



2d EDITION

JAIL INSPECTION BASICS

An Introductory Self-Study Course
for Jail Inspectors



U.S. Department of Justice
National Institute of Corrections
320 First Street, NW
Washington, DC 20534

Morris L. Thigpen
Director

Larry Solomon
Deputy Director

Virginia Hutchinson
Chief, Jails Division

Jim T. Barbee
Correctional Program Specialist

National Institute of Corrections
World Wide Web Site
<http://www.nicic.org>

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Thomas A. Rosazza

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FOREWORD

The role of the jail inspector reflects the complexity of today's jails. Assessing compliance with standards is only part of that role. The inspector must also be prepared to serve as communicator, facilitator, and consultant—in other words, must be able to help a jail identify and solve its problems. It is a challenging role for a new inspector, even one who brings to the position technical expertise and experience in the field of corrections.

Although the number of new jail inspectors each year is relatively small, the need for effective training is clear. In response to that need, the National Institute of Corrections (NIC) worked with state inspection agencies to develop the first *Jail Inspection Basics* self-instruction manual, in use since 1990. Reflecting input from experts nationwide, this second edition is a welcome successor to the original.

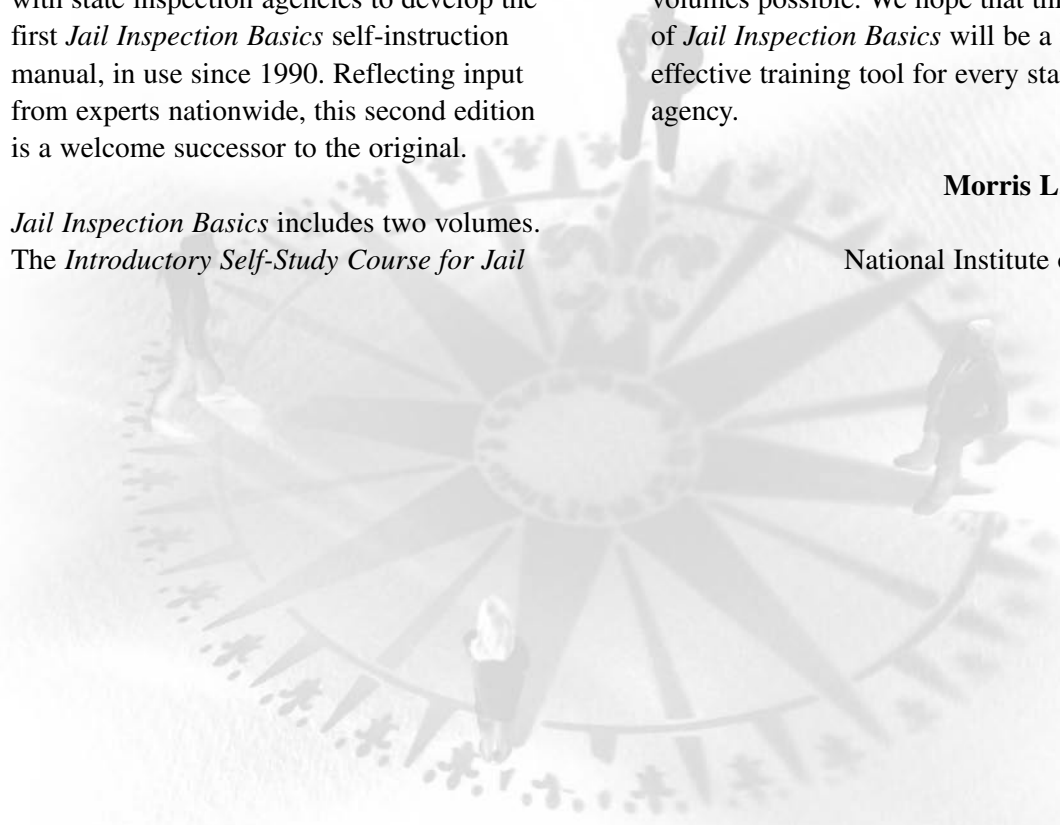
Jail Inspection Basics includes two volumes. The *Introductory Self-Study Course for Jail*

Inspectors covers a variety of topics that provide a frame of reference for the inspector's wider role and responsibilities. Inspectors can move through the manual at their own pace, answering questions at the end of each section to check their progress. To personalize the training, inspectors are encouraged to discuss each chapter with their supervisor. The *Supervisors Guide* prepares supervisors for these conversations by providing questions and answers keyed to the manual and a list of discussion topics for each chapter.

NIC thanks author Thomas A. Rosazza and the many others whose contributions made these volumes possible. We hope that this new edition of *Jail Inspection Basics* will be a practical and effective training tool for every state inspection agency.

Morris L. Thigpen, Sr.

Director
National Institute of Corrections

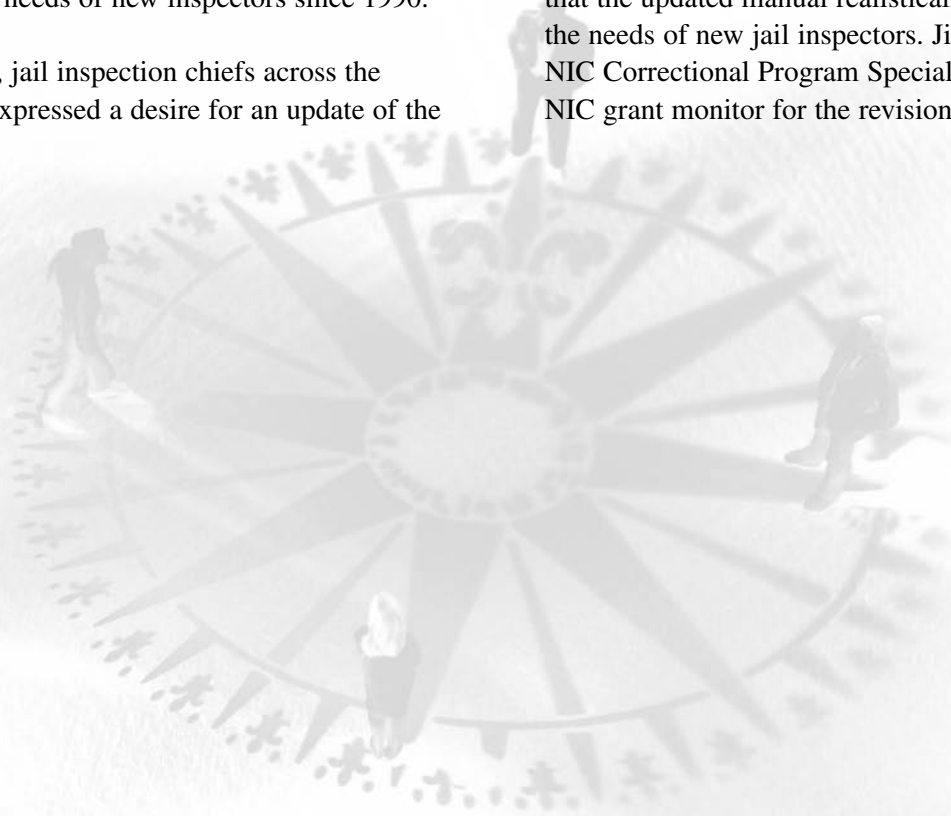


PREFACE

In response to a need for jail inspector training, the National Institute of Corrections (NIC) sponsored a meeting in Boulder, Colorado, in 1988. The meeting was attended by several administrators of state jail inspection agencies, who articulated training needs and helped NIC develop strategies to meet those needs. One major area of need that surfaced was training for new jail inspectors. Because the number of new inspectors each year is relatively small, NIC could not offer them formal training. The administrators recommended development of a programmed instruction training manual. Two years later, *Jail Inspection Basics* became available. This manual has served at least part of the training needs of new inspectors since 1990.

In 2003, jail inspection chiefs across the nation expressed a desire for an update of the

original manual. A committee of inspection administrators reviewed the *Jail Inspection Basics* text and recommended that NIC fund a revision. In 2005, NIC granted the New York State Commission of Correction funds to oversee the revision process. Donald R. Nadler, Deputy Director of Operations, was the project manager, and Thomas A. Rosazza, author of the original manual, was selected to write the revision. Mr. Nadler reviewed the revised text, as did Audrey Bakke, Field Representative, Facilities Standards and Operations Division, California Board of Corrections. Jail inspection chiefs reviewed revisions as the process moved along; their active involvement ensures that the updated manual realistically addresses the needs of new jail inspectors. Jim T. Barbee, NIC Correctional Program Specialist, was the NIC grant monitor for the revision project.



INTRODUCTION

Overview

The goal of this revised manual is to address the entry-level training needs of jail inspectors by providing a programmed instructional text that is generic, measurable, and self-administered.

Many new jail inspectors enter their positions with technical knowledge of correctional operations based on their experience working in program areas or as correctional officers. However, the complexity of even a small jail requires the inspector to possess knowledge and skills beyond the field of corrections. In addition to assessing compliance with standards, the inspector must be able to serve as communicator, facilitator, advisor, consultant, problem identifier, and problem solver.

Although roles and responsibilities differ from state to state, it is possible to identify certain skill requirements common to most jail inspectors and to train them in those skills. That is the intent of this manual.

The manual addresses a variety of topics identified by a panel of experts who see the need for an entry-level training vehicle for inspectors. It is not intended as a terminal training activity, but rather one that can assist the inspector by providing a frame of reference for the wider role and responsibilities of the position.

How To Use This Manual

This manual presents a programmed instructional text that is designed to be self-administered. The text is arranged in chapters and sections. The following information will be helpful in using the manual:

- Each chapter begins with a narrative and performance objectives, which provide a focus for the chapter and direction for any subsequent discussion between the jail inspector and his or her supervisor.
- Within the chapter, each section presents one or more pages of information. Read the information carefully; make notes or underline the text.
- Following each section are several questions about the material covered in the text. The questions are true or false, multiple choice, fill-in, short essay, or matching. Answer each question, referring to the text if necessary.
- After completing the questions for a section, you may check your answers by referring to the answer key at the end of the chapter.
- After completing a chapter, you are encouraged to meet with your supervisor so you can ask questions about the material and “personalize” the training to suit the particular needs of your agency and state.

Please note: If multiple copies of the manual are available in your agency, you may mark in the text. If only one manual is available, please do not mark in the text; instead, use separate paper to take notes and answer questions.

QA Example of a Test Question

PLEASE ANSWER THIS QUESTION

1. This text is designed for _____

You would answer Question 1 based on what you have read and know about this course. You would write the best answer and then refer to the answer key, which would look like this for question 1:

1. Jail inspectors.

If you were correct, you may move on. If not, reread the text if you have any questions about the answer.

CHAPTER 1

Legal Issues



CHAPTER 1: Legal Issues

Performance Objectives

After completing this chapter, the student will be able to:

1. Identify (a) several factors that led to the involvement of the courts in correctional matters, (b) the constitutional basis for prisoner suits and trends facing corrections today, and (c) basic inmate rights that are founded in case law. (See section 1–1.)
2. Identify the structure of state and federal courts and list their similarities and differences. (See section 1–2.)
3. Define the terms “case law,” “precedent,” and “jurisdiction” and their impact on correctional agencies. (See section 1–3.)
4. Identify the authority of the executive branch to develop law and the types of law it can create. (See section 1–4.)
5. Identify three types of liability and how each applies to correctional personnel. (See section 1–5.)
6. Identify the remedies a court may impose in a civil rights suit. (See section 1–6.)
7. Identify several elements of litigation and courtroom demeanor. (See section 1–7.)
8. Identify issues related to cross-gender supervision and sexual misconduct. (See section 1–8.)
9. Identify the role an inspector may play in helping counties develop plans of action to correct jail deficiencies and understand how such plans can reduce the potential for liability. (See section 1–9.)
10. Based on case studies, identify elements of potential liability for inspectors. (See section 1–10.)

CHAPTER 1: Legal Issues

Since the mid-1960s, federal courts have intervened in correctional matters. Prior to that time, the courts' unofficial policy was "hands off"—for a number of reasons. One was the assumption that the courts had no expertise in security and control. Another was the belief that the security interests of a correctional facility took precedence over the individual's constitutional rights. Further, the separation of powers doctrine of the U.S. Constitution was interpreted to mean that the courts had no business in correctional matters.

With the advent of the civil rights movement in the early 1960s, the "hands off" policy fell by the wayside. Prisons and jails became subject to civil rights litigation as deplorable conditions and treatment of inmates came under closer scrutiny. The vehicle used to involve the federal courts was Title 42, Section 1983, of the Federal Civil Rights Act of 1871. Once the courts recognized this avenue for bringing suits, litigation proceeded in several areas. Inmates sued using the 1st, 6th, 8th, and 14th amendments to the Constitution. The result of this court intervention was the development of an extensive body of case law, which became the basis for the eventual development of state and national standards for prisons and jails.

Although civil rights suits remain prevalent in corrections today, the substantial body of case law serves to guide correctional administrators in their efforts to address civil rights issues. Knowledge in this area is central to the

inspector's ability to assist the correctional administrator in applying the law to daily facility operations.

This chapter examines the state and federal judicial structure, including the courts' jurisdiction in criminal and civil suits. The chapter also discusses the various types of law, with emphasis on the derivation of case law. Litigation and liability are also addressed, as are constitutional rights of inmates and staff.

Section 1–1. Involvement of the Courts in Correctional Matters

Hands-Off Era

Prior to the 1960s, courts were not involved in correctional matters. In fact, there was more of a refusal to be involved, for several reasons.

One reason had to do with the **doctrine of separation of powers**. This doctrine holds that federal, state, and local governments are all divided into three separate and distinct branches: **executive, legislative, and judicial**. The courts strongly defended this separation, recognizing that corrections was a function of the executive branch. They stressed that it was inappropriate to be involved in the affairs of the executive branch. To be involved would be a violation of the U.S. Constitution.

Another reason was the **lack of judicial expertise**. The courts took the position that they lacked the knowledge and skill to determine how



correctional institutions should be managed. The courts also regarded inmates as “**slaves of the state,**” taking the position that all inmates should lose their rights because they were charged with or convicted of a crime. Finally, there was the issue of **institutional security and discipline.** The courts felt that intervention might threaten institutional security and that inmates should be disciplined for their crimes.

Era of Judicial Intervention

During the 1960s and 1970s, the attitude of the courts began to change. Following the civil rights movement in the 1960s, a number of cases first arose over police authority and alleged violations of individuals’ rights. It did not take long for litigation to move from police cases to cases involving jails and prisons. In 1971, riots erupted at Attica Prison in New York. Negotiations to release hostages received a great deal of coverage on television and in the newspapers, exposing the internal conditions of prisons to the public. The Attica riots signaled the end of the “hands-off” era for the courts.

In the 1970s, several significant court decisions addressed correctional administration and the rights of inmates. These decisions were based mainly on the 1st, 6th, 8th, and 14th amendments to the U.S. Constitution. The next subsection summarizes these amendments and how they have been interpreted in ways that affect corrections.

U.S. Constitutional Amendments

- **First amendment:** Guarantees freedom of religion and access to the press, mail, and libraries.
- **Sixth amendment:** Guarantees due process in disciplinary hearings, including the right to representation at such hearings.

- **Eighth amendment:** Bans the use of cruel and unusual punishment and encompasses a variety of cases addressing matters such as overcrowding, conditions of confinement, and medical services.
- **Fourteenth amendment:** Guarantees equal protection under the law and extends the rights of the U.S. Constitution to the states. Prior to the passage of this amendment, the Bill of Rights applied only to the federal government in its relations with citizens. The 14th amendment, passed after the Civil War, required the states to recognize these rights as well.

Using these amendments to the Constitution, cases have touched almost every area of correctional administration, including staffing; access to courts, counsel, mail, telephone, reading materials, and libraries (particularly law libraries); religion; personal, professional, and media visits; medical care; searches; recreation and exercise; food services; classification and segregation, discipline, and due process; and living conditions.

Section 1983 of the Federal Civil Rights Act

The legal basis for the intervention of the **federal court** in corrections is **Title 42, Section 1983, of the Federal Civil Rights Act of 1871.** This act, also known as the **Anti Ku Klux Klan Act,** was passed after the Civil War and was intended to protect the rights of citizens from the excesses of governmental agents. The act (to paraphrase) provides that:

Any person acting under the color of law who deprives anyone of rights secured by the Constitution of the United States shall be liable to the injured party.



The courts have allowed inmates to initiate civil suits (thereby becoming the plaintiffs) using Section 1983. Because they are operating under the “color of law,” correctional officials can be sued (thereby becoming the defendants). In a suit, the plaintiff must allege and prove that the defendant deprived him or her of constitutionally protected rights or that the defendant violated U.S. laws. The plaintiff may then seek monetary or other types of relief.

In the few cases where jail inspectors have been sued, the issue was non-enforcement of state standards. The lesson is that the inspector must be vigilant in efforts to enforce standards.

Summary

This section shows how the courts have moved from a hands-off doctrine to become increasingly involved in correctional operations. This involvement has touched almost every aspect of correctional operations and has left correctional officials, including jail inspectors, open to lawsuits.

QA Review Questions for Section 1–1

1. The courts had a hands-off policy prior to the 1960s because of a doctrine related to the three branches of government. The doctrine is called _____
2. The three branches in governmental structures of the United States are:
 - a. _____
 - b. _____
 - c. _____

3. In citing lack of judicial expertise, the courts were saying that _____

4. The issue of _____ relates to the notions that judicial intervention into correctional matters would threaten institutional security and that inmates should be disciplined for their crimes.

5. The idea that inmates should lose their rights because they were convicted of a crime refers to the notion that they were _____

6. Two reasons for the intervention of the courts in corrections in the 1960s and 1970s were:
 - a. _____
 - b. _____

7. Indicate which amendment to the U.S. Constitution each of the following descriptions refers to:
 - a. Cruel and unusual punishment: _____
 - b. Access to the press: _____
 - c. Due process: _____
 - d. Equal protection: _____
 - e. Freedom of religion: _____

8. List 10 areas of jail administration and operations that have been affected by court decisions:

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____
- f. _____
- g. _____
- h. _____
- i. _____
- j. _____

9. Another title for the Anti Ku Klux Klan Act is _____

10. The phrase “Any person, who under the color of law” refers to any governmental agent of state and local government.
_____ True _____ False

11. Section 1983 applies equally to state and federal laws and constitutions.
_____ True _____ False

12. The term “plaintiff” refers to the _____ and the term “defendant” refers to the _____

13. Since Section 1983 is a federal law, suits can only be brought in federal courts.
_____ True _____ False

14. Section 1983 refers to the law that allows _____

Section 1–2. Structure of State and Federal Courts

Lawsuits against jails are brought through federal or state courts. Each state has a federal court system and a state court system. This section addresses the similarities and differences between federal and state courts.

Trial Courts

Persons who are charged with and convicted of state **criminal** laws are tried in **state criminal courts**. Disputes regarding **contracts or injuries** between citizens of the same state are heard in **state civil courts**. Constitutional questions, such as those involving Section 1983, can be heard in state civil courts, but generally the plaintiffs sue in federal court.

Federal courts are similar in structure to the state courts. Violations of federal **criminal** law and **civil suits** regarding alleged violations of federal law or the U.S. Constitution are heard in **federal district courts**. Persons who are convicted of federal criminal offenses and sentenced to prison become inmates of the federal government. **Contract** and **injury** cases may be heard in federal district courts if the opposing parties are from different states and at least \$10,000 in damages is alleged.

Court Structure and the Appeals Process

Both state and federal court systems have different levels. Generally, at the lower level are the **trial courts**, which hear criminal cases and civil suits. The losing party in a trial may **appeal** to an **appellate court**. In the appellate courts, a case is not retried. It is **reviewed on the record**. The appellate courts only hear arguments from



both sides regarding **matters of law** in the case, not the **facts** of the case. The judges do not rehear the testimony of witnesses or reexamine all the trial evidence. What they are most concerned with are **legal errors** of the trial judge regarding issues such as admissibility of evidence, instructions to the jury, etc. All courts are ultimately under the authority of the **U.S.**

Supreme Court, the final arbiter in all cases that come before it. The general structure of the state and federal courts is illustrated in the chart at the bottom of this page.

Federal courts are divided into 13 **circuits**. Circuits are divided geographically and are, to some extent, evenly distributed according to population. There are 94 federal **districts** within the 13 circuits. The federal **district courts** are trial courts. Cases are appealed to the **circuit court of appeals** for the circuit in which the district court is located. Cases from the circuit court of appeals may be appealed to the **U.S. Supreme Court**. The U.S. Supreme Court only hears about 2 percent of the cases appealed to it, thus allowing the circuit court of appeals decisions to stand in most cases.

State courts are similarly structured, but with local differences depending on the state. At the trial level, states may have a variety of municipal or county courts such as **small claims court**,

landlord/tenant court, domestic relations court, civil court, and criminal court. (Lower level trial courts may not be authorized to have jury cases, but juries generally are used in criminal and civil courts involving serious cases.) Cases can be appealed to a state appellate court or directly to the state supreme court, in a manner similar to that in the federal courts. Cases can also be appealed from the state supreme court to the U.S. Supreme Court.

In both the federal and state systems, appeals courts consist of several judges (generally no fewer than three). The appellate judges consider the case before them and render a written opinion based on a majority vote.

QA Review Questions for Section 1–2

15. The two court structures in every state are:
 - a. _____
 - b. _____

16. Federal crimes and suits alleging violations of federal laws are heard in which of the federal courts? _____

| United States Supreme Court | |
|------------------------------------|---|
| Federal | State |
| U.S. circuit courts of appeals | State supreme court (highest state court) |
| U.S. district courts | Intermediate level |
| | Court of appeals |
| | Municipal or county court (trial level) |

17. The courts that hear civil and criminal cases are referred to as _____, and higher level courts that may review lower court decisions are known as _____

For example, if a state appeals court decided that strip-searching newly booked inmates requires “probable cause,” that would be the precedent or case law in that state. This means that all jails and police lockups in the state would be required to have probable cause before strip-searching newly booked inmates. If the state statute or jail standards had required only “reasonable suspicion” (a lower level of proof), the appeals court would have, by its action, declared that law or jail standard unconstitutional or illegal and created the higher level of proof (“probable cause”).

18. At the appellate level, cases are usually retried.
_____ True _____ False

Note that precedent or case law is **written** and is **law**. The written opinion is printed in bound **law books** or **reporters**. The law books are used by attorneys to research case law either in preparing cases they are currently litigating or in developing the basis for appeals. Before law books or reporters are published, cases are documented in monthly or quarterly publications. These are the vehicles for disseminating new case laws before they can be printed in bound law books.

19. The highest level of appeal in a case originating in a state court is the state’s supreme court.
_____ True _____ False

20. There are 13 federal district courts, which are, to some extent, evenly distributed across the nation according to population and geography.
_____ True _____ False

A number of jail, prison, and corrections periodicals are available. They are invaluable resources as they address the latest opinions in case law. Often these periodicals highlight a particular issue of current interest (e.g., suicide, searches). These highlights examine the issues by looking at case law across the nation, indicating trends and the latest in judicial thought. The highlights may also include opinions from legal scholars.

21. List five different types of state trial courts:
a. _____
b. _____
c. _____
d. _____
e. _____

Section 1–3. Precedent, Case Law, and Jurisdiction: How the Judicial Branch Makes Law

Courts have a unique power to create law. When a state or federal appeals court decides a case and issues a **written opinion**, that opinion is referred to as **case law or precedent**. The decision or opinion has the full force and effect of law within that court’s **jurisdiction**.

Precedent is a most important element of our system of justice, as it is **binding** on all lower courts. Precedent is also the law that governs correctional administrators. Many correctional standards today, especially those referring to life, health, safety, or constitutional matters, are based on precedent or case law.

A state supreme court can affirm or invalidate the precedent of a state appeals court. If affirmed, the lower court's decision stands. If invalidated, a new precedent is established through the state supreme court's opinion.

On the federal level, things are a bit more complicated. A circuit court of appeals in the first judicial circuit may decide a matter one way, and the court in the fifth judicial circuit may decide it in another. For example, the first circuit may decide that probable cause is needed to strip-search, whereas the fifth circuit may decide that only reasonable suspicion is necessary. In this case, precedent or case law for the first circuit is probable cause, and case law for the fifth circuit is reasonable suspicion. If there are sufficient differences across all the federal circuits, the U.S. Supreme Court may decide to settle the issue. Its decision is case law or precedent that is binding on all state and federal courts. Further, all state and federal laws and standards must conform to the new case law established by the U.S. Supreme Court. When the precedent of a state appeals court differs from that of a federal appeals court, the precedent of the federal court (a higher authority) is binding on all the states within its jurisdiction.

QA Review Questions for Section 1–3

22. Precedent has the full force and effect of law within the jurisdiction of the issuing court.
 True False
23. Another term for precedent is _____

24. Precedent is established when a judicial opinion is _____
25. How are law books or reporters used by lawyers? _____

26. Precedent is often the basis from which correctional standards are developed.
 True False
27. Indicate true or false for the following statements about precedent:
- Precedent established by an appeals court can be reversed by a higher level court.
 True False
 - A higher level court can establish a new precedent after reviewing a case.
 True False
 - Precedent in one federal circuit may differ from precedent in another federal circuit.
 True False
 - If there are sufficient differences among federal circuits, the U.S. Supreme Court may decide to settle the issue and establish new precedent.
 True False



- e. All state and federal laws and standards must conform to precedent established by the U.S. Supreme Court.
 _____ True _____ False

Section 1–4. How the Executive Branch Makes Law

The executive branch of government has the power to enact laws that are different from those that originate in the legislative and judicial branches. Executive branch laws are called “administrative law” and include **codes and regulations** issued by state, county, and municipal governments. State jail standards are among these.

