



Large Jail Network Proceedings



Meeting Proceedings

March 2010

National Institute of Corrections

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**Proceedings of the Large Jail Network Meeting
Aurora, Colorado
March 28–30, 2010**

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About the Large Jail Network

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

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

Purpose

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

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

LJN Goals

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

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Appendix B. LJN March 2010 Participant List

Appendix C. Index of Past LJN Meeting Topics

Appendix D. Summary of Responses: Large Jail Network Agency Organizational Culture Indicators and Tools

ABOUT THIS MEETING

The March 2010 Large Jail Network meeting took place from Sunday, March 28 to Tuesday, March 30 and had 64 member agency staff in attendance.

The meeting began with an informal dinner on Sunday with participant and guest introductions. Two days of presentations and discussion followed.

Guests and speakers at the meeting included:

- Elizabeth Gondles, Institute for Criminal Justice Healthcare, Alexandria, Virginia
- William C. Collins, attorney
- Gwyn Smith-Ingley, Executive Director, American Jail Association, Hagerstown, Maryland
- James Gondles, Executive Director, American Correctional Association, Alexandria, Virginia
- Kathy Black-Dennis, Director, Standards and Accreditation, American Correctional Association, Alexandria, Virginia
- Connie Clem, presenter and meeting recorder, Clem Information Strategies, Longmont, Colorado.

The agenda for the meeting is provided in Appendix A.

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

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

A summary of participating agencies' methods of monitoring and influencing agency culture is provided in Appendix D.

MEETING TAKE-AWAYS IN BRIEF

Responding to Fiscal Pressure

- p. 3* Though jail administrators may think they couldn't possibly operate if their budgets were cut significantly, Joe Schmitz's experiences in Hamilton County show that it can be done. He shared strategies for cutting costs and for guiding the agency's people through difficult times.
- p. 6* Cost savings can be found in areas the jail controls directly and by working outside the jail to create a shared understanding of the jail's mission and its share of justice system costs. Connie Clem shared insights from her research with jail administrators.

Medical Care Trends

- p. 12* Technology and policy trends will continue to affect jail medical and mental health care services. Elizabeth Gondles outlined some indicators of where jail health care is headed.

Creating a Leadership Culture

- p. 18* For jail managers and supervisors to become prepared for leadership positions, they need to make decisions and have accountability for the outcomes. Mitch Lucas shows how.
- p. 21* Ron Freeman discussed how the Ada County jail responded to an escape by tightening up its performance throughout the organization. Communication with staff is a primary element.

Efficiencies in Booking

- p. 24* Agencies can invest in a range of technologies, with costs in the do-it-yourself range to far beyond, to move detainees more quickly through the booking process. Glen Kurtz reviewed successful tools adopted in Sedgwick County, Kansas.

Recovery in Jail

- p. 30* Sheriff Mike Wade profiled the well regarded Recovery in a Secure Environment (R.I.S.E.) program, an inmate-run residential substance abuse treatment community launched in the Henrico County jail that is being emulated in other Virginia jails.

Legal Issues

- p. 34* The 9th and 11th Circuit Courts of Appeals have reversed long-standing decisions on what constitutes reasonable justification for searches. Bill Collins also reviewed use of force, civil rights litigation, and questions from participants.

PROGRAM SESSION: COPING SKILLS WITH AND FOR STAFF IN FISCALLY TIGHT TIMES

Part 1. How Do You Cope with Severe Budget Cuts?

Presenter: Joseph Schmitz, Director of Corrections, Hamilton County Sheriff's Office, Cincinnati, Ohio

Joe Schmitz opened by commenting that everyone in the jail business says they simply can't take budget cuts and continue to operate, but in fact, as his own recent experience shows, "you can do it."

He reviewed operational costs, population management data, and personnel costs from the Hamilton County Jail for the period from 2007 to 2009. During that time, the jail's total budget was cut by 34%. The jail's separate medical budget comes out of a special tax levy for indigent services.

Operations

Operational costs were cut by 47%, with large percentage cuts in spending on uniforms, janitorial supplies, fuel oil, inmate hygiene kits, vehicle repair, radio and television repair, and training. Capital expenses on equipment and vehicles were cut by 93%.

Some jail managers may prefer to use a hands-off approach, but Schmitz found that it was necessary to run the jail as a micromanager to make the savings happen. He had to scrutinize every expenditure until he was sure staff understood what they needed to do.

