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# Large Jail Network Proceedings



Meeting Proceedings

September 2008

# **National Institute of Corrections**

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**Proceedings of the Large Jail Network Meeting  
Aurora, Colorado  
September 15-17, 2008**

U.S. Department of Justice  
National Institute of Corrections

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October 3, 2008

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Appendix C. Index of Past LJN Meeting Topics

## INTRODUCTION

### ABOUT THE LARGE JAIL NETWORK

The National Institute of Corrections (NIC) established the Large Jail Network (LJN) in 1989 as a connection point for administrators of jails and jail systems housing 1,000 or more inmates. The network was launched with 67 member agencies and convened at its first meeting in 1990. NIC publishes the *LJN Exchange* journal and hosts a private online presence for the network.

Currently, 178 jails and jail systems are eligible to participate in the network, based on jail population data as reported by the U.S. Bureau of Justice Statistics.

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### PURPOSE

The NIC Jails Division networks' mission is to promote and provide a vehicle for the free and open exchange of ideas and information and innovation among network members. In addition, NIC networks reinforce the assumption that knowledge can be transferred from one jurisdiction or agency to another, and this knowledge can serve as a stimulus for the development of effective approaches to address similar problems or opportunities.

Our belief is that, collectively, network members are likely to have developed successful strategies for meeting challenges that arise. As a group, network members are an available resource to each other. The network provides a systematic way for information to be shared, which not only benefits the network member, but also those they serve and represent – the local government, state, community, staff, and inmate.

LJN goals are:

- To explore issues facing jail systems from the perspective of network members with administrative responsibility.
- To discuss strategies and resources for dealing successfully with these issues.
- To discuss potential methods by which NIC can facilitate the development of programs or the transfer of existing knowledge or technology.
- To develop and improve communication among network members.
- To seek new and creative ways to identify and meet the needs of network members.

## ABOUT THIS MEETING

The September 2008 meeting had 45 members in attendance.

The meeting began with an informal dinner on Monday, September 15, with participant and guest introductions, mentor/mentee matching, and orientation to the meeting format. Two days of presentations and discussion followed.

Guests at the meeting included:

- Peter Cosgrove, Deputy Director, National Law Enforcement and Corrections Technology Center, Southeast, Charleston, South Carolina.
- Gwen Chunn, member, Review Panel on Prison Rape, Office of Justice Programs, and formerly Director of Youth Services, North Carolina Department of Health and Human Services, and President of the American Correctional Association.
- James Gondles, Executive Director, American Correctional Association, Alexandria, Virginia.
- Constance Clem, meeting recorder, CLEM Communications, Longmont, Colorado.

The agenda for the meeting is provided in Appendix A.

A list of LJN members in attendance and meeting guests appears in Appendix B.

An index of past topics covered at LJN meetings is provided in Appendix C.

## LJN ONLINE

NIC provides a private web site for the LJN, where members can access presentation files from this and earlier LJN meetings as well as share other materials throughout the year. A member forum facilitates a day-to-day dialogue on issues facing large jails and strategies for responding to them. Current and prospective members can access the site at <http://community.nicic.org/forums>.

## MEETING HIGHLIGHTS

### Promotional Practices

- (p. 4) What works, when, in selecting management and leadership personnel in jails? This session shared best practices and recommendations from meeting participants.

### Faith-Based Programs

- (p. 10) There are the pros and cons of allowing community faith groups to deliver programs in the jail. This session shares perspectives on how to balance legal issues and jail and inmate needs to make it work.
- (p. 13) Florida made a concerted effort to develop faith-based programming in prisons. This session describes the state's accomplishments and the take-aways for jails.

### Technology

- (p. 15) Facial recognition, 360-degree cameras, and instant intra-facility mapping of people and their MIS data are just a few of the technologies that could change the practice of corrections.

### Staff Discipline and Development

- (p. 19) Jail staff need guidance from time to time in performing their duties up to standard. Presenters covered ways to motivate staff to show their best effort and to reward those who exhibit honesty, ethics, and professionalism. Small groups pooled their experiences and insights.

### Prison Rape Elimination Act

- (p. 27) Meeting participants and a member of a federal review panel discussed problems with the standards that have been proposed by the National Prison Rape Elimination Commission, and also discussed the conduct of facility reviews, taking place in the summer and fall of 2008.

### Other Federal Laws and Regulations

- (p. 31) The Federal Communications Commission is expected to impose new rules on inmate telephone access, despite potentially damaging effects pointed out by the corrections field.
- (p. 36) Jails can access new funding for programs for mentally ill inmates under a bill expected to pass this year.
- (p. 37) Continuity of Medicaid benefits for presentence inmates has been clarified, benefitting jails.



## PROGRAM SESSION: HUMAN RESOURCE MANAGEMENT

### Promotional Practices: What Works?

*Presenters: Don Leach, Lexington-Fayette Urban County Government, Kentucky; and Jim Coleman, Shelby County Sheriff's Office, Memphis, Tennessee*

The focus of this session was strategies for the selection and development of management and leadership personnel in jails.

#### Finding the right candidates

It is not always easy to find staff who are both deserving of promotion to jail management positions and willing to accept advancement.

- Some agencies operate under the promotional fallacy that a good officer will automatically be a good supervisor. However, people can't always manage staff as well as they managed inmates.
- Agencies find that staff are deterred from moving into management because they'll lose their days off, their seniority, their ability to make additional income through overtime pay, and their flexibility in working preferred shifts.
- Jail leaders may not want to promote the people who do apply. These people need to be carefully managed and coached if they are promoted, or alternatively, the jail administration can let the promotional list expire without making any promotions. If certain staff appear on the list again and again, explaining to them why they weren't selected may be helpful and can avert the perception that the jail leadership has favorites who didn't apply.

Ultimately, not promoting staff does the agency a disservice, so it is important to move forward.

- Jails can add incentives, such as differential pay for night shifts, and they can remove protections for staff shift assignments by, for example, implementing a fixed shift rotation schedule or making shift assignments competitive.
- Administrators can tap into the views of other staff by inviting them to recommend people they'd like to see promoted. Another approach is to circulate a list of potential candidates to prompt feedback on eligible staff.

The first-line supervisor position is of critical importance. In Shelby County, Tennessee, people who are selected for promotion to the sergeant level are paid 5% more while in training for the position but are still only candidates for the promotion. After six months of training, they are promoted to sergeant on a probationary basis. This approach reduces sergeant pay costs.

### Realities and context

Administrators must take diverse factors into account in promotional decision-making.

- Labor contracts present their own issues for staff advancement. A jail administrator may come into the job and be stuck with an agreement made by her predecessor. Union membership can determine eligibility for some job descriptions.
- Civil service processes can be used to the jail's benefit. Following a promotional year cycle can give the jail a tool for leveraging decisions that might otherwise be put off.
- Political elements may come into play. Some jails have experienced political favoritism and nepotism in appointments. Participants commented that performance problems tend to become evident, and political leaders adopt a more standardized and professional approach to hiring.
- Fair Labor Standards Act provisions and equal employment opportunity can be a potential issue. Jails may seek balance in who enters the promotional pool, but turnover sometimes limits the number of qualified candidates.
- Qualifications present in the applicant pool also matter. In regard to educational attainment, only a few agencies represented at the meeting require a college degree for supervisory positions. For middle management positions, the Douglas County jail (Omaha, Nebraska) gives 10 extra points to candidates who have a degree. A local community college offers free classes to jail staff; the course credits are applicable toward certification by the corrections academy.

### Typical approaches to promotion

Participants discussed how they balance and combine various evaluation elements and techniques to make good decisions. What is the interplay between test results and who is actually the best candidate? High scores on written tests don't necessarily indicate the people skills to supervise.

- Heisenberg's uncertainty principle applies – it can be difficult to distinguish whether a jail's promotional assessment method is capturing predictors or predictions. Capturing predictors equals capturing something the jail wants to measure. Capturing predictions is judging the adequacy of a measurement by the end results. Evaluation is needed to ensure the agency is measuring what it intends to measure.
- One participant noted that written test results make up only 15% of the total promotional score.
- Using a pass/fail system on tests can be useful, because otherwise test results imply a ranking of the value of candidates. A similar method is scoring results as unacceptable, acceptable, or more than acceptable.
- In another jail, candidates must score at least 70% on the written test to continue on to a screening board process and file review. They then need an average of at least 75% across these elements to make it to the promotional list.

Agencies often measure specific tangibles:

- Knowledge, skills, and abilities. The primary focus can include policies and procedures, correctional principles, and other practical and theoretical material.
- Bona fide occupational qualifications (BFOQs). These can be used to justify dropping people from promotional candidacy.
- Supervisory skills. A candidate may know the agency's policies and procedures backwards but not have the ability to manage people, especially with the generational issues evident in today's workforce.

Beyond these tangible factors, jails look for the intangibles of temperament, courage, objectivity, and honesty. A good person can learn to supervise, but the wrong person is just wrong.

Some agencies accept applications for promotion from candidates working in other agencies, especially for positions higher than the sergeant level, where familiarity with policy and procedure is essential. The higher the position, the more likely agencies are to accept outside candidates. The fresh perspective on operations can be valuable, but there may be issues in how staff perceive these promotions.

### **Examinations**

- Among the agencies that provide study guides, some put the contents on a CD that the candidate can keep, and others have paper copies available to be signed out.
- Community colleges can provide help, review, and practice for report writing and also can provide the actual testing.
- A handful of LJN agencies are contracting with assessment centers to play a role in the promotional process. The Morris & McDaniel group is one such provider. Ultimately, all of the participants who are using the assessment center model believe they're getting good results. Some businesses are surfacing that specialize in preparing candidates for the assessment center experience.
- Contracting out the promotional testing process can remove the jail from claims of unfair influence; the contractor rather than the agency is the focus of any appeal.
- Individual jails, or collaborative groups of jails, can work with an outside contractor for testing and assessment services. For example, test content on correctional law is relevant for all jails in a given state, enabling the agencies to partner on the development of tests.
- Written tests can be conducted "blind" with respect to the identity of the candidate, to avoid bias in interpretations.

## Interviews

In conducting review boards, agencies ensure fairness by asking uniform questions, using the same interviewers for all candidates, and/or using a sound recording of the questions so that even the inflection of the questions is standardized.

- Teaming with other agencies to form interview panels can be advantageous. Agencies can act as review team members for each others' jails. It also creates goodwill to serve on each other's interview panels.
- Interviewing and testing may be done "blind" with anonymity and generic dress for panel members.
- Use of both internal and outside personnel on interview panels helps to avoid the appearance of bias in promotions. The higher the position, the more likely jails will invite reviewers from other agencies or from other government spheres or the business community.
- Some agencies allow follow-up questions for more individualized review, but others strictly avoid follow-up questions because they do not offer equal opportunity to all candidates.
- If a question is appealed and omitted for one candidate, it's omitted for everyone; one participant commented that every test cycle has one or two appeals.

## Exercises

Candidates may be graded on their performance in exercises that approximate actual on-the-job scenarios.