Typically, state jail standards are published as **administrative rules and regulations**. The authority to publish rules and regulations is **delegated** to the executive branch by the legislative branch and is subject to legislative review as addressed in an **administrative procedures act**. In many states, this process involves publication of the proposed standards in a state **register**, followed by a period of review and public hearings, legislative review, and final publication in the register before the standards are finally approved.

After this process is concluded, the rules and regulations have the full force and effect of law. Eventually, the regulations are published in a **manual of administrative regulations**.

QA Review Questions for Section 1–4

28. Laws made by the executive branch are most commonly referred to as _____ and _____

29. Jail standards that have the effect of law are normally published as _____

30. If the legislature authorizes the executive branch to create law, it does so by _____ that authority.

Section 1–5. When Legal Conflicts Arise: Types of Liability

If a jail inspector or any other public official is sued and the plaintiff (the one bringing the suit) wins, then the official is found **liable**—similar to a finding of guilt in a criminal trial. There are different types of liability. Depending on the type, the official may or may not be personally responsible for monetary damages.

- **Official liability** is a finding that a public official is liable in his or her official capacity. If found officially liable, the official does not have to pay damages or attorney’s fees. The government automatically pays for the liability.
- **Personal liability** means that a public official may be found liable as a private person. If so, he or she is personally liable for damages and attorney’s fees. The official’s agency may pay for his or her liability-related costs totally, partially, or not all. In some cases, the same individual may be found both officially and personally liable.
- **Administrative or vicarious liability** means that an official is responsible for the acts of employees. An administrator may be personally or officially liable for such acts if the administrator was aware of a pattern of misconduct and did nothing about it.

If a plaintiff can prove administrative liability, then the administrator, the agency, and the county (or state) can be held liable. The plaintiff's advantage in attaching the case to them is clear: Because they may have "deeper pockets" than the individual employee whose conduct is in question, damages may be higher. Plaintiffs may attempt to prove administrative liability in several areas:

- **Negligent hiring.** This area of liability relates to an agency's responsibility to hire qualified employees and weed out those who are obviously unfit.
- **Negligent assignment.** When a supervisor knows that an employee is obviously unfit for an assignment, the supervisor is obligated to change that employee's assignment.
- **Negligent retention.** If an employee is unfit for further employment and is retained, the supervisor can be held liable for the misdeeds of that employee.
- **Negligent entrustment.** This area of liability involves situations in which, for example, employees are authorized to use the employer's property, such as off-duty weapons or automobiles. If they abuse that authorization and injure someone, the supervisor can be held liable.
- **Negligent direction.** The absence of a written policy and procedure manual may be enough in itself to prove that a supervisor was negligent in directing employees.
- **Negligent training.** A supervisor has an affirmative duty to train employees, and the failure to do so may result in liability.

QA Review Question for Section 1–5

31. Identify the following descriptions as official, personal, or administrative (vicarious) liability:

a. A person is found liable as an individual.

b. A person is found liable as an agent of government.

c. A person is found liable because of the acts of employees.

Section 1–6. Proof and Remedies in a Civil Rights Suit

To prove liability under Section 1983 of the Civil Rights Act, the plaintiff (the party bringing the suit) must show that the defendant (the party being sued):

- Deprived the plaintiff of constitutional rights.
- Was acting under the color (authority) of state law.
- Had some personal involvement in the deprivation. (This can include prior knowledge that conditions existed, failure to act to correct those conditions, or failure to instruct staff to correct the conditions.)



If the defendant is found liable, **damages** that can be awarded under Section 1983 are:

- **Nominal damages.** If the plaintiff has no substantial loss, the award may be a trifling sum. However, the award affirms that the plaintiff's rights were violated.
- **Compensatory damages.** This award will "compensate" the plaintiff for the injury, e.g., loss of property, and nothing more.
- **Punitive damages.** An award of punitive damages affirms a finding of misconduct in which the court punishes the defendant for willful disregard of the plaintiff's rights.

In addition to damages, the plaintiff in a Section 1983 suit may also ask the court for an **injunction**. For example, the court may be asked to order a jail to cease or change certain practices or implement new procedures. An injunction could cover issues such as visiting and exercise.

Q&A Review Questions for Section 1–6

32. Identify the following damages as compensatory, nominal, or punitive:
- a. The court acknowledges that there was wrongdoing and penalizes the defendant for willful violation of the plaintiff's rights. _____
 - b. The plaintiff is awarded money for the actual loss suffered. _____
 - c. The plaintiff has no substantial loss but is awarded a trifling sum. _____

33. When the court orders that the jail cease operating in a certain manner, that order is called _____

Section 1–7. The Litigation Process

Steps in the Process

The process of **civil litigation** includes all the steps involved in pursuing or defending a lawsuit. The process generally takes a long time. It can be terminated at any point if the parties decide to settle or if the plaintiff decides to drop the case. The significant steps in the civil litigation process are listed below. Keep in mind that this list is a barebones outline of a complex process.

1. **Plaintiff's complaint.** Litigation starts with the filing of a complaint. The complaint claims a civil wrong and sets out factual and legal allegations.
2. **Defendant's response.** In the answer to the complaint, the defendant admits or denies the plaintiff's allegations and states the defense.
3. **Pretrial proceedings.** This lengthiest part of litigation includes **discovery**—a process intended to open the plaintiff's and defendant's cases to each other. The surprises seen in television courtroom dramas are not allowed in real life. Because of the backlog of cases in most courts, each side must learn the strengths and weaknesses of the other side's case. The discovery process encourages settlement out of court. If the case goes to trial, discovery allows the trial to proceed more efficiently.
4. **Trial.** The plaintiff and the defendant present evidence during the trial.

5. **Decision.** This is the verdict or finding rendered by the judge or jury.
6. **Judgment.** This is the finding the judge announces in favor of the plaintiff or defendant.
7. **Enforcement of the judgment.** If necessary, the court forces the losing party to adhere to the judgment.

More About Discovery

Even if not a party to the lawsuit, a jail inspector may be involved in discovery. The inspector may be required to provide information to either side of the dispute. If information is requested, it must be provided in accordance with the state's **public information act**. Most states have such an act, which outlines what can and what cannot be provided. Questions about the appropriateness of providing information can be referred to the jail inspection agency's counsel.

Interrogatories are a common type of discovery device. These are written questions from one side to the other; answers are given in writing and under oath. Interrogatories are usually the first step in gathering information in the discovery process.

Requests for production of documents can include any type of official document (e.g., jail inspection reports, memoranda, policies and procedures, records, incident reports). Requests must be related to the lawsuit. Sensitive materials may be withheld if the court so orders.

A **deposition** is a formalized question-and-answer session in which witnesses or parties to the suit are interviewed, usually by the attorney representing the other side. The deposition is conducted under oath, and answers are recorded word for word. If the answers provided

at trial are different from those at deposition, the attorney may attempt to discredit the witness because of the discrepancies.

Your Legal Representation

When a lawsuit is filed, correctional employees, including jail inspectors, understandably become concerned about legal representation and the potential for personal monetary loss. County employees are usually represented by the county attorney, or, if insurance is involved, by an attorney retained by the insurer. Because most jail inspectors are state employees, they are usually represented by the **attorney general's office**. Generally, this representation is at no cost if it is determined that the employee acted within the **scope of authority** and **without malice, fraud, or corruption**.

Working With Your Attorney

The inspector who is a party to a lawsuit should work cooperatively with the attorney by providing timely and accurate information. Because cases tend to drag on and on, sometimes for years, the inspector should be aware that not hearing from the attorney does not necessarily mean that the case is over. If any concerns arise about representation, a simple phone call may be all that is necessary to allay them.

Courtroom Demeanor

If called as a witness, it is important to realize that your testimony and behavior may determine how the case is settled. Keep in mind the following basic considerations in testifying:

1. **Dress appropriately.** Research shows that the most credible witnesses wear either gray or dark blue suits and a red tie with a small repeating pattern. In any event, do not wear flashy clothes.



2. **Speak clearly and loudly.** Make sure each juror and the judge can hear the testimony.
3. **Position the body.** Sit straight but comfortably. Fold your hands on your lap or place them on the arms of the witness chair. Avoid distracting personal habits. Maintain eye contact with the questioner, and then direct your answer to the jury and/or the judge.
4. **Be calm.** Testifying can be nerve wracking, and the opposing attorney may try to rattle you. Take a breath before answering questions.
5. **Listen to the question before answering.** Do not anticipate the question. Before answering, listen to the entire question and then pause a moment in case an attorney objects to the question. **Answer only the question asked.** If you do not understand the question, ask for a clarification.
6. **Testify from memory.** You do not have to memorize everything, but it is usually better not to use notes. A witness who appears to know the facts without referring to notes is more credible. An exception may be a witness whose job involves making log entries or preparing incident reports.
7. **Do not guess or speculate.** If you do not know the answer, say so.
8. **Review earlier statements.** If you were deposed during the discovery process, review that testimony.
9. **Be yourself.** Remember that your credibility as a witness is essential to the successful resolution of the case.
10. **Do not argue.** Arguing can make a witness seem arrogant or antagonistic, and the jury or judge may view the witness as biased.

QA Review Questions for Section 1–7

34. The process of _____ includes all of the elements to pursue or defend a lawsuit.
35. Arrange the following steps in the litigation process in the order they usually occur:
 - _____ a. Pretrial proceedings.
 - _____ b. Decision.
 - _____ c. Plaintiff’s complaint.
 - _____ d. Enforcement of the judgment.
 - _____ e. Trial.
 - _____ f. Defendant’s response.
 - _____ g. Judgment.
36. Generally, the attorney general’s office will defend a jail inspector in a civil suit if the inspector acts within the _____ and without _____.
37. Indicate which of the following statements about the discovery process are true by circling letters:
 - a. It encourages settlement of disputes out of court.
 - b. It discourages surprises when a case goes to trial.
 - c. It opens each side’s case to the other.
 - d. It relates to the backlog of cases in courts and promotes the efficient use of court time.

38. Indicate which part of the discovery process (interrogatories, document production, or deposition) each of the following statements describes:

a. In this question-and-answer session, the witness is under oath.

b. A witness can be discredited at trial if his or her answers are different from those given at this discovery phase.

c. In this discovery phase, the jail inspector may be required to submit inspection reports.

d. This phase involves written answers to written questions from the other side in a lawsuit.

39. If a jail inspector is sued, the litigation process is likely to proceed swiftly and the inspector should expect to be in continual contact with the attorney.

_____ True _____ False

40. When testifying in court, you should be sure to provide all the information you think is important to the case.

_____ True _____ False

Section 1–8. The Inspector as an Advisor: Two Gender-Related Issues

Often, the jail inspector is asked for advice on legal issues. Obviously, the response should not exceed the inspector's knowledge in these areas. On the other hand, the inspector should not shy away from giving such advice.

Cross-Gender Supervision

One area of particular concern is **cross-gender supervision (CGS)**—female staff supervising male inmates and male staff supervising female inmates. This is an emotional issue as well as a legal one. The legal issue is supported by **Title VII** of the **1964 Civil Rights Act** and is subject to enforcement by the **Equal Employment Opportunity (EEO) Commission**.

Since the issue first arose in the 1970s, considerable case law has developed on the subject (the specifics of which are beyond the scope of this text). Typically, suits have been brought by female staff who felt discriminated against, male staff who felt their safety was jeopardized, or inmates who felt their right to privacy had been violated (especially where nudity was involved).

The courts have generally held that CGS is legal and appropriate. When weighing an inmate's right to privacy against a woman's right to work, the courts look to reasonable accommodations to protect the latter. In some states, CGS is forbidden when constant observation is required and during female inmates' regular hours of sleep.

Despite the courts' clarity about CGS, the jail inspector is likely to find that the issue remains controversial within the corrections profession. If asked about CGS, the inspector should be clear in providing information about its legality and about the potential for lawsuits if officers are not allowed to supervise inmates of the



opposite sex. The inspector should emphasize that CGS is a sensitive issue and urge management to address the issue through training and supervision.

Many resources are available through state and local EEO commissions to assist in the transition to CGS. In most states, jails have addressed the issue with success; these jails may be a good starting point for answering questions on the subject.

Sexual Misconduct

A related issue that inspectors may encounter involves **sexual misconduct** by correctional staff in their dealings with inmates. Although the issue is contemporary, the phenomenon probably is not a new one. Most states have enacted laws criminalizing sexual relations between staff and inmates and recognizing that such relations **cannot be consensual**.

Managers must be aware that sexual misconduct is possible even with the most trusted staff members. This awareness should be evident in policies and procedures that establish systems for monitoring jail operations and minimizing opportunities for sexual misconduct. If state standards exist regarding sexual misconduct, they should, at a minimum, address the following: screening prospective employees, establishing clear policies on sexual misconduct, training staff in policies, supervising staff who are in close contact with opposite-sex inmates, investigating all allegations of sexual misconduct, protecting the inmate when allegations are made, and referring action to the local district attorney.

QA Review Questions for Section 1–8

41. The term “cross-gender supervision” refers to _____

42. Cross-gender supervision is supported by Title VII of the Civil Rights Act of 1964. It is enforced through the _____

43. Since cross-gender supervision is supported by law, it is something that the corrections profession has openly accepted and encouraged.
_____ True _____ False

44. To successfully implement cross-gender supervision, management must address the issue through:
a. _____
b. _____

45. Sometimes sexual relations between staff and inmates are consensual and therefore of no concern to jail managers.
_____ True _____ False

Section 1–9. The Inspector’s Role in Developing a Plan of Action Before Lawsuits Arise

Developing a plan of action to correct noncompliance with jail standards can assist a county if it is sued. Every jail inspection will uncover some violation of standards, no matter how minor. However, many jails are in substantial noncompliance with standards. The inspector can be a valuable resource to a county that is serious about **correcting** the deficiencies of its jail and **avoiding** potential liability related to jail conditions.

Addressing noncompliance with standards—known as **an acceptable beginning**—is a defense used in jail conditions litigation. It indicates **recognition** and **acknowledgment** by

the county that the jail has serious problems, shows that the county has a **planned strategy** to address and correct these problems **before a suit is filed**, and demonstrates the **good faith** of county officials. The notion of an acceptable beginning recognizes that the problems did not occur overnight and that the solutions will not happen overnight. It is important to emphasize that this defense is most effective if it is done **voluntarily** by the county and initiated **before** a lawsuit is filed.

A successful assertion of the acceptable beginning defense gives a county breathing space to solve its jail problems and may essentially forestall judicial intervention. This defense neither alleviates the need to correct unconstitutional conditions nor justifies postponing actions to correct situations that require immediate attention.

To assert an acceptable beginning defense, the county must develop a **master plan** or a **plan of action**. The jail inspector can assist in this process. The plan will **detail each violation of standards**, include **remedies** to address each violation, and set forth a **realistic timetable** for addressing each violation—with the most serious violations addressed first.

Although the acceptable beginning defense has been used by a number of counties, the courts are not obligated to accept the defense. Nevertheless, using this defense places officials in a better position than attempting to argue that they do not have the money to correct the problems. This so-called **budgetary defense** is no defense at all: courts have clearly stated that if a county operates a jail, it must provide the funds to operate it constitutionally.

In regard to the acceptable beginning defense, the inspector can be an important resource to the county in three ways:

- Bringing the defense to the attention of the county before a lawsuit is filed and encouraging the county to take action.
- As an objective party, assisting in development of a master plan or a plan of action.
- Documenting when compliance with a particular standard occurs.

QA Review Questions for Section 1–9

46. An _____ means there is recognition and acknowledgment by the county that the jail has serious problems. Further, it shows that the county has a planned strategy to address the problems _____ a lawsuit is filed.
47. The notion of an acceptable beginning recognizes that solutions to jail problems cannot be corrected overnight.
_____ True _____ False
48. The assertion of the acceptable beginning defense may give counties breathing space in addressing and solving jail problems.
_____ True _____ False
49. The acceptable beginning defense allows the county to postpone addressing unsafe jail conditions.
_____ True _____ False



50. The three basic elements of a master plan or a plan of action are:

- a. _____
- b. _____
- c. _____

51. A jail inspector can encourage a county to address jail deficiencies before a lawsuit is filed and can also assist in developing a plan of action.

_____ True _____ False

Section 1–10. Lawsuits Against Inspection Programs: Two Case Studies

Although surprisingly little of the considerable jail-related litigation to date has involved state jail inspectors as defendants, such litigation could be forthcoming. If jail standards are not enforced, it is easy to see that the jail inspector may be sued under Section 1983, as the inspector “operates under the color of law.” Further, if an inspector fails to exercise enforcement authority, it could be alleged that such failure caused deprivation of an inmate’s constitutional rights.

Subsequent chapters cover the inspector’s role and the inspection process in depth. The point to emphasize here is that inspectors must be aware of their authority and exercise it in a firm and fair manner. Not doing so may be seen as abuse or misuse of authority, which could result in a lawsuit against the inspection program, its administrators, and/or individual inspectors.

State jail inspection programs have been sued in at least two instances. Although these are old cases, they illustrate how inspection programs may be found liable for failure to enforce standards. The plaintiff won (prevailed) in one case

and lost in the other, but the win-loss record is less significant than the issues litigated. It is important to examine these issues with a view to eliminating similar conditions if they exist in your state.

The Florida Case

In the late 1970s, the American Civil Liberties Union (ACLU) was concerned about conditions in Florida’s jails. Instead of suing each jail or seeking improvements in jails one at a time, the ACLU identified one mechanism that could affect all of the state’s jails: the authority of the secretary of corrections, who had statutory supervisory responsibility over all jails. Specifically, that responsibility included the establishment of minimum standards, inspection of jails according to the standards, and enforcement of the standards through either closure or removal of inmates.

After considerable litigation, the secretary entered into a **consent decree** with the ACLU. A consent decree is an agreement between the parties in a suit to certain stipulations. The agreement is not a judgment of the court but more of a solemn contract. It is filed with the court, and any violations of the agreement can be cause for further litigation. In the consent decree negotiated between the parties in the Florida case, it was agreed that the Department of Corrections would:

- Inspect each jail twice per year.
- “Vigorously, promptly, effectively, and thoroughly” enforce the jail standards by suing noncomplying counties. Such action was to be taken within 7 days if a situation appeared “to pose a substantial and immediate danger to life, health or safety.”

- Upgrade standards regarding space, medical screening, sick call, comprehensive medical care, compliance with fire and health codes, and inmate classification.

The Texas Case

In 1985, the Texas Jail Commission (TJC) was sued by the ACLU in a similar attempt to improve jail conditions. Among the many specific allegations was the assertion of several “structural” problems in the way TJC was carrying out its responsibility. The lawsuit was not successful, but the issues litigated are important to note.

First, it was alleged that the inspection process was inadequate for detecting and recording violations of TJC standards. The ACLU asserted that:

- Inspectors were not trained.
- The number of inspectors was inadequate (there were 3 inspectors for 254 county jails).
- Inspectors lacked the proper equipment (e.g., light meters to detect violations).
- Inspectors did not talk to inmates.
- Inmate complaints were sent back to the jails without holding the inmate’s name in confidence.
- Inspectors did not note noncompliance with nonmandatory violations.

Another significant allegation was that TJC did not adequately enforce its standards. It was specifically alleged that TJC ignored violations or allowed long periods to pass without requiring

correction, did not issue notices of noncompliance, and did not provide updated copies of the standards to inmates.

It was also alleged that TJC granted numerous variances to counties regarding fire safety, space for mentally ill inmates, outdoor exercise, and dayroom space.

Finally, the ACLU alleged that the jail standards themselves were vague and inadequate in areas such as construction, interior design and furnishings, safety, crowding, staffing and supervision, staff training, health care, and exercise.

On appeal, the suit was dismissed because TJC’s alleged failure to carry out its duty to promulgate minimum standards of construction, maintenance, and operation for county jails was not the cause of the alleged constitutional violations by county jails. Further, the court found that TJC had no obligation to abolish constitutionally substandard conditions or activities in county jails.

Lessons Learned

The important lesson from both cases is that any jail standards and inspection program can be sued over issues such as **adequacy of standards, the inspection process, training of inspectors, enforcement of standards, and granting of variances**. Depending on the issues, program administrators and/or individual inspectors may be involved as defendants.

An important part of the inspector’s role is doing as much as possible to prevent successful lawsuits. In completing subsequent chapters, always keep in mind that inspectors operate under the “color of law” and are, therefore, responsible for carrying out their authority in a firm and fair manner.



QA Review Questions for Section 1–10

52. Jail inspectors are subject to a Section 1983 suit because they operate or have authority under _____
53. When an inspector fails in the duty to exercise authority firmly and fairly, this may become a matter of potential liability. _____ True _____ False
54. In a _____, the parties in a suit agree to certain conditions, and the agreement is filed in court.
55. List three requirements that resulted from the Florida jail inspection case:
- a. _____
 - b. _____
 - c. _____

56. List four allegations in the Texas jail inspection suit:
- a. _____
 - b. _____
 - c. _____
 - d. _____

Conclusion

In this chapter, you have learned the history of how the courts became involved in correctional matters. More than one expert will affirm that were it not for the involvement of the courts in inmate rights and jail conditions, we would not have had the impetus to establish jail inspection authorities across the nation. The profession has responded with standards and accepted practices that facilitate effective, professional jail management. Today, we see managers who are aware of best practices and have implemented standards into their daily jail operations. The result is an ever-improving quality of life for inmates and an increasingly safe environment for jail staff.

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QA Answer Key for Chapter 1

1. The doctrine of separation of powers.
2. a. Executive.
b. Judicial.
c. Legislative.
3. They lacked the expertise, knowledge, and skill to determine how correctional facilities should be managed.
4. Institutional security and discipline.
5. Slaves of the state.
6. a. Police cases arising from the civil rights movement.
b. The Attica riots, which exposed the conditions of prisons.
7. a. 8th.
b. 1st.
c. 6th.
d. 14th.
e. 1st.
8. a. Staffing.
b. Access to courts, media, printed matter, counsel, telephone, and libraries.
c. Practice of religion.
d. Visiting.
e. Medical care.
f. Recreation and exercise.
g. Food services.
h. Classification and segregation.
i. Discipline and due process.
j. Living conditions.
9. Title 42, Section 1983, of the Federal Civil Rights Act of 1871.
10. True. (Interestingly, though, Section 1983 applies ONLY to state and local government agents and NOT to federal agents.)
11. False. (It only applies to the Constitution and laws of the federal government.)
12. The plaintiff is the person or party bringing the suit. The defendant is the one being sued.
13. False. (Section 1983 cases can be brought in both state and federal courts. Because federal courts are perceived to be more sensitive to inmates' rights, plaintiffs usually sue in federal court.)
14. It allows inmates to initiate civil suits for alleged constitutional violations.
15. a. State.
b. Federal.
16. Federal district courts.
17. Trial courts hear civil and criminal cases. Appellate courts review lower court decisions.



18. False. (Cases are not tried at the appellate level. Appellate judges consider matters of law but do not rehear the case. They are most concerned with legal errors regarding admissibility of evidence, jury instructions, etc.)
19. False. (A state case can be appealed to the U.S. Supreme Court.)
20. False. (There are 13 circuit courts and 94 districts. Circuit courts are appellate courts and district courts are trial courts.)
21. a. Small claims.
b. Landlord/tenant.
c. Domestic relations.
d. Civil.
e. Criminal.
22. True.
23. Case law.
24. Written.
25. Law books or reporters are used by lawyers to research case law either in preparing cases they are litigating or in developing the basis for an appeal.
26. True.
27. All five statements are true.
28. Codes and regulations.
29. Administrative rules and regulations.
30. Delegating.
31. a. Personal.
b. Official.
c. Administrative (vicarious).
32. a. Punitive.
b. Compensatory.
c. Nominal.
33. An injunction.
34. Litigation.
35. c, f, a, e, b, g, d.
36. Within the scope of the inspector's authority; without malice, fraud, or corruption.
37. All four statements are true.
38. a. Deposition.
b. Deposition.
c. Document production.
d. Interrogatories.
39. False. (The litigation process is almost always lengthy. If the attorney's caseload is large or if there are delays in litigation, the inspector may not hear from the attorney for long periods of time.)
40. False. (Answer only the questions the attorneys ask you.)
41. Female staff supervising male inmates and male staff supervising female inmates.

42. Equal Employment Opportunity Commission (EEOC).
43. False. (Cross-gender supervision is an emotional issue and has not been universally greeted with open arms. Inmates have sued over privacy issues. Male officers have sued over issues related to their personal safety, on the assumption that women would not be able to support them in the event of a disturbance. Women have sued for equal employment opportunities and chances of advancement afforded by being able to work in all areas of the jail.)
44. a. Training.
b. Supervision.
45. False. (Most states have enacted laws criminalizing sexual relations between staff and inmates and recognizing that such relations cannot be consensual.)
46. Acceptable beginning; before a lawsuit is filed.
47. True.
48. True.
49. False. (Unsafe conditions should be addressed immediately.)
50. a. Detailed list of violations.
b. Remedies to address each violation.
c. A realistic timetable for addressing each violation—with the most serious violations addressed first.
51. True.
52. Color of law.
53. True.
54. Consent decree.
55. a. Inspect each jail twice per year.
b. “Vigorously, promptly, effectively and thoroughly” enforce the jail standards by suing noncomplying counties. (Such action was to be taken within 7 days in situations that appeared “to pose a substantial and immediate danger to life, health or safety.”)
c. Upgrade standards regarding space, medical screening, sick call, comprehensive medical care, compliance with fire and health codes, and inmate classification.
56. a. The inspection process was inadequate to detect and record violations of TJC standards.
b. TJC did not adequately enforce its standards.
c. TJC granted numerous variances to counties regarding fire safety, space for mentally ill inmates, outdoor exercise, and dayroom space.
d. The jail standards themselves were vague and inadequate in areas such as construction, interior design and furnishings, safety, crowding, staffing and supervision, staff training, health care, and exercise.



