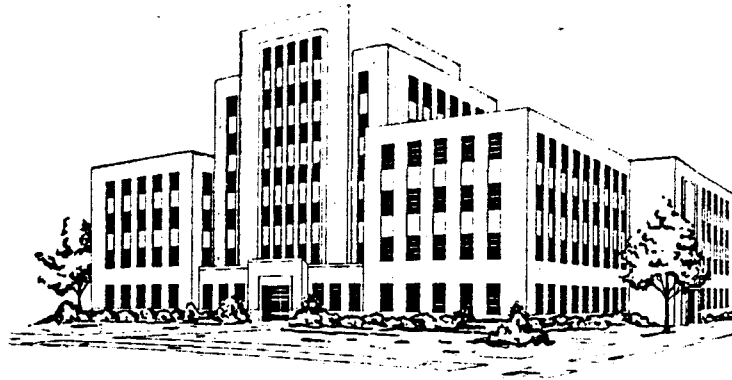


JOHN T. MONTFORD
CRIMINAL DISTRICT ATTORNEY
LUBBOCK COUNTY COURTHOUSE
LUBBOCK, TEXAS 79401
(806) 747-0111



U. S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

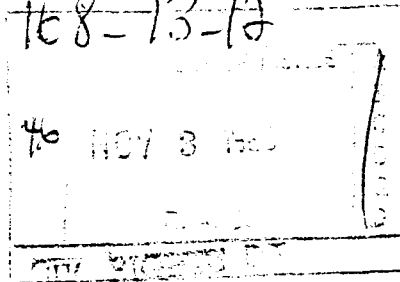
OCT 28 1980

JOSEPH H. BERRY, JR., CLERK
BY *Kristy Chandra*

LUBBOCK COUNTY

October 23, 1980

LUBBOCK, TEXAS



Hon. Halbert O. Woodward
U. S. District Judge
United States Courthouse
1205 Texas Avenue
Lubbock, Texas 79408

Re: CA 5-76-53. Vest et al v. Lubbock County
Commissioners Court

Attached is a letter from Albert Smith, Jail Administrator, regarding proposed change in procedure, which would require a deviation from the Court's order in the above cause.

While Albert's letter is very complete, in summary, what the proposal is, is to utilize the 5th floor area heretofore used for juvenile offenders for male low-risk misdemeanor defendants. The 5th floor is also used to house female inmates, and our question arises because of the wording of ¶10 of the Court's order which requires a male jailer or guard if there are male prisoners on the floor.

Albert's procedure for handling the prisoners would afford as risk-free detention and inmate protection and privileges as the Court intended. We find no prohibition in the Texas Commission on Jail Standards regulations against use of a female jailer or guard in supervision of male prisoners.

I had held Albert's letter in the hope I could visit with you personally about it. However, the juveniles will be moved October 27 and, if it is permissible, the proposed change would alleviate some present overcrowding conditions.

Yvonne M. Faulks
Yvonne M. Faulks
Chief, Civil Division

*File
Fall*

Vest v. Lubbock Co.

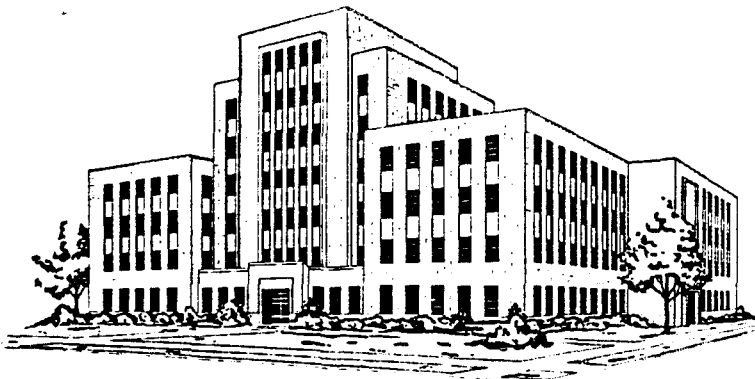


JC-TX-004-003

SHERIFF'S OFFICE

C. H. "CHOC" BLANCHARD
SHERIFF

POST OFFICE BOX 2509
TELEPHONE 765-9363
LUBBOCK, TEXAS 79408



LUBBOCK COUNTY

LUBBOCK, TEXAS
October 13, 1980

Honorable Holbert O. Woodward
District Judge, Northern District of Texas
1205 Texas Ave.
Lubbock, Texas 79408

Dear Sir:

On October 27, 1980, all juveniles will be transferred from the County Jail to the new Juvenile Detention Center, and the staff at the County Jail will no longer accept juvenile offenders. This will open up the following cell areas on the 5th floor of the jail: Cell block 5-2, cell block 5-6, and cell block 5-1. Cell block 5-2 capacity 12, cell block 5-6 capacity 16, and cell block 5-1 capacity 5 Separation Cell. Cell block 5-2 and cell block 5-6 are greatly needed for low risk misdemeanor defendants and defendants serving misdemeanor weekend commitments. This would relieve some of the overcrowding on the 2nd and 3rd floors of the jail. Presently all correctional officers on the 5th floor are females with the same qualification and training as the male officers on the staff. With your permission, I purpose to allow female corrections officers to supervise male inmates in long term detention in 5-2 and 5-6 on the 5th floor (misdemeanor class and low risk). The female officer shall not be assigned to shake down the male inmates at intake. When the male inmate is received on the 5th floor, the Shake Down Procedure would have already been completed. I have searched the Texas Jail Standards in regard to female officers supervising male inmates in long term detention and find no rule or regulation prohibiting supervision of males by female officers.

Paragraph 10 of the court order states if a male prisoner or witness in the Sheriff's custody on the 5th floor there shall be at least one male jailer or guard on duty there at all times.