- In/Out exercise. Candidates go through an in-box of sample reports and prioritize and respond to the items. The session may be videotaped and is very interactive and spontaneous. Some agencies videotape interviews with the candidates after the exercise to give them a chance to explain their decision-making, so this information is available to later reviewers.
- Leader field exercise. A group of candidates discusses a common problem while assessors observe how the candidates process information and come to a consensus. The assessors get careful training in advance on what to watch for, such as who takes the lead, who shares important facts and observations, and who is articulate. They also can observe whether one person tends to override others and whether candidates are good at extracting knowledge from and engaging others. An otherwise laid-back or reserved participant may be the one who makes an essential observation. In at least one jail, candidates later can review a videotape of the session to learn from it.
- Scenario exercises. Participants described testing candidates on situational supervisory events that cover the applicant's knowledge of policy and skill in applying it. One scenario, for example, might test how a candidate responds if approached with a sexual misconduct problem that the complainant wants to keep quiet. Report writing can also be a tested element.

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- Role plays. These include general management interactions and media interview exercises. Candidates demonstrate their policy knowledge, communication skills, poise, and ability to think on their feet and present information effectively.

**Personnel file review**

For early career promotions, personnel files are mainly useful in getting candidates in the door or keeping them out of promotional consideration.

- Some agencies disqualify anyone with a disciplinary event. Others require, for example, no disciplinary event within one year, or no major disciplinary action within three or five years.
- Participants remarked that a candidate's response to discipline shows a lot about his or her character.
- It was noted that annual performance reviews can be valueless for promotional decision-making when evaluations don't match actual performance or when performance evaluations show upward creep. If a candidate has consistently high ratings but has been on leave for disciplinary reasons, the mismatch can pose a problem. On the other hand, it can be useful to check whether candidates followed through on performance goals identified in annual reviews.

**Top-level promotions**

Promotional processes are more involved for higher positions in the jail. Candidates need to think on their feet. At higher levels, vision and complementarity of outlook with the existing management team are important.

- One agency's examinations for the chief deputy position include a test similar to the MMPI, a psychological evaluation, a 360-degree peer review, and interviews.
- In Volusia County, Florida, sergeants undergo a standard examination, lieutenants and captains are processed through an assessment center, and wardens and higher positions are screened through a file review and interview process.
- Lexington County, Kentucky, conducts promotional examinations and interviews with sergeants, lieutenants, and captains. Majors and higher have a file review and interview.
- In Arlington County, Virginia, jails use an assessment center for promotions at the sergeant and lieutenant level. Captains and above are subject to file review and an interview process.

**Summary**

Jim Coleman emphasized the value of mentoring, conveying to staff that they are the future of the agency. By taking rising staff to conferences and broadening their professional horizons, the jail administrator can demonstrate their value and give them a sense of where their jail career can lead.

Don Leach emphasized that the jail's first-line supervisors are an essential best place to invest effort, because they guide officers in implementing procedures.

### Discussion

- Steve Thompson (Snohomish County, Washington) looks at the promotional process as a way to make people earn their promotions. There is no science for selection. Effective leaders need to have heart, backbone, and an ethical core. A good promotional candidate will be submitting ideas to improve operations throughout the year, and Thompson wants to reward that sense of initiative. Candidates need to put out the effort to present themselves well in their writing, and they need to show up for duty.
- Eliciting optimal performance from staff does not end at promotion. Ongoing training and follow up are essential for the agency to meet its performance standards. Field training officer (FTO) programs are helpful for achieving this.
- Steve Thompson observed that everyone reports to someone else, and it's the administration's job to ensure there is regular interaction within the command ranks in all directions. Top-level directives should not just trickle down to the sergeant level – communication needs to be managed to ensure accountability.
- Routine annual background checks are conducted for all staff in Prince George's County, Maryland. Criminal history checks should include adjacent counties.
- Though an arrest doesn't equate to guilt, Tom Merkel (Hennepin County, Minnesota) observed that discipline in the jail turns on conduct, not on convictions. An arrest on a DUI offense creates hard data on the blood alcohol level. If an officer behaves violently toward his wife, the jail doesn't need a conviction to remove the officer on the basis of that behavior.
- Contracting for comprehensive assessment processing or specific testing elements can provide a level of protection for the agency. Agencies provide source material from which the final test materials are developed. The providers take on responsibility for test content, validation to prevent subtle cultural bias, etc.

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## PROGRAM SESSION: FAITH-BASED PROGRAMS IN THE CORRECTIONAL ENVIRONMENT

### Session 1. Do the Pros Outweigh the Cons?

*Randy Demory, Kent County Jail, Grand Rapids, Michigan*

Demory opened the session by observing that all jails have some contact with the faith-based community. When these organizations come to a jail with their own program proposals and funding, this is an almost irresistible offer to the administration, because of the benefits gained when inmates' time is productively occupied. But there are both risks and benefits to taking advantage of these opportunities.

#### The "Pros"

Reasons why faith-based programs make sense:

- Inmates who are heavily involved in faith-based programs behave better in jail.
- Involvement in faith-based programs in the jail could contribute to better reintegration with the community after release from custody.
- Faith-based organizations can be a jail's single best source of volunteers, and they add value to the jail's rehabilitation programs.
- There is a wide range of programs that are called "faith-based" with a different emphasis, from religion-based, to spirituality-based, to virtue-based, to character-based.

The immediate benefit to the jail is the chance to occupy more inmates' time productively. The Biblical Life Principles pod, a faith-based unit in the Kent County jail, provides all-day programming. Demory has set a target of 25 hours a week of activities for the inmate population, but working toward that goal has been challenging. Being occupied leads to fewer behavioral problems, as documented in jail reports that show the faith-based pod having no rule violations in a year's time.

Though the initial legal advice was not to proceed, the unit has been a success by management terms. It's visible in the community, the jail permits tours of the unit, and the sheriff speaks highly of it. There has been no legal challenge.

The pod accepts anyone who wants to enter, including some who are not Christians but who prefer the more orderly social environment. The jail would open a similar unit for Muslim inmates, but their numbers are too low. Some Muslim inmates have entered the biblical pod; they're welcome, and they have been free to practice their prayers and observances.

A similar pod for women was discontinued because there weren't enough participants to fill the program, and non-participating residents were not willing to tolerate the all-day preaching.

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An Urban Institute study linked faith-based programming with a higher likelihood of pro-social behaviors when inmates are released. Research indicates that those who spend at least 70% of their time in pro-social activities, such as religious study and practice, are likely to stay out of jail or prison.

**Volunteer issues**

Demory stated that volunteers in faith-based programs tend to live in the same neighborhoods as the offenders, which is helpful for reintegration. For Jim Coleman (Shelby County, Tennessee), the reverse is true: his faith-based volunteers are mainly middle-class and white. Don Leach (Lexington/Fayette County, Kentucky) said his jail's greatest volunteer involvement comes from the fundamentalist community. He has observed more problems with middle class volunteers getting "gamed" and manipulated than with other volunteers.

**Discussion**

- It's important to be careful about volunteer screening, but jails should not as a blanket policy exclude former inmates from volunteer roles.
- Tony Wilkes (Davidson County, Tennessee) described how his agency's classification process identifies people who might be in the jail for a long term and teams them with volunteer mentors. This appears to be very successful in reducing readmissions. The program was begun in closed program cycles but is now an open group for medium and minimum security inmates and can be joined at any time.
- Pairing volunteers who will work with inmates can be useful to avoid "gaming" and manipulation.
- Jails have experienced some incidents associated with faith-based volunteers. In one incident, juvenile inmates manipulated a woman volunteer. In another jail, a pastor brought a bible laced with drugs into the jail. The situation brought intense local scrutiny and accusations of racial politics against the jail.
- Faith-based mentorship in Tom Merkel's agency (Hennepin County, Minnesota) is linked with the police department, so if an interaction takes place between the police and a former inmate, the mentor is notified right away.
- Police officers also respond well to invitations to serve as speakers with inmate groups. For example, they can cover how to manage a conversation with police so an interaction doesn't turn into an arrest.

**The "Cons"**

Reasons to avoid an over-abundance of faith-based programs:

- Program outcomes will always be subject to scrutiny and questions.
- There will be legal concerns.
- Having an abundance of faith-based programs can expose a jail to unwelcome criticism.



- Inmates should not be forced or required to attend a faith-based program.

When programs are operated by providers from the faith community, the jail is prevented from forcing or providing incentives for inmates to attend. This can seem unfortunate because it's always valuable to have more inmates involved in programs that make a difference. The key is striking the right balance.

- Legally speaking, it is not relevant whether programs are effective or not.
- The Kent County jail has a faith-based victim impact panel that Demory would like to offer to all inmates, but first a faith-neutral version needs to be developed.
- Several other programs operating in the jail technically are faith-based, but they focus on issues in a faith-neutral way. An example is the jail's program for women on "how to avoid marrying a jerk."

### Resources

- Faith-based programs and the establishment clause. Summary of presentation segment by Bill Collins, Attorney-at-Law. Large Jail Network Proceedings, March 2008. <http://www.nicic.org/Library/022990>.
- Faith-based fudging: How a Bush-promoted Christian prison program fakes success by massaging data. Mark A. R. Kleiman. Slate, August 5, 2003. <http://www.slate.com>.
- Faith-based prison programs multiply. CNN online, copyright Associated Press, 2007. <http://www.cnn.com/2007/living/wayoflife/10/15/god.behindbars.ap>
- Assessing intermediate outcomes of a faith-based residential prisoner reentry program. *Research on Social Work Practice* 17(2), March 2007. Roman et al., the Urban Institute.
- Little evidence faith-based prison programs reduce recidivism. <http://www.newswise.com/p/articles/view/524066/>

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## Session 2. Faith Based Programs

*Presenter: Gordon A. Bass, Jr., Jacksonville Sheriff's Office, Jacksonville, Florida.*

Gordon Bass was appointed to Florida Governor Jeb Bush's ex-offender task force on reentry. Bass shared the quote, "God is in jails, because people who come to jail find him." Faith affects institutional behavior. A person can survive 30 days with no food, three days with no water, but zero days with no hope. The task force recommended in 2006 that a minimum of three Florida prison units should be converted to faith and character based units.

Within his jail, Bass relies heavily on a chaplain who takes care of programming issues. The jail has a long list of ministerial groups that want to come into the facilities for programming and study. Volunteerism received a boost from President George W. Bush's 2001 executive order to expand community and faith-based programs. The same year, the Jacksonville Community Council, Inc. (JCCI) recommended that the city develop reentry programs, particularly for felons.

Florida's Faith- and Character-Based Correctional Initiative was created by statute. The Florida Department of Corrections has established three faith- and character-based institutions (FCBIs) and seven faith-based/self-improvement dormitories, totaling 3,564 beds. Early data suggest that FCBI facilities may produce lower recidivism, but this has not been conclusively demonstrated.

The Jacksonville Sheriff's Office has no faith-based dormitories at this time. However, reentry is a major focus of the area's faith-based community, and the Portal of Entry initiative is a linkage point with community providers of in-jail and reentry programming. In-jail programs are nondenominational.

Bass believes it's very important that faith-based and values-based initiatives be tied to reentry, so that ex-offenders are not set up to fail once they reach the community. It's important that they are provided the necessary skills to succeed. Studies from the Urban Institute and other sources are examining the overall success of faith-based and values-based programs. The jail's data show that behavior changes in a facility when these types of programs are offered, and there are fewer disciplinary reports.