CHAPTER 2

Standards



CHAPTER 2: Standards

Performance Objectives

After completing this chapter, the student will be able to:

1. Explain the basis of correctional standards in law. (See section 2–1.)
2. Define the terms “certification,” “accreditation,” “insurability,” and “risk management,” and explain how standards compliance relates to each. (See section 2–2.)
3. Identify the types of standards issued by state and national agencies and explain how they apply to jails. (See section 2–3.)
4. Distinguish between and define the following terms: “statute” and “administrative rules”; “mandatory standards” and “voluntary standards”; “waivers,” “variances,” and “grand-fathering”; and “minimum standards” and “constitutional minima.” (See section 2–4.)
5. Distinguish between standards that address physical plant, operational, and administrative issues and those that address life, health, safety, and constitutional issues. (See section 2–5.)
6. Describe similarities and differences between standards for lockups, jails, prisons, and community correctional facilities. (See section 2–6.)
7. Describe the role of the inspector in issuing interpretations, clarifications, and opinions. (See section 2–7.)

CHAPTER 2: Standards

Since 1870, when the American Prison Association first promulgated standards, the corrections profession has evolved into a complex network of federal, state, and local systems. These systems include parole, probation, jails, community corrections, prisons, and adult and juvenile services. Further contributing to this complexity are emerging problems such as crowding in jails and prisons. Add to this the involvement of state and federal courts as well as the requirement to operate constitutional jails and prisons, and the picture becomes clear: Corrections is a dynamic system that is often under stress.

Chapter 1 discussed how the courts became involved in correctional matters during the mid-1960s, creating varied and sometimes conflicting case law. In light of the confusion that ensued, corrections professionals saw the need to develop credible standards, and several bodies of correctional standards emerged at both the state and national levels.

Chapter 2 takes an in-depth look at correctional standards, including their basis in law and the purposes they serve. The chapter also describes the various types of standards the jail inspector will encounter, as well as the various methods states use to implement their standards programs.

Section 2–1. Standards and Their Basis in Law

Correctional standards that are **authorized by state law** clearly have a legal basis and generally

have the full force and effect of law. In some states, standards that are authorized by law are voluntary; however, even such standards have a legal impact, as they are an expression of community expectations.

In other states, correctional standards are not authorized by law but are **developed through a cooperative effort involving professional organizations** such as the state sheriffs' association. Although there is no legal basis for such standards, a court may still consider them in deciding a corrections-related lawsuit, because the practices they require are an expression of professional practitioners.

Finally, correctional standards have a basis in law to the extent that they **reflect constitutional issues consistent with court decisions**. This is true of both voluntary and mandatory standards.

QA Review Question for Section 2–1

1. In deciding a lawsuit, a court will not take into consideration standards developed by professional organizations because these standards have no legal basis in law.

_____ True _____ False



Section 2–2. Standards Terminology

Certification and Accreditation

Some state jail inspection programs have **certification** authority. Certification is a legal recognition of an agency's compliance with standards, and it is a process that is required by statute or state regulation. Certification can result from either total or substantial compliance with standards. Agencies are generally given a period of time to meet certification requirements. If an agency is not certified, that means it does not comply with standards and must take some type of corrective action. If such action is not forthcoming, the certifying authority may take enforcement action against the county. The enforcement could include petitioning the courts for compliance, compelling the county commissioners to take corrective action, fining the county, ordering cessation of certain activities in that facility, or even forcing closure.

Some state inspection agencies do not have certification authority, either because compliance with standards is voluntary or because the agency's enabling legislation does not provide for certification. Such programs may recognize voluntary compliance by issuing some type of formalized **recognition of achievement**.

Accreditation is a formal process developed and administered by a professional organization. Accreditation is granted when a jail is in full or substantial compliance with the organization's standards, as verified by some type of inspection and/or audit. The accreditation process for correctional agencies is much the same as the process introduced earlier for hospitals and colleges. The **Commission on Accreditation for Corrections** of the **American Correctional Association (ACA)** is the most recognized accrediting agency for adult and juvenile correctional agencies. The **National Commission on Correctional Health Care (NCCHC)** accredits

medical programs in jails and prisons. Some states have a voluntary accreditation program that is separate from the state's authority to inspect jails.

Whereas certification carries a legal requirement when it is mandated either by statute or by administrative regulations or rules, accreditation does not. Accreditation can become a legal requirement, however, if it is a stipulation agreed to in a consent decree negotiated by the parties to a lawsuit. Both certification and accreditation may be useful in demonstrating a jail's good-faith efforts in a civil rights lawsuit, as both recognize compliance with standards by an outside authority.

Insurability and Risk Management

Insurability relates to an insurance company's willingness to provide insurance to a correctional agency or its employees. Sometimes insurance companies look to state or national standards in assessing an agency's insurability and may also ask to see jail inspection reports—practices that may become more common as the insurance industry becomes more aware of the importance of standards and how adherence to them can reduce the potential for liability.

Risk management and **liability prevention** are terms that derive from litigation. Liability comes from being found negligent in meeting one's duty to another. For example, a sheriff who does not protect the rights of a jail inmate may be found liable. Risk management or liability prevention includes actions taken by a jail to minimize staff liability, such as developing written policies and procedures adequate to meet standards and operate the jail in a constitutionally correct manner. Staff can limit liability by ensuring that policies and procedures are enforced, internal inspections are accomplished, deficient equipment is repaired, etc.

QA Review Questions for Section 2–2

2. _____ is a legal recognition of a jail's compliance with state standards.
3. Which of the following actions may not result from a finding of noncompliance with state standards?
 - a. Imposition of fines.
 - b. Closure.
 - c. Granting of certification.
 - d. Compelling a county commissioner to correct deficiencies.
4. Accreditation is the process used in some states to recognize an agency's voluntary compliance with state standards.
 True False
5. The accreditation of hospitals and colleges provided a model for accreditation of correctional facilities.
 True False
6. Match these agencies with the functions that follow:

Commission on Accreditation for Corrections.

National Commission on Correctional Health Care.

 - a. Accredits jail and prison medical programs: _____
 - b. Accredits adult and juvenile correctional agencies: _____
7. Accreditation may be an essential element in a consent decree and thus become a legal requirement enforceable through the courts.
 True False
8. Terms that describe an agency's attempt to prevent successful litigation are _____
 and _____
9. Risk management is a notion that arises out of an insurance company's willingness to provide insurance for a correctional facility.
 True False
10. "Insurability" is a term related to a state's authority to grant certification.
 True False

Section 2–3. Standards Defined

To distinguish between types of standards, it is first necessary to define the term "standard" in a corrections context:

A correctional standard is a specific, objective, measurable, and directive statement identifying a requirement, level of performance, or expectation about an individual correctional operation or aspect of the physical plant.

Consider whether the following example meets the requirements of the definition:



The managing official shall ensure that written policy and procedure requires monthly recorded sanitation inspections of all housing areas.

The example does meet the requirement because:

- It is **specific** to one topic: sanitation of all housing areas.
- It is **objective**—that is, the language is clear enough that it can be understood by most who read it.
- It is **measurable**, as it requires written policy and procedure and recorded monthly inspections of all housing areas.
- It is **directive**, in that it requires action by the managing official.

Standards regarding a **correctional operation**, such as security checks, use of force, or discipline, usually require written policy and procedure to demonstrate implementation and written documentation to demonstrate compliance. Such standards are often referred to as **performance standards**, as they require a level of “performance” or activity on the part of the correctional staff. Performance standards require certain behaviors or actions in a jail operation that can be documented.

Physical plant standards relate to the physical structure of the facility and living conditions such as space, ventilation, lighting, and life safety. These standards are also essential in renovating an existing facility or planning a new one, as they can provide guidance to planners and architects.

Prescriptive standards usually dictate the “how to” of a particular operation. Examples include standards that require the inclusion of certain information in a booking or screening form, a set number of toilets per inmates, or specific steps in a disciplinary procedure.

Standards are not “liberal” or “conservative.” They generally do not express values, but rather relate to activities that are essential for providing a safe environment for jail staff and inmates. Standards also refer to basic constitutional issues such as access to courts, access to medical care, etc. Additionally, when jail staff integrate the standards as a central part of the operation, the standards become a part of the management structure of the jail and ensure accountability.

So, then, what are characteristics of standards? Standards are:

- Often a legal requirement.
- A management tool to direct staff.
- A proactive approach to preventing lawsuits and minimizing the likelihood of successful suits.
- An outline for formulating training programs.
- A means of demonstrating accountability to the public.
- A means of measuring accomplishments.
- A way to make the criminal justice system more fair and humane.

QA Review Questions for Section 2–3

11. Correctional standards may refer to either physical plant or operational issues.
 True False
12. To be effective, correctional standards should be objective, measurable, specific, and directive.
 True False
13. Correctional standards are rarely a legal requirement.
 True False
14. Compliance with correctional standards is a means of demonstrating accountability to the public AND a means of measuring accomplishments.
 True False
15. Which of the following statements refer to prescriptive standards?
 - a. Usually dictate the specifics or “how to” of an operation.
 - b. Require a certain level of activity on the part of correctional personnel.
 - c. May require a set ratio of inmates to sinks, toilets, or showers.
 - d. May require certain documentable actions in a jail.
16. Standards that are essential for the planning and design of a new facility are called _____ standards.

Section 2–4. Understanding How Standards Work

Earlier in this chapter, we briefly considered the legal basis of standards. This section takes a closer look at that topic.

Statutes and Administrative Rules

State standards that are mandatory carry the **weight of law**. The authority for mandating standards may be included in the inspection agency’s enabling **statute** (law), or the state may mandate standards through the development of **administrative rules and regulations**.

In some states, standards are listed in the statute. In others, the legislature **delegates** the standard-making authority to an **administrative law agency**. This agency may be an independent board, a commission, or some other office in state government, such as the commissioner of corrections, the attorney general, or the health department. When standard-making authority is delegated, there is generally some form of legislative oversight to ensure that the administrative law agency does not go beyond its authority or beyond the intent of the legislature when it passed the statute. That is why most states have a period for public comment on standards before they are enacted. Additionally, most states have a legislative review committee that must pass on standards before they become effective. Once the standards pass this review, they are enacted and have the **full force and effect of law**.

Mandatory and Voluntary Standards

Mandatory standards may be required by statute, administrative rules, or regulations. The term “mandatory” means that the jail must meet the standard or face some form of **sanction**, such as court action, denial of state construction or renovation funds, or even closure.



Voluntary standards do not necessarily have the full effect of law. However, voluntary standards can take on a legal meaning if they become a basis for a consent decree or when they address constitutional issues.

States have taken a variety of approaches to implementing voluntary jail standards:

- Some states have standards that are authorized by law but are voluntary. Such standards have a legal impact, however, as they are an expression of community expectations.
- Other states issue voluntary standards through an organization such as the state sheriffs' association, jail association, association of counties, or attorney general's office. In these states, inspections are conducted by staff of the sponsoring agency and/or by officials from jails other than the one being inspected.
- Finally, some states have instituted a voluntary accreditation process through either the state jail inspection authority or the sheriffs' association.

Standards issued by professional organizations in and of themselves do not carry the weight of law. For example, standards of the ACA and the NCCHC are voluntary.

Waivers, Variances, and Grandfathering

Under certain conditions, compliance with a mandated standard may not be required. The concepts of waiver, variance, and grandfathering are related, but the distinctions are important.

A **waiver** implies the existence of some authority (such as a standards commission or board) that can allow a jail to forego application of a standard. For example, if a standard requires

certain food preparation requirements and the jail contracts out its food services, then the standard would be waived (or simply found nonapplicable).

A **variance** means that the jail may meet the intent of the standard but not in a generally accepted way. In this case, the jail would apply for a variance, which means that it will meet the standard's intent but in a method that "varies" from the norm. For example, if a standard requires 1 shower for every 10 inmates and the jail only has 1 shower for every 15 inmates, the jail may request a variance. The request may include procedures giving inmates access to showers 16 hours per day. Obviously, the **intent** of the standard is for inmates to be able to shower frequently. The jail is finding another way to do that by providing for frequency of access to the showers it has; it may, therefore, be granted a variance.

Grandfathering means that a standard may not apply retroactively to a facility, such as when a state updates its physical plant standards but does not require an existing facility to meet the new standards. However, not all physical plant standards are typically "grandfathered." This is especially true when matters of life and safety are concerned.

Minimum Standards and Constitutional Minima

The jail inspector will often encounter the term "**minimum standards**," which refers to administrative rules and regulations that are a minimum requirement for operating a safe and secure jail. Most mandatory state jail standards are minimum standards. Implicit in this term is the idea that areas of a jail's operation or physical plant may not be included in the state's minimum standards. The ACA and NCCHC standards are good references for those other areas.

Another common term is “**constitutional minima**,” which generally refers to the minimum requirements of care and custody required by the U.S. Constitution. It covers those issues clearly articulated by the courts and addressed in **chapter 1, Legal Issues**. Constitutional minima have been the basis for the development of correctional standards, including professional standards and minimum standards promulgated by states. They address issues such as due process, access to health care, searches, access to the courts, mail, religion, etc.

QA Review Questions for Section 2–4

17. Standards carry the “weight of law” in all of the following EXCEPT:

- If agreed to in a consent decree.
- If required by a court order.
- In a voluntary state inspection program.
- When mandated as a state’s administrative rules and regulations.

18. When a state board or commission has standard-making authority, that authority is

_____ by the legislature.

19. Match these terms with the descriptions that follow:

- Mandatory standards.
- Voluntary standards.
- Grandfathering.
- Variance.
- Waiver.

a. These generally do not have the full effect of law: _____

b. Under this concept, new standards may not be applicable to existing facilities:

c. With this, a state foregoes application of a standard to an existing facility:

d. This allows a jail to use an alternative method to meet the intent of the standard:

e. A jail must comply with these:

20. “Constitutional minima” refers to minimum requirements of care and custody that have been articulated by the _____

21. “Minimum standards” refers to a state’s minimum requirements of jail operations as specified in administrative _____ and _____

Section 2–5. Categories of Standards

Physical Plant, Operational, and Administrative Standards

Earlier in this chapter, we saw how jail standards may be classified as performance, physical plant, or prescriptive, according to the kinds of requirements they impose. This section outlines a slightly different way of thinking about the types of standards the jail inspector encounters most often: three classifications based on the kinds of issues addressed.

Physical plant standards concern the jail building, grounds, and built-in (capital) equipment.



They address issues such as square footage; fire safety and health regulation requirements; and areas for exercise, housing, visiting, food services, medical care, intake, storage, and mechanical equipment. They also address **building codes** or **ordinances** that exist through another authority, such as the fire marshal, health department, or various local and state government agencies.

Application of physical plant standards to individual facilities generally depends on the effective date of the standard. If a facility was built or renovated before the effective date, usually the standard will not apply (see earlier discussion of “grandfathering”). However, if matters of life, health, and safety are involved, physical plant standards may be applied retroactively to an existing facility. A typical case to illustrate this point is the requirement for a second means of egress from housing units. Many older jails were built without a second means of egress, but after several disastrous fires with loss of life, the standard has been applied to new AND existing facilities.

Operational standards concern the methods by which the correctional facility is operated. They address issues such as internal safety and sanitation inspections, use of force, security and control, food services, visiting, medical care, exercise, etc. Generally, these standards require the jail to establish written policies and procedures to implement the standard; to train staff about the policies and procedures; and, through supervision and documentation, to ensure that the standards are in effect.

Physical plant standards and operational standards can address the same subject. For example, requiring facilities to have a backup generator for power outages is a physical plant standard, whereas requiring facilities to test the generator monthly is an operational standard.

Administrative standards refer to all other areas that support the smooth functioning of the jail. Many states do not stress administrative standards such as fiscal controls and personnel practices, but the national standards are quite thorough in this regard.

Life, Health, Safety, and Constitutional Standards

Life, health, safety, and constitutional standards address constitutional minima, discussed earlier in this chapter. These types of standards are the **bedrock** of most state inspection and compliance programs and are basic to inmate constitutional rights articulated by the courts over the years. These standards relate to basic health, sanitation, and safety issues such as fire prevention and control.

In addition to these basic standards, states may promulgate other standards that address what are referred to as “**accepted correctional practices.**” Although such standards may not be critical to life and safety and may not be the subject of a Supreme Court ruling, the corrections profession over the years has accepted the practices as essential to good operations. An example of a standard based on accepted correctional practices is the use of volunteers. Many correctional programs use volunteers effectively. A related standard may address the recruitment, selection, and training of volunteers.

Review Questions for Section 2–5

22. Identify the following statements as referring to physical plant, operational, or administrative standards:
- a. Square footage of cells:

b. Testing fire alarms:

c. Second means of egress from housing units: _____

d. Reviewing inmate commissary accounts:

e. Availability of outdoor exercise area:

f. Unannounced and irregularly scheduled searches: _____

g. Number of toilets and sinks:

h. Fire drills: _____

23. The term “accepted correctional practice” refers to essentials of jail operations as required by the courts.

_____ True _____ False

24. The phrase “life, health, safety, and constitutional issues” concerns constitutional minima.

_____ True _____ False

Section 2–6. Lockup, Jail, Prison, and Community Correctional Standards

The applicability of state standards to lockups, jails, prisons, and community correctional centers depends on the statute in each state. A statute may apply to all, some, or only one.

Lockups are **short-term facilities** generally operated by police departments for periods ranging from 4–8 hours up to 72 hours. Because of the short-term nature of lockups, their standards are generally less comprehensive than those for jails. Litigation involving lockups is increasing, especially in relation to suicide and other safety concerns. This is because a person’s right to access to health care, for example, is no different in a lockup than it is in a full-service jail.

As for **jail standards**, several states differentiate between jails based on **length of maximum detention** or **size**. These states typically have a rating system such as Class 1 for jails with more than 50 inmates and Class 2 for jails with 50 or fewer inmates, or they may classify facilities as full-service jails or lockups.

Recognizing that small jails differ substantially from large jails, the ACA has promulgated **standards for small jails**. However, these standards are not used in assessing accreditation.

Prison standards differ from jail standards because of functional differences between the two types of facilities. These differences relate to the long-term nature of prison confinement, the availability of treatment programs, the fact that convicted inmates have fewer rights than pretrial inmates, and the fact that most prisons are larger than jails.

Community correctional standards also differ from the other standards because of functional differences. Here, the differences relate to the extent and relatively short-term duration of confinement and to the nature of dealings with the community.



QA Review Questions for Section 2–6

25. Often, states will have varying standards dependent on jail size and maximum length of confinement.
 True False
26. The ACA’s small jail standards apply to police lockup operations as well as small jails.
 True False

Section 2–7. Interpretations, Clarifications, and Opinions

Often, the inspector is asked to interpret a standard when questions arise regarding its **intent**. It is important to note that every standard should be written clearly; if too many questions come up about a standard’s intent, that may mean it is not written clearly. However, even when a standard is clear, there may be questions about **how** it is to be implemented.

The ACA and some states provide guidance by including a **discussion** or **commentary** next to or below each standard. The discussion is an explanation of the standard’s intent and may include methods for meeting the standard.

Even though these discussions may be helpful, the inspector still may be asked to describe the acceptable method of meeting a standard. In this instance, the inspector may provide **technical assistance**. The advice given should be clear, and it should be consistent with advice given to other jails and with advice other inspectors have given. Most importantly, inspectors should never exceed their authority in giving advice. If unsure about that authority or about what advice to give, they should consult a superior.

It is also important to remember that the discussion or commentary that accompanies a standard is simply an explanation of the standard’s intent—it is NOT part of the standard. In more than one instance, jail inspectors (and even inspection agencies) have expanded a standard, without authority, by insisting that the discussion or commentary is part of the standard. When this happens, inspectors lose credibility among jail managers; if appeals are made, the inspector involved is likely to be countermanded.

A more formalized process for interpreting standards involves **opinions**. This is a formal and legal term. If the inspection agency has the authority to issue opinions, such authority is generally included in the enabling legislation. If the agency is responsible to a **board** or **commission**, then that body is usually the authority that issues opinions. An opinion may be requested by a jail official if a jail **appeals** a finding of noncompliance. The resulting opinion will become a matter of record and will guide inspectors and jail administrators in future applications of the standard.

QA Review Questions for Section 2–7

27. Formal and legal interpretation of standards are known as _____
28. Inspectors are expected to offer opinions in the course of their duties.
 True False

Conclusion

This chapter has examined the legal basis of standards, including the difference between voluntary and mandatory standards. It has also looked at the purposes standards serve, the various types of standards the jail inspector will

encounter, and the various methods states use to implement their standards programs.

There are a variety of standards and inspection programs across the country, and what works for one state may not work for another. Clearly, however, a state inspection program can assist in upgrading jails. Building on what you have learned in this chapter as you work through the rest of this manual, you will see the complexity of the jail inspector's job: You have a role not only in inspecting jails but also in providing technical assistance and being a resource to the jails you inspect.



QA Answer Key for Chapter 2

1. False. (The court may consider such standards because the practices they require are an expression of professional practitioners.)
2. Certification.
3. c.
4. False. (Accreditation refers to recognition by a professional organization and is normally granted by that organization.)
5. True.
6. a. National Commission on Correctional Health Care.
b. Commission on Accreditation for Corrections.
7. True.
8. Risk management and liability prevention.
9. False. (Term relates to actions taken by a jail to minimize staff liability.)
10. False. (Term relates to an insurance company's willingness to provide insurance to a correctional facility.)
11. True.
12. True.
13. False. (Standards are often legal requirements, as they reflect constitutional issues addressed in case law. Further, the standards may be mandated by state law.)
14. True.
15. a and c. (Statements b and d refer to performance standards.)
16. Physical plant standards.
17. c. (However, voluntary standards can take on legal meaning if they become a basis for a consent decree or address constitutional issues.)
18. Delegated.
19. a. Voluntary standards.
b. Grandfathering.
c. Waiver.
d. Variance.
e. Mandatory standards.
20. U.S. Constitution.
21. Rules and regulations.
22. a. Physical plant.
b. Operational.
c. Physical plant.
d. Administrative.
e. Physical plant.
f. Operational.
g. Physical plant.
h. Operational.
23. False. (These are identified by the profession.)



24. True.

25. True.

26. False. (These apply only to jails with 50 or fewer inmates.)

27. Opinions.

28. False. (If the inspection agency has the authority to issue opinions, they are issued by an authority higher than the inspector.)

CHAPTER 3

The Inspection Process



CHAPTER 3: The Inspection Process

Performance Objectives

After completing this chapter, the student will be able to:

1. List at least four purposes for inspections. (See section 3–1.)
2. Describe seven types of inspections and identify why each is used. (See section 3–2.)
3. Explain the importance of documentation in demonstrating compliance and list at least six types of documentation used for inspections. (See section 3–3.)
4. Identify the essential elements of the inspection process, including pre- and post-inspection activities as well as the facility inspection. (See section 3–4.)
5. Explain the importance of data collection. (See section 3–5.)

CHAPTER 3: The Inspection Process

The heart of any standards program is the inspection process. Having a solid set of standards is necessary to establish performance requirements for jails, but it is the inspection process that makes the standards come alive. What is commonly referred to as the inspection process is really a continuum of activities designed to determine or assess compliance (or noncompliance) over time.

One element of this process is the actual onsite inspection of the physical plant and the operations of the facility. Another is the audit of the facility's documentation to verify compliance with the standards on an ongoing basis. In this manual, "inspection process" incorporates the continuum of activities that includes inspecting and auditing, documenting, reporting, and reinspecting.

The jail's documentation is an essential part of the inspection process. Primary documentation includes items such as written policies and procedures as well as inspection reports of other agencies (e.g., fire and health departments). Secondary documentation (e.g., work orders and incident reports) provides verification that the policies and procedures are being implemented.

The inspection process is not something that starts and ends the day an inspection is conducted. The process requires preparing for the inspection, conducting the inspection, conducting an exit interview, issuing a report, and developing some form of compliance-monitoring

system to ensure that deficiencies are corrected over time. It may also require coordination with other inspection agencies that enforce fire, health, and building codes. The major goal of the inspection process is to ensure that the jail operates routinely in compliance with standards.

This chapter addresses most aspects of the inspection process. (Not every aspect may apply to your state.) It covers the reasons for inspections: namely, to identify deficiencies and work toward their solution. It also discusses the purposes and types of inspections, the importance of documentation, elements of the inspection process, and the need for data collection.

Section 3-1. Purposes of an Inspection

There are many reasons for a jail inspection. Ultimately, inspections are conducted because there is a governmental interest in providing for both the safe confinement of inmates and the protection of the public and staff. Inspections are intended to **assess compliance** or **noncompliance** with standards. Once that is done and accomplishments or deficiencies are listed, subsequent inspections can demonstrate a jail's movement toward full compliance or its continuation of compliance.