Population Control

The jail reduced the inmate population by tripling the use of early release, deferring jail commitments, creating a pretrial early release process, and establishing a sheriff's work detail. The jail operates under a population cap and has room only for sentenced and pretrial felons. Inmates on mandatory DUI sentences are released at the mandatory date, even if judges gave them longer sentences. Other releases are made based on a matrix that predicts danger to the community. Domestic violence offenders are some of the last to be released, especially those who have violated a protection order.

Misdemeanants are processed into one of the work details or booked and released with a court date. This has had no noticeable impact on crime rates. Judges are not sure they can believe these results. The strategy among local policy-makers is that if the justice system releases more inmates, voters will approve new taxes. This may not work, however, since the people most affected by the releases are not the most likely to vote or to vote for higher taxes in particular.

As a result of the pretrial releases, the failure to appear (FTA) rate rose. Defendants were aware the jail was under stress. The jail now holds on to pretrial defendants who begin to accumulate FTAs.

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Schmitz was able to reduce overtime costs by 97%, from \$1.3 million to \$37,000. Other jails can avoid filling posts with overtime workers and use that money to keep people employed, or find ways to use fewer staff. Schmitz eliminated several posts, such as control room staff in all but one of the perimeter towers.

Hamilton County also lost 28% of security supervisory positions and one-third of its correctional officers, including many younger staff with experience and enthusiasm. The entire training staff was let go. Supervisors now provide training. When there are slow times in the jail, inmates are locked down in the pods so small groups of officers can receive training. Additional training takes place at roll call.

The jail made other significant savings by cutting clerical and other support positions.

Staff cuts have been done with great care. This has been particularly tricky given the jail's complex staffing. Schmitz directed each of his supervisors to give him a plan that would cut staff by 35%. They prepared lists by seniority and status (union, non-union, hourly, exempt, etc.). When it was necessary to choose between two people, the person who reported for duty more consistently was retained, or the person who was able to retire was let go.

Seniority preferences meant the lowest paid people were the first to be laid off. It was harder to meet the dollar targets without cutting higher lever positions. Administrative positions were cut by 50% to keep up a perception of fairness. It was very difficult to lay off single mothers with children, but the jail had no latitude because of the unions. Getting rid of good workers was tough, which was part of why Schmitz did his best to keep the people who had been reliable performers.

The union would not accept a proposal to move to 12-hour schedules. Currently staff are on a 6-2, 5-3 schedule, working 6 days with 2 days off, followed by a 5-day week and 3 days off. The jail has had difficulty honoring its vacation schedule; the arbitrator said the jail was doing the right thing.

In agencies experiencing this level of staff cuts, the unions may tend to blame every incident on the staffing. In Hamilton County, two senior officers were beaten as a result of a bad officer decision, but it was not caused by staffing pressures per se.

Jon Huber (San Joaquin County, California) asked whether jail leaders met with the unions about furloughs and other concessions. Schmitz said that initially the unions refused, but under public pressure they said they'd consider options. Ultimately, however, they made too many demands that the jail could not meet. For instance, the union refused to consider adding restrictions on sick leave usage.

Schmitz said the most surprising thing he encountered was a pervasive "screw-your-buddy" attitude. The supervisors union demanded a raise, and the arbitrator ruled in their favor. Out of 600 employees who were eligible to retire, only one said he was willing to retire if it would save a younger person's job. People could not be convinced to reduce their work week by 4 hours to help the jail avoid cutting personnel. Staff at higher levels and with more seniority refused to take early retirement, though their salaries could have paid to retain more people at lower pay grades.

Regarding use of sick leave, dedicated staff are behaving the same as always, and people who used to call in sick are calling in more often. The non-union and support staff are under extreme stress, doing the same work as before with fewer people.

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Running the jail with fewer staff and no overtime means inmates are in lockdown more often for 4 hours at a time. This is done in rotation, but it is changing the inmates' behavior and creating a dangerous situation. There have been more assaults on officers. Overtime is used sparingly to keep the dynamic from getting worse. Bobby Wyche (Caddo Parish, Louisiana) said that an alternative to locking down inmates is to move them around the facility four tiers at a time.

Since the layoffs began, the jail has had no suits filed in connection with inmate-on-inmate assaults or fights. The jail actively investigates incidents and presses charges when appropriate, which may be helping to keep incident rates from climbing.

