a woman, she can never threaten his masculinity. To obey her is to suffer no loss of face in front of the other inmates because most men are used to doing what their mothers, wives or girlfriends tell them to do."

While some female guards are expected to work in the new Tarrant County jail, they declined to be interviewed.

Along with violence, vandalism to jail property also trails away to negligible levels under direct supervision, experts said.

"There is absolutely no graffiti in our pods here in San Antonio, or in the Tombs," Berry said. "Our biggest problem with graffiti was in the public lobbies and restrooms at both facilities."

Not all inmates are manageable under direct supervision, but those who aren't will be screened individually and kept in more traditional cells.

However, Tarrant County jailers will not be unprotected when they report for pod duty.

Each pod officer can see into his fellow officer's pod and can give the alarm if he sees an officer in difficulty. Each will carry a radio with a "man down" feature. If the officer is knocked off his feet, a press of the emergency button broadcasts a signal to central control and help will reach the pod in a matter of seconds,

Skidmore said.

The radios are replacing silent alarm devices that look like ballpoint pens but that jail officers have said did not always work.

The environment is definitely not jaillike, despite the barred entryways and similar security measures. About the only clues that the 48-inmate space is not a military platoon bay or a bare-bones college dorm are the red and yellow stripes painted on the floor, dividing the day room from the guard's desk and security control panel.

"Inmates can cross the yellow line only when they have permission from the pod officer," jail Lt. Scott Sheppard explained. "They absolutely cannot cross the red line unless accompanied by an officer."

Instead of bars, cell doors are thick solid wood, pierced by narrow, glass windows. The doors can be locked or unlocked from the guard post inside the day room.

Inmates will spend most of the daylight hours in the day room or in the adjoining outdoor recreation area where decorative steel trim and heavy mesh wire prohibit escapes while letting in natural light and air.

Pod officers can order inmates into their rooms for one to four hours for minor infractions of pod rules.

Each day room is outfitted with two television sets to cut down on fights over channel choices, overstuffed couches and chairs for TV viewing and steel tables for meals and games such as dominoes or checkers.

Nine of the new jail's 13 levels will consist of the 48-prisoner pods, with one guard assigned to each pod.

The other levels contain 192 cells for those prisoners who cannot get along under direct supervision, as well as a medical ward, administrative offices, a kitchen and intake and release areas.

Female prisoners will be kept in their own pods with female guards. While some direct-supervision jails allow male guards in women's cellblocks, Tarrant County officials do not plan to do so. Jailers elsewhere report problems with sexual contact, including female inmates flirting with male guards and trying to get special favors, according to the National Institute of Corrections.

# Tarrant's New Jail Gets Passing Grade

## Facility may open next week

BY THOMAS KOROSEC  
Fort Worth Star-Telegram

FORT WORTH — The county's new 1,440-bed jail, which yesterday received the state's stamp of approval on everything except a "very few" minor items, should be ready for its long-delayed opening next week, the head of the state's jail inspection commission says.

"It's automatic," Jack Crump, the executive director of the Jail Standards Commission, said today about the jail's opening.

The commission completed its latest inspection yesterday, finding only a handful of small details that must be corrected before opening.

"There is nothing here that would delay opening," said Robert Dearing, supervising inspector for the Texas Jail Standards Commission.

The state's report elated county officials, who at times have refused to accept prisoners from area cities because of overcrowded conditions in existing jails.

"We are going to get it open. It depends on these minor corrections and I am advised that may be a matter of days as opposed to weeks," said County Judge Tom Vandergriff.

Dearing told Tarrant County commissioners that the smoke detection and removal system that failed inspection last year, stalling the opening for more than 15 months, is now "excellent."

Despite the state approval, it was uncertain yesterday when the facility will open and begin receiving a backlog of prisoners that in recent weeks has stacked up in area city

jails and in a makeshift pen at Fort Worth police headquarters.

Dearing, completing a 1½-day inspection, said the "very minor" items standing in the way of final state approval could be corrected in a matter of days.

Sheriff Don Carpenter, who will run the jail, said it will not open until an emergency radio system is installed and food service facilities are readied.

Jail Administrator Jim Minter, asked when the facility would begin admitting prisoners, said: "We just don't know. We haven't decided yet. The sheriff and I have to sit down and make some decisions."

Vandergriff, who called yesterday's inspection results "extraordinarily good news," was more upbeat.