When deficiencies are noted, a **compliance plan** should be developed. This allows the jail to approach deficiencies systematically and meet standards over a period of time. When the inspection process identifies deficiencies,



it allows the jail to **highlight the need for corrective action**. For example, an inspection might identify life-safety or health code deficiencies (and the subsequent need to fund capital improvements), or it may reveal staffing inadequacies.

On a positive note, the inspection can demonstrate substantial compliance with standards and can be an objective way to recognize a jail's **professionalism**. Achieving substantial compliance with standards is no small task, especially if the standards and inspection processes are exacting. Substantial compliance demonstrates that staff is committed to compliance. Anyone familiar with lawsuits recognizes that compliance with standards is proof of the jail's **good faith effort**, whereas noncompliance may indicate that the jail is negligent.

It is important to remember that in addition to inspections conducted by the jail inspection authority and other outside agencies, jail personnel should conduct regular **internal audits or inspections** to ensure continued compliance with standards. Examples of internal inspections include:

- Weekly checks of fire systems.
- Daily or weekly sanitation inspections.
- Periodic reviews of shift logs to ensure that routine functions are being accomplished.
- Periodic inventories of supplies and equipment.
- Routine testing of emergency equipment.
- Continual reviews of incident reports.
- Reviews of mandated training.

Internal inspections generate records that will serve as documentation for a formal state inspection.

QA Review Questions for Section 3-1

1. The term “governmental interest” means that jails need to develop a compliance plan to demonstrate good faith.
 True False
2. A _____ is an instrument that allows the jail to approach deficiencies systematically and resolve them over a period of time.
3. Deficiencies noted in an inspection allow the jail to emphasize where corrective action is necessary.
 True False
4. An inspection demonstrating substantial compliance with standards is recognition of a jail's _____
5. _____ refers to a jail's intent to meet its constitutional responsibilities to inmates.
6. Inspections conducted by jail staff that can help to demonstrate compliance with standards are called _____

Section 3–2. Types of Inspections

Of the various types of jail inspections, the most common are **physical plant, operational, and management**. Together, these three types of inspections can provide a clear picture of the jail’s operation on a given day and over time. Although each type of inspection may be done separately, the inspector will often complete all of them at once.

Inspectors may conduct **partial or complete inspections** and may also investigate inmate **complaints and grievances**. On occasion, they may conduct **financial reviews**.

Physical Plant Inspection

A **physical plant inspection** examines the facility in its entirety. This includes all buildings and grounds, as well as capital equipment (i.e., fixed equipment—e.g., generators, audiovideo communications systems, fire systems). It also covers environmental issues such as quality of air, light, water, and sewage treatment. This type of inspection is crucial to meeting standards, because much of the physical plant concerns issues of life, health, and safety that are the core of correctional standards. The depth of the physical plant inspection will depend on your state’s standards and the extent to which they address physical plant issues.

Fire safety and health standards, which are common to most states, may be issued by noncorrectional authorities such as the fire marshal and health department. Regardless of the source of these standards, the issues they address clearly are critical to the safety and well-being of jail staff, inmates, and visitors. Sanitation, fire, and building codes are other examples of “noncorrectional” physical plant standards that apply to jails.

When a noncorrectional agency issues standards that apply to jails, that agency usually is responsible for related inspections. However, it may not routinely conduct inspections or may assume that the jail inspector is inspecting in the area the standards cover. If this occurs in your state, consider working with these agencies to (1) ensure that they conduct their inspections and (2) possibly coordinate schedules and share results.

The jail inspector’s physical plant inspection will, of course, address compliance with standards that address purely correctional matters. These may include:

- Cleanliness inspection of the housing area, common areas, and food preparation area.
- Inspection of fire extinguisher tags, airpack tags, emergency evacuation routes, locking mechanisms, control centers, and emergency lighting fixtures.
- Inspection of conditions of confinement (cells, showers, laundry, etc.).
- Discussions with staff and inmates as to the general conditions and operations of the facility.
- Examination of logs and reports.
- Observation of the jail as it functions on a typical day.

Operational and Management Inspections

An **operational inspection** examines aspects of facility operations such as security, intake and release, medical care, food services, visitation (personal and professional), mail, discipline, classification, etc. It includes an exhaustive



review of policies and procedures and other documentation related to facility operation.

A **management inspection** relates to jail management’s responsibility to direct, supervise, and train staff. It is a detailed, exhaustive review that may address issues such as adequacy of policies, procedures, and post orders; methods by which they are written and distributed; and their accessibility to staff. It also examines documentation showing that the written policies and procedures have been instituted and are an ongoing part of the operation. A management inspection may assess staff training; in states with mandatory training, the inspector may coordinate with the state training authority to ensure that requirements are met. Generally, the management inspection occurs at the jail; in some states, however, the jail inspector may review policies, procedures, and post orders prior to going onsite.

Other Categories of Inspections

A **complete inspection** means that the facility is inspected and audited according to all applicable standards. A **partial inspection** addresses only selected standards. There are several reasons for conducting partial inspections. The inspection agency may conduct a partial inspection if it does not have the time or staff to do a complete inspection. If a jail has been in noncompliance with a particular standard, a partial inspection may be used to assess its current compliance. If a jail requests technical assistance in a particular area, the process may begin with a partial inspection focusing on that area.

The inspector may be called on to investigate inmates’ **complaints or grievances**. If the complaint or grievance is referred to the inspection agency by a judge or the Governor, inspectors must respond within the limits of their authority. An inspector who learns of a complaint or griev-

ance has a responsibility to report it and either attempt to settle it or refer it to an appropriate authority.

Inspectors rarely conduct **financial audits**, primarily because such audits do not concern a specifically “correctional” function, but also because inspectors generally are not qualified in this area. Financial audits are usually conducted by the jail’s parent agency; sometimes, a state oversight agency performs this function. If the state standards address commissary accounts or inmate funds, or if a jail has a work release program, the inspector may need to review the related procedures or accounts. When conducting such financial reviews, inspectors must be aware of their own technical limitations.

QA Review Questions for Section 3–2

7. Match these types of inspections with the descriptions that follow:

- Physical plant.
- Operational.
- Management.
- Complete.
- Partial.
- Complaints/grievances.
- Financial.

a. Examines staff training:

b. May include a check for fire safety equipment or for a second means of egress from a facility:

c. May include an inspection of emergency lighting fixtures:

d. Covers all applicable standards:

e. Includes discussions with jail staff and inmates as to the general conditions of the facility:

f. Examines facility practices in areas such as intake, visiting, etc.:

g. Involves a detailed, exhaustive review of agency documentation:

h. May include a review in preparation for the onsite inspection:

i. May be necessitated by a request for technical assistance:

were unable to prove their practices were constitutional. The result was a string of losing cases, leading to the case law that governs corrections today.

The lesson learned from these cases was clear: If correctional administrators did not have written policies and procedures and could not demonstrate that these policies and procedures were in practice, they would increasingly be subject to successful liability lawsuits. To remedy this, administrators began to develop the necessary **documentation** to direct and train staff in their duties, to prove this was being done, and to demonstrate compliance with standards. Today, most state standards—and certainly all national standards—require written policies and procedures. Also, most state inspection agencies require supporting documentation to prove that the standards are being implemented.

What, then, is meant by “**documentation**”? Documentation is generally categorized as **primary** and **secondary**. Although there are no legal definitions of these terms, inspectors should be familiar with the distinctions between the two.

Primary documentation refers to documents of a higher order. These may include written policies and procedures, post orders, emergency plans, directives, and fire and health inspection reports.

Secondary documentation verifies that policies and procedures are being implemented. Secondary documentation may include items such as reports of weekly sanitation and fire inspections, work orders, incident reports, logs, correspondence, sanitation and pest control contracts, 30-day menus, training records, etc.

Although many jails offer documentation, it is important for the inspector to ensure that the

Section 3–3. Documentation

A noted expert in the field of correctional liability often said that the three most important things to do to prevent a successful lawsuit were to **document, document, and document**. Corrections managers once had a rather free rein with their facilities and programs and typically had few written policies and procedures, post orders, or directives. When lawsuits arose, they



documentation is sufficient to demonstrate compliance with a standard. Questions to consider regarding the quality of documentation include:

- If the jail offers a written policy and procedure document, does it fully meet the requirement of the standard?
- Are logs written or filled out consistently and completely?
- If weekly sanitation reports are required, does the documentation offered indicate that these reports have been completed weekly since the last inspection?
- If a monthly check of fire extinguishers is required, does the documentation offered indicate that the checks are complete and being done monthly?
- Are all documents signed and dated?

The point is that it is not good enough to trust **verbal assurances**. The inspector is duty bound to verify compliance with standards on a continuing basis, and the basis of that proof is **documentation**.

QA Review Questions for Section 3–3

8. The development of documentation in corrections was due in part to the increasing number of lawsuits.
 True False
9. Identify the following as primary or secondary documentation:
 - a. Policies and procedures: _____
 - b. Post orders: _____

- c. Incident reports: _____
- d. Emergency plans: _____
- e. Fire inspection reports: _____
- f. Work orders: _____
- g. Menus: _____
- h. Directives: _____
- i. Logs: _____

10. Documentation may be adequate if it shows that the function recorded is consistently and completely accomplished.
 True False

11. A verbal assurance is sufficient to prove compliance with standards.
 True False

Section 3–4. Elements of the Inspection Process

As we look at the elements of the inspection process, it is important to keep in mind that each state has its own methods of conducting inspections. There is no single prescribed method of conducting an inspection. In fact, each inspector may develop his or her own methods. However, inspection authorities should strive for internal consistency among inspectors with respect to application and interpretation of standards. The key to a successful inspection process is that it be **rigorous, thorough, and fair**.

It would be impossible for this manual to describe each state’s inspection methods. This section outlines elements that may be included in the inspection process.

Preparation for the Inspection

Before conducting the inspection, the inspector must prepare for it. Preparation includes a review of previous inspections, compliance monitoring reports, reports of fire and health inspections, reported incidents, data collected since the last inspection, newspaper accounts, grievances, etc.

Announced and Unannounced Inspections

Inspections can be **announced or unannounced**. The choice depends on the agency's strategy, and there are advantages to both. Perhaps the main advantage of the announced inspection is that the inspector can be assured that jail staff responsible for monitoring standards will be available during the inspection. This will, of course, facilitate the inspection. The main advantage of the unannounced inspection is that the inspector will see the jail as it operates on an average day. Some states may do both types of inspections, for different purposes and on different occasions. The inspector prepares in the same manner for both announced and unannounced inspections.

At the Facility

Upon arriving at the facility, the inspector should conduct an **entrance interview** with the jail administrator and any other officials who will be involved in the inspection. The purpose of the entrance interview is to discuss the scope of the inspection, set an agenda of activities, and request certain information to update the last inspection (e.g., accomplishments, renovations, changes in policy, critical incidents). The entrance interview allows for an exchange of information and clarifies any outstanding issues prior to the actual inspection. A **checklist** for the entrance interview and other routine inspection activities may be helpful, especially if the

information to be gathered will be used in an inspection report.

The inspection usually will consist of **operational and management inspections** and a **physical plant inspection**, as discussed earlier in this chapter. The operational and management inspections should include a **thorough** and **exhaustive** review or audit of all documentation offered to demonstrate compliance. The physical plant inspection should include:

- A tour of the facility and grounds.
- Discussions with staff and inmates.
- Examination of written policies and procedures, post orders, inmate rules and regulations, notifications to visitors, essential forms (booking, release, classification), medical request forms, etc.
- A check of fire extinguisher tags, airpack tags, emergency lighting, emergency exit routes, backup generators, security devices, locking mechanisms, and cleanliness.
- A check of conditions of confinement, such as crowding, food services areas, medical areas, visiting, intake, general housing, indoor and outdoor exercise areas, etc.

The physical plant inspection takes a “snapshot” of the facility on the day it is inspected, while the operational and management inspections allow the inspector to verify that standards are being addressed on an ongoing basis. Together, the three types of inspections—if conducted thoroughly—ensure a comprehensive assessment of the jail's compliance with state standards.



The inspector should also conduct some form of **exit interview** to present preliminary findings, request additional information, and address any questions the jail staff may raise. This is also an opportunity for jail staff to clarify any findings of noncompliance, in case the inspector overlooked something or mistakenly concluded the jail was noncompliant with a standard when, in fact, it was compliant. During the exit interview, the inspector can talk to jail staff about what they have to do to gain compliance where deficiencies exist, and the inspector and the staff can begin planning for a compliance timetable to address deficiencies.

The Report

The next step in the inspection process is issuing the **report**—a formalized list of findings of compliance and noncompliance. Some agencies leave a checklist of findings at the jail; this may be a final report or it may be preliminary. If it is preliminary, that usually means it must be reviewed at a higher level, eventually to be approved by a board, a commission, or an official such as the Commissioner of Corrections. The final report can be a checklist, a formal written report, or a combination of both.

The Compliance Plan

When a jail has deficiencies, a **compliance plan** should be developed and included in the final report. A compliance plan is a formalized listing of deficiencies and may include a statement of requirements and a compliance date. Methods for ensuring compliance depend on the authority the state gives to the inspection agency. A state's standards may be mandatory or voluntary. "Mandatory" implies that corrective action must be taken, which is not the case if the standards are voluntary.

Regardless of the agency's authority, the compliance plan is a useful tool for inspectors as they assist jails in moving toward full compliance. It also documents that inspectors have met their duty to assess and monitor compliance with standards.

Compliance Monitoring

The final step in the inspection process is **compliance monitoring**. Compliance monitoring uses the compliance plan as its basis. The duration of monitoring depends on the extent of noncompliance with standards. Facilities in substantial noncompliance will require considerable time to correct their deficiencies, while those in substantial compliance may be able to correct deficiencies quickly and thus may need very limited monitoring.

Without a monitoring phase, the inspection process would not be complete. Failure to be thorough in monitoring compliance may open the inspection agency to liability, as in the Texas and Florida cases discussed in chapter 1. Compliance monitoring does not necessarily take much time and effort on the part of inspectors, but it is critical to the integrity of the inspection process and to the inspector's continuing credibility.

A Word About Technical Assistance

A subsequent chapter focuses on the inspector's **technical assistance** role, but it is important to note that role here because it is a logical outcome of the inspection process.

The very nature of an inspection implies the possibility that deficiencies will be found. For the inspector, the creative part of the job comes when a jail needs assistance in correcting deficiencies. The inspector can provide valuable assistance if he or she has seen other jails that have corrected similar deficiencies or has helped

other jails solve similar problems. This is especially true when a jail needs to change its operations or develop policies and procedures.

QA Review Questions for Section 3–4

12. The inspection process is the one process that is uniform across the various states.
 True False
13. The key to a successful inspection process is that it be _____, _____, and _____.
14. The inspection process can be either announced or unannounced.
 True False
15. Preparation for the inspection includes a review of previous inspections and compliance-monitoring reports.
 True False
16. A _____ may be a useful tool for routine activities in the inspection process.
17. A complete inspection can be made on the basis of a physical plant inspection alone.
 True False
18. A _____ is a formalized listing of deficiencies and may include dates for correction.
19. _____ is the process whereby the inspector monitors the progress of a jail toward full compliance with standards.
20. Technical assistance is a role the inspector may fill in advising a jail as it moves toward compliance with standards.
 True False
21. Arrange the following parts of the inspection process in sequence, from first to last:
- a. Compliance plan.
 - b. Preinspection.
 - c. Exit interview.
 - d. Entrance interview.
 - e. Physical plant/operational/management inspection.
 - f. Compliance monitoring.
 - g. Report.

Section 3–5. Data Collection

The jail inspection agency's information-related role may extend beyond the factfinding that is inherent in the inspection process. At the state level, the jail inspection agency is often the focal point for all matters concerning jails. State officials from the legislature, attorney general's office, corrections department, health department, fire marshal's office, etc., all have interests and concerns that involve jails. In addition, a variety of public interest groups and individuals—civic groups, associations of counties, sheriffs' associations, jailers' associations, bar associations, etc.—may have concerns about jails. These concerns point to the need for data to inform decisions about budgeting, planning, construction, and the development of public policy.



Although data collection may not be within the mandate of the jail inspection agency, most agencies collect basic information so they can answer questions from interested parties. This may seem like an unnecessary burden. However, if jail inspectors want positive change for jails, they must advocate for it. And collecting and disseminating information is a principal means of advocating for change.

The ultimate use of data may be the passage of laws that benefit jails. Such laws, passed in several states, include:

- State funding for jail construction.
- Good-time laws.
- Authorization for community work programs.
- Funding for community corrections programs.
- Mandated training for jailers.
- Diversion programs for the mentally ill.
- Home detention to alleviate overcrowding.

In addition, information is important for jail managers because it helps them:

- Determine and justify staffing needs.
- Determine program and service needs.
- Project future capacities and plan for expansion.
- Determine the impact of proposed policies (e.g., sentencing).
- Forecast the impact of alternative policy choices.

QA Review Questions for Section 3–5

22. Data collection is important in which of the following instances:
- _____ a. To justify and determine staffing needs.
 - _____ b. To determine the placement of exercise equipment.
 - _____ c. To assess the proper time for sick call.
 - _____ d. To develop budget requests.
 - _____ e. To project future jail capacity.
 - _____ f. To project renovation or construction needs.
23. Collection of data, although not necessarily mandated by statute, is a way to develop information that could further the interests of jails.
- _____ True _____ False
24. Information is important for the development of public policy.
- _____ True _____ False

Conclusion

In short, the inspection process is at the heart of any standards program. It is the main vehicle for objectively assessing the performance of jails. The standards program is all about positive change from within the correctional system, and the inspection process is a basic part of that positive change.

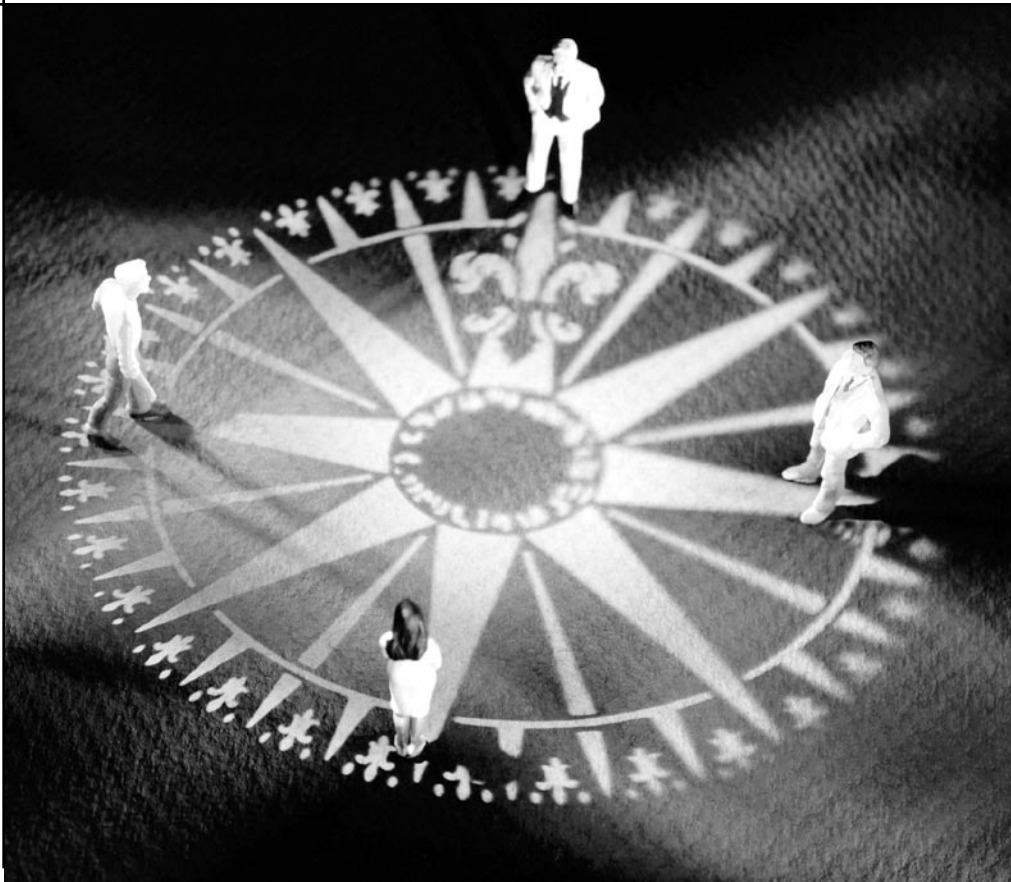
QA Answer Key for Chapter 3

1. False. (The term refers to a state's fundamental reason for conducting jail inspections: its interest in safely confining inmates and protecting jail staff and the public.)
2. Compliance plan.
3. True.
4. Professionalism.
5. Good faith.
6. Internal inspections.
7. a. Management.
b. Physical plant.
c. Physical plant.
d. Complete.
e. Physical plant.
f. Operational.
g. Management.
h. Management.
i. Partial.
8. True.
9. a. Primary.
b. Primary.
c. Secondary.
d. Primary.
e. Primary.
f. Secondary.
g. Secondary.
h. Primary.
i. Secondary.
10. True.
11. False. (Written documentation is necessary to prove compliance.)
12. False. (The process varies from state to state depending on the authority of the inspection agency.)
13. Rigorous, thorough, and fair.
14. True.
15. True.
16. Checklist.
17. False. (Operational and management inspections are also needed.)
18. Compliance plan.
19. Compliance monitoring.
20. True.
21. b, d, e, c, g, a, f.
22. a, c, d, e, f.
23. True.
24. True.



CHAPTER 4

Facility Design



CHAPTER 4: Facility Design

Performance Objectives

After completing this chapter, the student will be able to:

1. Identify correctional design concepts, including linear, podular remote, and direct supervision designs, and centralized versus decentralized spaces. (See section 4–1.)
2. Identify 11 components of a jail facility and explain their importance to jail operations. (See section 4–2.)
3. Explain why separate housing is necessary for males and females and for adults and juveniles, in terms of legal requirements and practical correctional operations. (See section 4–3.)
4. Identify the variety of custody levels to be considered in jail construction, in terms of the jail's functions and the costs of building jail beds. (See section 4–4.)
5. List several considerations in deciding the capacity of a planned jail and identify methods for making such decisions. (See section 4–5.)

CHAPTER 4: Facility Design

Because many of the nation's jail facilities are antiquated and most are overcrowded, considerable jail construction is taking place. Jail inspectors are often among the first to recognize or identify inadequate facility conditions. Reasons for these inadequacies may include deteriorating physical plants or design problems that inhibit effective operations, including staff supervision of inmates.

Inspectors are often asked to provide information and advice on designing new jail facilities. In some states, the jail inspection office may have review authority for jail designs, especially if the state provides funds for construction or renovation or if it has jail construction criteria or standards. It is important for the jail inspector to be knowledgeable about the latest concepts in jail design and how designs can affect jail operations.

Too often, jurisdictions have made tragic mistakes or miscalculations in the design and/or construction of new jails. In some jurisdictions, poor planning resulted in new jails that did not meet even current or short-term future needs, and the jurisdictions had to begin another round of facility planning almost immediately. In other more devastating examples, new facilities were declared unconstitutional before they opened, or the jurisdictions realized after the construction phase that although they could afford to build the jail, they could not afford the staff to operate it.

Fortunately, such experiences are becoming less frequent, perhaps in part because of the assistance provided by jail inspectors. The inspector does not have to be a professional jail planner, architect, or construction manager to be effective. However, indepth knowledge of the latest principles of jail design—and an awareness of available resources—will make the inspector better able to provide valuable technical assistance in jail planning.

This chapter addresses the important relationship between jail design and jail operations. It also discusses the necessary components of a jail design project, including housing separation based on classification and security needs and spaces for intake, support services, programming, exercise, administration, and other functions. Finally, it notes considerations in projecting future jail capacity needs.

Section 4–1. Major Jail Design Concepts

Facility design has always been a concern for correctional professionals. The design challenge is to ensure effective management of jail security and safety while at the same time providing for a variety of services and programming. Jail design principles have evolved over the years. Three major design concepts have emerged: **linear**, **podular remote**, and **direct supervision**. Often, the inspector will see components of each design type in a new facility, but facilities are generally built with one of the concepts predominating.



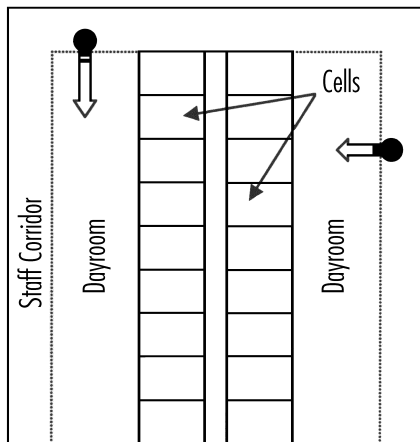
Linear Design

Linear design (also called **intermittent surveillance**) is the most common design concept in jails designed before the 1970s. This design is generally rectangular, with single- or multiple-occupancy cells arranged in a row. Often, the linear jail has a security corridor or catwalk around the perimeter of the cells, for use by the officer in making rounds. The officer must patrol the corridor and look through bars or windows to see into cells or housing units, observing inmates only intermittently while passing each area on rounds.

The linear design concept poses a unique difficulty: An officer who is observing one cell or group of cells cannot observe other cells at the same time. This creates a situation in which predatory inmates can exert control over other inmates. Many of today's lawsuits relate to linear design, in that it does not allow for effective supervision—the result being incidents such as suicide and brutality.