Enclosed is a copy of the 5th floor procedure, if you allow me to proceed with the change on the 5th floor and Paragraph 10 of the court order is amended.

Thanking you in advance,

Albert J. Smith
Albert J. Smith
Jail Administrator

AJS:sp

November 7, 1980

WJ:RLMcR:pd
Cl-76-0874

Civil Rights Division
U. S. Department of Justice
Washington, D. C. 20530

Re: Edward Lee Vest, et al v. Lubbock County Commissioners
Court, et al - Civil Action No. 5-76-38 and CA 5-76-53
D/J Ref. DSD:JHQ:DJWV:drl 168-73-12

Dear Sirs:

On October 1, 1980, we sent you a copy of "Order of Dismissal" as to the two above styled cases and advised that we would close our file unless advised otherwise by you by November 1, 1980. We are now closing our file in these cases. We are also enclosing a copy of "Order" which was entered by the Court on October 28, 1980 for your information.

Sincerely,

KENNETH J. MICHELL
United States Attorney

ROGER L. McROBERTS
Assistant United States Attorney

Encl.

PROCEDURE FOR 5TH FLOOR CELL ASSIGNMENT

EFFECTIVE OCTOBER THE 28TH 1980
THE CELL ASSIGNMENT SHALL BE AS FOLLOWS:

- 5-1 FEMALE INMATES ONLY. FELONY AND MISD. (DRUNK, IMPAIRED CHEMICALLY, MENTAL, VIOLENT, MALCONTENTS, AND WITNESS. INMATES PLACED IN 5-1 SHALL BE AT THE DIRECTION OF THE JAIL ADMINISTRATOR OR THE SHIFT CAPTAIN.
- 5-2 MALE INMATES CHARGED WITH MISD. ONLY, AND LOW RISK CLASS.
- 5-3 FEMALE INMATES, PRE TRIAL FELONY AND MISD.
- 5-4 FEMALE INMATES CONVICTED FELONY AND MISD.
- 5-6 ALL WEEKEND COMMITMENTS AND PERSONS LAYING OUT MISD. FINES.

PROCEDURE ON TRUSTY

THE PAST PROCEDURE ON FEMALE TRUSTY WILL NO LONGER APPLY.
THE 5TH FLOOR OFFICER SHALL DESIGNATE ONLY THE NUMBER OF FEMALE TRUSTYS NEEDED TO CLEAN THE FOLLOWING AREAS: OFFICERS STATION, HALLWAYS AND RUNS IN 5-1 AND 5-3 PLUS 5-4. THE FEMALE TRUSTY SHALL CLEAN THE ABOVE AREA BETWEEN THE HOURS OF 9:30 A.M. TO 10:30 A.M. THIS SHALL BE THE ONLY TIME THE FEMALE TRUSTY IS OUT OF HER CELL AREA.

THE FOLLOWING CELL AREA SHALL BE CLEANED BY 2ND FLOOR TRUSTY ASSIGNED BY THE FOOD SERVICE OFFICER BETWEEN THE HOURS OF 7:30 A.M. AND 8:30 A.M., MONDAY THRU FRIDAY ONLY. BOTH CLEANING OPERATIONS SHALL TAKE PLACE UNDER THE DIRECT SUPERVISION OF THE FLOOR OFFICER AT ALL TIMES. (NOTE THE FOOD SERVICE OFFICER SHALL ASSIGN ONLY ONE TRUSTY FOR THE 5TH FLOOR CLEANING OPERATION.)

PROCEDURE ON HALLWAY DOORS

THE FOLLOWING HALLWAY DOORS SHALL REMAIN CLOSED AND LOCKED EXCEPT AT CLEANUP OPERATION: THE INNER BARRED DOOR LEADING INTO 5-3 AND 5-4, THE SOLID STEEL DOOR LEADING INTO THE HALLWAY FOR 5-3 AND 5-4, THE BARRED DOOR AT THE WEST END OF THE HALLWAY IN 5-1, THE INNER BARRED DOOR LEADING INTO 5-2, AND THE SOLID STEEL DOOR LEADING INTO 5-2. ALL INNER CELL DOORS SHALL BE CLOSED AT 12:00 MIDNIGHT, MONDAY THRU FRIDAY AND 2:00 A.M. SATURDAY AND SUNDAY. PLUS THE INNER CHEATER DOOR SHALL REMAIN CLOSED ON ALL CELL BLOCKS AT ALL TIMES.

PROCEDURE ON FEEDING

THE 2ND FLOOR OFFICER SHALL FEED THE 5TH FLOOR WITH THE ASSISTANCE OF THE 5TH FLOOR OFFICER, THE MORNING MEAL AND THE EVENING MEAL. THE 5TH FLOOR OFFICER SHALL FEED THE NOON MEAL (SANDWICHES) WITHOUT THE ASSISTANCE OF THE 2ND FLOOR OFFICER.



ALBERT J. SMITH
JAIL ADMINISTRATOR



United States Department of Justice

UNITED STATES ATTORNEY
NORTHERN DISTRICT OF TEXAS
ROOM C-201 - 1205 TEXAS AVE.
LUBBOCK, TEXAS 79401

NOV 12 1980

IN REPLY REFER TO:

November 7, 1980

WJ:RLMcR:pd
Cl-76-0874

Civil Rights Division
U. S. Department of Justice
Washington, D. C. 20530

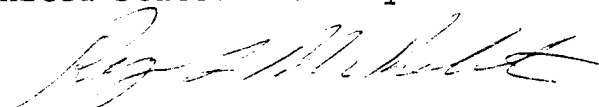
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Sincerely,

KENNETH J. MIGHELL
United States Attorney


ROGER L. McROBERTS
Assistant United States Attorney

Encl.

168-73-12
46