Pledging that outstanding prob-

lems could be fixed "very quickly," Vandergriff said, "We are not going to delay the opening of that jail one day because of food service or any other such deficiency."

Vandergriff said that food could be prepared elsewhere and brought in while the kitchen is being completed. He pointed out that the county is already doing that at its 400-bed Greenbay jail in north Fort Worth, where ARA Foods Inc. caters two meals daily.

Carpenter, who has said in the past that it will take until the beginning of next year to train guards to fully staff the new facility, said yesterday that at the outset he likely would open "one or two floors" in the 13-level building.

He said he has authority to hire 15 new guards Sunday. Also, he said guards will be transferred from temporary barracks at the county's Cold Springs Road minimum-security jail. The barracks, erected in 1988, will close when the new facility opens, Carpenter said.

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After his oral report to the commissioners, Dearing said his inspectors tested the jail's smoke purge system, which is supposed to pull out smoke and fumes in case of a fire and pull in fresh air, with more than 200 smoke bombs yesterday and Monday.

"Someone said it looked like we'd elected a new pope," said one of Dearing's inspectors, referring to the white smoke that could be seen drifting from the roof of the downtown jail building. (The selection of a pope is announced by puffs of white smoke from the Sistine Chapel in the Vatican.)

Dearing told the commissioners that workers were attending to all of the minor problems turned up in the inspection.

His list included the lack of a paper towel rack above a kitchen sink, the lack of two intercoms, a water leak in the kitchen ceiling, the use of unsuitable material in the kitchen ceiling, and the absence of two exit diagrams.

He said operational plans submitted by Carpenter's office are yet to be approved but, he said, "They are in the final stages."

The county is under considerable pressure to open the much-delayed jail because overcrowding has forced repeated closure of the old jails to new prisoners over the past three years.

Minter said that nearly 200 prisoners were awaiting transfer to the county from area police departments yesterday. Beyond that, he said, roughly 600 prisoners are sleeping on floors in the county's jails.

"Everyone is anxious to occupy the new jail," he said. "We realize that, and we'll be working toward that goal."

Carpenter said the new facility will "help a lot" in relieving overcrowding, but he predicted that the county's jails will be full again soon, even with the new capacity. "It'll help for a little while," he said.

## Commissioners vote to hire 144 guards for jail

BY VICTOR INZUNZA  
Fort Worth Star-Telegram

FORT WORTH — The Tarrant County Commissioners Court gave tentative budget approval yesterday to hiring 144 guards in the coming fiscal year to staff the new 1,440-bed county jail.

Less than two hours after a state official cleared the way for the opening of the jail, county commissioners tentatively approved the new jobs, saying that easing jail overcrowding requires full staffing at the facility.

"I want to be sure it is adequately staffed so that we can have maximum use of the facility," County Judge Tom Vandergriff said. "I don't want to come to the realization at some later date that we couldn't operate the facility fully because of manpower."

"I want to be sure we can use every inch of that building."

The jail, which failed its first state inspection a year ago because of a faulty smoke-ventilation system and other problems, went through

another inspection yesterday and, except for some minor problems, passed.

After receiving the report from the state jail standards commission, the commissioners took up the issue of the Sheriff's Department budget.

Despite some discussion about a request for adding staffing for a recruitment office to process what is expected to be a large number of applicants, the commissioners left the \$25 million proposed department budget unchanged.

The county budget is scheduled to be approved before the beginning of the new fiscal year Oct. 1.

Sheriff Don Carpenter had requested increasing the current 714 positions in the confinement department, which includes all of the county's jail facilities, to 962. But a budget committee trimmed that two weeks ago to 870 jail staffers, including the 144 for the new jail.

The hiring will be spread throughout the budget year to cut costs, said County Budget Director Debbie Schneider.

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## Tarrant Briefly

FORT WORTH

### **Robbery suspect found dead in jail**

Fort Worth Star-Telegram

A 51-year-old robbery suspect, incarcerated in Tarrant County Jail since January, was found dead in his cell this morning, the apparent victim of a heart attack, officials said.

An autopsy was pending on Leonard Ray Stansbury, who was found in his cell at 6:06 a.m., officials said. There was no sign of trauma on the body.

"It appears to be from natural causes," said Sheriff's Department investigator Doris Hembree.

Stansbury had been jailed since Jan. 19, accused of aggravated robbery with a deadly weapon.