The critical variables that determine the effectiveness of a linear jail are staffing, the frequency and thoroughness of patrols, and the proper classification of inmates.

Linear Design



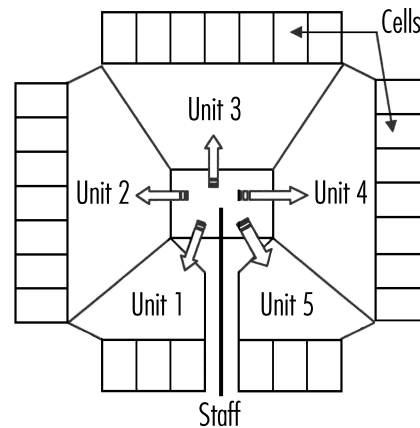
Podular Remote Design

Podular remote design is found in more recently constructed jails. In this configuration, cells ring a common area or dayroom, in a podular design. The officer is stationed in a **secure control room** adjacent to one or more housing units of similar design. The officer can observe the dayroom from a window in this room. Although the officer cannot see into the cells, intercom systems may allow the officer to communicate with inmates when they are locked in their cells. The control room officer does not leave the post in this arrangement. Sometimes, other officers move in and out of the housing units in response to problems or when conducting daily activities.

As with any type of design, the key to effective podular remote housing is proper classification of inmates. By ensuring that inmates are assigned to appropriate housing units, a good classification system goes a long way toward limiting any problems that may be inherent in a particular design.

The advantage of the podular remote unit over the linear unit is that the officer can observe

Podular Remote Design



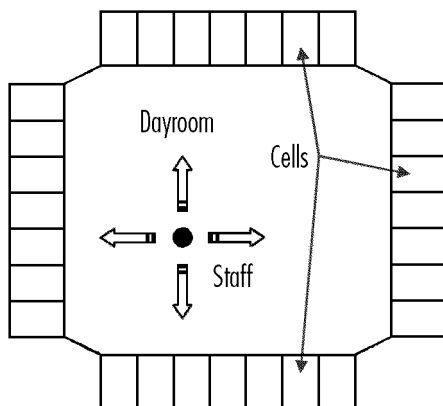
inmates constantly. It can be argued that the officer's presence, although remote, may be sufficient to deter negative behavior. A disadvantage is that there are **barriers to effective interpersonal contact** between the officer and inmates.

Direct Supervision Design

The third design category is **direct supervision**. This is also a podular design. It differs from the podular remote design in that the officer is located directly in the housing unit with the inmates. Like podular remote, direct supervision is more effective than linear design in that the officer can directly observe the inmates while they are in common areas. When inmates are locked in their cells, the officer may communicate with them during rounds and by use of intercoms.

With direct supervision, the officer can constantly monitor behaviors and interact with inmates and can detect trouble before it escalates. The officer is responsible for controlling inmates' behavior, keeping negative behavior to a minimum, reducing tension, and encouraging positive behavior. Again, inmate classification is

Direct Supervision Design



important: a key is having segregation housing available for inmates who cannot behave appropriately in the direct supervision setting.

Direct supervision is based on eight principles, developed by W. Raymond Nelson when he was chief of the Jails Division at the National Institute of Corrections (NIC). Direct supervision combines an inmate management philosophy with a specific jail design and requires a commitment on the part of jail administrators to understanding and implementing the direct supervision philosophy. For more information on podular direct supervision and the eight principles, see the bibliography at the end of this chapter.

Centralized and Decentralized Spaces

In addition to the three inmate housing design concepts described above, another basic design concept pertains to **centralized and decentralized spaces** for services and programming. Centralized spaces provide efficiency of operations in that **inmates can be moved** from their housing units and taken to services and programming. Decentralized spaces provide efficiency of operations by **taking the services or programs to the housing units**. It is also possible to combine centralized and decentralized services and programming.

Important operational and construction considerations affect design choices regarding centralized and decentralized services and programs. These considerations include facility costs, staff costs, and the security risks associated with moving inmates in and out of their housing units.

Centralized services and programs tend to be those that serve the entire jail. Examples include medical units, laundry service, and spaces such as classrooms and recreation areas (especially limited outdoor spaces) that can serve all inmates on a scheduled plan.



The choice of spaces for services and programming—centralized, decentralized, or a combination of both—is a design and management decision. This decision is a **key determinant of design plans for new jail facilities.**

QA Review Questions for Section 4–1

Linear Design

1. Another term for a linear design is _____
2. The term “linear design” comes from the fact that such jails are designed with cells in “line,” with a security corridor around them.
_____ True _____ False
3. Effective supervision is possible in a linear jail because the officer is able to observe all inmates simultaneously.
_____ True _____ False

Podular Remote Design

4. In a podular remote design, the officer observes the inmates from _____
5. One advantage of podular remote over linear design is that the officer _____
6. The podular remote housing design facilitates interpersonal contact between the officer and the inmates.
_____ True _____ False

7. Proper inmate classification makes the podular remote housing unit effective.
_____ True _____ False

Direct Supervision Design

8. Direct supervision differs from podular remote supervision in that the officer assigned to a direct supervision unit is _____
9. The podular remote and direct supervision designs both allow for constant supervision of inmates.
_____ True _____ False
10. Identify which of the following is NOT a responsibility of the officer in a direct supervision housing unit:
 - a. Reducing tension.
 - b. Keeping negative behavior to a minimum.
 - c. Conducting disciplinary hearings.
 - d. Encouraging positive behavior.

Centralized and Decentralized Design

11. One reason for choosing decentralized services is the efficiency of _____
12. Facility and manpower costs are two important considerations in choosing either centralized or decentralized services or programs.
_____ True _____ False

13. In most cases, decentralized spaces are preferred over centralized spaces for jail design.

_____ True _____ False

Section 4–2. Components of a Jail Facility

Most jails built before the 1970s were designed as simple lockups for “warehousing” inmates who were awaiting court appearances or serving short sentences. It is important to note that these older jails were built in the “hands-off” era, before the courts became involved in correctional matters. Court intervention brought the evolution of inmate rights, along with the need for better classification and separation of inmates and for improvements in jail conditions.

Court decisions have necessitated improvements in nearly every aspect of jail design and operations. All jails, regardless of when they were built, provide space for intake and release, personal and professional visits, and basic services such as food and medical care. As populations have changed and court interventions have increased, many of these spaces have become inadequate. Furthermore, all jails, regardless of size, also need to have adequate space to separate inmates according to classifications based on certain behavioral and legal requirements (e.g., male from female, adult from juvenile, violent from nonviolent, sentenced from nonsentenced).

The problem faced by many jail administrators is that they must continue to operate their jails even when the facilities are seriously lacking in appropriate design features. The question becomes how best to address design and operational issues in a way that ensures both the constitutional rights of inmates and the safety of staff and the community.

NIC’s Jails Division (formerly the Jail Center), established in the 1970s, has emphasized the sharing and distribution of jail designs. This initiative has produced a number of manuals and other publications that address contemporary jail design, functional, and operational issues (see the bibliography at the end of this chapter). A primary purpose of the initiative has been to help ensure that new jails are designed with proven, contemporary concepts in mind, grouping interrelated jail functions into a logical flow of operations and allowing jail operations and layouts to complement each other. An overall goal was for jails to evolve from being basic lockups and warehousing facilities to being facilities that can be viewed as community assets, where inmates’ constitutional rights are observed and jail staff make significant efforts to help inmates become better citizens.

With these ideas in mind, this section addresses the major jail components that should be considered in the planning phases of a new jail project.

Security Equipment and Technology

Security is integral to the technology of jails. Equipment and devices to implement a security program are quite complicated. The inspector need not be an expert in technology but should know basic security requirements that are part of contemporary jail planning and design.

A jail’s area is defined and limited by its **security perimeter**. This is the outer portion of the jail, including walls, ceiling, and floors that form a secure barrier between the inner part of the jail and the community. The integrity of the perimeter allows the jail to maintain its basic mission to protect public safety by securely holding inmates. The perimeter should never be compromised, and planning is required to provide secure access points for people and supplies.



The hub of the jail, especially with advanced security technology, is **the control center**, which monitors closed-circuit television (CCTV), intercoms, telephone lines, fire and smoke systems, and locking mechanisms. The control center is a locked, secure post that is operated and staffed 24 hours per day. Access to the control center is limited to specific staff; inmates and the public are not permitted access. **The control center manages access** into and out of the facility. In smaller facilities, the control center may be located in the same place as fire and law enforcement dispatch functions. Larger jails may have smaller satellite facilities that are subordinate in function to the main control center.

Other equipment and technology to be considered in jail design include an emergency generator; walkthrough metal detectors; detection systems (e.g., motion, sound, vibration); CCTV; communications systems (e.g., public address, two-way radios, intercoms, telephones); locking systems; and fire detection and suppression systems.

Environmental Conditions

Most states with jail standards, as well as the American Correctional Association, address **environmental conditions** in standards for new construction. In addition, many aspects of environmental conditions are regulated by local building codes or are addressed by agencies such as local and state health departments. Environmental conditions include lighting levels, noise levels, temperature, water quality and disposal, sewage treatment, and air quality. Although specific environmental technologies are beyond the expertise of most jail inspectors, a basic knowledge of what is required and where facility planners can access related information is important to the inspector's technical assistance role.

Intake and Release

The **intake area** is a vital component of a jail, because all inmates are processed in this area and initial classification begins there. Too often, a **lack of good planning** results in too little space being allocated for this important process, and the layout and flow of operations are awkward and ineffective.

To properly design an intake area, planners must consider **factors** such as inmate processing time, intake volume and peaktime loads, and temporary holding prior to first appearance and prior to classification. Other factors include the need for detoxification, temporary suicide watch, and medical isolation.

The **location** of the intake area is an essential design issue. It must be adjacent to the vehicular sallyport and convenient to other jail entry points. **Important functional considerations** for intake area design include the need for weapons lockers, arresting officers' work areas, a fingerprinting and photographing station, alcohol testing equipment, property storage and laundry areas, search areas, showers and clothing exchange, phones, and areas for initial medical screening, initial classification, and orientation to jail rules. (Many of these considerations apply, in some fashion, to the release of inmates.)

The **flow of operations** for the intake and booking processes must avoid bottlenecks to ensure effectiveness and efficiency, especially during high-volume periods. (Again, similar considerations apply to the release process.) Effective intake systems are similar to effective assembly line systems in that they must be well thought out and organized. Two examples: High-risk intake cells should be located close to a staff post, so intake staff can readily observe the arrestees. The shower area should be located near the search and property areas.

Because the intake area is where arrestees who eventually are housed in the jail are first exposed to staff organization and control, intake conditions can “set the tone” for the facility. If intake is effectively organized and controlled, that suggests the rest of the jail is too. If, on the other hand, intake is poorly organized and staff control is questionable, arrestees may conclude that they will be unsafe in the jail or may later test the housing officer’s control.

Housing

Housing unit design involves more than choosing the basic design concept, as discussed earlier in this chapter (see section 4–1). Other considerations inspectors should be aware of are inmate classifications and the design of doors and gates.

Planning considerations must include **inmate classifications** and the expected number of inmates in each classification to be housed at the jail. As noted earlier, major classifications for separation include male and female, juvenile and adult, violent and nonviolent, and (in some jurisdictions) sentenced and nonsentenced. Depending on the scope of a jail’s operations, other considerations may include medical isolation, administrative segregation, disciplinary isolation, separate housing for inmates with misdemeanor and felony charges, inmate worker housing, and separate low-security housing for work release and/or educational release inmates. Although most jails include minimum-, medium-, and maximum-security classifications, some may be designed for only one classification (e.g., minimum-security work facilities).

A basic concept in constructing any space that will routinely contain inmates is to ensure that **doors into each area are “outward swinging.”** This is important because an inward-swinging door can easily be braced by an inmate’s foot

or body, allowing an inmate to at least temporarily create a blockade. Also, should an inmate faint or otherwise become unconscious and fall next to an inward-swinging door, staff may not be able to enter the room to administer medical attention. Care should be taken that an outward-swinging door or gate cannot be tied off by inmates in a way that would keep it from opening.

Health Care

Health services are essential to any jail. Many smaller jails provide only first-aid treatment and transport inmates needing more extensive medical care to offsite facilities. Depending on the levels of care the jail provides, planners may need to consider spaces such as examination areas; infirmary housing; medical isolation cells; **negative pressure cells** for infectious diseases; storage areas for medications, supplies, and biohazards; temporary secure holding areas for inmates awaiting appointments; and spaces for clerical and administrative functions. The medical area should provide for **easy access by medical staff to the intake area** and for easy access by inmates from the general population area.

When designing health care units, planners should communicate with local experts who are familiar with applicable regulations, requirements, and standards. This can be especially critical for areas such as negative pressure cells/rooms where structural components must meet certain standards.

Visitation

Every jail must make some provision for visitation. Even short-term detention facilities may have to provide space for visits by attorneys, clergy, or bonding agents. Planning considerations include contact versus noncontact



visitation, professional visitation, maintaining personal visitors outside the security perimeter of the jail, minimum movement of inmates, and availability and ease of supervision. The **amount of space** required will depend on the frequency and length of visitation, the number of visitors allowed per visit, and the number of visitation stations.

Other considerations in planning for visitation spaces include whether inmates are brought to a central area or visitors are brought to stations adjacent to inmate living areas. Stations adjacent to living areas can be designed so visitors can use them **without entering the security perimeter**.

Video visitation may replace face-to-face visits. Video visiting stations with monitors can be located in the jail's public lobby or even at remote locations, allowing the inmate to be kept in or near the housing area. (Some states may not allow jails to substitute video visitation for face-to-face visits.)

Passage of contraband is one of the security concerns in designing visitation spaces; metal detectors, lockers for personal belongings, and areas for searching inmates and visitors all make visitation spaces more secure. Areas that facilitate staff observation also add to security.

Food Service

Food service requires space for providing three meals per day for inmates in accordance with dietary and hygienic standards. The **amount of space and type of equipment** required depend on how the services are provided. Jails that maintain a full-service kitchen where all meals are prepared inhouse require appropriate space and equipment for receiving and storing perishable and nonperishable food, supply storage, preparation, serving, cleanup and dishwashing,

waste disposal, handwashing stations, and food service management. Jails where some or all meals are prepared offsite by a vendor or other institution should provide a secure means of receiving supplies into the facility, as well as space and equipment for warmup, serving, and cleanup, and space for equipment storage.

Another planning consideration is whether inmates will **eat in their housing units or in a central dining facility**. If meals are served in the housing units, planners need to determine how meals will be moved from the preparation or receiving station to the housing units. If meals are served in a central facility, planners need to determine how to move inmates from their living quarters to the "mess hall." Another design issue is the need for food ports in cell doors for high-risk inmates.

Facility Support

Often **overlooked** (or receiving less emphasis) in jail planning are spaces for facility support services and equipment, such as inmate property storage, laundry, janitor closets, sanitation, maintenance, hair care, commissary, life-safety equipment locations, trash removal, and storage (e.g. files, recreation supplies, mattresses, and bed linens). The importance of having **adequate storage spaces** to support all the activities of the jail cannot be overemphasized. Often, storage areas are too small, too few, and located too far away from the activities they support.

Exercise/Recreation

Inmate exercise and recreation areas are important planning considerations. Planners must be clear about the types of exercise and recreation activities to be offered, because design decisions need to support these activities. How much, if any, exercise and recreation will be offered **outside?** Will the exercise and recreation spaces

be **decentralized** and located adjacent to or as extended portions of the inmate living spaces, or will exercise and recreation be offered in a **centralized** location? Planning decisions about the **size and makeup** of the exercise and recreation space(s) will depend on the type of activities planned.

Programs

If the jail is to provide programs, planners need to consider the **number and types of programs** to be offered. Most jails that house inmates for more than a few days generally provide services such as general equivalency diploma (GED) programs or other basic educational opportunities, self-help programs (e.g., Alcoholics Anonymous), counseling (e.g. drug/alcohol abuse, mental health, social services), and religious services. Again, planners need to decide early on which programming spaces should be **centralized** and which spaces should be **decentralized**. Storage areas for program materials should also be considered. The **number and classifications** of inmates who will use the programs, together with the **philosophy** of the jail's administration, may determine the jail's use of centralized and decentralized programming spaces. Planners should also be aware that some programs are mandatory in many states.

Administrative and Staff Areas

Administrative areas include space for administration, fiscal and personnel management, communications and interaction with the public, security management, program management, standards compliance activities, physical plant management, and records management. Such spaces generally include the public lobby, public toilets, the reception area, offices for administrative staff, conference and meeting rooms, clerical areas, space for records and files, security

equipment storage, and related support areas. Administrative areas should be **outside** the jail's security perimeter but adjacent to it. Public access to administrative areas beyond the lobby or reception area should be controlled.

Staff areas are intended for the private use of jail staff and may include spaces such as break rooms, training room, lockers and showers, physical conditioning areas, and staff toilets. Staff areas are generally located **outside** the secure perimeter but close to an access point into the secure area of the jail.

QA Review Questions for Section 4-2

Security Equipment and Technology

14. The hub of the jail, especially with advanced security technology, is the control center.
_____ True _____ False
15. The _____ manages access into and out of the facility.
16. The outer portion of the jail, including walls, ceiling, and floors that form a secure barrier between the inner part of the jail and the community, is called the _____

Environmental Conditions

17. Many environmental conditions are regulated by local building codes or are addressed by agencies such as the local and state health departments.
_____ True _____ False



Intake and Release

18. A _____ results in too little space being allocated to this important process, and the layout and flow of operation are awkward and ineffective.
19. Four important considerations for intake and release include:
- a. _____
 - b. _____
 - c. _____
 - d. _____
20. High-risk intake cells should be located close to a staff post so that intake staff can readily observe the arrestees.
_____ True _____ False

Housing, Health Care, and Visitation

21. Planning considerations must include _____ and _____ to be housed at the jail.
22. The medical area need not provide for easy access by medical staff to the intake area, because usually at least one medical staff member is posted there at most times.
_____ True _____ False
23. Cells designed for housing inmates with infectious diseases are called _____

24. The amount of space for visiting will depend on the frequency and length of visits, the number of visitors allowed per visit, and the number of visitation stations.
_____ True _____ False
25. It is best to design visitation areas so inmates are brought to a central point. Otherwise, visitors would have to enter the security perimeter.
_____ True _____ False

Food Service, Facility Support, and Exercise/ Recreation

26. An important design consideration for food service is whether inmates will eat in their housing units or in a centralized dining facility.
_____ True _____ False
27. In jail design, storage areas often are too small, too few, and located too far away from the activities they support.
_____ True _____ False
28. Planning decisions about the _____ of exercise and recreation space(s) will depend on the type of activities planned.

Programs and Administrative/Staff Areas

29. The number and _____ of inmates, together with the _____ of the jail's administration, may determine the jail's use of centralized and decentralized spaces for programs.

30. Administrative areas should be outside the jail's security perimeter but adjacent to it.
 _____ True _____ False

Section 4–3. Separate Housing Issues

It is a **matter of law** for jails to adequately separate males from females and adults from juveniles. In some states, laws also require separating sentenced from nonsentenced, violent from nonviolent, and misdemeanor from felon inmates. Generally, the law requires the housing separations to be by “sight, sound (or out of the range of normal conversation), and touch.”

Note that the intention behind misdemeanor-felony separation may have an **inherent flaw**. It is not uncommon to find misdemeanor inmates who can be considered high risk because of their criminal history, bad attitude, or other factors, whereas some felony inmates can be considered low risk because they lack a criminal history, have a relatively good attitude, etc. Additionally, in some states, certain less violent crimes may be felonies and some misdemeanor crimes may involve violence.

Because of **federal and state initiatives** to keep adult inmates separate from juvenile inmates, jurisdictions often house arrested juveniles in facilities other than the local jail. However, many jails still face the challenge of meeting adult-juvenile separation requirements during intake activities. Once intake activities have been completed, jails usually send juveniles to a juvenile detention facility or release them to a guardian or parent. Laws and practices vary from state to state on this issue.

An additional issue related to separation of adults and juveniles is that in many states, some juveniles are being **charged as adults** and thus may be housed in the jail. However, although

they are considered adults because of the crime with which they are charged, they still are young people and need to be separated from the adult inmate population for their protection.

In states that require separation for sentenced and nonsentenced inmates and for inmates charged with misdemeanor offenses and those charged with felony offenses, inspectors must become familiar with their state's statutes, standards, and case law pertaining to separation based on these classifications. Separation needs to be addressed in a number of areas, including housing, exercise/recreation, programming, services, etc. Some states allow commingling of classifications during programs such as GED or alcohol counseling.

Common practice dictates that violent inmates are to be separated from nonviolent inmates, at least by touch separation. However, inspectors need to be familiar with further separation requirements for these classifications, as specified in their state's statutes, standards, and case law.

QA Review Questions for Section 4–3

31. It is a _____
 for jails to adequately separate males from females and adults from juveniles.
32. Because of _____
 to keep adult inmates separate from juvenile inmates, jurisdictions often house arrested juveniles in facilities other than the local jail.



33. The intention behind misdemeanor-felony separation may have an inherent flaw, in that certain misdemeanor crimes may involve more violence than some felony crimes.
 _____ True _____ False

34. Although juveniles may be charged as adults for certain crimes and so may be housed in the jail, they still are young people and need to be separated from the adult inmate population for their protection.
 _____ True _____ False

Section 4–4. Custody Levels and Construction Costs

That the **cost of jail construction** has skyrocketed is no surprise. Furthermore, the **cost of jail operations** for a 30-year period usually is about 10 times the cost of the original construction. With insufficient planning, a jurisdiction may be able to afford to build a jail only to find that it cannot afford to operate that jail. When planning for the construction of a new jail, it is extremely important for a jurisdiction to be confident that it can actually staff and **operate** the new facility.

New jail construction can cost up to \$85,000 per maximum-security bed, or even more in some instances. Regardless of the cost, the following principle of a well-planned jail applies: costs can be anticipated and managed with careful analysis of the types of persons to be incarcerated, local criminal justice policies, and the types and amounts of inmate programming to be provided.

Most county officials have never planned for a new jail. Often officials who are unfamiliar with jail construction costs will want to be hard on

crime and so will demand that the entire jail be built and operated as a maximum-security facility. However, most officials become very open to medium- and minimum-security jail designs when they learn that these facilities are less expensive to build and operate. Maximum-security spaces cost more because they need more sophisticated equipment; more security-level construction; more secure, vandalism-resistant furnishings; and increased levels of security and control features overall.

Expensive equipment, especially for maximum-security cells, includes one-piece, stainless steel washbasins and toilets; high-security steel bunks; sliding steel doors (often associated with high maintenance and repair costs); higher-security-grade window glazing and frames; and higher security construction of light fixtures, doors, locks, etc. Generally, the higher the level of security, the higher the cost of construction, equipment, furnishings, and operations. The reverse is true of lower security levels.

County officials will usually accept the idea that a jail can protect the public by having a high-grade security perimeter and can then have a variety of security levels (low, medium, high) within that perimeter. Once this concept is accepted, careful analysis of the inmate classifications to be housed and the types of programs to be offered can help planners identify areas that can realistically be constructed at costs in line with lower, medium, and higher security needs.

The options can include:

- **Maximum security:** Single cells for special high-risk inmates, disciplinary cases, and protective custody.
- **Medium security:** Housing that includes single or double-bunked cells, common

areas, and (sometimes) smaller dormitories; designed for inmates who need less supervision than maximum-security inmates but more than minimum-risk inmates.

- **Minimum security:** Housing with larger dormitories, for low-risk inmates.

Minimum-security housing outside the security perimeter is an option for work release and weekend sentences and perhaps also for community service inmates (who are transported to work at various community sites).

Typically, a new jail project includes housing arrangements for **all inmate security levels**. To determine the right mix of security levels for housing, programming, etc., planners need to analyze the following:

- Number and types of inmates to be incarcerated (e.g., security classifications, pretrial/sentenced, male/female, juvenile/adult, inmates with mental illness or medical problems, etc.).
- Number and types of programs to be offered to work release, weekend, and short- and long-term inmates.
- Model of supervision to be used (direct or remote).

Inspectors should understand that for many jail projects, two potentially incompatible parties make the final decisions. One is the **purchasing agency** (county commissioners or mayors), and the other is the **operating agency** (the county sheriff or police chief). The purchasing party may be interested primarily in a jail facility that costs as little as possible, while the operating party may want top-quality products—“cutting edge” correctional equipment—and regard costs as a secondary concern. Your advisory role as

an inspector is to help decisionmakers find a middle ground for making choices that are both economically sound and likely to result in a well-constructed, effectively operated jail.

Another area of concern in planning a new jail is conformance with the **Americans With Disabilities Act**. This involves such things as having the proper number of handicapped-accessible cells, showers, and toilets. Typically, architects will keep these requirements in mind during the planning process.

One final caution: Despite careful planning, unanticipated population and policy shifts may make it necessary for a jail to change the way it operates. To the extent that flexibility can be built into the original design, managers will be better able to respond to such changes.

QA Review Questions for Section 4-4

- List four types of furnishings or equipment that can drive up the cost of maximum-security cells:
 - _____
 - _____
 - _____
 - _____
- When planning for the construction of a new jail, it is extremely important for a jurisdiction to be confident that it can actually afford to _____ the new facility.