Helping Staff Cope

Schmitz offered these comments on guiding the staff through a period of layoffs.

- Communicate with staff as early as possible. County commissioners were vague about the need for cuts, then kept coming back to the jail with instructions to cut another 10% out of the budget, then another 10%.
- Before revealing a plan for layoffs, have a list of the people who will be laid off ready to publish. This reduces the time staff are left with a poisonous feeling of uncertainty.
- Control the message and authority for releasing information. Schmitz had a deputy director who was reassuring specific people they wouldn't get laid off, but they were.
- Make it clear that no one's job is safer than anyone else's. Schmitz cleared out his own office to send the message that cuts would be equitably shared across the whole agency.

The jail helped laid-off staff get through the transition. They were given packets of material on finding a job, help completing their COBRA paperwork for continuation of medical insurance (a huge concern for employees with families), and instructions for applying for unemployment benefits. Staff were assured that they would have priority for rehiring for 3 years.

Staff who remain have had to deal with survivor stress and guilt. The agency's staff have become a much closer team. The emphasis is on keeping a sense of humor and staying consistent in enforcement of rules, but perhaps easing up just a bit. Reducing stress is extremely important; everyone in the facility is overworked.

Other Adjustments

Schmitz concluded by describing specific strategies for operating with fewer staff:

- Shift captains record staffing on a shift paperwork form, including all types of leave that people are taking. People who aren't needed on one building are be moved to another, reducing use of overtime, which took some getting used to.
- To reduce posts, almost all activities that were taking place on the third shift have been moved to the first and second. Minimal staff are on the floor during third shift.

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- The jail has cut all programs except education, and educational staff have been cut back to three positions.
- Classification staff now are used only for making housing and release eligibility determinations.

Presenter information: Joseph Schmitz is the Director of Corrections in the Hamilton County Sheriff's Office, Cincinnati, Ohio. He can be reached at 513-946-6606 or jschmitz@sheriff.hamilton-co.org.

Cutting Costs in Jails: Because Every "Body" Has a Price

Presenter: Connie Clem, Clem Information Strategies, Longmont, Colorado

Connie Clem shared ideas from an article she wrote for *American Jails* magazine on cost savings in jails that was based on interviews with jail administrators around the country, including several past and current LJN members. The article, "69 Ways to Save Millions," appeared in the November-December 2009 issue and shares their extensive knowledge.

Jail leaders can squeeze more money out of their operations, they can raise revenues, they can make sure staff are being used effectively, and they can cut overtime costs. Plus, they should hold on to what's working, and they should change the rules if necessary.

Operations

In operations, one way to save money is by looking at energy costs. A free energy audit can identify big savings. In El Paso County, Texas, the sheriff's department took this a step farther by putting in a photovoltaic solar energy system that is expected to generate revenue. El Paso also brought a solar hot water system back online that they had forgotten they had. It isn't necessary to be in a desert environment for solar energy investments to be worthwhile.

Agencies can also run their laundry systems at night if energy rates are lower then. Lighting can be turned down or off by staff or by taking advantage of programmable fixtures and motion sensors.

Food costs can be targeted. Fresh fruit is cheaper than juice. Inmates can help produce for the kitchen and bake bread, also gaining vocational skills.

Contract bridging works when another agency is contracting for a product or service the jail also needs. The jail can simply sign on to existing contract agreements. This is efficient because it saves the jail the trouble of developing an RFP and going through the contract review process.

Jails can also explore doing more of their purchasing through state government pools that offer lower prices for items such as cell phones, pharmacy, and vehicles.

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Automated facility management systems allow the jail to track and analyze operational costs of all kinds. Several meeting participants said their agencies have this type of system in place.

Revenue

Prepaid phone cards are popular with inmates. In addition to streamlining phone access, they benefit the jail through the intelligence the justice system can gain through inmate phone calls. More access to telephones also helps more inmates make bail, reducing bed occupancy.

Jails can increase commissary sales by using kiosks and facilitating partnerships between food service and the commissary provider. Selling products on the units is popular. Families of inmates in participating facilities can send food and other items through Aramark's iCare gift program (<http://www.icaredirect.com/icare.aspx>).

A variety of types of federal assistance, often routed through the states, can help jails address mental health needs, vocational programming, etc. These opportunities shouldn't be overlooked.

For jails that have extra bed capacity, housing federal or other prisoners is another option.