### Discussion

- Benefits of a successful program can include not only lower numbers of disciplinary reports, but also better responsiveness of inmates in their interactions with correctional officers, leading to lower levels of officer stress.
- It's wise to provide careful oversight for volunteer-managed programs, including faith-based programs. Some jails have discovered that Christian chaplains were not providing equal support for non-Christian faiths or not allowing leaders of other faiths into the jail. One participant found that the Koran was not being given to people who asked for it, though the jail had plenty of copies available, because of bias on the part of the Christian chaplains.
- Training programs and volunteer manuals can be tools for helping volunteers understand the particular legal requirements jails face. Jails can host an annual meeting of leaders of different religious groups, and they can present training specifically addressing case law and constitutional issues.

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- Preventing legal challenges is important. Tim Albin (Tulsa County, Oklahoma) suggested that administrators should have someone other than the lead chaplain monitor what's going on. A jail may have 200 volunteers, but it only takes one to expose the agency to a legal battle; jails should not underestimate the risk.
- Jails should not forget their limited English proficiency inmates. Having a lending library of religious materials in different languages shows inclusiveness and preparation, and it's also good to have a prepared list of available titles at hand in case the jail is investigated. Suitable books and other materials are usually available free of charge.

**Resources**

Evaluation of Florida's Faith- and Character-Based Institutions. Final Report. Washington, D.C.: The Urban Institute. October 2007. [http://www.urban.org/UploadedPDF/411561\\_fcbi\\_evaluation.pdf](http://www.urban.org/UploadedPDF/411561_fcbi_evaluation.pdf)

Faith- and Character-Based Correctional Initiative. Florida Department of Corrections. <http://www.dc.state.fl.us/oth/faith/index.html>

Faith-Based Programs Give Facilities a Helping Hand. NIJ Update. Reprint, American Correctional Association. <http://www.ncjrs.gov/pdffiles1/nij/221896.pdf>.

Final Report to the Governor. Florida Governor's Ex-Offender Task Force. November 2006. <http://exoffender.myflorida.com>,  
<http://www.prisonpolicy.org/scans/GovernorExOffenderFinalReport.pdf>

National Criminal Justice Reference Service (NCJRS) resources on faith-based assistance in corrections. Web link. <http://www.ncjrs.gov/App/Topics/Topic.aspx?Topicid=13>.

U.S. Department of Justice, Faith-Based and Community Initiatives. Web site. <http://www.usdoj.gov/fbci/>.

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## PROGRAM SESSION: EMERGING TECHNOLOGIES

### Technology for Corrections

*Presenter: Peter Cosgrove, National Law Enforcement and Corrections Technology Center, Southeast Region, Charleston, South Carolina*

The National Law Enforcement and Corrections Technology Centers were created by the National Institute of Justice to serve as an honest broker, providing technology information, assistance, and expertise to the nation's law enforcement, corrections, and criminal justice communities. The centers bridge the distance from technology research laboratories to the street. Each center is vendor neutral and a free source of information on technology options, as well as being a conduit to developers on the needs of corrections and law enforcement. NLECTC publishes the quarterly TechBeat newsletter and makes resources available at <http://www.justnet.org>.

The centers also play a role in transferring used military property to justice agencies, such as field combat gear, night vision goggles, and computers. Military research also flows through the Department of Justice and NLECTC. Some weapon needs and missions are similar.

Each of NLECTC's regions has a Regional Advisory Council (RAC) comprised of representatives from corrections and law enforcement agencies. Cosgrove encouraged participants to get in touch with their regional offices and begin floating ideas and needs past these advisors, or "RAC members." He also suggested that jail leaders can refer to NLECTC as an outside expert that can help make the case for new technologies.

NLECTC receives anecdotal agency input on technologies and vendors, and can refer inquiries to agencies with specific experience. Meeting participants suggested that agencies would benefit from having a technology feedback clearinghouse where they can share comments on their experiences.

Cosgrove encouraged LJN participants to call him or other regional NLECTC offices with any technology question. They'll respond quickly whether they have an immediate answer or not.

### Emerging developments

Radio interoperability is a major concern for first responders and has relevance to many tasks in the jail's custodial, rehabilitation, and security functions.

Law enforcement continues to be interested in less lethal weapons for individual interventions and crowd dispersal. Technologies in this area include, for example, a light that creates a sensation of burning in the subject and a generator of sound waves that induce violent nausea.

## Biometrics

Access control and identification are the main uses; applications need to be speedy and simple for staff to use.

- Fingerprinting – getting a good print is tough, and work is focusing on making computers faster at verifying prints.
- Retinal scans – accuracy of this technology makes it attractive. Releasing the right person is essential; agencies need to examine the bang for the buck.
- DNA identification – this area is seeing speedy advances, particularly in connection with property crimes.
- Facial recognition – this is actively evolving. As video and still pictures are matched against database images, the lighting conditions, resolution, and image size differences complicate the analysis.

## GPS/RFID

- Global Positioning System (GPS) applications continue to evolve. Taxi drivers no longer need to know their territory; keying in the destination address tells them how to get there. In a jail, GPS could be used to pinpoint the exact location of an incident or person. Electronic monitoring has been a tool in community supervision for many years.
- Radio Frequency Identification (RFID) smart cards could be used to limit or record who opens doors, for example in pharmacy storage, or to track inventory materials. In large jails and jail complexes, RFID could be used to reduce escort costs by tracking an inmate's progress past stations along a defined route. Some jails are beginning to use RFID chips in inmates' footwear for inmate counts. An example of a more advanced use of the technology is ghosting all inmates out of a facility map image in order to check the locations of two inmates suspected of passing contraband.

## Detection

- X-ray systems – X-ray technology is increasingly being used to scan incoming cargo containers at U.S. ports, and it can be deployed to scan the cargo on moving tractor trailer rigs on the highway. One law enforcement application is drive-by scanning of homes or businesses before a forced entry by SWAT teams.
- Electronic sniffers – detecting chemicals or radioactivity, these systems are being deployed on trucks and boats. Hallway sniffers are not as ready for the market but may develop.
- Cell phone detectors – controlling criminal enterprises in the jail is the aim of these sensors. Disabling cell phones is also a goal, but disruptors that will work in only a limited area are still in development. When the disrupted area can be defined closely, FCC permission will be easier to obtain. Disruptors may also interfere with GPS detection. Dave Parrish (Hillsborough County, Florida) described a \$15,000 unit that can detect whether a cell phone was used in the pod.

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- Seismographic motion detectors – systems create awareness when anyone is walking on the facility grounds. This would have prevented a situation in South Carolina where, for aesthetic reasons, a jail was built with no perimeter fence, and inmates were able to receive contraband through holes burned through the Lexon windows.
- Cameras – new camera and video systems can be programmed to provide added functionality. Systems that read license plates are an example. Improved facial recognition will add more functionality. Wireless cameras also are working well, and cell phones' camera and GPS data could potentially be used for command communications.
- The Remington Eye is a ball-shaped video camera unit that can be tossed into a space or lowered from a rooftop to generate a 360-degree video; tactical teams love it.
- Tim Ryan (Miami-Dade County, Florida) described a camera that looks like a credit card and stores two hours of video, available for about \$300. Cosgrove said that similar units also record sound.
- Dave Parrish (Hillsborough County, Florida) mentioned the need for 24/7 sound recordings to supplement video recordings captured at jail locations, ideally with capability for extracting specific voices. Zoom camera/microphone technology is used in casinos.

**Telemedicine**

Distance technology allows remote access to information on patients' physical or mental conditions.

- New heart monitors allow the patient to go home and still have EKG tests as needed. X-rays are commonly sent to doctors at different locations for review. Vital signs can be recorded at any location and transmitted for analysis.
- Don Leach (Lexington/Fayette County, Kentucky) said that Kentucky uses certain fine revenues to pay for telephonic medical triage. Jail suicides have been reduced by 60% to 70% through screening enabled by remote case review. In Wisconsin, telemedicine is used in an AIDS clinic setting.

**Information sharing**

Compiled, current, and accessible law enforcement data could keep appropriate parties informed about individuals with whom they come in contact.

- In Tennessee, incidents and data such as validated gang affiliation are recorded in a system any department can query.
- A Maryland offender data system has always included release date information, and now data on institutional behavior and incidents are also available.
- One participant commented that it would be useful for jails to have access to a post-incarceration report, comparable to presentence investigation.

- Data sharing particularly benefits public safety agencies that operate in extended urban areas with several large and small jurisdictions.

NLECTC also has participated in the development of a management information system for jails, through a project at the Southern Mississippi University. From this project, a suite of programs for criminal justice may emerge.

### Mapping

Any data being collected by jails can be visually displayed for instant mapping, analysis, and action using the CORMAP system. The system combines facility blueprint and operational data with inmate-specific information to enable mapping of query responses down to the tier, cell, or bed.

- Set-up provided at no charge by NLECTC includes conversion of facility plans to digital maps.
- The system uses ARC GIS and works with any database format jails are using to collect management data.
- Agencies need to purchase a \$1,500 single-user license for the ARC GIS software. In counties that are already using ARC GIS systems, an enterprise-level license already may be in place.
- Staff need about five days of training in how to program and use the system at their site. Technical and funding assistance may be available to jails that want to implement the system.

The highly interactive system allows jail staff to view visual displays of elements such as housing unit population density, cell fill, demographics, program participation, gang affiliation, involvement in incidents, and any other data the jail collects.

- On the facility level, elements as detailed as the location of fire extinguishers can be included.
- On a unit level, a mouseover function can display who is assigned to each cell, including an ID photograph and other information.
- The system also can be connected to cameras in the units for live, remote viewing.

Cosgrove demonstrated some examples of the system in use. Participants expressed interest in the technology. Rick Frey (Broward County, Florida) described his agency's use of pin mapping with database elements such as use of force incidents, MRSA cases, grievances, and other indices.

A TechBeat article on CORMAP is available online at [http://www.justnet.org/TechBeat\\_Files/CORMAPSum02.pdf](http://www.justnet.org/TechBeat_Files/CORMAPSum02.pdf).

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## PROGRAM SESSION: PROACTIVE DISCIPLINE

### Session 1. Maintaining Organizational Effectiveness

*Presenter: Jim Coleman, Shelby County Sheriff's Office, Memphis, Tennessee.*

Jim Coleman said that employee discipline is not about personality, it's about performance. Too often, jail managers are doing the work of their subordinates. Effective managers define and enforce the proper allocation of responsibility so that top leaders can focus where they should be to keep the agency functioning at its highest level. When agencies discipline staff correctly, they are developing them professionally as well as improving their performance.

Corrections is a people business, and the critical position is the supervisor. Without good sergeants, a jail administrator won't survive, making it essential that jails invest in their sergeants.

Coleman conducts exit interviews with everyone who leaves his agency. He meets with staff who have been let go as well as those who are moving to other agencies or leaving for personal reasons. From these conversations, he's concluded that people don't quit organizations, they quit people. Coleman believes the jail's key priority is supervision: the importance of developing managers, and the importance of a clear understanding of staff responsibilities in the jail.