37. To properly assess the mix of security levels needed in a new jail, planners need to analyze the following three variables:

- a. _____
- b. _____
- c. _____

38. In planning for a new jail, conflicts often arise between the purchasing agency and the operating agency.

_____ True _____ False

39. The costs of jail construction increase dramatically if most of the planned beds are for this level of security: _____

because several aspects of the calculation rely on projected counts, which in turn are based on presumptions that can change even while the jail is being planned and constructed. For example, a change in a drunk driving law could affect the number of offenders sentenced to jail and the length of their confinement.

Inspectors do not have to be proficient in projecting future bed counts, but they should be aware of the different **calculation methods** that can help planners make better projections. These methods look at **factors** such as:

- Monthly detention days served.
- Monthly admissions.
- Monthly total inmates held.
- County population census and projections (growth or nongrowth).
- Forecast assumptions (any foreseen changes in future jail policies, new actors in the criminal justice system, changes in the economy, community demographics, laws, etc.).
- Data samples based on the current jail population.

Section 4–5. Considerations in Jail Capacity Planning

An inspector’s findings concerning the deficiencies of an existing jail can be a prime mover in a jurisdiction’s decision to build a new jail. Although inspectors do not actually plan new jails, it is natural for jurisdictions to look to them for assistance in projecting future needs.

Jurisdictions often **predetermine** the number of beds for a jail project without really examining their capacity needs. Instead, they may base the number on a fixed dollar amount. The predetermined bed count may reflect unscientific projections that take into account only the recent average number of inmates, plus an arbitrary “fudge factor” to compensate for some growth and assumptions about future bed needs.

All too often, those who estimate future bed needs without using accepted methods miss the mark considerably. A number of methods are available for calculating bed needs. But even the most scientific study is fraught with difficulties,

In projecting future jail capacity needs, it is especially important for planners to interview all major players in the local criminal justice system. These individuals include the police chief, sheriff, prosecutor, judges, mayor, representatives to the state legislature, and other elected officials.

Once all of the relevant information has been gathered, planners can compute a reasonably accurate estimate of the number of beds needed for the new jail. Their analysis will also make it easier to justify spending taxpayer dollars on the project.

Today's jail planners are also looking beyond their current projects to consider future expansion needs. As they develop the current plan, they ask "How can we make this project fit with what we might want to do 10 years from now?"

QA Review Questions for Section 4–5

40. A change in public policy (e.g., drunk driving laws) can dramatically affect jail planning efforts.

_____ True _____ False

41. Identify four factors that can enter into jail planners' calculations of future bed needs:

- a. _____
- b. _____
- c. _____
- d. _____

Conclusion

This chapter has addressed the important relationship between jail design and jail operations and has looked at the necessary components of a jail project. Clearly, good planning is the key to a well-designed jail. But even the most careful planners cannot anticipate every change that may affect how the new jail must operate. Making the original design as flexible as possible will help managers respond to changes.

The principles and practices outlined in this chapter will provide inspectors with a basic understanding of jail planning. Inspectors are encouraged to seek out additional, current information on jail design concepts, operational issues affecting jail designs, and related topics. The following bibliography lists selected resources.



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QA Answer Key for Chapter 4

1. Intermittent surveillance.
2. True.
3. False. (Inmates can only be observed during the officer's tour of the catwalk. The officer cannot observe all the inmates at the same time.)
4. A secure control booth.
5. Can observe inmates continuously.
6. False. (The officer is "remote" in a secure control booth and has minimal contact with inmates.)
7. True.
8. Located within the housing unit.
9. True.
10. c. (This would generally be done by a higher authority after a problem is reported by the correctional officer.)
11. Limiting inmate movement.
12. True.
13. False. (Managers make this choice based on their decisions about HOW the facility is to be operated.)
14. True.
15. Control center.
16. Security perimeter.
17. True.
18. Lack of good planning.
19. Any of the following: facilities for weapons lockers, arresting officers' work areas, fingerprinting and photographing station, alcohol testing equipment, property storage and laundry, search areas, showers and clothing exchange, phones, and areas for initial medical screening, initial classification, and orientation to jail rules.
20. True.
21. Inmate classifications and the expected number of inmates in each classification.
22. False. (The medical area should provide for easy access by medical staff to the intake area.)
23. Negative pressure cell.
24. True.
25. False. (It is possible to design visitation stations adjacent to inmate living areas so visitors can use the stations without entering the security perimeter.)
26. True.
27. True.
28. Size and makeup.
29. Classification; philosophy.
30. True.
31. Matter of law.
32. Federal and state initiatives.



- 33. True.
- 34. True.
- 35. Any of the following: stainless steel toilets/ furniture/washbasins, higher grade window glazing and frames, sliding steel doors, lighting fixtures, locking mechanisms.
- 36. Operate.
- 37. a. Number and types of inmates.
b. Number and types of programs.
c. Model of supervision.
- 38. True.
- 39. Maximum security.
- 40. True.
- 41. Any of the following: monthly detention days served, monthly admissions, monthly total inmates held, county population projections, forecast assumptions, data samples based on current jail population.

CHAPTER 5

Communication



CHAPTER 5: Communication

Performance Objectives

After completing this chapter, the student will be able to:

1. (a) Identify deficiencies in various types of written communications, including reports, letters, and policies and procedures; (b) explain the importance of writing clearly and concisely and demonstrate the ability to do so; and (c) distinguish between objective and subjective language in written reports. (See section 5–1.)
2. List several important aspects of interpersonal communication skills. (See section 5–2.)
3. List several important elements of interviews conducted during inspections and investigations. (See section 5–3.)
4. Identify conflict resolution strategies and appropriate situations in which to use each strategy. (See section 5–4.)
5. List several principles and practices for dealing with the media. (See section 5–5.)
6. Describe the consultant role of the inspector. (See section 5–6.)
7. Describe the technical assistance role of the inspector. (See section 5–7.)

CHAPTER 5: Communication

Jail inspectors must develop or expand their capacity to communicate with a variety of persons in a variety of situations. Inspectors need to be able to communicate verbally with the sheriff, jail administrator, correctional officers, inmates, county officials, and other officials. Communication styles differ, depending on the type or purpose of the communication (investigations, testimony, negotiating, media interviews, conflict resolution, etc.).

Inspectors must also be able to communicate effectively in writing. Much of an inspector's legacy is what is written, be it letters, reports, or suggestions for policies and procedures. The importance of these documents is underscored by their potential use—often many years after they are written—in litigation or as the basis of planning for a new facility. Inspectors should know how to write clearly, concisely, and objectively.

Inspectors use consulting skills almost daily to identify problems and advise jail staff on what needs to be done to correct deficiencies. Jail staff look to the inspector as a technical assistance resource, the one person most likely to point them toward the solutions to their facility's problems.

This chapter focuses on important skills for communicating in writing and in person. It does not take the place of professional development seminars on this topic. Its intent is to highlight how many of the inspector's duties require the ability to communicate clearly.

Section 5–1. Written Communication

Most people will agree that any type of written communication requires **clarity** and **conciseness**. While nodding in agreement, however, they will go back to the office and write something like this:

One of the major issues, based upon our evaluation and that of Albert Sampson of Pythier County, involves the custody, security and control of the facility. The architectural design was a concept of angles to a considerable degree which, in addition to being costly and spatially dysfunctional, exacerbates the requirement of staff observation of inmate movement and activity. In addition, the location of the control center is questionable. Not only is it distantly separated from the main entrance, but it poses some problems due to its proximity to inmate housing areas and the two level configuration which will necessitate additional personnel to staff the post. Another major consideration involves the need for an override system in case the control center is ever surrendered, lost or otherwise given over to the inmate population. The same staffing difficulties present themselves in the area of the female control center area. If such control center were positioned or situationally located in or near to the corridor rather than the interior of the structure, it would serve the dual

purposes of housing and corridor security. In addition, the need to physically transport unruly or sick inmates up and down the stairs and around narrow corridors will pose more security problems.

This written communication, although grammatically correct, is confusing and violates the principles of clarity and conciseness. It contains many useless words and phrases, requires more than one reading to understand the writer's point, and is open to misinterpretation. People may write this way because they think big words and complex sentences will impress others. That may be the case, but the impression usually is not favorable, and the writer fails to achieve the objective of communication: transferring ideas, information, and messages.

Inspectors use many different forms of written communication. They may write letters, reports, recommendations, clarifications, and interpretations. They may be asked to assist jail administrators in developing procedures or training materials. What they write may indeed be their legacy. In any event, their writing ability has important legal, historical, and practical implications.

Basic Rules of Written Communication

Looking at some simple rules that were violated in the above excerpt is a good way to learn how to write more effectively.

Rule 1: Keep it simple. Look at the following words and attempt to define each:

Supererogation

Superfluidity

Surplusage

The three words have similar meanings, but few people would be able to define them without turning to a dictionary. It is said that only 3 percent of persons can define supererogation, 10 percent can define superfluidity, and 25 percent can define surplusage. A letter that used the word "surplusage" would exclude 75 percent of readers from the message. Surely more people would get the point if words such as "excess" or "too much" were used.

Rule 2: Avoid artificial expressions. Often we use phrases such as "make an attempt" when we really mean "try," or "at this point in time" when we mean "now." Artificial expressions may confuse readers or make them have to read something more than once to decipher the intent.

Rule 3: Avoid gobbledegook. Say what you mean and STOP! Instead of referring to a "video screen with multicolor capability," say "color monitor." Be careful about using correctional **jargon** (technical terms such as "sallyport"). If your audience is experienced in corrections, such a term may be acceptable. But it may be gobbledegook to a county commissioner.

Rule 4: Avoid redundancy. Redundancy is saying the same thing twice. Instead of writing "jail inmate population," write either "jail population" or "jail inmates." Instead of saying "architectural design," say "architecture" or "design."

Rule 5: The rule of 20 words. Sentences should be short and to the point—generally 20 words or less. If sentences are too long, people tend to lose interest and let their minds wander. The "rule of 20" is really more of a guideline than a rule. It is not necessary to count the words in every sentence you write. Be concise, but do not sacrifice clarity for brevity.

Rule 6: Construct paragraphs with unity and coherence. A common pitfall is to include too many different ideas in one paragraph. To avoid this pitfall:

- Begin the paragraph with a **topic sentence** that identifies the subject.
- Next, add one or more **sentences that develop the topic.**
- Then, if necessary, add a **concluding sentence** to sum up the point.

If the point of a paragraph is simple, a concluding sentence may not be needed. If the paragraph is complicated or very long, a concluding sentence can direct the reader's attention back to the topic. If the concluding sentence is difficult to write, it may be a sign that the paragraph lacks **unity** and **coherence** and should be rewritten.

The key to applying these basic rules of written communication is a desire to communicate effectively. The audience should not receive the wrong message or **infer** meanings that are not intended. Nothing suggested above should be taken to mean that writing has to be simplistic or should in any way insult or condescend to the audience. Writers just need to be **sensitive** and **attentive** to the reader and transmit the message **concisely** and **clearly.**

It has been shown that most persons of average intelligence read at the **sixth grade** level. Most magazines and newspapers are written at that level. The letters, reports, decisions, and recommendations that inspectors write have important official and legal consequences. Jail administrators should not have to wonder what an inspector really means in a written communication.

Objective and Subjective Language

And in conclusion sheriff, I have never seen a filthier jail than yours nor a more slovenly staff. What you need to do is have a heart to heart talk with that group or hire some professionals. By the way, if you want, I will be happy to talk to the county commissioners about the incredible goings-on there.

This hypothetical excerpt from an inspector's letter is obviously exaggerated. But it illustrates the importance of using **objective** rather than **subjective** language. What is wrong with subjective language? Several things, including:

- It is not constructive.
- It makes the inspector seem intemperate.
- It suggests that the inspector may have scores to settle.
- It gives the inspector and the sheriff little maneuvering space.
- It creates enemies.
- The inspector's credibility may be lost.
- Battle lines may be drawn for present and future issues.

Many a jail inspector has felt like sending such a letter, but doing so has too many negative consequences. Much more can be accomplished with objective language. After all, the major purpose of a jail inspection program is to foster positive change.



QA Review Questions for Section 5-1

1. Make the following sets of words or phrases simpler. (Usually, one word will suffice.)
 - a. Make an effort, make an attempt, endeavor, attempt: _____
 - b. Maintain surveillance over, visually monitor: _____
 - c. Relate, state, verbalize, articulate: _____
 - d. Inform, advise, indicate, communicate verbally: _____
 - e. Initiate, instigate, commence, inaugurate, originate: _____
 - f. Telephonically contact, contact by telephone: _____
 - g. Respond, proceed: _____
 - h. At which time, at which point in time: _____
 - i. Request, inquire, query: _____
 - j. Presently, currently, at the present, at the present time, at this time, at this point, at this point in time: _____
 - k. Prior to, previous to, in advance of: _____
2. Eliminate the redundancies in the following sentences. (More than one answer may be correct.)
 - a. He shouted as he entered the school building.
 - b. Later on, the officer subsequently secured the area.
 - c. The policies and procedures have been kept up to date with the times.
 - d. The inmate insisted with emphasis that he had no contraband.
 - e. That event occurs frequently and happens over and over again.
 - f. His writing is redundant as he repeats himself over and over, as well as iterating the same thing twice.
3. Rewrite the following sentences or phrases to make them more clear and concise. (More than one answer may be correct.)
 - a. Telephonically contact the sheriff at his place of residence.

 - b. I proceeded to make a visual examination of the cell block area.

 - c. Proceed to the upstairs area.

 - d. Attempt to ascertain his precise direction of travel.

e. In the near future, I propose a staff visit of your facility.

4. Rewrite the following sentences observing the “Rule of 20.” (You usually will need to use more than one sentence. More than one answer may be correct.)

a. Some juveniles should be transferred to a close security facility especially those who pose serious threat to self and others, those who have established a pattern of absconding, and those youths who have a need for protection.

b. Written procedures for releasing residents include verification of identity, verifying release papers, names of person or agency to who the juvenile is to be released, giving back personal effects, check to see that no facility property leaves the facility, instructions on forwarding mail.

c. A clean facility has a positive effect on morale, and it is essential that a sufficient number of receptacles are provided for those who reside in the facility not only for sanitation but for control of combustibles.

d. Orientation is important as new inmates should be provided with an understanding of what is expected of them and they should also be provided with information which may set their programmatic and personal expectations.

5. Arrange sentences a–f into a well-ordered paragraph by placing the sentence letters in the paragraph outline that follows.

a. Unity involves sticking to the subject and to the purpose, plus presenting the ideas as a consistent whole.

b. Similarly, coherence involves both orderly arrangement and a clear indication of the relationship between the ideas.

c. Unity implies balance without excess in one part or lack in another.



- d. This relationship is indicated by transitional words and phrases.
- e. Unity and coherence are essential to good writing.
- f. Unity and coherence, therefore, help to make writing clear and easy to read.

Topic sentence: _____

Sentences that develop the topic
(arranged in logical sequence):

_____, _____, _____, _____

Concluding sentence: _____

6. Using objective language, rewrite the excerpt from the inspector's letter quoted under "Objective and Subjective Language."

7. The use of objective language in a report results in a tone that is _____

8. List three reasons why subjective language should not be used in a report.

- a. _____
- b. _____
- c. _____

Section 5-2. Interpersonal Communication Skills

Interpersonal skills are integral to effective communication. Inspectors need to fine-tune their interpersonal communication skills. To the extent that these skills improve with experience, so will the inspector's performance as a consultant and technical assistance provider. What, then, are some important aspects of interpersonal communication skills?

- **Positioning.** Positioning is the skill of placing oneself in the best possible position to see, hear, and listen. Optimum positioning depends on the circumstances and the setting. In an interview, it means arranging the office in a manner that facilitates discussion and eliminates barriers between people. Part of positioning is **distancing**, or using space effectively. In a one-on-one situation, a distance of 2 to 3 feet is appropriate. Another part of positioning is **facing squarely**. Squaring off in a one-on-one interview helps both parties focus their complete attention on each other (and on the issues at hand).
- **Posturing.** Posturing is the ability to hold and use one's body in a way that shows strength, confidence, interest, and control. One aspect of posturing is holding oneself **upright**. When seated, one's shoulders should be squared, hands positioned comfortably (arms not folded), and feet placed on the floor. Do not slouch or put your feet on the desk. Another aspect of posturing is **eliminating distracting behaviors**. A nervous and fidgety interviewer will make the interviewee feel the same. Do not, for example, bite your nails, tap your feet, click a pen, play with a paper clip, or chew gum. **Inclining** slightly forward and **looking directly** at the other person are powerful

posturing techniques in one-on-one interviews. These techniques show that the interviewer is focused on the interviewee and in control of the situation.

- **Observing.** This means being aware of the other person's behavior. For example, if the sheriff is continually looking at the clock, the interview may have gone too long. (Setting some time limits may be appropriate.) Signs of nervousness, such as crossed arms, foot wiggling, etc., may be a cue that the other person is uncomfortable or is anxious about some other aspect of the interview.
- **Listening.** Listening is the ability to hear and understand what others are trying to express. The message may be clouded in obscure words, colored by feelings, or indicated by body language. A good listener puts all the clues together to find out the real meaning. Most people are not born with good listening skills. For example, when confronted by someone who is emotional, we often interrupt. What we should do is step back and listen to what the person is trying to say. This gives the person an opportunity to open up.

QA Review Question for Section 5–2

9. Name the interpersonal communication skills that match the following descriptions:
- a. The ability to hold and use one's body in a way that shows confidence:

 - b. Another term for distancing:

c. The ability to seek out hidden messages:

d. Being attentive to signs of nervousness on the part of the interviewee:

Section 5–3. Conducting Interviews

Jail inspectors must rely on their interpersonal communication skills in carrying out many of their duties. These skills are especially important in conducting interviews during inspections and investigations.

Inspection Interviews

When assessing a jail's compliance, the inspector audits and inspects the facility. An additional tool commonly used is the interview. The inspector may interview county officials, correctional officials, staff, and inmates. Inmates or staff may be interviewed informally during the inspection. A more formal interview with the sheriff or a county commissioner may be held in an office.

When conducting a formal interview, consider the following.

- **Be prepared.** Gather all relevant information and develop a list of questions. This will help to focus the interview on the most important issues and will save time for both parties.
- **Provide for privacy and comfort.** To the extent possible, conduct the interview in privacy and comfort. People are unlikely to be forthcoming with information if they feel others are listening. Comfort involves more than a good chair. It also includes minimizing phone calls and other interruptions,



arranging furniture in a way that encourages open discussion, and establishing a fair and friendly tone.

- **Allow enough time.** Although the inspector has an agenda for the interview, the interviewee may well need to discuss other matters. The inspector should allow time for such discussions.
- **Be honest.** Inspectors are often asked questions during an interview. An honest, forthright answer is most appropriate. Nonconfidential information may be shared. Most interviewees will understand that confidential information cannot be shared. But hiding behind false “confidentiality” is not being honest.
- **Be objective.** Avoid subjective or intemperate statements. Using objective language and an objective approach demonstrates fairness.
- **Use interpersonal skills.** Any jail inspector can develop good interpersonal skills (see the tips above).
- **Encourage participation.** If the inspector needs information or assistance in forming an opinion, the participation of the interviewee is essential.
- **Close positively.** Consider everyone a candidate for another interview. Never “burn bridges,” especially if you expect to work with the interviewee in the future.
- **Be impartial.** Fairness demands an impartial atmosphere, so do not take sides. Put yourself in the place of the person being interviewed. How would you respond to someone who is not impartial?

Investigative Interviews

Some jail inspection agencies conduct investigations of complaints from inmates, staff, families of inmates, etc. An agency may not have that authority but may informally handle complaints referred by the offices of the Governor, the attorney general, or legislators. The interview techniques discussed below apply to both formal and informal investigations.

The investigations discussed here do not include criminal investigations. If the inspection agency conducts criminal investigations, the principles and practices of the investigative interview will differ because of issues such as Miranda warnings.

The interview is one of the most important parts of an investigation. As with inspection interviews, the inspector must **be prepared** for the investigative interview. This involves reviewing any written documentation about the situation, as well as evidence such as weapons, photos, video or audio tapes, etc.

The principles discussed in the section on inspection interviews also apply to the investigative interview, with some additional considerations:

- **Timeliness.** It is important to conduct the investigative interview as soon as possible after learning of the incident.
- **Privacy.** Conduct the interview in a private office. An informal setting such as a lunchroom is not appropriate. If a private office is not available in the jail, consider using the county courthouse.
- **Note allegations.** Begin by informing the interviewee of the nature of the allegations and the reason for the interview. Note that

the purpose of the investigation is to clarify information and assess to what extent, if any, standards were violated.

- **Reasonable time.** The interview should not be unreasonably long. If a lengthy interview is required, take frequent breaks.
- **Challenge facts.** Allow the interviewee to challenge facts. If the person was involved in the incident, let the person present his or her side of the story.
- **Violation of standards.** If there was a violation of standards, allow the person to explain any mitigating circumstances.
- **Refusal to cooperate.** If the person refuses to cooperate, note the noncooperation. Consider notifying the sheriff or jail administrator, who may then order the person to cooperate.

When all relevant information has been gathered, it should be reviewed with the inspector's supervisor. If there is a violation of standards, a compliance plan should be developed consistent with agency policies.

QA Review Questions for Section 5–3

10. When conducting an interview, the jail inspector must make best use of _____

11. The following statements refer to considerations for conducting an interview. Indicate which consideration best matches each statement.
 - a. Conduct the interview out of “earshot” of others: _____
 - b. Gain the interviewee’s cooperation by involving him or her in the interview:

 - c. Develop a list of questions for the interview: _____
 - d. Have an agenda: _____
12. The following statements refer to additional considerations for conducting an investigative interview. Indicate which consideration best matches each statement.
 - a. Beginning the interview process as soon as possible after the incident:

 - b. A person’s unwillingness to participate in the interview: _____
 - c. Frequent breaks during lengthy interviews: _____
 - d. Allowing interviewees to present their version of the incident:

Section 5–4. Conflict Resolution

Inspectors often are involved in compliance-related issues or conflicts. For example, the sheriff and county commissioners may disagree about methods for achieving compliance, or the inspector and jail staff may interpret a standard differently. A variety of strategies can be applied to any conflict. The key is to use the most appropriate strategy. This section discusses five examples of conflict resolution styles or strategies.



- **Avoiding.** This is a style of nonconfrontation. Avoiding conflict means the issue is not addressed. The negative side is that the issue is unresolved and may simmer and reappear. However, avoidance may be useful if an issue is relatively minor and not worth the lasting effects of confrontation. Avoiding conflict is also useful when emotions are high and it would be better to address the issue when things cool down.
- **Accommodating.** Using this style involves disregarding one’s own concerns to satisfy the concerns of others. This can be positive if an issue is not important. However, if an issue is important, accommodating can mean giving in without addressing the underlying causes of the conflict. This can create hard feelings in future dealings with the other person.
- **Competing.** This approach involves using political power, coalition-building, or other power-oriented techniques to prevail in a conflict. The problem with this approach is that it makes enemies and does not really address the conflict. Someone is seeking to **win**, and every time there is a winner there is a **loser**. However, when issues are non-negotiable (e.g., jail life, health, or safety), this strategy may be appropriate. The inspector should first try to explain the issue and use other strategies to resolve the conflict. If an argument ensues, it may be necessary to fall back on the power of the inspector’s position—but only as a last resort.
- **Compromising.** This strategy resolves conflict by seeking what is acceptable to both parties. Compromise may be the best achievable solution to a conflict, especially when the division over an issue is severe. Although this may be the best strategy for

the situation, it fails to explore all sides of an issue. Compromising basically “splits the difference” or seeks a quick middle ground. It will leave some issues unsettled and can create conflict in the future.

- **Collaborating.** Collaborating is the best of all worlds. It explores all sides of an issue with the goal of attaining the best solution. Collaborating involves learning from others’ insights, confronting issues in a mature way, exploring differences, and agreeing to disagree while resolving the conflict.

As noted earlier, the key to conflict resolution is to pick the appropriate strategy or style for each situation. Unfortunately, many people get stuck in one style. If it worked in the past, they feel it will always work. But it is easy to see how a person who always avoids conflict may fail to address important issues and probably is “an easy touch.” Similarly, a person who predominantly uses a competing style probably alienates the very people whose cooperation is needed to ensure compliance. Before moving on to the next questions, think of conflicts you have been involved in and ask yourself whether you used the best strategy to resolve them.

Review Question for Section 5–4

13. Name the conflict resolution styles referred to in the following statements:
 - a. This style may not satisfactorily address everyone’s concerns, but arrives at the best possible solution for a particular problem: _____

b. Although appropriate when issues are nonnegotiable, this approach is (or may be perceived as) a use of power and should be a last resort: _____

c. This style confronts issues in a positive way, attempts to explore all sides, and requires each side to respect the other's right to disagree: _____

d. Sometimes this style can be best if the issue is relatively minor or the time does not seem right to address the issue: _____

e. With this style, basic concerns are not addressed, and the person "giving in" may have hard feelings: _____

In corrections, things will go wrong and the media will demand information. It is best to admit what went wrong and then explain what is being done to correct it. The inspector cannot control what is reported but can provide the information for accurate reporting.

If a matter appears to have legal implications, the inspector may withhold some information. In such instances, it is best to explain why this is being done. These matters generally include:

- Pending legal cases.
- Speaking for a third party.
- Personal information.
- Obviously irrelevant questions.
- Ongoing investigations.
- Pending personnel actions.
- Institutional security.
- Hypothetical situations.

