

From: "LT Rogelio Mendez 1881" <roy.mendez@hidalgoso.org>  
To: "Sabrina Solis" <sabrina.solis@hidalgoso.org>  
Subject: FW: Use of Commissary Funds - Releasing Lobby Wall  
Date: 2/9/2021 2:45:52 PM

Greeting Sabrina,  
We are approved to proceed with Commissary Funds, please see below.

**From:** Cpt. David Friedlein [mailto:[david.friedlein@hidalgoso.org](mailto:david.friedlein@hidalgoso.org)]  
**Sent:** Tuesday, February 9, 2021 2:43 PM  
**To:** LT Rogelio Mendez 1881 <[roy.mendez@hidalgoso.org](mailto:roy.mendez@hidalgoso.org)>  
**Subject:** Fwd: Use of Commissary Funds - Releasing Lobby Wall

Please see the legal opinion regarding the wall partition in the Releasing Area at the Hidalgo County Adult Detention Center. Thanks

Cooperatively,

David D. Friedlein II, MSCJ  
Captain - Administration  
P.O. Box 1228 Edinburg, Texas 78542  
Office 956-393-6082 Fax 956-393-6021  
Work Cell 956-457-4770

----- Original Message -----

From: "David Cantu" <[david.cantu@da.co.hidalgo.tx.us](mailto:david.cantu@da.co.hidalgo.tx.us)>  
Sent: 2/9/2021 2:33:14 PM  
To: "friedlein, david" <[David.friedlein@hidalgoso.org](mailto:David.friedlein@hidalgoso.org)>  
Cc: "Josephine Ramirez" <[josephine.ramirez@da.co.hidalgo.tx.us](mailto:josephine.ramirez@da.co.hidalgo.tx.us)>, "Victor Garza" <[victor.garza@da.co.hidalgo.tx.us](mailto:victor.garza@da.co.hidalgo.tx.us)>, [oscar.montoya@hidalgoso.org](mailto:oscar.montoya@hidalgoso.org)  
Subject: Use of Commissary Funds - Releasing Lobby Wall

Cpt. Friedlein,

Our office reviewed the request your office sent regarding the prospective construction of a wall partition in the Releasing Area at the Hidalgo County Adult Detention Center and the use of commissary funds. Our office's recommendation is as follows:

You have identified and represented that the construction of a wall partition in the Releasing Area at the Hidalgo County Adult Detention Center 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 construction of a wall partition in the Releasing Area at the Hidalgo County Adult Detention Center will create a controlled access releasing hallway, thus improving the safe and secure release of inmates, which 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 you have any questions or concerns

Sincerely,

--

David R. Cantu

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