Coleman's trainees write book reviews, both as a writing exercise and also to demonstrate their comprehension. He recommends four books as required reading for new managers or to hand to middle managers whenever they need a different perspective:

- *Buried Alive! – Digging Your Way Out of a Management Dumpster* (Yount et al., Oaklea Press, 2004). New managers need to learn how to manage their work and their growing workloads and to recognize where not to waste their time. In particular, jail sergeants today face higher expectations than ever before. It's critical that roles for sergeants, lieutenants, and captains are clear and that managers know what is and is not their responsibility.
- *Who Moved My Cheese?* (Johnson, G. P. Putnam's Sons, 1998). This book uses a maze metaphor to represent the organization and convey the ways staff respond to change. Adapting to change and managing change present their own challenges; anticipating change is more difficult and is missing from most training.
- *The One Minute Manager* (Blanchard and Johnson, Berkley Trade, 1983). This book breaks down supervisory tasks into snapshots for quick action. For example, it shows how to give correction to staff along with motivational praise, and how and when to focus on an immediate goal rather than a five-year vision.
- *The Transition to Correctional Supervisor* (American Correctional Association, Correctional Supervision Series). This learning program focuses on the factors that influence



supervisory styles, understanding one's own style, and being able to adapt one's style to the situation.

Coleman values the enthusiasm of new staff who complete their academy training, but that enthusiasm can diminish as seasoned staff impose their view of "how we really do things around here." That message and unsupportive supervisors are two of the main reasons why staff lose their excitement about working in the jail.

It's important to create a positive work environment and to make sure managers take responsibility for how they communicate. When Coleman is approached as a sounding board on a dispute between two staff or between an officer and his or her supervisor, he will not listen to what one party has to say unless the other party is also present. Sometimes it's necessary to say, "If you can't get people to follow you, you're not a leader."

*Presenter information: Jim Coleman is Chief Jailer, Shelby County Sheriff's Office, Memphis, Tennessee. He can be reached at (901) 545-2414 or james.coleman@shelby-sheriff.org.*

## **Session 2. How to Get People to Perform for You**

*Presenter: Timothy P. Ryan, Director, Miami-Dade County Corrections and Rehabilitation Department, Miami, Florida.*

The word "discipline" has two meanings. A person who has her act together is disciplined, but other people need discipline, which comes with a negative connotation.

What is discipline and why do we care about it? When only 1 out of 47 applicants is hired by the jail, and new hires then must progress through training and successfully complete a probationary period, those who attain the post of correctional officer are *valuable*. It's in the agency's best interest to keep them and develop their performance to recoup the initial investment.

The last time Ryan worried about inmates was in 1974, when he became a sergeant. His goal as a jail administrator is to put the jail's internal affairs unit out of business, while also spending less of his own time on staff discipline.

In Ryan's view, one disciplinary intervention with a staff member should be sufficient to correct a problem. A system with increasing levels of reprimand, up to and including termination, is failure-based. What can be done instead to accomplish a behavior change the first time? Answering that question begins with asking "What am I trying to do, and how do I accomplish it?"

### **Management data**

A starting point is data. The jail administrator can examine the agency's record on internal affairs investigations in areas where he or she is needing to devote extra attention, such as corruption, inmate grievances, or use of force, then drill down.

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- Does one officer, or one floor, have more than three use of force complaints? That could merit a closer look in terms of the specific situations and then to the relevant policies and training.
- If one officer has several grievances on verbal abuse, the jail administrator can look at the training provided and consider sending the officer back through interpersonal communications training. This is an opportunity to convey to the officer that if he has an issue, the jail will help him address it – but if it happens again, he'll receive discipline.
- Other internal data, such as attendance records, can be examined in the same way.

The same way offenders can progress petty theft up to homicide, staff issues can also start small then escalate – so it's important to identify staff issues early.

- Common points of exposure are corruption, fraternization and sexual misconduct, and lack of honesty.
- Officers should be encouraged to admit when they've made a mistake and to recognize the ethical issues in telling the truth, even if it's about their partner.
- Participants asked, "Why do jail administrators need to take these steps to ensure ethical behavior? Why aren't the people we're hiring as reliable and honest as we are?" Others agreed that it seems the character dimension has been dropping over time among those entering the jail field.
- One way to increase the accuracy of incident reports is to allow the witnesses who have completed their use of force reports to review the video, and then offer them a chance to rethink the report. What's at stake is not the "gotcha" moment, but the need for the jail administration to understand how and why events happened as they did and staff took the actions they did.
- A new law in California makes it a crime to withhold information on an internal investigation. This may set the pattern for similar legislation in other states.
- When jail staff attendance became an issue in Miami-Dade County, Ryan's agency installed a Chronos time clock system, which requires a thumbprint scan when staff check in to work. Tardiness evaporated, overpayment was eliminated, and attendance lists could be generated automatically. Ryan also examined granular attendance data and discovered that absenteeism by just 14 staff members was causing a significant portion of the jail's overtime costs. After inviting those officers to a meeting on attendance, he found that issues dropped off dramatically.
- Ryan prepared a video tape that defines his standards for staff behavior. It leaves no room for doubt about conduct that can be grounds for dismissal.

### Strategies for change

Ryan outlined several steps jail administrators can follow when implementing changes in policy, practice, documentation, and disciplinary standards.

- When the jail administration is setting a new standard of practice, they can expect that it may be challenged. It's important to emphasize a clean slate and a break with past practice. Ryan developed a video for staff on conduct, expectations, and discipline and reviewed it with the union before announcing changes to staff.
- Administrators can create a book of the best reports they've gotten. Examples will give officers a better sense of how to document events if, for example, they didn't actually see an incident.
- The agency's legal team can help teach report writing skills and convey what is substantive and necessary information for reports. The legal team can also train staff on how to testify in a way that matches the information in the report.
- When administrators receive substandard reports, they need to reinforce quality standards and have staff re-do the paperwork. This can seem fairly basic: if an inmate or officer violated rules 1, 2, and 3, the report must say so. The documentation needs to support an investigation or prosecution in going forward.
- Most staff disciplinary issues come up with some frequency, and the agency should have a standard protocol and report format in place for responding to each. A checklist can be a good tool. For example, what is the agency's investigatory and procedural response in the event of a domestic violence incident, an attendance issue, or a DUI arrest, or an incident of suspected illegal drug use?
- Ultimately, the most effective approach for planning the agency's response to any disciplinary matter involves talking with the agency's lawyers, human resources staff, and unions to find and leverage their individual and shared interests.
- Unions prefer not to spend their dues on discipline issues. Termination fights are to be expected, but ideally the jail administration can have disciplinary procedures in place that meet the needs of both the agency and the union. Clear documentation gives the union a position for talking with the member. It's useful to talk proactively with the union president about mutual concerns, such as generational issues in the workforce.

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Participants broke into groups for discussion of their top disciplinary issues and strategies for response.

**Attendance**

- Installing a Chronos time clock system means people get paid for the time they're on the job.
- Attendance issues may drop if the jail implements alternative scheduling. This is especially attractive to younger staff and single parents.
- Staff sometimes use sick leave to take care of things in their personal lives, because sick leave is guaranteed. The jail can warn people that they'll be reported AWOL if they do not return to work, even by calling them at home. Jim Coleman (Shelby County, Tennessee) regularly calls staff who are on sick leave.
- Changing to 12-hour shifts can reduce absenteeism. Brian Head (Pasco County, Florida) learned by surveying his staff that there was strong interest in 12-hour shifts. After making the change, the jail had very few vacancies for the first year. The jail now has people on a waiting list for job openings, and staff have become less likely to transfer to patrol.
- Another participant commented that going to 12-hour shifts has a beneficial effect for about four years, after which seniority factors kick in and some shift-related attendance problems begin to resurface.
- Tim Ryan (Miami-Dade County, Florida) has successfully used a bidding system with different day length shifts, including 8-, 9-, 10-, and 12-hour shifts.
- Steve Thompson (Snohomish County, Washington) offered his staff the opportunity to sign up as a master correctional officer. These officers earned special benefits, including a 3% premium on their base pay and priority on overtime assignments, in exchange for working their regular shift 210 days per year and being willing to work any post. Newer staff loved the system, long-term staff spent more hours on the job, and overtime dried up. Everyone liked it, but the labor group representatives were senior staff, and they quashed it.
- Jim Coleman (Shelby County, Tennessee) was able to offer staff a \$200 cash reward for a good evaluation, as had been offered to law enforcement staff for some time.
- Dick Carbery (Onondaga County, New York) worked with the union on a new agreement that limits AWOL abuse of sick leave and reduces overtime costs. Under the new disciplinary system, officers who miss three days of work receive a reprimand. Repeat occurrences merit a progressive suspension of 30, 60, and 90 days without pay, followed by dismissal.
- Mike Jackson said that his former agency allowed staff to swap shifts with the written approval of each's shift commander. This solution involved no extra pay, and use of sick leave dropped.

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- Mary Lou McDonough described how the Prince George's County (Maryland) jail rewards people who go 90 days without using leave.
- Mitch Lucas (Charleston County, South Carolina) reminded participants that jails should not be paying staff for overtime in the same pay period in which they've taken sick leave – they must meet the basic work hours requirement first, before they are eligible for overtime pay. Lucas observed that a surprising number of jails seem not to understand this aspect of the Fair Labor Standards Act.
- Jim Coleman stated that his agency requires supervisory staff to work 196 days per year in order to qualify to remain in a supervisory position. Steve Thompson found it was illegal to impose a 40-hour work week requirement for supervisors. The question was raised whether training days would count toward a days-worked requirement.

**Improper use of force**

- Ron Bishop (Multnomah County, Oregon) stated that use of force incidents are documented in reports that receive a preliminary review by the sergeant. They are then reviewed by the shift lieutenant and the facility commander and are provided to the internal affairs unit. Witnesses also provide statements that are reviewed by the chain of command.
- Mitch Lucas noted that managers must read use of force reports by the next day.
- Glenn Kurtz (Sedgwick County, Kansas) implemented a standard form to document use of force incidents for internal affairs follow-up and statistical analysis by management. It documents who was involved, what equipment and/or weapons were used, and similar elements. Staff who are involved in more than five incidents are flagged for captain review. Agencies can respond by, for example, assigning an officer who shows a potential pattern of excessive force to operate the video camera for the intervention team for awhile.
- Another administrator interviews any staff who are involved in two incidents.
- Mitch Lucas watches incident videos, reads reports and comments, and holds supervisors accountable for staff actions and for carefully reviewing the documentation themselves. Reviewers need to ensure that that reports and video content match up, as well as to be certain that staff are using appropriate techniques according to policy. Details in all reports need to be accurate, such as the amount of pepper spray deployed.
- Tim Ryan (Miami-Dade County, Florida) observed that disciplining staff on improper use of force is preferable to disciplining them for a lack of honesty.
- To impress on staff the need for accuracy, Brian Head (Pasco County, Florida) uses a form that includes check-off boxes for staff to indicate whether they concur or disagree with others' reports. Staff are helped to understand that, if a lawsuit emerges from the incident, those who concur may be called as a witness for the defense, and those who disagree may be asked to testify for the plaintiff.

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- External justice department investigations are likely to focus on use of force. Teams look closely at use of force tapes and may identify instances where the tapes don't match reports.
- Tim Ryan (Miami-Dade County, Florida) observed that staff need to understand the difference between a planned and unplanned event. A cell extraction is an example of a planned event. In a professionally conducted action, staff have time to bring in a video camera to document the behavior that is making the intervention necessary.