In speaking to the media, inspectors should address issues from the **public's perspective**. Avoid jargon or "bureaucratese." Use terms the public will understand. Instead of being unemotional, be human. This will build credibility with both the public and the media.

Be direct with the media. Do not evade a reporter's question. Give the answer if known. If not, say so, and then get back to the reporter or find someone who can respond. If not at liberty to respond, say so and explain why or direct the reporter to someone who can respond.

Never "shoot from the hip." If uncertain about a question, use the following statements to **buy time** to develop a response:

Section 5–5. Media Relations

Because the public's image of corrections is based largely on what is reported in newspapers and on television, the jail inspector must know how to present information to the media. In media interviews, an inspector will not gain support by saying "no comment" or evading the issue at hand. Cooperation is essential if the important issues facing corrections are to be aired. Inspectors who are committed to positive change in jails should view the media as an important tool in "getting the word out" accurately.

Several rules should govern the inspector's dealings with the media. The most important of these is **telling the truth**. Lying—giving false information or telling half-truths—destroys credibility at the moment and for the future.



- “Let me think for a moment.”
- “I’ve never been asked that question before.”
- “I’ll need more information before I can respond.”

Rather than fearing the media, think of it as a means of getting a message across to the public. Knowing how to communicate effectively with the media can help garner support for the inspection agency and the jails it serves.

In dealing with the media, **always remember one caveat:** There is no such thing as **off the record**. If it is said, expect it to be printed!

QA Review Questions for Section 5–5

14. When interviewed by the media, it is important to address issues from the _____ by avoiding jargon.
15. One can buy time in dealing with the media by using statements such as (list three):
 - a. _____
 - b. _____
 - c. _____
16. List five circumstances in which an inspector does not have to respond to a reporter’s question:
 - a. _____
 - b. _____
 - c. _____
 - d. _____
 - e. _____
17. If a matter is sensitive or confidential, it can be discussed with a reporter “off the record.”

_____ True _____ False

Section 5–6. The Inspector as a Consultant

This manual often refers to the inspector’s role as a consultant. A consultant is a **problem identifier** and a **problem solver**. All inspectors are problem identifiers because of the nature of their work. Not all are problem solvers. Indeed, some inspection agencies do not define their mission as problem solving. But for those that do, inspectors need to be creative in finding ways to solve problems.

An inspector is a consultant only when asked to be one. The jail staff, not the inspector, initiates the process. Therefore, the inspector must first gain the **respect** and **confidence** of the jail staff. Once credibility has been established, the inspector will be asked to assist in solving problems. This section offers some guidelines for being a helpful consultant.

When acting as a consultant, the inspector should **never “own the problem.”** It is always the jail’s problem, but one that the jail staff may need help in solving. For example, instead of writing a policy and procedure for complying with a standard, the consultant should give staff the information they need and perhaps teach them how to write policies and procedures. If the inspector does the writing, then the policy and procedure are the inspector’s, not the jail’s. If jail staff do the writing, they have ownership, will be attentive to the requirements of the policy and procedure, and will be more likely to incorporate these requirements into the jail’s operations.

The inspector acting as a consultant **accepts problems as a matter of course**. The inspector should not make the jail staff feel ignorant or unusual if they have a problem. Rather, the consultant should **encourage** the jail staff to take a positive approach in seeking the best solution to a problem.

A useful approach in consulting is to **ask helpful questions** about the nature of the problem, why it occurred, and why it is a problem. The inspector acting as a consultant should never jump to conclusions but instead should carefully diagnose a problem before offering solutions.

Exploring alternative plans is a good way to help jail staff choose and implement a solution that seems most promising. The inspector acting as a consultant may also assist in developing a strategy for evaluating the results of the plan.

Finally, when acting as a consultant, the inspector's **attitude** is not "How am I going to solve the problem?" but rather "How can I help the jail staff solve their problem?"

Jail inspectors who approach their duties fairly and develop credibility will be seen as problem identifiers and potential sources of assistance in solving problems. When this occurs, the inspector has earned the privilege of being a consultant and will be a valuable resource to the jail staff, the sheriff, and the county commissioners. However, although the consultant role is clearly important, the inspector must not allow it to compromise the main responsibility of determining a jail's compliance with standards.

QA Review Questions for Section 5–6

18. Two terms that describe the inspector's role as a consultant are _____ and _____.
19. It is important for the inspector acting as a consultant to assist an agency by actually writing policies and procedures if they are needed to comply with standards.
_____ True _____ False
20. Even if an inspector accepts a consultant role, it is important not to compromise the main responsibility of determining compliance with standards.
_____ True _____ False

Section 5–7. The Technical Assistance Role of the Inspector

The inspector's role as a consultant is closely related to another role: providing **technical assistance**. Providing technical assistance is a natural outgrowth of the inspection process. It can be as **simple or informal** as referring a jail that is having a problem with a standard to another jail that is compliant with that standard. Or it can be more **formal** and involve being a resource to a jail—especially one that is trying, but failing, to meet standards—in a number of areas.

Technical assistance is a stated part of the mission for some inspection agencies. In those agencies, technical assistance is more formalized and involves a variety of activities, including (but not limited to) the following:



- Providing regular training programs related to standards compliance.
- Providing jail management seminars.
- Coordinating and hosting NIC or other professional organizations' training programs.
- Encouraging and sponsoring jail managers' information networks and helping to develop listservs for jail managers.
- Developing and providing a jail standards compliance management handbook.
- Compiling training materials and resource materials (e.g., suggested forms and inmate handbooks, sample contracts for food or health services, sample policies and procedures).
- Acting as a repository or clearinghouse for information on construction projects.
- Coordinating and facilitating approval of construction projects by all involved state agencies.
- Identifying (but not endorsing) products and services of vendors in the areas of technology, security and control systems, and video visitation systems.
- Coordinating with other state agencies in procuring computers and jail management software for use in developing data that benefit not only jails but law enforcement in general.

These are the more common types of formal technical assistance initiatives in several states. Such initiatives can be very expensive, depending on the type of assistance provided. However, concerns about money should not stand in the

way of creative ideas or solutions to jail problems. As can be seen from the above list, many types of technical assistance require little or no funds—just creativity and commitment.

QA Review Questions for Section 5–7

21. Technical assistance may be formal or informal.
 True False
22. Inspection agencies that have no funds for technical assistance cannot provide this kind of assistance to jails.
 True False

Conclusion

This chapter has addressed the important communications-related aspects of the inspector's job, including written communication, interpersonal communication skills, interviewing, conflict resolution, consulting, and providing technical assistance. Each of these topics could be the subject of a separate book or training session. Indeed, each has been the focus of a lifetime's study for some people.

A jail inspector's duties are varied, but the ability to communicate is a requirement for effectively carrying out all of those duties. The material contained in this chapter is just the tip of the iceberg when it comes to learning how to communicate effectively in writing and in person. Inspectors are encouraged to seek out resources (such as those listed in the following bibliography) that will help them continue to improve their communication skills.

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QA Answer Key for Chapter 5

1.
 - a. try
 - b. watch
 - c. say/tell
 - d. tell/speak
 - e. begin/start
 - f. call/phone
 - g. go
 - h. then/when
 - i. ask
 - j. now
 - k. before
2. More than one answer may be correct.
These are suggested answers:
 - a. He shouted as he entered the school.
 - b. The officer subsequently secured the area.
 - c. The policies and procedures have been kept up to date.
 - d. The inmate insisted that he had no contraband.
 - e. That event occurs frequently.
 - f. His writing is redundant.
3. More than one answer may be correct.
These are suggested answers:
 - a. Call the sheriff at home.
 - b. I examined the cell block area.
 - c. Go upstairs.
 - d. Try to find out which way he went.
 - e. I will visit the facility soon.
4. More than one answer may be correct.
These are suggested answers:
 - a. Some juveniles should be transferred to a close-security facility. They include those who pose a serious threat to themselves and others, have a pattern of absconding, or need protection.
 - b. Written procedures for releasing residents include: verifying identity and release papers; identifying the person(s) or agency to whom the juvenile is being released; returning personal effects; checking that no facility property is removed; and finding out where to forward mail. (Even though the sentence in this answer is longer than 20 words, the colon and semicolons break it into easy-to-read parts.)
 - c. A clean facility has a positive effect on morale. Providing enough trash receptacles for residents is essential to sanitation and fire prevention.
 - d. Orientation is important because new inmates need to know what is expected of them. They also need information that will help them choose programs and define personal expectations.



5. Topic sentence: e

Sentences that develop the topic: a, c, b, d
(or c, a, b, d)

Concluding sentence: f

(e) Unity and coherence are essential to good writing. (a) Unity involves sticking to the subject and to the purpose, plus presenting the ideas as a consistent whole. (c) Unity implies balance without excess in one part or lack in another. (b) Similarly, coherence involves both orderly arrangement and a clear indication of the relationship between the ideas. (d) This relationship is indicated by transitional words and phrases. (f) Unity and coherence, therefore, help to make writing clear and easy to read.

6. The following is just one of many ways the letter could be rewritten. The point is to tie the deficiencies to standards and objective evidence, rather than resorting to emotional, accusatory language.

Finally, sheriff, the jail needs cleaning. There was evidence of vermin, and there was considerable trash and dirt on the floor. Further, the toilets, washbasins, and showers have not been cleaned for some time.

To comply with the sanitation standards, staff must supervise inmates more closely. Also, more frequent and effective sanitation inspections are needed.

7. Constructive.

8. Any of the following: It is not constructive. It makes the inspector seem intemperate. It suggests that the inspector may have scores to settle. It gives the inspector and

the sheriff little maneuvering space. It creates enemies. The inspector's credibility may be lost. Battle lines may be drawn for present and future issues.

9. a. Posturing.

b. Positioning.

c. Listening.

d. Observing.

10. Interpersonal communication skills.

11. a. Provide for privacy.

b. Encourage participation.

c. Be prepared.

d. Allow enough time. ("Be prepared" also applies.)

12. a. Timeliness.

b. Refusal to cooperate.

c. Reasonable time.

d. Challenge facts.

13. a. Compromising.

b. Competing.

c. Collaborating.

d. Avoiding.

e. Accommodating.

14. Public's perspective.

15. a. "Let me think for a moment."
 - b. "I've never been asked that question before."
 - c. "I'll need further information before I can respond."
16. Any of the following: pending cases, speaking for a third party, personal information, obviously irrelevant questions, ongoing investigations, pending personnel actions, institutional security, hypothetical situations.
17. False. (If it is said, expect it to be printed.)
18. Problem identifier and problem solver.
19. False. (The jail staff should write the policy and procedure themselves. The inspector may provide information and writing guidance or refer staff to another jail for assistance.)
20. True.
21. True.
22. False. (Many types of technical assistance can be provided with little or no funds. All it takes is creativity and commitment.)



CHAPTER 6

Government Structures and Processes



CHAPTER 6: Government Structures and Processes

Performance Objectives

After completing this chapter, the student will be able to:

1. Define the terms “planning,” “organizing,” “directing,” and “controlling” in the context of government operations. (See section 6–1.)
2. Identify the similarities and differences of city, county, state, and federal government structures. (See section 6–2.)
3. Describe methods for funding jail renovations or new construction. (See section 6–3.)
4. Define the term “fiscal year” and explain how the fiscal year may vary from jurisdiction to jurisdiction. (See section 6–4.)
5. Identify the various “chains of command” for jails. (See section 6–5.)
6. Explain differences between prisons and jails. (See section 6–6.)

CHAPTER 6: Government Structures and Processes

The inspector deals with a variety of governmental agencies. In some states, inspectors have authority over state prisons, county jails, and city police lockups. Some even have authority over community corrections programs (half-way houses) and privately operated facilities. Inspectors need to be sensitive to the differences that distinguish not only the various levels of government they deal with but also the officials with whom they interact. Each level of government exercises **executive, judicial,** and **legislative** powers, but the actors at the various levels differ, and some officials exercise all three powers.

At all levels, governments control their agencies by using the fundamental management principles of **planning, organizing, directing,** and **controlling.** A basic understanding of these processes is important for the inspector, especially when called on to help a jurisdiction solve jail-related problems.

This chapter discusses government management practices and presents an overview of government structures (with particular attention to cities and counties). It then focuses on how jails function—their funding mechanisms, budget processes, and chains of command. Finally, the chapter highlights differences between prisons and jails.

Section 6–1. Management Functions

The basic functions of management at all levels of government are **planning, organizing, directing,** and **controlling.** The inspector needs to be aware of these functions because they affect a jail’s ability to address any deficiencies identified in an inspection. Positive change may take time, as a jail makes plans, develops strategies, directs staff to implement changes, and ensures that changes are in effect. If the process is hurried, confusion and chaos may result.

Planning is the process of identifying **what** needs to be done. It includes:

- Defining goals and objectives.
- Identifying problems.
- Developing strategies to address solutions.
- Developing evaluation methods to ensure that the actions taken are effective in addressing the goals, objectives, and problems.

Organizing is the process of identifying the resources needed to implement what is planned. Such resources could include equipment, materials, and personnel. Deficiencies identified in inspections may have obvious budgetary implications (especially where renovations or staffing are concerned). In such cases, **budgeting** is also part of the organizing process.



Directing is the process of putting a plan into effect. It involves implementing the plan through policies and procedures as well as training staff on the plan's implementation. It requires communicating to staff all the information they need to implement the plan with minimum disruption to the existing routine.

Controlling is the process of ensuring that planned activities or strategies actually address the problem identified. It includes establishing an evaluation strategy (in the planning stage) and implementing the strategy as part of the directing process.

A jail must use all of these management functions to correct the deficiencies an inspector identifies. If the deficiency is minor, the process may be simple. For example, to change a procedure, a jail administrator may be able to do the necessary planning, organizing, directing, and controlling quickly and easily, without outside help. More complicated problems, however, may involve many county agencies and may take a long time to resolve. Inadequate staffing is one example of a complicated problem.

When staffing levels appear to be the reason for noncompliance, the solution is not easy. Standards usually do not require a staffing analysis or approved levels of staffing. Staffing deficiencies generally become apparent when a jail is continually unable to meet standards and the planning process reveals why. When staffing deficiencies are identified, several things must happen:

- The jail administrator and, ultimately, the county commissioners must be notified of the deficiency, and strategies must be developed to convince them that the problem is insufficient staff.

- The administrator and commissioners may require a personnel study. Here the organizing function comes into play. A staffing analysis to determine the number and types of personnel may be needed. It may be necessary to develop a budget request, which may not be approved until the next year's budget cycle.
- If funds for additional staff are approved, the directing process moves on to recruiting, interviewing, hiring, and training the new staff.
- Then the control process begins, as new staff are evaluated and their performance is measured against the standards on which the jail was found deficient.

If everything proceeds smoothly, the inspector will see an improvement in the jail's compliance status. But the overall process may take considerable time and effort, in part because it involves multiple entities of county government. In many counties with staffing deficiencies, the same process is in play year in and year out. One reason is that managers often do not know how to plan, organize, direct, and control. Thus, the inspector can be an invaluable resource to the jail administrator and the county by helping them identify and resolve the problem.

QA Review Questions for Section 6-1

1. It is important for the inspector to be aware of management functions because they affect a jail's ability to respond to noncompliance with standards.
 True False



2. Identify the following statements as relating to planning, organizing, directing, or controlling:
- a. Identifying necessary resources such as personnel: _____
 - b. Identifying and solving problems: _____
 - c. Developing goals and objectives: _____
 - d. Implementing evaluation strategies: _____
 - e. Communicating through written policies and procedures: _____
 - f. Ensuring that the plan is carried out as intended, or helping management identify needed adjustments: _____
3. Regardless of the nature of a problem, the management functions of planning, organizing, directing, and controlling are necessary for its solution.
 _____ True _____ False
4. The process of evaluating how well a new policy and procedure are working is the _____ function of management.

- 5. Training staff to implement a new policy and procedure involves the _____ function of management.
- 6. Developing strategies to address noncompliance with standards involves the _____ function of management.

Section 6–2. Government Structures

Government at all levels has three branches or functions: **executive**, **judicial**, and **legislative**. The executive branch is responsible for the day-to-day administration of the unit of government. The legislative branch enacts the laws around which the government is structured. The judicial branch makes decisions when there are questions about how those laws are interpreted.

Although every level of government has executive, judicial, and legislative responsibilities, these responsibilities take different forms. Because inspectors deal with officials at the city, county, and state levels, it is important to understand these differences. Inspectors also need to understand the constitutional and statutory powers of various officials.

City government generally has responsibility for police lockups or city jails. Most cities are governed by a **mayor** (executive branch) and a **city council** (legislative branch). The judicial function in a city includes city courts, which address ordinances and traffic issues. The executive branch also exercises a judicial function when the mayor and council delegate certain semijudicial decisions to boards such as zoning, housing, and health. In some locales, a **city manager** is responsible for the day-to-day

functioning of city government. In others, the mayor may assume this management function.

Running a city jail is a function of the executive branch. The jail may be a separate department of city government or it may be under the police department. Lockups are almost always a function of police departments. City jails and lockups receive their funds through a budget **proposed** by the mayor and **approved** by the council.

County governments are responsible for most jail operations. Smaller counties generally are governed by a **board of county commissioners**, which performs the executive and legislative functions and, in some instances, judicial functions. These officials may also be known as supervisors, freeholders, county judges, or some other title, but they usually perform the same functions. Larger counties may be organized like smaller ones, but generally they have an elected **county executive** (executive branch) and a **county council** (legislative branch). Large counties organized this way operate much the same as a city. Often a **county manager** is employed to handle day-to-day administration.

Jails are generally operated through the office of the **sheriff**, who receives authority from the state constitution. The sheriff is an elected official and not responsible to the board of county commissioners, but the sheriff's budget is appropriated by the county board.

Some counties have established their jails as separate departments responsible to the county executive or the county commissioners, not the sheriff. In such cases, the county may also perform other correctional functions such as operating community correctional programs or separate juvenile facilities. In these organizations, the jail administrator or the county execu-

tive proposes the budget to the county council or board of commissioners.

State and federal governments are generally structured in much the same way. The legislative branch takes the form of the general assembly (state) or Congress (federal), with members elected from various districts. The executive branch is governed by the elected Governor (or the President). The judicial branch consists of various levels of trial and appellate courts.

Many jail inspectors have contact with county and city officials almost every day and come to know these officials. The inspector can have a major impact on the operation of the jails for which these officials are responsible. A basic understanding of how local governments are organized makes it easier for the inspector to work with local officials and is especially useful when officials ask for assistance in correcting jail deficiencies.

QA Review Questions for Section 6-2

7. Indicate whether the following statements refer to the executive, legislative, or judicial functions of government:
 - a. Enactment of laws and ordinances: _____
 - b. Day-to-day administration of government: _____
 - c. Enforcement of jail standards: _____
 - d. Government's authority in the solution of disputes: _____

e. Responsibility for jails:

f. Source of authority for jail inspection programs that are established by statute:

8. Generally, every level of government has executive, judicial, and legislative powers.

_____ True _____ False

9. Indicate in which level of government (city, county, state, or federal) each of the following officials may be found:

a. Sheriff: _____

b. Mayor: _____

c. Congressman: _____

d. Commissioner: _____

e. Executive: _____

f. Governor: _____

g. Judge: _____

h. Manager: _____

10. The _____ and _____ levels of government are structured much the same.

Jail operations are funded primarily through the **operating budget**, which is a **funding plan** proposed by the executive branch of government (e.g., the county executive) and authorized through the legislative branch (e.g., the county council). The plan is based on projections about the need for and delivery of services. For a jail, the sheriff or jail manager provides these projections, and the “services” are the safekeeping of inmates while protecting the public, meeting constitutional requirements, and observing state laws and standards.

If facility improvements are needed, funds are earmarked through a **capital outlay budget**, which is usually developed from **borrowed** funds. An exception may be repairs or renovations that cost less than a specified amount dictated by county or state law. In such cases, funds may be appropriated through the operating budget.

State law may provide funds for county jail improvements required by state standards. In this case, the county may have to request funds from the state legislature, which will enact a special appropriation.

Financing for major renovations or new facilities may take many forms. One is the **bond issue**. State law permits counties to issue bonds to renovate or construct a facility. A bond is a **debt** the county owes to those who purchase the bonds. Bondholders receive regular payments until the bond is retired (usually at 10, 20, or 30 years).

A county generally needs voter approval to issue a bond. The amount of the county’s indebtedness from all outstanding bond issues cannot exceed a specified amount. That amount is based on the county’s **assessed valuation**, which reflects the county’s estimated worth (considering factors such as industry and property value).

Section 6–3. Jail Funding Mechanisms

Knowing about the local government structures discussed above provides context for understanding how jails are funded. A jail’s ability to comply with standards depends in part on the funds available to it. A jail inspector who is familiar with funding mechanisms will be better prepared to work with local officials in addressing compliance issues.



For example, if the assessed valuation is \$5 million, that is the maximum for all bond issues outstanding in any given year. If the county already has bond issues of \$3 million, then it could borrow \$2 million for a new jail, if voters approve. Some states allow only a certain percentage of the total assessed valuation (e.g., 75 percent) for bonding purposes.

Some state legislatures have enacted laws to exempt jail construction from a county's bond indebtedness. This means that counties can exceed their debt limit to fund a new jail or major renovations.

Another way to finance jail construction is through **lease purchase** or **certificates of participation**. Technically, a lease purchase is **not indebtedness**. Therefore, it does not require voter approval and is not counted against the county's assessed valuation.

A lease purchase is an agreement to fund capital improvements (or purchases of major equipment such as a fire truck) through the operating budget. To do this, the county creates an **authority** (an agency of its government) that can enter into an agreement with investors. The authority "owns" the facility, and the county leases it from the authority for a specified period of time, perhaps 20 years. In the example noted above, if the county could not issue a bond to build a new jail because it had already reached its \$5 million debt limit, it could set up an authority to enter into a lease purchase for the \$2 million it needs. The county would pay for the lease annually from operating funds generated through sales, property, and other tax collections.

Funding jail construction is often a highly emotional issue among voters. They may, for example, object to the proposed location for the new facility or to the cost of the facility. Voters often turn down jail bond issues, leaving county

commissioners unable to fund new jail construction. The lease purchase is an alternative, but it may be seen as an attempt to subvert the voting process. For this reason, many county commissioners are hesitant to use lease purchase.

Another way to fund jail construction involves **contracting with another jurisdiction** to house its inmates. With this method, an agency such as the U.S. Marshals Service contributes construction funds in return for a specified number of beds for its inmates over the length of the contract.

Some counties use a funding approach known as **blending**. This simply means combining multiple methods to fund jail construction or renovation.

Some states authorize counties to increase their sales tax rates, generally by 0.5 to 1 percent. Depending on state law, county commissioners may pass a resolution making the increase effective without specific voter approval (although voters can challenge the increase through an **election to repeal** or a **referendum**). Alternatively, commissioners may submit a tax increase to the electorate at a primary or general election.

The additional revenue generated by a sales tax increase may be restricted for a particular purpose. When a sales tax increase is used to fund a jail project, the county usually imposes the increase, issues general obligation bonds to finance the construction, and then uses the revenue generated by the sales tax to retire the debt. If sufficient revenue is generated, it may be also used to finance any increase in jail operating costs.

QA Review Questions for Section 6–3

11. An _____ budget funds day-to-day jail functions, and a _____ budget funds renovations or new construction.
12. A jail’s operating budget is a _____ proposed by the executive branch of government and authorized by the legislative branch.
13. Indicate whether the following statements about bond issues for jail construction are true or false:
- Voter approval is required.
_____ True _____ False
 - Regular payments are made until the debt is paid off.
_____ True _____ False
 - The debt is owed to the state.
_____ True _____ False
14. Assessed valuation is defined as _____
15. Indicate whether the following statements about lease purchase are true or false:
- Voter approval is required.
_____ True _____ False
 - The county establishes an “authority” to enter into an agreement with investors.
_____ True _____ False
 - The amount of the lease purchase is counted against the county’s assessed valuation.
_____ True _____ False
 - Capital improvements are funded through the operating budget.
_____ True _____ False
16. “Blending” means _____
17. If county officials increase the sales tax to fund jail improvements, voters can repeal the increase through _____ or _____
18. When a county increases the sales tax to fund jail improvements, it purchases general obligation bonds and uses the sales tax revenues to pay them off.
_____ True _____ False

Section 6–4. Fiscal Years and Jail Budget Processes

A **fiscal year** refers to a government’s budget year. A budget year is **12 months** and can consist of any 12-month period. The year referred to is the year in which the fiscal year ends. For example, fiscal year 2007 may begin in 2006. Because it ends in 2007, it is referred to as fiscal year 2007.

The federal government’s fiscal year is from October 1 to September 30 of the following year. That means the budget appropriated from Congress authorizes approved funds to be expended during that period of time. For most



state and local governments, the fiscal year runs from July 1 to June 30 of the following year. You will hear that fiscal period referred to in different ways: fiscal year 2007, fiscal year 07, fiscal 07, FY 07. When a jail project uses funds from local, state, and federal sources, fiscal years can create problems. If each jurisdiction has a different fiscal year, it can be difficult to coordinate funds, and the project's timetable may be affected.

Most jurisdictions require submission of a preliminary budget before the fiscal year begins—as much as 6 months earlier. The importance placed on the preliminary budget varies from jurisdiction to jurisdiction.

It is important for the inspector to understand each jurisdiction's budget process, particularly in regard to budget submittals and approval dates. The planning process for jail improvements and the development of compliance plans may depend on these budget cycles. Being sensitive to budgetary deadlines can help the inspector build a cooperative relationship with the jurisdiction.

