

From: "Lt Steve Caro" <steve.caro@hidalgo.org>
To: joshua.kaltenbach@hidalgo.org
Subject: Fwd: Commissary Expense- Inmate Long-Transport Bus Purchase
Date: 10/29/2020 2:54:29 PM

Lt. Steve Caro
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----- Original Message -----

From: "David Cantu" <david.cantu@da.co.hidalgo.tx.us>
Sent: 10/19/2020 9:44:21 AM
To: "friedlein, david" <David.friedlein@hidalgo.org>
Cc: "Josephine Ramirez" <josephine.ramirez@da.co.hidalgo.tx.us>, "Victor Garza" <victor.garza@da.co.hidalgo.tx.us>, steve.caro@hidalgo.org
Subject: Commissary Expense- Inmate Long-Transport Bus Purchase

Good Morning Mr. Friedlein,

Our office reviewed the request your office sent regarding the prospective purchase of an inmate long-transport bus and the use of commissary funds. Our office's recommendation is as follows:

You have identified and represented that the use of the long-transport bus would fall within the scope of "fund physical plant improvements, technology, equipment, programs, services, and activities that provide for the well-being, health, safety, and security of the inmates and the facility" under §351.0415(c)(5) Tex. Local Gov't Code. As our office has advised in the past, the use of the commissary funds is guided by the Texas Local Gov't Code. The Local Government Code dictates that the sheriff or the sheriff's designee may use commissary proceeds for a limited number of purposes, including the purchase of "fund physical plant improvements, technology, equipment, programs, services, and activities that provide for the well-being, health, **safety, and security of the inmates and the facility.**" See Tex. Loc. Gov't Code §351.0415(c)(5)

As you have represented that the proposed purchase of the long-transport bus, is intended for the well-being, health, safety, and security of the inmates and the facility; and without further guidance that such a purchase is not permitted by section 351.0415(c)(5), it is within the Sheriff's discretion to use these funds for this purpose.

Again, as we have previously advised, although the sheriff has exclusive control over the funds, the sheriff's determination of the appropriateness of these expenditures is subject to judicial review under an abuse of discretion standard, as well as administrative review by the Commission on Jail Standards.

Please let us know if there are any questions or concerns.

Sincerely,

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David R. Cantu

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