**Failure to follow procedure**

- Participants observed that it can be difficult to get some staff to understand the reasons for the rules. Some staff appear to consider cell phones and cigarettes equally harmless in the hands of inmates and the rules on each bendable. Staff are being disciplined for texting while on post. Some seem surprised that DVD players are not allowed. Some states now have statutes to cover the contraband nature of cell phones in correctional institutions.
- It's important for jails to support personnel who provide information about other staff who are introducing contraband or engaging in other infractions. If the jail takes no action, it discourages professionalism.
- Tim Ryan (Miami-Dade County, Florida) said that if romantic relationships develop between staff, the jail should be sure to reward those who follow procedures. Dating contracts are used in corporations and in at least a few jails to explain the rules for what happens if a couple later breaks up.
- One jail posts photos of former employees who were dismissed for introducing contraband. As Jim Coleman (Shelby County, Tennessee) puts it, "These people had your job but decided they wanted to be on the other side of the jail."
- Agencies use clear bags to check for contraband in the material being brought into jails. LJN agencies' practices on staff searches range from random pat searches to standard searches of everyone entering the secure area.
- Regarding drugs, administrators are surprised again and again that staff will accept trivial amounts of money to bring in drugs at the risk of losing their careers and gaining a felony conviction. Tom Merkel (Hennepin County, Minnesota) considers this a character and integrity issue that should be uncovered ideally during the hiring and background check process. Patrick Tighe (St. Lucie County, Florida) said that the jail needs a "public execution" once in awhile to get the point across. His jail does unannounced shakedowns and drug dog scans.
- Several participants said they follow up on violations and dismissals by reviewing the officer's file to learn what they missed. Very often there is something in the psychological profile, credit history, or other background that could have been a flag.

## Discussion

The jail leadership should emphasize with their command staff that the intention is to reduce discipline and to make the staff more professional. It's important that supervisors feel they're on the "home team" rather than on the wrong side of a staff vs. management split.

The Florida Division of Law Enforcement puts out a list of why officers have been decertified, which can be a tool for talking with problem staff. Another participant suggested sharing the jail's discipline counts with staff and unions to illustrate issues or demonstrate progress.

Steve Thompson (Snohomish County, Washington) mentioned a study by Neal Trautman, of the National Center for Ethics, on police officer decertification. Trautman concluded that anger, greed, or lust cause officers to compromise their principles.

- A report on how and why officer and agencies become corrupt is available at <http://www.ethicsinstitute.com/pdf/Corruption%20Continum.pdf>.
- For other analyses, see at [http://www.ethicsinstitute.com/research\\_and\\_resources.html](http://www.ethicsinstitute.com/research_and_resources.html).

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## OPEN FORUM

“Hot topic” sessions for the meeting are an opportunity for participants to discuss emerging issues. These sessions were coordinated and presented by Donald Leach, Ph.D. (Lexington/Fayette Urban County Government). Leach encouraged all members to use the LJN’s online forum to maximize information exchange on the topics covered at this meeting and on other issues that concern them.

### TOPIC 1 — PRISON RAPE ELIMINATION ACT

Participants discussed the proposed standards developed by the National Prison Rape Elimination Commission and the issues they raise for jail operations. The group heard from an LJN member whose jail has been audited and discussed concerns with a review panel member.

Don Leach updated the group on recent actions related to the Prison Rape Elimination Act. The PREA Commission in mid-2008 issued draft standards for review and comment. Panels have been conducting hearings with institutions nationwide, selected on the basis of Bureau of Justice Statistics incidence data. Each regional PREA hearing is mandated to focus on the three jails with the highest incidence scores and two jails with the lowest incidence. The intent of the hearings is to help BJS identify common characteristics of victims and perpetrators of inmate sexual assault and abuse. Information gathering and analysis is expected from the PREA Commission until the future presidential administration gets underway and a new U.S. Attorney General is appointed. Once the final draft of the standards has been completed, comments will be taken for a period of one year.

Leach reported that the PREA Commission has received a large volume of response to the draft standards from jail professionals around the country. They have pointed out that much of the content of the proposed standards is inappropriate to the jails setting and/or conflicts with established standards and case law.

#### **Review panels**

LJN members believe the hearings are being conducted with an overly adversarial tone, and that the Commission is exceeding its mandate by calling additional jails to testify, beyond the five called for in the enabling legislation. For example, six of the ten state prisons with the highest rates of incidence are located in Texas, and five of them, rather than three, are being examined by a panel. Whether this exceeds the panels’ authority may be tested if subpoenas are issued.

Susan Jeter (Brevard County, Florida) discussed her agency’s experience with a PREA hearing panel in August 2008 as a jail with low incidence. Panel members toured the inmate-accessible areas of her facility. Jeter used the tour to explain factors such as the differences between prison and jail operations, the transient nature of the jail population, and procedures for incident reporting and criminal case documentation. The hearing segment focused in large part on alleged sexual battery cases and the jail’s role in prosecutions. The state’s attorney – not the jail – determines whether to take the case, based on the evidence and whether the claimant can be located after leaving the jail. However, Jeter stated that the panel’s tone seemed to suggest that the jail should have done more to promote



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prosecution. Jeter noted that she was not asked many open-ended questions. For example, when the panel asked whether her jail had a policy in a particular area, it did not ask her to describe the content of the policy.

**Standards**

Jim Gondles, Executive Director of the American Correctional Association, mentioned that one of the nine commission positions is currently vacant, and that corrections groups are seeking the appointment of a commissioner who is knowledgeable in corrections and juvenile justice. Gondles stated that Federal Bureau of Prisons Director Harley Lappin expressed support for jails' input to be taken into consideration during the standards process. ACA has requested copies of all testimony and comments gathered by the commission. ACA recently hosted a meeting to review the proposed standards. Attending were the eight current commissioners, prominent jail experts, and several sheriffs.

At the meeting, corrections professionals pointed out several issues of concern in the draft standards. For example:

- One standard requires the posting of rules related to assault and misconduct, and requires staff to sign off that they understand the rules, but visitors and attorneys are not required to do so. This places an unfair and inaccurate presumption of guilt on jail staff. Participants said their jails have experienced sexual misconduct involving attorneys and others.
- The standards do not reflect the reality of how quickly people enter and exit jails and the burden of orienting that many people to PREA concerns who will be back on the street the same or next day.
- The standards call for the elimination of cross-gender offender supervision, which is in conflict with ACA accreditation and employment case law.
- When before the jail review panel, Susan Jeter (Brevard County, Florida) was questioned on whether she asks about the sexual preferences of her staff. Employers, and public employers specifically, may not legally ask for such information.

To meet proposed standards for sight and sound separation, many jails would have to remodel their physical facilities. However, the PREA legislation states that implementation of the new standards must not impose any financial burden on agencies. A potential penalty of 5% of federal funding dollars can be assessed against facilities that are not in compliance, but because jails typically do not receive significant federal funding, this leverage is less influential.

The recommended independent auditor position, to be employed by the chief executive in the agency's jurisdiction, represents another cost to counties.

**Discussion**

- Don Leach remarked on the standards document's three-part structure, involving the standard, a discussion, and a checklist for implementation. Standards and content are sometimes contradictory and often extreme.

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- Prosecutors are more likely to file in a case of male-on-female misconduct than a case with female staff and a male inmate. Incidence data show that the largest percentage of sexual misconduct occurs between female staff and male inmates.
- Incidence data are still in question. At a recent hearing in Detroit, it was expressed that “corrections is ignoring the 13% of inmates who were raped,” but many question the methodology behind the BJS data. Further, the data show the number of reported incidents but not the number of reported perpetrators, which could create a misleading picture if one perpetrator was responsible for several incidents in a facility.
- Another participant observed that the “cure” is worse than the ailment, and that by approaching matters in an inappropriate manner, the commission and panels risk losing their credibility. Issues include the budgetary impact, the potential for lawsuits related to implementation, and liability exposure of jails that are not in full compliance. Public relations aspects are also of concern.

**Remarks by Gwen Chunn**

Gwen Chunn spoke with meeting participants and invited their questions. Chunn is a member of the Review Panel on Prison Rape formed by the U.S. Department of Justice, Office of Justice Programs. She is a former Director of Youth Services, North Carolina Department of Health and Human Services, and former President of the American Correctional Association. She is joined on the jail panel by a victim advocate and an attorney.

Chunn commented on the prosecutorial tone that has been present in meetings with even the best-rated jails, stating that it's the duty of the commission to provide a rigorous investigation. One purpose of the reviews is to confirm that what a jail has reported in its survey response reflects actual practice. She recognized that being called to appear before the panel may raise sensitivities. The focus of PREA efforts has shifted from inmate-on-inmate violation to any violation, whether by inmates, staff, volunteers, contractors, or others. The commission is dedicated to doing its work according to the letter and the spirit of the enabling legislation.

**Jim Gondles (ACA) asked why the panel was calling more than just the top three jails in a given area.**

Chunn was not certain. She said that because the variance among the scores was so small, all the jails were essentially equivalent and the panel might as well look at a few beyond the top three. The intent is to find commonalities and pre-existing conditions that contribute to the problem, so that these elements can be included in guidance to help other jails.

**Tim Ryan (Miami-Dade County, Florida) commented that the last 30 years have brought more progressive ways of doing things in jails. Yet many of the PREA standards would promote outdated practices and/or violate case law and precedent on civil rights, etc. He believes the panel doesn't realize what it's facing.**

Chunn said that her review panel has found it very important to do site visits. By making these visits, a panelist can see that each facility is different, and each has different resource needs. She observed that jails have a big job to do in educating not only panels and the PREA commission about jails, but also the general public. Those who testify can use the opportunity to express jails' concerns

and perspectives, and to make clear their processes for hiring qualified candidates, the professionals of the future. Conveying the reality of jails of all sizes to the commission will allow jail professionals to have a greater voice in the future in terms of conformance to the letter versus the spirit of law.

**Tim Ryan (Miami-Dade County, Florida) observed that the proposed rules were prepared without regard to case law, and they will have to be rethought. Those who are writing the standards should spend time in the jail environment to help them understand how jails are run.**

Chunn stated that her focus is recognizing the good work of the agencies with low incidence and creating better understanding of jails. However, in the panel format, she is limited to asking questions and commenting on the answers. Her questions allow agencies to respond and get things on the record.

**Another participant observed that no agency can prevent virtually all sexual misconduct, but each jail does its best to do so within its specific constraints and limitations.**

Chunn recognizes that an accreditation and standards process inherently involves external standards. The fact that standards exist is valuable, though there may be standards that can't be met. Chunn stated that any jail should easily be able to display a poster and designate a PREA coordinator, and if any jail comes before the panel without having done at least those things, they may be at risk of appearing deliberately indifferent.

**Tim Albin (Tulsa County, Oklahoma) commented that the general perception is the commission is not letting the facts get in the way of its agenda. He predicts that the adversarial tone will continue to the end of the process.**

Chunn and participants agreed that oral history and urban legend have accepted that people are sexually assaulted in jails and prisons, and that this image of "punishment" is exaggerated. Yet it is the anecdotal evidence and sensationalized view that gains attention. Chunn repeated the point that corrections needs to make itself better understood by the public, not only to control the message but also to enlist community support. Facilities can provide a therapeutic environment; good things can happen; troubled people can stabilize their lives. Corrections leaders must let people know what the reality is in their facilities, to improve the quality of life for jail workers and the inmates who will be coming home.