QA Review Questions for Section 6-4

19. Identify the fiscal year from the following dates:

a. October 1, 1956–September 30, 1957:

b. July 1, 1993–June 30, 1994:

c. January 1, 1997–December 31, 1997:

20. Generally, state governments coordinate their fiscal year with the federal government's and use the same dates.

_____ True _____ False

21. Submission of a _____ may be required many months before the fiscal year begins.

Section 6-5. The Chain of Command

In addition to understanding the basics of government management and structures, as well as jail funding mechanisms and budget processes, the inspector should be aware of the jail's **chain of command** in each jurisdiction. The chain of command varies, depending largely on the size and structure of the county government.

Typically, someone is principally in charge of the jail, even if that person does not have the title of jail administrator. If the jail is part of the sheriff's office, the administrator may report to the **chief deputy** or the **sheriff**. If the jail is not part of the sheriff's office, the administrator may report to a variety of officials, including **county commissioners, the county executive or county manager, the director of public safety or director of corrections, or the police chief**. If more than one county uses the jail, the administrator generally reports to a commission of officials from all the counties.

The jail inspector should be sensitive to the chain of command for a number of reasons. First, the inspector needs to know who, other than the jail administrator, is responsible for the jail. A jail administrator may be genuinely committed to meeting standards but may not have the budgetary authority to request needed changes. Further, the jail administrator may not have the power to effect change in the county.

Also, there are matters of **protocol**. The inspector may need to send the inspection report to someone other than the jail administrator, or may need to notify various officials when an inspection is scheduled. The best way not to “ruffle feathers” is simply to ask the jail administrator who should be kept informed of the inspector’s activities and who should receive the original report and copies.

QA Review Questions for Section 6–5

22. In a sheriff’s office, the jail administrator may report directly to the _____ or _____.
23. Jail administrators may report to any of the following officials EXCEPT:
- _____ a. County commissioners.
 - _____ b. County executive.
 - _____ c. Director of public safety.
 - _____ d. Jail inspector.
24. Although a jail administrator may be genuinely interested in improving jail conditions, other county administrators might need to be informed of jail problems in order to effect change.
- _____ True _____ False
25. As a matter of protocol, originals of inspection reports should always be sent to the jail administrator.
- _____ True _____ False

Section 6–6. Differences Between Prisons and Jails

Although prisons and jails have obvious similarities, the differences are significant. Inspectors who are responsible for both types of facilities must keep these differences in mind.

Prisons and jails both protect the public through the safekeeping of inmates, but each has a different mission. State prisons generally hold only persons convicted of crimes who have been sentenced to more than 1 year of confinement. Jails generally hold pretrial inmates and short-term convicted inmates. There are, however, many exceptions to these generalizations, depending on state law.

Prisons usually have a variety of programs for inmates (vocational, educational, counseling, religious, etc.). Some jails have many of these programs, but smaller jails generally do not see reformation or rehabilitation as part of their mission.

These differences are obvious. Others are more subtle:

- **Classification.** Most states have different prisons designated for different levels of security, which allows classification flexibility. Even many large counties generally do not have multiple jail facilities, which means that inmates at all levels of security classification are housed within the same facility.
- **Population.** Jail and prison populations differ dramatically. Jails have a greater mix of inmates (male and female, misdemeanants and felons, sentenced and pretrial). In most states, prisons are designated either for males or females, and all inmates are generally convicted, usually for felonies. Although some jails may hold juveniles



briefly for various reasons, juveniles who are sentenced to residential placement are housed in facilities other than prisons.

- **Programming.** Programming is different in prisons and jails, largely because inmates' anticipated length of stay is different. In prisons, for example, exercise and other out-of-cell time are more likely to be a part of the daily routine. Medical facilities and services are more extensive in prisons, because chronic illnesses must be treated and many older inmates need geriatric care.

QA Review Questions for Section 6–6

26. Jails have a greater mix of types of inmates than prisons. List three:
- a. _____
 - b. _____
 - c. _____
27. Programming in prisons is different from programming in jails mainly because of differences in _____
28. Compared with jails, prisons generally have more options in classifying inmates.
_____ True _____ False

Conclusion

This chapter has attempted to give jail inspectors a broader perspective on the agencies and officials they encounter in carrying out their responsibilities. It has outlined some basic management principles found in government and briefly described governmental structures at the local, state, and federal levels. The chapter has focused especially on several important aspects of jail operations: funding mechanisms, budget processes, and chains of command. Finally, it has pointed out some differences between jails and prisons.

Understanding how jails operate—including their organizational and fiscal constraints—enhances the inspector's credibility. The result should be more constructive relationships between the inspector and those responsible for ensuring that jails comply with standards.

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QA Answer Key for Chapter 6

1. True.
2. a. Organizing.
b. Planning.
c. Planning.
d. Controlling.
e. Directing.
f. Controlling.
3. True.
4. Controlling.
5. Directing.
6. Planning.
7. a. Legislative.
b. Executive.
c. Executive.
d. Judicial.
e. Executive.
f. Legislative.
8. True.
9. a. County.
b. City.
c. Federal.
d. County. (Can also be a state official, such as a commissioner of corrections.)
e. County.
f. State.
g. Any level.
h. City or county.
10. State and federal.
11. Operating; capital.
12. Funding plan.
13. a. True.
b. True.
c. False. (The debt is owed to those who purchase the bonds.)
14. The amount a county can be indebted from all bond issues. (The assessed valuation is determined by the state assessor based on estimates of the county's worth.)
15. a. False. (It does not require voter approval because it is not indebtedness.)
b. True.
c. False. (It is not counted against assessed valuation because it is not a debt.)
d. True.
16. Using a variety of methods to fund capital improvements.
17. An election to repeal or a referendum.



18. True.
19. a. FY 57.
b. FY 94.
c. FY 97.
20. False. (They are not coordinated. The federal fiscal year is October–September, but most state fiscal years are July–June. This difference can create problems for local jurisdictions that are trying to coordinate state and federal grants.)
21. Preliminary budget.
22. Sheriff or chief deputy.
23. d.
24. True.
25. False. (In some states, the jail inspection law indicates who receives the report. If that is not the case, the inspector should be sensitive to a county’s power structure and find out who should get the original report and who should get copies. The simplest approach is to ask the sheriff or jail administrator.)
26. a. Males/females.
b. Pretrial/sentenced.
c. Misdemeanants/felons.
27. The anticipated length of stay.
28. True.

CHAPTER 7

Resources



CHAPTER 7: Resources

Performance Objectives

After completing this chapter, the student will be able to:

1. Identify and describe several national resources that provide information, training, and technical assistance of interest to jail inspectors and administrators. (See section 7–1.)
2. List four national professional organizations that promulgate standards for corrections. (See section 7–2.)
3. List at least six state and local agencies that may provide resources to jails. (See section 7–3.)
4. Identify several special interest groups that may provide resources to jails. (See section 7–4.)
5. Discuss the information available in the *Resource Guide for Jail Administrators*. (See section 7–5.)

CHAPTER 7: Resources

A wise person once said that the intelligent person is not one who knows everything but one who knows where to find everything. This comment has meaning for the jail inspector who wants to develop and tap resources for providing advice to jail staff.

As noted in an earlier chapter, the inspector often is seen not only as a finder of deficiencies but as a problem solver—a resource to the jail and the county. This means that the inspector must be aware that resources exist and know where to refer those who need information.

Knowing the available resources makes one resourceful.

Unlike the past, when corrections did not have standards or even training, today the field has an abundance of information and resources. Today's professionals in the field are quick to assist their colleagues. To that end, there are clearinghouses, information centers, college libraries, and formal and informal networks on the local, state, and national levels. Correctional administrators can turn to materials in a variety of forms: Web sites, listservs, online libraries and resource centers, printed matter, videotapes, films, DVDs, and audiotapes.

This chapter is not intended to duplicate the variety of resource banks that already exist. Rather, it will highlight some of the information resources available to inspectors. The chapter covers major national resources, prominent resources in the states, professional standards-setting bodies,

and major professional groups with a special interest in corrections. Web sites for most of the organizations mentioned in this chapter are listed at the end of the chapter.

Section 7–1. National Resources

The National Institute of Corrections

The **National Institute of Corrections (NIC)** was created in 1974 to be a center for correctional knowledge and to provide leadership and assistance to the field of corrections. NIC is unique as a federal agency because it provides direct service rather than financial assistance as the primary means of carrying out its mission. NIC is organized so that each primary constituent group in adult corrections—jails, prisons, and community corrections—is represented and served by an NIC division. These are the **Jails Division** and the **Community Corrections/Prisons Division**. In addition, the **Academy Division**, **Offender Workforce Development Division**, and **NIC Information Center** serve all adult corrections.

NIC's Jails Division, Community Corrections/Prisons Division, Offender Workforce Development Division, Special Projects Unit, and administrative offices are located in Washington, DC. The Academy Division and the NIC Information Center are located in Aurora, CO.

All of NIC's divisions provide technical assistance in their areas of expertise, without cost,



to all adult corrections agencies in the United States and its commonwealths and territories. To request technical assistance specifically related to jails, prisons, or community corrections, send a written request to the respective Technical Assistance Manager at the following address (the Jails Division Technical Assistance Manager is used here as an example):

National Institute of Corrections
 ATTN: Technical Assistance Manager,
 Jails Division
 320 First Street, NW
 Washington, DC 20534

Additional information for requesting technical assistance is available on the NIC Web site at www.nicic.org.

The **Jails Division** is the jail inspector's major resource. However, if questions arise regarding prisons or community corrections, the inspector should contact the other division.

The Jails Division provides technical assistance in staffing analyses, reviews of written policies and procedures, planning of and transition to new facilities, jail design, direct supervision, classification, inmate behavior management, and other areas. The Jails Division is a valuable, easily accessible resource. Often, all that is needed is a letter explaining why assistance is needed. Jails Division staff will then provide the assistance or arrange for a technical resource person to do so. If the assistance requires onsite work, the Division will pay all expenses for the resource person.

The Jails Division also publishes guidelines, manuals, and other printed or electronic materials to assist sheriffs, elected officials, jail officials, and jail inspectors. These materials, which are available at no cost, are perhaps the best resource for the jail inspector, as they address all areas in which technical assistance is usually

requested (planning for new construction, budgeting, etc.). Of particular interest to jail inspectors and administrators is NIC's 2004 **Resource Guide for Jail Administrators**, described later in this chapter.

The **Academy Division** provides training programs for all levels of management (e.g., executive, senior-level, manager, supervisor) in corrections. Many of these programs include managers working in jails, prisons, and community corrections settings. NIC's training programs are published each fiscal year in its annual service plan, *Technical Assistance, Information, and Training for Adult Corrections*. The annual service plan is available on the NIC Web site at www.nicic.org or by contacting the NIC Information Center at 800-877-1461.

To request technical assistance related to training and education, send a written request to the following address:

National Institute of Corrections
 ATTN: Technical Assistance Manager,
 NIC Academy
 791 Chambers Road
 Aurora, CO 80011

The **NIC Information Center** (800-877-1461) is a clearinghouse of correctional information and materials, both printed and electronic. Anyone with an interest in corrections may request information or materials from the Information Center. The Center maintains a collection of the most current materials available in corrections and related fields, including unpublished materials developed by federal, state, and local agencies. Staff with professional expertise in corrections settings are available to discuss the specific information needs of practitioners, researchers, and others. A selection of resources (printed and/or electronic) is assembled and sent at no charge.

National Criminal Justice Reference Service

The **National Criminal Justice Reference Service (NCJRS)** is a federally funded resource that offers extensive reference and referral services on criminal justice topics, including corrections. In addition to electronic and written material, it catalogs videotapes and other training aids. The NCJRS sponsoring agencies, which include the National Institute of Corrections, publish hundreds of information products each year, most of which can be downloaded or ordered through the NCJRS Web site (www.ncjrs.gov). NCJRS also provides quick and easy access to information via its electronic question-and-answer service or by phone. It publishes a bimonthly catalog, and its biweekly electronic newsletter (JUSTINFO) provides e-mail notifications of new publications and resources matching one's interests.

Professional Associations

Professional associations can also be useful resources for jail inspectors. They provide training materials, correspondence courses, books and reports, DVDs, and videos. They also publish periodical journals with important technical information, news about innovative programs, research results, construction techniques, and advertisements that can help the inspector stay informed about the latest in jail equipment and furnishings.

Professional associations sponsor training programs, provide technical assistance, and conduct annual meetings and conventions for sharing information. The large national organizations often have affiliate state organizations (such as state jail associations), which are important resources for networking. Inspectors can get to know other jail professionals through these organizations.

The three major professional organizations focusing on jails are the **American Correctional Association (ACA)**, **American Jail Association (AJA)**, and **National Sheriffs' Association (NSA)**. (Web sites for these and other resource organizations mentioned in this chapter are listed on page 127.)

QA Review Questions for Section 7-1

- Spell out the names of the following organizations:
 NIC _____
 NCJRS _____
 ACA _____
 AJA _____
 NSA _____
- The _____ is a federal agency that has published a jail resource guide.
- List the major divisions of the National Institute of Corrections:
 a. _____
 b. _____
 c. _____
 d. _____
 e. _____
- The _____ is the major NIC resource addressing programs, activities, and technology related to jails.
- The NIC Jails Division provides all of the following services EXCEPT:
 _____ a. Technical assistance.



- _____ b. Reviews of written policies and procedures.
- _____ c. Construction of jails.
- _____ d. Planning of new facilities.
- _____ e. Transition to new facilities.

6. For training in jail management, a jail administrator would apply to NIC's _____

7. NIC's _____ is a source of printed and electronic materials on corrections topics.

8. The _____ is an information clearinghouse sponsored by several federal agencies, including NIC.

9. List three national professional organizations that provide resource services in corrections:
- a. _____
 - b. _____
 - c. _____

Section 7–2. National Standards and Accreditation Programs

In addition to providing jail-related information and training resources, some national professional associations promulgate standards and are, therefore, valuable resources when questions arise as a state develops new standards. For example, these organizations can explain why a particular standard should be implemented. Also, they often conduct technical research to validate standards, and the results of their studies may be available to inspectors.

Of the standards developed by national associations, perhaps the best known are the **ACA standards**. ACA publishes several different sets of standards. Most have been updated or supplemented since their original publication, and inspectors should be sure to cite the most recent **editions** and **supplements**. The ACA standards most relevant to the jail inspector address:

- Adult local detention facilities.
- Adult community residential agencies.
- Juvenile detention facilities.
- Juvenile community residential facilities.

Standards for lockups are published by the **Commission on Accreditation for Law Enforcement Agencies (CALEA)**. The publication containing these standards is the *Standards Manual of the Law Enforcement Agency Accreditation Program*.

The **National Commission on Correctional Health Care (NCCHC)** publishes the manual *Standards for Health Care in Jails*. ACA has also published health care standards, and the NCCHC standards are consistent with them. But the NCCHC manual is more detailed than the ACA standards and also provides forms for intake screening, suicide screening, and other medical procedures. The NCCHC manual also contains several position statements and suggested protocols for suicide prevention, care and control of persons with infectious diseases, etc.

The **National Fire Protection Association (NFPA)** issues standards for jails and prisons in its publication titled *Life Safety Codes*. NFPA standards are required in renovations or construction of new facilities and are the basis of fire inspections. NFPA also publishes the *Life Safety Code Handbook*, which outlines NFPA

requirements along with helpful comments for interpreting the code.

In addition to developing standards, ACA and NCCHC offer voluntary **accreditation** programs. Accreditation through ACA is administered by the **Commission on Accreditation for Corrections (CAC)**, which is the major accrediting agency for corrections. NCCHC administers an accreditation program for facility health care services. Accreditation for police lockups is administered through the **Commission on Accreditation for Law Enforcement Agencies**. All accreditation programs involve costs to the agency seeking accreditation. These costs include program administration and “peer review” visits by auditors to assess compliance with standards.

QA Review Questions for Section 7–2

10. Spell out the names of the following organizations:
 - CALEA _____
 - NCCHC _____
 - NFPA _____
 - CAC _____
11. Name three ways in which professional organizations that promulgate standards can be a resource to the jail inspector:
 - a. _____
 - b. _____
 - c. _____
12. When citing standards of the American Correctional Association, inspectors should be careful to cite the correct _____ and _____
13. Name the subjects addressed by the four ACA manuals of standards that have particular relevance to the jail inspector:
 - a. _____
 - b. _____
 - c. _____
 - d. _____
14. The title of the standards manual published by the National Commission on Correctional Health Care is _____
15. The title of the publication containing the National Fire Prevention Association standards for jails is _____
16. The major accrediting agency for corrections is the _____

Section 7–3. State and Local Agencies

Many state and local agencies are potential resources for jails. Often, these agencies would be eager to assist jails but are unaware that their assistance is needed or wanted. Indeed, some jail administrators are reluctant to have their routines disrupted by people from outside agencies. Although this is understandable, the jail inspector should emphasize the benefits to be derived from their involvement.



A major benefit includes **support** for correcting deficiencies noted by these agencies, especially in the areas of sanitation, health, and fire safety. Additionally, by involving outside agencies, the jail will have demonstrated a **good faith** effort to improve jail conditions, which may be important in the event of a liability suit.

Because fire safety is a critical issue in jails, the state **fire marshal** is an important resource. Jails often have fire safety problems, and the fire marshal may be able to assist in developing practical plans to correct these problems. The fire marshal can also assist in developing emergency and fire plans. The **local fire department** is another useful resource. Most fire departments are interested in reviewing or participating in the development of emergency plans, having their staff visit or tour the facility, etc.

The **health department** can offer assistance in many areas. In small counties, the health department often may provide **medical services**, or at least screening for infectious diseases. It will also inspect the jail's food service program and make recommendations. **Dietitians** are eager to review menus and suggest substitutions for more nutritious meals. **Sanitation** services may also be available through the health department. A sanitation engineer may inspect the jail and help implement recommendations.

Several other state and local agencies can be of assistance to jails. These include:

- **Occupational Safety and Health Administration (OSHA):** Inspection, investigation, and consultation to ensure safety in the workplace. (OSHA is a federal agency. Many states have their own occupational safety and health programs.)
- **Department of Homeland Security (DHS):** Emergency response for terrorism

or natural disasters. (DHS is also a federal agency. It coordinates security activities with all 50 states and with major cities nationwide.)

- **Civil Defense and Emergency Preparedness:** Assistance in developing emergency plans. (These agencies may be found in states and larger cities. Agency names vary.)
- **Police departments:** Emergency response assistance, coordination for mass arrests.
- **Social services agencies:** Counseling for staff and inmates, augmentation of in-jail counseling programs and services.
- **Government auditors:** Assistance in developing inmate accounts and accounting procedures.
- **Universities, colleges, and community colleges:** Assistance in training, conducting studies, or placing students for special projects.
- **Office for disabilities:** Technical assistance on architectural and operational barriers to dealing with inmates with disabilities.
- **Historical commission:** Information on renovation of historical structures.
- **Professional associations:** Technical assistance on social, academic, or technical issues.

States and many larger counties, cities, and towns maintain Web sites that provide contact information for these and other agencies that may be able to offer valuable assistance to jails.

QA Review Questions for Section 7–3

17. Involvement with local resource agencies can produce documentation that demonstrates a county's _____ in improving jail conditions.
18. List three services the local health department can provide to a jail:
- _____
 - _____
 - _____

Section 7–4. Special Interest Groups

Among the special interest groups that can serve as resources for jails is the **National Association of Counties (NACo)**, which addresses issues critical to counties. NACo has committees whose purpose is to focus on jails. Members of the organization's **state chapters** may be a resource for jail inspectors.

The **League of Women Voters**, active at the national, state, and local levels, has an interest in jail reform, as does the **American Civil Liberties Union (ACLU)**.

State professional organizations such as the **state sheriffs' association** and the **state jail association** are important vehicles for positive change. They have an advantage over national organizations in that they are more readily accessible to members and attending their conferences is less expensive. State professional organizations are important for developing networks of information and support among jail colleagues. Many state organizations, working through committees, have accomplished dramatic results in encouraging states to pass corrections-related legislation, including laws

establishing jail inspection programs and state training academies, good time and work release, and correctional officer benefits and rights.

QA Review Questions for Section 7–4

19. The _____ is a national organization dedicated to addressing issues critical to counties.
20. List three ways in which a state sheriffs' association or jail association can help to improve jails:
- _____
 - _____
 - _____

Section 7–5. Resource Guide for Jail Administrators

NIC's *Resource Guide for Jail Administrators*, although geared for jail administrators, is also important as a supplement to this manual and as an ongoing resource for jail inspectors. The Guide addresses all areas of jail administration, as reflected in its chapter titles:

- Role, Purpose, and Characteristics of the Jail
- Jail Administration
- Jail Facilities
- Jail Staffing and Scheduling
- Staff Recruitment, Selection, and Retention
- Staff Training



- Jail Security, Safety, and Emergency Preparedness
- Inmate Behavior Management
- Inmate Discipline and Grievance
- Special Management
- Inmate Services and Programs
- Jail Intake and Release

The Guide's appendix A presents recommended **resources**, including Web sites of national organizations and descriptions of the resources they make available. Resource descriptions also include approximately 40 publications and videos; of particular interest are NIC materials related to jails, jail administration, the jail as a part of county government, jail design, crowding and strategies to address crowding, and other topics. Appendix B is a bibliography covering all aspects of jail administration. Finally, appendix C presents 16 **assessment checklists** intended to help both new and veteran jail administrators assess their jail's operations. The checklists, which provide information on key aspects of jail administration, can be valuable to jail inspectors as well.

The Guide is available at no cost from NIC. It is a good desk reference for jail inspectors, who should also make jail administrators aware of its content and availability.

QA Review Questions for Section 7–5

21. NIC's *Resource Guide for Jail Administrators* includes recommended resources such as Web sites of national organizations and descriptions of the resources they make available.
 True False
22. The Guide's _____ are intended to help both new and veteran jail administrators assess their jail's performance.

Conclusion

This final chapter of *Jail Inspection Basics: An Introductory Self-Study Course for Jail Inspectors* has highlighted some of the major resources for jail inspectors. It is an appropriate closing for the manual, because the resources it describes will help inspectors continue their education long after they complete this course. Jail inspectors will find these resources invaluable in furthering their own knowledge of the field. Additionally, in their role as consultants, inspectors can perform an important service by making sure that those responsible for local jails are aware of the resources available to them. As noted at the beginning of this chapter: Knowing the available resources makes one resourceful.

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Martin, Mark D., and Rosazza, Thomas A. 2004. *Resource Guide for Jail Administrators*. Washington, DC: U.S. Department of Justice, National Institute of Corrections. NIC Accession Number 020030.

National Commission on Correctional Health Care. 2003. *Standards for Health Services in Jails*. Chicago, IL: National Commission on Correctional Health Care.

National Sheriffs' Association. 1990. *Jail Officers Training Manual*. Alexandria, VA: National Sheriffs' Association.

Web Sites for Resource Organizations Mentioned in This Chapter

American Civil Liberties Union (ACLU): www.aclu.org.

American Correctional Association (ACA): www.aca.org.

American Jail Association (AJA): www.corrections.com/aja.

Commission on Accreditation for Law Enforcement Agencies (CALEA): www.calea.org.

Department of Homeland Security (DHS): www.dhs.gov.

League of Women Voters: www.lwv.org.

National Association of Counties (NACo): www.naco.org.

National Commission on Correctional Health Care (NCCHC): www.ncchc.org.

National Criminal Justice Reference Service (NCJRS): www.ncjrs.gov.

National Fire Protection Association (NFPA): www.nfpa.org.

National Institute of Corrections (NIC): www.nicic.org.

National Sheriffs' Association (NSA): www.sheriffs.org.

Occupational Safety and Health Administration (OSHA): www.osha.gov.



QA Answer Key for Chapter 7

1. NIC: National Institute of Corrections.

NCJRS: National Criminal Justice Reference Service.

ACA: American Correctional Association.

AJA: American Jail Association.

NSA: National Sheriffs' Association.
2. National Institute of Corrections (NIC).
3. a. Prison/Community Corrections Division.

b. Jails Division.

c. Academy Division.

d. NIC Information Center.

e. Offender Workforce Development Division.
4. Jails Division.
5. c. Construction of jails.
6. Academy Division.
7. NIC Information Center.
8. National Criminal Justice Reference Service (NCJRS).
9. a. American Correctional Association (ACA).

b. American Jail Association (AJA).

c. National Sheriffs' Association (NSA).
10. CALEA: Commission on Accreditation for Law Enforcement Agencies.

NCCHC: National Commission on Correctional Health Care.

NFPA: National Fire Protection Association.

CAC: Commission on Accreditation for Corrections.
11. a. Helping states develop new standards.

b. Providing a rationale as to why a particular standard is needed.

c. Providing technical assistance related to a standard.
12. Edition and supplement.
13. a. Adult local detention facilities.

b. Adult community residential agencies.

c. Juvenile detention facilities.

d. Juvenile community residential facilities.
14. *Standards for Health Care in Jails.*
15. *Life Safety Codes.*
16. Commission on Accreditation for Corrections (CAC).
17. Good faith.
18. a. Medical.

b. Food service inspection/dietitian.

c. Sanitation.



19. National Association of Counties (NACo).

20. a. Holding accessible conferences.

b. Developing information/support networks
for jail professionals.

c. Encouraging passage of jail-related
legislation.

21. True.

22. Assessment checklists.



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