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# Q&A:

## Jack Harwell

McLennan County sheriff

*Sheriff Jack Harwell discusses the McLennan County Jail and other law enforcement issues in this week's Q&A.*

**Q. How is the county's plan to expand jail space coming?**

A. We have an architect who has fairly well finalized the plans for our new minimum security unit.

**Q. Will this be on Highway 6?**

A. Well, they are looking at a site on Highway 6, along with some other sites.

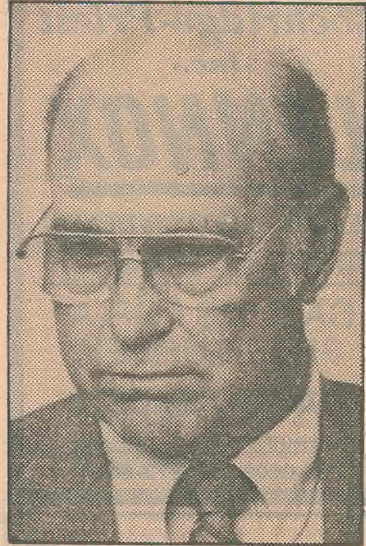
**Q. What will be the ultimate cost?**

A. We are talking in terms of \$1 million. We had some contractors down recently who didn't contradict that statement.

**Q. We have just gone through the building of a new jail that ultimately cost about \$6 million. Why do we need more jail space in McLennan County?**

A. At the time the jail was planned we didn't know the trends our criminal justice system was going to take in the way of sentencing. Back at the time we built the new jail, there was an extensive study made. [The study] just missed some projections on what we would need.

It projected we would need a jail that would house 150-160 people by the year 2010. When the facility was completed and we moved into it, we were run-



Staff Photos — Mike James

**'I'm not in favor of a law stating that everyone has to wear a seat belt.'**

ning at that number. It's increased monthly since that time. Today, we're running 255. Our capacity is 239.

**Q. Do you have a lot more DWI inmates than you had five or six years ago?**

A. We do have, and we'd have a great number more if we had the room in the jails. Many of them go on probation who would probably serve some time in jail if we weren't overcrowded.

**Q. Do you agree with the new focus being made on locking up DWI suspects?**

A. If the court says lock them up, certainly. I'm not one to say that I think DWIs ought to be slapped on the wrist.

It's a shame that we are faced with this dilemma. We put a beer joint on every corner and liquor store wherever they want it and tell people it's there to buy it. But if you buy it and drive drunk, we're going to put you in jail.

Does that sound like a pure prohibitionist? I'm not a pure prohibitionist, but I think our society is frustrated on our alcohol problems, both with the availability and the punishment for having used it.

**Q. Could you estimate how many DWI suspects are in McLennan County Jail now?**

A. I couldn't tell you the exact number now. It varies. I know some weekends we'll book 35 or 40 DWIs.



**'I'm not a pure prohibitionist, but I think our society is frustrated on our alcohol problems.'**

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# Harwell: jail crowding to get worse, not better

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**Q. How many would you have had five or six or years ago on the weekend?**

**A.** Oh, probably five or six years ago [DWI] would not have had a great impact on our facility. We might have run six or eight; it would be a busy night with around six or eight or 10.

**Q. What is your feeling about the proposed ban on open containers in vehicles?**

**A.** I'm opposed to it. If an officer stops a vehicle it would be difficult to determine who had the open container. People can pass things around in a vehicle, so the law would be rather difficult to enforce.

**I don't think it's right for anyone to be driving around with beer in their hand. But, I don't want the law to be put in a position [where we] have to determine, when we stop a vehicle, whether or not it was a can of soda water the driver had in his hands.**

**Q. What do you think about the soon-to-be-enacted law about seat belt use?**

**A.** I'm not in favor of a law stating that everyone has to wear a seat belt. I know I don't like to wear a seat belt. I do, but it's uncomfortable. I would like that choice myself. I don't think our legislators should be involved in telling people they have to wear a seat belt.

**Q. Will it be a burden on law enforcers?**

**A.** I think it would be an excessive burden on our public, but I don't think it would be what you would call a real excessive burden on law enforcers.

**I'm just not in favor of our legislators telling us that we have to wear a seat belt while driving a vehicle, just like they don't have any business telling me not to go out there and pull a mesquite limb off of the tree because I might stick a thorn in my leg.**

**Q. In another vein, did you believe that Henry Lee Lucas was guilty of the many murders to which he had confessed?**

**A.** Let me put my position on Henry Lucas real clear. I had two cases that we were concerned with in McLennan County. The people hired me to do a job and it's incumbent on me to do everything that I can to clear these cases with the truth.