**Mitch Lucas (Charleston County, South Carolina) commented on the standards' wholesale lumping of corrections/detention professionals into the category of potential predators. This suggests that all officers are waiting for an opportunity to victimize inmates, that a facility must never allow one inmate and one officer to be alone. There's no basis for this perception of risk, he said, but it seems to permeate the language in the standards.**

Chunn replied that whoever an inmate is victimized by, it's all the same to the inmate. Perhaps the lawyerly bias toward aggressive pursuit has created an overly prosecutorial tone, but this has taken shape under the direction of the U.S. Office of Civil Rights. She is using diplomacy and opening questions to get other views on the record.

**Jim Gondles (ACA) stated that problems with the proposed rules need to be made clear to the commissioners, not raised only with the panels. Further, given BJS data showing that**

**three-quarters of all reported abuse involves women staff and male inmates, who is the true victim? It is difficult to take from these figures that this is a staff-inmate problem.**

Chunn noted that as data collected over time show a consistent pattern, it will be easier to say, "We've been telling you this all along," but as long as jails have any staff-on-inmate incidents, it will be hard to fight the sense that facilities are not sufficiently under control.

**Participants raised the point of costs to agencies for compliance with the PREA standards, versus the legislation's stated intent not to impose additional costs. Clearly there are wage and vacancy rate issues, turnover, surveillance equipment, auditor positions, and physical plant changes that will generate costs.**

Chunn replied that if stability of staffing is a factor in an environment that allows for abuse, it's on the table. There is no intention to back off from the no-cost view of implementation that was stated in the legislation.

**Steve Thompson (Snohomish County, Washington) said that if the commission does not admit that these changes cannot be accomplished without more money, the commission will lose credibility.**

**Jim Gondles (ACA) observed that some commissioners know that the standard for 24-hour sight and sound separation will have to be changed, for example, but others are unwilling to drop that requirement.**

Chunn said she will do the best she can to ensure fairness.

## TOPIC 2 – RAZOR DISPOSAL

Most jails appear to handle used razors as general trash rather than as medical waste.

Some jails represented at the meeting handle used razors as medical waste that is bagged and disposed. Other participants follow a non-medical protocol and pointed to reasons why. For example, if the jail handles razors as a biohazard, it becomes an issue for medical staff. Staff who handle the razors would be required to wear gloves. There may be cost implications where jails pay by the ounce for medical wastes disposal.

Others handle used razors as a household good that is collected, boxed, and disposed. Some jails conduct razor counts before disposal.

One participant sought input from the state department of health and was told they could be disposed of in the normal trash stream. There has been no guidance from the National Commission on Correctional Health Care – its accreditation standards don't address razor disposal.

### TOPIC 3 – STANDARDS A “YARDSTICK” FOR JAIL PERFORMANCE?

Participants briefly discussed the potential for professional standards, such as those of the American Correctional Association or the National Commission on Correctional Health Care, to be used as a common yardstick for measuring jail performance. The National Institute of Justice has pointed out that most systems don't have usable data analysis files with information on measures related to these standards. No jails represented at the meeting are pressing for standardization of such data.

### TOPIC 4 – INMATE TELEPHONES / WRIGHT PETITION

This fall, the Wright petition, which would reduce fees for inmate telephone calls and expand competition for jail telephone services, is pending decision by the Federal Communications Commission (FCC). The measure has been endorsed by the American Bar Association and is considered likely to be approved. (See *Wright v. Corrections Corp. of America*, C.A. No. 00-293, Memorandum Opinion, slip op. at 10-11 [D.D.C. Aug. 22, 2001].) Corrections leaders oppose the measure on grounds that it will cause major, unintended disruptions in operations.

Participants observed that, while some telephone fees in some jails are excessive, jails would be the real losers if vendors leave, which appears likely if their revenues are greatly reduced. The technical side of jail telephone service is more complicated than many people recognize. With a greatly reduced profit incentive, providers may find it unattractive to operate in jails, leaving it up to the jail to provide equipment and services or reduce access to telephones. Concerns also were expressed about reduced inmate welfare fund revenues and security impacts.

#### Discussion

- Participants agreed that high telephone rates can weaken inmates' social ties with their families and interfere with productive reentry. Participants' agencies charge varying fees. Some charge \$3.95 per call plus \$.95 per minute, one charges a flat fee of \$3.95 for calls up to 20 minutes in length, and one jail was charging \$1.85 per call. The proposal before the FCC suggests \$.20 per minute for debit calls and \$.25 per minute for collect calls.
- To the extent jails have been aware of exorbitant telephone fees and allowed them to be continued, they have invited new federal government regulation. If costs in one jail for a 20 minute phone call reach \$38, that is obviously unfair. One participant described putting a price ceiling in his RFP for inmate telephone service to ensure fairer costs.
- Tim Albin (Tulsa County, Oklahoma) said that most people are not aware of the security aspects that come into play in connection with inmate telephone use. The FBI is in his facility once or twice a week for intelligence gathering. Others agreed that under the new scenario, inmates could obtain telephones that operate from any area code, potentially interfering with call tracking for internal or crime investigation purposes.
- If inmates have less access to telephones, they'll be less able to get out of jail quickly when their status changes, and populations may swell.

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- Jim Gondles noted that ACA is actively fighting the proposal. Giving inmates their choice of carriers is infeasible, and the major telephone service providers all oppose it.
- Tim Ryan (Miami-Dade County, Florida) and others are considering selling telephone cards through the commissary. Others mentioned the possibility of moving to Internet-based alternatives, such as Voice Over Internet Protocol (VOIP), web cameras, or email. Tim Albin (Tulsa County, Oklahoma) asked for views on whether it might be possible to access the universal connectivity fee funds that were created to pay for expanding Internet access throughout the country.
- One participant observed that, because of the steady stream of telephone revenues to the county's general fund, he has not been able to get help within his county to oppose the proposed FCC rule change.

**TOPIC 5 – RELIGIOUS AND OTHER ALTERNATIVE DIETS**

The group's discussion on this topic affirmed the lessons of Bill Collins's March 2008 presentation to the LJN, on the importance of individual conscience in making determinations on accommodating religious observances in jail. When a religious accommodation is not feasible, jails must frame their response to the issue in terms of the government's compelling interest.

- For religious diets, jails can assess sincerity by working with religious authorities and other means. For instance, clergy can decide who can participate in the Ramadan feast. To deter abuses, one jail requires people who claim to be of the Muslim faith to commit to observing the entire season.
- On the issue of diet, agencies are moving away from kosher meals and/or other religious-based variations to providing just two types of meals: standard and vegan. The governmental interest in reducing options to just two can be argued as relating to security and cost.
- Tim Ryan (Miami-Dade County, Florida) observed that up to 14% of the jail's meals are medically adjusted. The jail takes inmates' word on food allergies because testing is more expensive.
- Mitch Lucas (Charleston County, South Carolina) has a doctor verify the need, which has reduced the number of medical meals by half.
- Other participants noted that the number of diabetic and pre-diabetic diets they provide has been growing. This sometimes results in grievances and inmates' buying non-diet food at the commissary. Some prisons have gone to self-selection cafeteria-style dining.

## TOPIC 6 – RELEASE OF RECORDED INMATE PHONE CALLS

In a high-profile Florida case, the news media were provided a recording of a jail telephone call made by a woman with a missing child. Meeting participants differed on whether and how their jails would release tapes.

- Jeffery Newton (Douglas County, Nebraska) says that until a jury rises on a case, no one has access to tapes. Others said that telephone recordings are open record unless there's an investigation toward which they could be relevant.
- Regarding outgoing calls to legal counsel, the consensus was that such tapes can be released, because notice is provided that the calls may be recorded, and these notices often repeat regularly throughout the duration of the call. This has been confirmed in legal challenges.
- Releasing tapes to the media is a different situation, and there was no consensus among jails about how they would handle such an instance. The jail that released the tapes of the mother with the missing child is managed under the county commission, not the sheriff; in a similar matter, Brevard County decided not to release tapes.

## TOPIC 7 – STAFF CELL PHONE USAGE

Fewer than half of the jails represented at the meeting allow officers to carry cell phones into the secure areas of the facility.

- Some jails have a system in place for obtaining permission to carry a cell phone, for example, when there is an ongoing medical situation in the officer's family.
- Other jails permit only command staff to carry a cell phone.
- In some locations, unions have negotiated to allow cell phones on person in case of an emergency.
- Any permitted phones are often issued by the jail.

Problems traced to cell phones include:

- Telephones are making their way into the inmate population as contraband.
- Officers are texting each other and outside contacts while on duty. Texting and emails are distracting the officers' attention from their work.
- Cell phones are not only used for text, they are being used to take photographs and video recordings.

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- To the extent cell phones are used to share inappropriate content or to fuel staff conflicts, they are a threat to safety, security, and orderly operation of the jail.
- Many jails have land lines that can provide equivalent access to telephones in the event of a family emergency.

In addition to penalties and discipline, agencies are experimenting with the use of jamming equipment and canines trained to detect lithium ion batteries to control the entry of cell phones into jails.

## TOPIC 8. INMATE MAIL

Meeting participants mentioned several ways they are able to reduce the staff time needed to process mail while ensuring both fairness to inmates and safety and security of the jail. Contraband and illegal business operations are two targets for control, as is the sheer volume of bulk mail sent to jails. Though some jails have gotten mixed messages from their local post offices on what must be delivered, the common interpretation is that delivery of any non-personal bulk mail can be denied.

- At least one jail represented at the meeting has received bulk mail sent to inmates by attorneys.
- Several participants are concerned about a new magazine-style publication that has heavy advertising from local bail bonding agencies. Content has included articles on how to sue the agency, how not to talk to the police, etc. *Crime, Punishment, and Justice in America* is published in California.
- Some jails don't accept any magazines. Material that doesn't meet delivery policies can be stored as personal property until release.
- Mail procedures for ICE detainees follow different guidelines.
- Suspicious mail can be opened in the presence of the inmate.
- A participant reported that the U.S. Bureau of Prisons is beginning to encourage email instead of physical mail. The San Diego jail was printing email messages, at the jail's cost, and found it needed to limit the number of emails accepted per inmate per day.
- Some agencies are allowing inmates to receive only postcards. This practice has survived legal scrutiny in Arizona. Inmates' families are creating their own photo postcards or buying approved postcards from the jail. Limiting mail to postcards has greatly reduced contraband.

Don Leach (Lexington/Fayette County, Kentucky) pointed out that the jail's obligation is to ensure that inmates have access to their families. Postal mail has been a tool for meeting that obligation, but it is not the only option.



Patrick Tighe (St. Lucie County, Florida) suggested that if agencies will be changing their policy in this area, they should allow a month between the announcement and implementation to prepare inmates and their families..

## TOPIC 9 – TASERS

Jail commanders continue to be concerned about use of conducted electricity devices to control detainees and inmates.

This year saw the first time a wrongful death lawsuit related to the Taser was successful. The company was found liable, and officers were found to have acted appropriately. When they applied multiple taser shocks, about 30 shocks in total, the officers were following the training and information provided by the company, which did not indicate there were risks in using the device. The court also found that the victim bore 85% of the responsibility for the incident because he gave the officers no recourse but to deploy the device. The cause of death was determined to be a combination of methamphetamine intoxication, an enlarged heart, and multiple Taser shocks. Details are available at [http://www.montereyherald.com/crime/ci\\_9511484](http://www.montereyherald.com/crime/ci_9511484).

### Discussion

- People who have medical conditions or are in excited states are more likely to die from the effects of conducted electricity devices. Most agencies now limit the use of these devices to three shocks of up to five seconds of duration.
- The perception is that the threshold for use is tending to drop, with officers using the tool in situations where they might use communication skills instead, such as when a detainee does not cooperate with a strip search.
- Jails are tracking not only actual uses of the device, but also threats to use it, and finding that compliance is usually very high once the device is produced.
- Mitch Lucas (Charleston County, South Carolina) recommends that jails videotape all uses of the device, which eliminates later questions about the circumstances of the deployment.
- If suspects are subdued through the use of such devices during arrest, they always should be taken to a hospital before being brought to the jail.
- Tim Ryan (Miami-Dade County, Florida) noted that officers must complete a form on any use of force on the street and document anything that is known about the arrest scenario and events prior to booking in case there is medical relevance.

The web site, <http://www.less-lethal.org> provides access to all U.K. and Canadian research on conducted electricity devices. One study available there showed that among 238 custody deaths attributed to Tasers between 1984 and 2008, all the subjects had enlarged hearts.

## TOPIC 10 – MEDICAL CARE STANDARDS

Revised standards from the National Commission on Correctional Health Care (NCCHC) specify that an initial health assessment can take place later than previously required. Standard J-E-04 requires a full health assessment within 14 days. Most of the jails represented at the meeting are continuing to provide health assessments as they had been doing. The new rules offer opportunities for cost savings for jails.

### Discussion

- Participants observed that this gives the initial screening a different dynamic. The purpose is to look for issues that need a secondary assessment. Jails typically do a significant review at the inmates' intake screening, because most inmates are in and out of the jail within 72 hours.
- Mitch Lucas (Charleston County, South Carolina) said that assessments take up space in the booking area, and not all jails can easily accommodate the space demand.
- Jeffery Newton (Douglas County, Nebraska) asked whether agencies have defined a time requirement for initial assessments in their medical contracts. Gordon Bass (Jacksonville, Florida) said that he has data on performance by the local public health agency which suggest they are typically performing assessments within less than two hours.
- Tim Albin (Tulsa County, Oklahoma) noted that intake health screening is a redundant process. The arresting officer does a screen, then the booking officer, then a nurse, and then the classification officer. Across this time frame, arrestees who come in intoxicated are sobering up and becoming more likely to share relevant information.
- Don Leach (Lexington/Fayette County, Kentucky) stated that the purpose of initial screening is to identify inmates who come into the jail with a clinically manifested issue. The jail can follow up on these needs as appropriate. From that point on, medical care can be provided in response to requests by the inmate. Lower costs for the jail may result.

## TOPIC 11 – PENCIL SHARPENING

Pencils, pencil components, and pencil sharpeners can present a security risk. Jails are managing this risk by having employees sharpen the inmates' pencils, having a heavy duty metal sharpener anchored in the dayroom, or by using school-style sharpeners that inmates need to sign out and return. One participant recommended that jails provide short, eraserless, golf-style pencils.

## TOPIC 12 – FEDERAL FUNDING FOR PROGRAMS FOR MENTALLY ILL INMATES

The Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act (MIOTCRA) would authorize federal funding to divert mentally ill persons from jails. Other provisions would provide funding for mental health courts to promote alternative placements in lieu of incarceration. At the time of the LJN meeting, the bill had been approved by the U.S. House of Representatives and was pending in the Senate. Passage of the bill would benefit jails.

- Participants observed that competency to stand trial has significant effects on jails. Jails also have liability issues that prevent them from releasing mentally ill inmates to the street when the state won't take them.
- Tim Albin (Tulsa County, Oklahoma) observed that collaborative, multi-agency efforts have a tendency to lose cohesion if a client kills himself or becomes violently mentally ill.
- Bill Lovingier described how a task force in the Denver area documented a lack of available community resources to keep people functioning so they are not arrested and brought to the jail. On average, mentally ill inmates are staying in his jail five times longer than in other locales.

The costs of providing services to mentally ill persons in the community are not well understood. Participants described a study that compared the cost of a hospital bed to a jail bed and found the jail bed is cheaper. For a clearer picture, credible cost/benefit analyses are needed that do not include other incidental medical costs.

Jails are a provider of secure custody with complementary services, and mentally ill persons who are charged with crimes clearly belong in jail. Some consider the increase in mentally ill populations in jails to be a form of mission creep. Others suggest that, if jails provide the most cost-effective model for care, perhaps they should embrace this role in order to receive the money and recognition they need and deserve.

### Discussion

- In Florida, a former sheriff and state attorney general made it his mission to move appropriately sentenced mentally ill offenders out of jails and to prisons, in accordance with statute, proving by example that the problem is not intractable.
- The state health care system in Texas is making available its data on all users of state services. County health data also will be available to jails. These advances will greatly improve jails' ability to quickly understand the needs of many incoming inmates.
- David Gutierrez (Lubbock County, Texas) discussed the importance, and difficulty, of early identification of inmates with mental health problems and of determining their medication status. A recent study of 100 cases found that 15% of incoming jail inmates had been identified as having mental health issues, and another 29% were not so identified, though they were current or former clients of community mental health services. The Texas study is available at <http://www.tcjs.state.tx.us/docs/MH%20Study.pdf>.

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- Don Leach said that research has confirmed flags for risk. For example, inmates who previously have been hospitalized for mental illnesses are far more likely to make a suicide attempt while in jail.
- It was observed that smaller jails often have no specialized training or expertise for dealing with mentally ill detainees and inmates. Larger jails that have professional mental health staffing can actually benefit from the care they provide as the community's default mental health provider.

**TOPIC 12 – MEDICAID BENEFITS IN JAIL**

H.R. 5698, the Restoring the Partnership for County Health Care Costs Act of 2008, is a bill to amend titles XVI, XVIII, XIX, and XXI of the Social Security Act to remove limitations on Medicaid, Medicare, SSI, and SCHIP benefits for persons in custody pending disposition of charges. Correctional leaders and organizations support the passage of this bill, which will, in the words of Larry Naake of the National Association of Counties, ease an unfunded mandate and restore the presumption of innocence.

**Discussion**

- Mitch Lucas (Charleston County, South Carolina) said that not all states follow the notion that inmates lose their benefits when they enter a jail.
- A new law in Florida specifies that Medicaid eligibility is suspended, not terminated, when a person is jailed. Inmates' care while in the jail cannot be reimbursed by Medicaid, but any off-site, inpatient hospital care may be.
- Bill Lovingier (Denver, Colorado) said that the state was still not paying for outside hospital stays, though reimbursement should be assured if inmates receive care in a public health facility.
- Tim Albin (Tulsa County, Oklahoma) said the insurance industry's definition of a pre-existing condition can be used to limit what public money will pay for. The inmate should be responsible for the costs of care.
- Mary Lou McDonough noted that the Prince George's County jail is paying for hospital stays, but at least they pay federal government rates.
- Insurance company reimbursement is usually excluded by the terms of the policy. Bill Lovingier said his jail has billed third party payers, but often, inmates need care after auto accidents. Insurers commonly pay for emergency care until the inmate's condition is stabilized. Once they enter the jail's custody, reimbursement ends.

(Source: NACo web site, <http://tinyurl.com/LJN-Medicare>.)

## TOPIC 13 – ACCOMODATING LIMITED ENGLISH PROFICIENCY IN JAILS

Jails face the potential for negative exposure if they are not dealing adequately with limited English speaking inmate populations. This is being raised as an element in U.S. Department of Justice investigations related to the Civil Rights of Institutionalized Persons Act (CRIPA).

### Discussion

- It was recommended that jail administrators access the federally managed web site on CRIPA (<http://www.usdoj.gov/crt/split/cripa.htm>) to download the findings reports from completed investigations and review them with their staff. Jails that are audited should be aware that the recommendations may exceed constitutional requirements or exceed what small counties can reasonably provide.
- Grievance procedures are a key element to get right. In a use of force incident in Kentucky, an officer and sergeant were convicted of federal crimes. Jails should review their forms, orientation videos, and other communication methods as well as educating staff on specialized translation processes and requirements and the use translation contractors or resources. AT&T provides the Language Line translation service that jails should be using when needed at receiving. (See information at <http://www.language.com/>.)
- Mitch Lucas (Charleston County, South Carolina) pointed out that many Mexican detainees are illiterate, so jails should also develop video material. Intake staff should determine whether detainees can read and write.
- Don Leach (Lexington/Fayette County, Kentucky) said that foreign language posters are a start, but jails still need someone who speaks and understands the language and can interact with inmates, or the jail should be using the Language Line. Translations for mediums such as posters should be reviewed by competent speakers for accuracy.
- In situations when a grievance is filed, the jail needs to collect the original grievance form and provide a copy to the inmate.
- A newer solution is collecting grievance data electronically – which is also effective for medical requests, commissary orders, etc. Kiosks in housing units provide easy access.
- Dave Parrish (Hillsborough County, Florida) observed that when his jail put in kiosks, grievances dropped precipitously. Up to that point, the jail had been documenting problems, and now officers were able to solve or prevent issues before they needed to be taken higher up the chain of command. A single medical officer takes care of problems now, and no grievances are being filed; she would file them if she weren't able to resolve them.

## TOPIC 14 – MEDICAL CARE FOR EXTENDED STAY INMATES

Tim Ryan (Miami-Dade County, Florida) mentioned that his jail has a significant population of people in custody over 18 months, plus a few more than 10 years. The jail's medical provider has refused to provide preventive dental care, mammograms, prostate cancer screening, glasses for aging eyes, and colonoscopies.

Suggestions from participants included:

- Include added requirements in future medical care RFPs, based on community standards of care and the jail's population demographics.
- Share information with the public about inmates who are experiencing these long stays. What judges have dealt with their cases; how long have they been in custody; how many times have they been returned to the jail? Potentially, bringing attention to these cases can influence the outside elements that are responsible for the long jail stays.
- Explore a partnership with COCHS, Community Oriented Correctional Health Services (COCHS). Mitch Lucas (Charleston County, South Carolina) said that this non-profit is looking for partner sites and has active programs in place in Marion County, Florida, and Washington, D.C. In the COCHS model, jails form a local board of directors to focus on public health as well as quality in-jail services. Participating jails can access medications at federal agency drug pricing. More details are available at <http://www.cochs.org/>.

## TOPIC 15 – MANDATORY HIV TESTING ON ADMISSION

Fewer than five jails represented at the meeting conduct mandatory HIV testing of incoming inmates.

## TOPIC 16 – HOUSING OF ADULT-CERTIFIED JUVENILES

The question was raised whether any state has a statute that requires juveniles certified to adult status to be housed separately from adults.

### Discussion

- Oklahoma law has been interpreted as giving the state's children and youth services agency authority to monitor county jails that house juvenile offenders who are pending trial on adult charges. Juveniles are housed separately from adults. Legal requirements are less clear for jails' housing of juveniles who are convicted of an adult offense.