**I don't think we can play games. When you charge someone with a criminal offense, whether they say they did it or didn't do it, it's our obligation to be as sure as possible that we are getting to the truth.**

**Q. Were you comfortable with the no-bills that were rendered in those two cases?**

**A.** Unless something should appear in the future that would enhance the probability that he (Lucas) was involved, then I feel comfortable.

**Q. Much has been said recently between the city police department and district attorney's office. The police chief [Larry Scott] said recently that he was steering many of his drug cases away from**

**the McLennan County district attorney. If you find a drug case, are you comfortable in presenting that to the district attorney's office?**

**A.** I would follow it through the normal procedure. Our district attorney is elected to represent the people, and if he doesn't do it properly, doesn't carry out his functions as district attorney of McLennan County the way he should, then we have other choices to make within the system.

**I think it's very important that agencies within the criminal justice system work together or we take away our ability to perform as we should.**

**Q. Does your office have a good working relationship with the district attorney [Vic Feazell] and his staff?**

**A.** We have disagreements, but it's businesslike disagreements just like we have with other district attorneys in the past. There will always be some disagreement in the way people do things, but I think if they are level-headed and try to work together, they can sit down and talk and reach an agreement.

**Q. How is your working relationship with the city police department?**

**A.** It's excellent. Chief Scott and I get along well. I think Chief Scott is doing an outstanding job. We've never had any problem with the city.

**Q. Back on the subject of the jail, you have had a long lawsuit pertaining to a law library. What are your observations?**

**A.** I definitely think it's unrealistic to even consider putting a law library in a county jail. I have a degree in the criminal justice field, but to ask me to go into a law library and look information up, I wouldn't know how to do it.

**Now you'll have a few jailhouse attorneys who are skilled in this, but they spend all their time just seeking little things and writing lawsuits. Most of the problem is the jailhouse attorneys who do these things for other prisoners. So I'm opposed to a law library. I think it would be a burden and cost to the taxpayers and won't be of any benefit to anyone.**

**Q. Do the prisoners at your jail have full access to legal information now?**

**A.** We have a library service coming into the jail. I understand the libraries in Waco are keeping certain types of law books. Prisoners in our jail have access to any books that are in our libraries.

**Q. Do you still have the paralegal system?**

**A.** We have been using them to some extent, but it hasn't been on the level that we used them in the beginning, since [U.S. Magistrate Jarniel] Boyd determined that that will not satisfy the legal assistance that they need.

**Q. We hear an awful lot about the tension level at Huntsville and other state prisons. What about the tension level at our jail?**

**A.** Our jail is considered one of the model jails in the country, I guess. In fact, one of my deputies was out in Long Beach, Calif., not

too long ago and he was watching the local news there and they mentioned the McLennan County Jail.

**They were talking about one of the model jails in the country being overcrowded. So undoubtedly we are well-known. We have had quite a number of people from all over the country, especially around the state, come into the jail and see what we've done, look at our mistakes and the good things that we've done.**

**Q. Are most jails in the state overcrowded?**

**A.** Yes, and I think it's going to get worse before it's over and I'm asked so many times about the cause.

**So many people don't mind being in jail. They are not embarrassed by being in jail. When you look at the people who we send to TDC, around 70 percent of them function on a seventh-grade level.**

**Probably 60 percent of them are under 25 years of age, and you're talking about a lot of young people who are frustrated trying to make a living at minimum wage of \$3.35, and that won't pay their light bill. Then they are trying to raise a family and so on. It's frustrating.**

**I talk to a lot of them in jail, young people who just can't cope with what they are faced with in society today.**

**Q. What got you into law enforcement?**

**A.** I came into law enforcement accidentally. I was going to college to be a school teacher or football coach or athletic coach and I was

hired [as a jailer] one morning, not knowing that I was even there to talk about a job. That evening I had the keys to the jail and I was the jailer for that night shift.

**Q. You grew up in McLennan County, didn't you?**

**A.** I'm from a family of nine boys, and we were raised around Riesel and Hallsburg.

**Q. Where did you study law enforcement?**

**A.** MCC and Baylor.

**Q. In 1984 you had a fairly hot race for re-election, and you said you didn't know for sure whether you were going to run again in '87. Have you made up your mind?**

**A.** If my health is good and circumstances are right, certainly I'll run. I think I can still give a lot to the criminal justice system. I'll still be a young man. If 60 is not a young man, then I'm getting old fast.

**Q. How large is your staff now?**

**A.** We have 102, I believe. We added probably four or five in the last two or three years.

**Q. What would a jailer make as starting pay?**

**A.** Between \$13,000 and \$14,000 a year starting out.

**Q. What about a deputy who's out on the road?**

**A.** A deputy would make in the neighborhood of \$16,000-\$17,000.

**Q. What is your annual budget as of this year?**

**A.** I haven't seen the final figure on it. I'm sure it's going to run somewhere around \$2 million. It's a big business.