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- Participants observed that few jails have a dedicated youthful offender unit. Assignment to protective custody housing is a common solution. Adult-certified inmates can sign themselves out of protective custody, however. The classification process can be relied upon to result in good housing decisions.
- Jim Gondles (ACA) noted that the U.S. Office of Juvenile Justice and Delinquency Prevention (OJJDP) would not favor co-location of adult and juvenile, adult-certified inmates.
- David Parrish (Hillsborough County, Florida) said that jails should consider the “headline” standard of what might be reported in the media if a jail were not able to ensure a young inmate’s safety.

**TOPIC 17 – MEDIA RELATIONS**

Mitch Lucas (Charleston County, South Carolina) gave an update on media relations, describing how his organization used the media to create public support for building a new jail. The jail groomed three reporters and two photographers by educating them on jail operations and then let them do a major piece about the jail. The seven-month process resulted in a five-page newspaper feature and an online multimedia slide show. (See “Locked Down Inside the Charleston County Jail,” <http://www.charleston.net/jail/>.)

Meeting participants viewed a clip from the video. Lucas reported that as a result of this project, the community had no concerns about the jail’s operations and understood the need for new facilities.

**Discussion**

- Dave Parrish (Hillsborough County, Florida) agreed with this strategy, describing recent attention to intake processing in his area. An independent review commission report was recently released, available here: <http://www.hcso.tampa.fl.us/IRCoJ/HOME2-IRCoJ.htm>.
- Tim Albin (Tulsa County, Oklahoma) said that when the media cover situations such as intake staff dealing with people who are high or combative, it makes the point that working in a jail is challenging, and that the work is important for public safety. Others agreed that coverage of jail work can be an effective recruiting tool.

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## ANNOUNCEMENTS

### Command Academy

Don Leach shared information on a new National Jail Leadership Command Academy, which is a joint initiative of the American Jail Association, the National Association of Counties, and the Correctional Management Institute of Texas at Sam Houston State University. The first class will be launched in March 2009. The target audience is middle managers. Information is available at <http://www.nationaljailacademy.org>.

### Retirements

The retirement of Col. David Parrish from the Hillsborough County Sheriff's Department was recognized. Parrish was lauded for his help in developing the Large Jail Network and its bulletin board communications. Among his many innovations, creating the direct supervision style of jail design and management was cited as one of Parrish's greatest contributions. Don Leach stated, "Corrections is where it's at in the new millennium because of Dave."

Parrish quoted some of the sayings that have helped keep his attitude positive over the years and supported his many professional risks. One example is, "Even when you fall flat on your face, you're still going forward." He is proud of the risks he took in direct supervision, open booking, and creation of a child care center for sheriff's department employees. The center was built without tax dollars and, though it was greeted with enthusiasm by staff, it is now being converted into a Head Start center.

LJN members also gave a warm thanks and farewell to Don Leach, who is retiring from the Lexington-Fayette Urban County Government. Mitch Lucas (Charleston County, South Carolina) was nominated to succeed Leach as coordinator of open forum discussions at LJN meetings.

### Research

Mike Jackson requested that LJN agencies contribute information on their policies covering tattoos on jail personnel to assist a research project now under way. Susan McCampbell of the Center for Innovative Public Policies is conducting the research. LJN members can reach McCampbell at [cippinc@aol.com](mailto:cippinc@aol.com), or see <http://www.cippinc.org>.



## LARGE JAIL NETWORK BUSINESS

### Meeting Days

In a vote of those present, participants confirmed that LJN meetings should alternate between Monday-to-Tuesday and Tuesday-to-Wednesday schedules. This balances the interests of members who prefer to travel on weekends and those who want to preserve time with their families.

### LJN Publications

Participants voiced support for continuing the *LJN Exchange* publication, which annual features articles written by network members.

### Meeting Attendance

Participants confirmed the importance of consistency in who represents agencies at the LJN meeting. This supports relationship-building among attendees. Sheriffs should have the first right of refusal to attend, followed by the jail commander. The decision on who attends should be made at that level. No one in a position lower than the assistant jail commander should attend. Some systems want to reward a rising leader with exposure to the network, but participants remarked that when several people attend over time, less benefit tends to be shared among staff of the agency. People often need to attend a few meetings before they speak up with their own observations or questions.

### E-Communications

Participants determined that participation in the LJN forum should be limited to no more than two representatives per agency.

### Future Meeting Issues

Participants selected the following topics for the March 2009 meeting of the Large Jail Network:

- Prison Rape Elimination Act
- Illegal aliens / Immigration and Customs Enforcement
- Returning veterans: disabilities, post-traumatic stress disorder, and early assistance programs
- Legal issues

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**Appendix A**

**Large Jail Network  
September 2008 Final Meeting Agenda**



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## LARGE JAIL NETWORK MEETING

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September 15-17, 2008

Red Lion Denver Southeast Hotel  
Aurora, CO

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### Tentative Agenda

#### Monday, September 15

- 6:00 p.m. Introduction and Overview. . . . . Mike Jackson  
Correctional Program Specialist
- 6:30 p.m. INFORMAL DINNER
- 7:30 p.m. *Orientation for New Members* . . . . . TBD
- 8:00 p.m. ADJOURN

#### Tuesday, September 16

- 8:00 a.m. *Open Forum: Hot Topics*. . . . . Don Leach  
Lexington / Fayette, KY
- 9:30 a.m. *Faith Based Programs*. . . . . Gordon Bass  
Jacksonville, FL  
Randy DeMory  
Kent Co., MI
- 12:00 noon LUNCH
- 1:00 p.m. *Human Resource Management* . . . . . Don Leach  
Lexington / Fayette, KY
- 5:00 p.m. ADJOURN

**Wednesday, September 17**

8:00 a.m.    *Open Forum: Hot Topics* ..... Don Leach  
Lexington / Fayette, KY

10:00 a.m.    **Emerging Technologies** ..... Peter Cosgrove  
NLECTC -SE

12:00 noon    LUNCH

1:00 p.m.    **Proactive Discipline** ..... Tim Ryan  
Miami-Dade, FL  
Jim Coleman  
Shelby Co, TN

4:30 p.m.    Future Meeting Issues ..... Mike Jackson  
Correctional Program Specialist

5:00 p.m.    ADJOURN

**Appendix B**

**Large Jail Network  
September 2008 Participant List**

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## **Appendix C**

### **Index of Past LJN Meeting Topics**

**LARGE JAIL NETWORK MEETING TOPICS  
JUNE 1990 - SEPTEMBER 2008**

<b>1990</b>	June	System Approaches to Jail Crowding and Population Management
<b>1991</b>	January	Crowding Strategies and the Impact of Court Decisions
	July	Managing Jail Litigation Linking Jail and Community Programs
<b>1992</b>	January	Fair Labor Standards Act Writing and Negotiating Contracts
	July	Americans With Disabilities Act
<b>1993</b>	January	Blood-Born and Airborne Pathogens Health Care Costs in Jails
	July	Privatization Programs for Women Offenders
<b>1994</b>	January	Public Policy and Intergovernmental Dimensions of the Role of Jails, Professional Associations in Corrections: Their Influence on National Perspectives of the Role of Jails
	July	Using Data and the Resources of the Bureau of Justice Statistics Developing Resources to Provide Inmate Programs
<b>1995</b>	January	Gangs, Jails and Criminal Justice
	July	Trends in Employee Relations; Sexual Harassment
<b>1996</b>	January	The Dilemma of In-Custody Deaths The Crime Bill and It's Impact on Jails
	July	Juveniles in Adult Jails
<b>1997</b>	January	Meeting the Competition of Privatization
	July	21st Century Technology and it's Application to Local Jail Information and Operational Needs.
<b>1998</b>	January	The Future of Our Workforce: Pre-employment Testing, Recruiting, Hiring, Training and Evaluating 'New Age' Employees {Generation X} Legal Issues Update - Update of PLRA {Prison Litigation Reform Act}
	July	Taking A Pro-active Approach to the Prevention of Employee Lawsuits.
<b>1999</b>	January	Post-Traumatic Stress Syndrome and Critical Incidents: Preparation, Response, and Review . Legal Issues Update.
	July	Improving Opportunities for Successful Recruitment, Selection, and Retention of Staff.

**LARGE JAIL NETWORK MEETING TOPICS**  
**JUNE 1990 - SEPTEMBER 2008**  
(continued)

<b>2000</b>	January	Criminal Justice System Coordination and Cooperation: How the Jail Benefits and the System is Improved. Legal Issues Update.
	July	Exploring Issues and Strategies for Marketing, Funding, and Auditing Large Jail Systems.
<b>2001</b>	January	The Use of Data for Planning, Decision Making, and Measuring Outcomes.
	July	Understanding and Using the Data & Resources of the Bureau of Justice Statistics Staff Issues in Large Jails: Staff Utilization, Relationships, Conduct & Misconduct
<b>2002</b>	January	The Future of Jails, Corrections and Criminal Justice Legal Issues Update
	July	Inmate Medical Care Cost Containment Succession Planning for Future Jail Leaders
<b>2003</b>	January	Addressing the Future of Jail Legislation, Resources and Improving Funding Legislation, Resources and Funding: A Perspective from our Professional Associations The Role and Use of Professional Standards and Internal Affairs Large Jail Network Listserv and Web Technology Legal Issues Update-Health Insurance Portability and Accountability Act of 1996 (HIPAA), Admission Screening
	July	Defining the Future & Exploring Organizational Strategies Impact of Jail Population Changes on Jail Management Jail Standards & Accreditation Use of Technology for Jail Administration & Operation
<b>2004</b>	February	Emergency Preparedness: Planning and Implementation Contagious Disease Identification and Prevention Legal Issues Update-Inmate Medical Confidentiality, Involuntary Mental Health Treatment, Contract Provider Litigation, Arrestee "Clothing Searches"
	July	Effectively Managing Inmate Gangs in Jails Identifying Problems/Managing Inmate Mental Health
<b>2005</b>	January	Preparing Leaders in Corrections for the Future-NIC's Core Competency Project Training as a Strategic Management Tool Inmate Mental Health: Legal Issues, Management, Diversion Justice and the Revolving Door and Corrections Into the Next Decade
	July	Examining Federal and Local Benefits for Jail Detainees Ethics in the Administration of the Jail Human Resource Issues: Employee Recognition, Attendance, Restricted Duty

<b>2006</b>	January	Implementing PREA: The BJS Report Statistical Analysis: Crowding, Life Safety, Managing Staff Succession Planning The Question of TASERS Legal Issues Update
	July	Diagnosing, Analyzing and Improving the Jails Organizational Culture Planning for Catastrophes and Other Crises Prison Rape Elimination Act (PREA) and Jails Criminal Registration Unit: Hillsborough County, FL
<b>2007</b>	January	15 <sup>th</sup> Anniversary Meeting Large Jail Systems Assessment Research Project Changing Organizational Culture Improving Collaboration Between Jails and Mental Health Systems Legal Issues Update
	September	Jail Inmate Re-Entry Programs: Public, Private, Non-Profit Involvement Jail Inmate Re-Entry Issues on a County Level Responding to Women Offenders in Large Jails Excited Delirium: A Problem to be Eliminated or Managed Recruiting, Hiring and Retention of Staff
<b>2008</b>	March	Immigration and Custom Enforcement 287 (g) Program Contract Services Media Relations Workforce Development Legal Issues Update
	September	Faith Based Programs Human Resource Management Emerging Technologies Proactive Discipline