Utilization of Staff

When a jail needs to do more with fewer staff, there are a few ways to approach it. By thinking about tasks separately from who has been doing them, the jail often can find more efficient methods for performing the work. Officers may not need to be doing all the things they're doing now.

Money-processing kiosks at intake eliminate the time needed to handle money, and multi-purpose kiosks on the unit allow inmates to complete forms on-screen instead of taking up the officer's time and attention.

Jails may be able to reduce court escort hours by asking the courts to schedule high-security inmates' cases early in the day.

If a need to cut posts is on the horizon, jails should do the hard thinking ahead of time. Marilyn Chandler Ford (Volusia County, Florida) suggested that jails identify their base-level essential posts as well as their preferred staffing levels. The jail is then prepared to cut back the non-essential posts if and when necessary and can add posts back after the budget environment improves.

Closing some posts or functions in off hours also works, especially if there's a night or swing shift. Moving to an entirely new staffing schedule may also be a workable option.

Closing a housing unit, even for just one day, can save costs and allow the jail to use staff at other posts, reducing overtime. Some agencies have found it makes sense to close an entire facility. San Diego County closed a low security camp, giving some of the staff a long commute, but that was better than losing their jobs.

Other ideas include dual-tasking managers and supervisors, for example by having them manage two units or two tiers. Rotating staff through these extra duty periods can help alleviate stress and burnout.

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Being flexible with how staff are assigned for the shift can also work well. Officers can be moved from their usual unit or building to another, helping the jail spend less on overtime.

Creating a “detention officer” classification with lower training requirements to fill some posts is working in some agencies but raises concerns in others. The jail in Arapahoe County, Colorado, is doing this and has found it attracts staff who want to stay in jail work rather than moving to patrol. Mitch Lucas (Charleston County, South Carolina) considers this a dangerous road to go down. If a jail decides it can operate with less qualified and lower paid staff because of budget pressures, they risk not being able to get the higher level positions back later on. Making this change will do more harm to the jail than the budget issue over the long term and will affect the entire operation.

Another comment was that consistent high levels of certification can be important for operational flexibility when the sheriff wants to move staff from one division to another. Other participants agreed they would be very cautious about creating a less credentialed position. It can put staffing decisions in the hands of a budget officer by giving budget staff the leverage to say fully qualified corrections officers are not necessary. An Ohio participant said his county has certified corrections officers who receive 10 weeks of training, and some corrections officers also pursue certification as police officers on their own initiative. Other agencies have investigation, transportation, or classification officers who may or not be uniformed.

Overtime

Overtime can be a huge cost for jails. Reviewing its usage may show that overtime staffing is being approved without adequate authorization or adherence to the established staffing plan. Unscheduled absences also create the need for overtime. Looking for patterns helps management address inappropriate use of leave. In Monterey County, jail staff with a high number of unscheduled absences lose their eligibility to bid for preferred shifts.

Mary Lou McDonough (Prince George’s County, Maryland) said the county jail found it was paying significant money in overtime for non-productive hours. Staff who were on leave for part of a pay period and worked overtime in the same period have been receiving time-and-a-half pay for the extra hours. The county is going to court to correct the labor code on this point to require that staff cannot receive overtime pay until they’ve already worked 84 hours in the pay period.

A Net Annual Work Hours analysis is a precise tool for calculating the positions that are needed to run the jail when all possible types of leave are factored in, including smaller categories such as leave to recover from on-the-job injuries. By staffing to meet predictable needs, jails can reduce overtime expenditures.

Don’t Lose Your Edge

When budgets get tight, jails need to keep from jettisoning things that make the jail safer, more efficient, or less crowded. If the jail has a source for mental health screenings and diversion, hold onto it. A work release coordinator position costs less than the bed space costs if those inmates are placed in the jail instead. Cutting reentry case managers who make a difference with recidivism means that more beds will stay filled. Jail leaders need to know the programs’ outcome data and be ready to defend these positions in order to keep the long-term benefit.

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Training is often cut in response to budgets, but jails should keep at least some of their experienced trainers. The continuity they bring is valuable, and they know what works for the agency and what the agency's specific training issues and history are.

Jails can find ways to save money for salaries and keep more of their experienced staff instead of laying them off. Staff and unions may be willing to negotiate work hours and benefits, and the jail can look for trade-offs everyone can live with. One jail was able to get approval for furloughs because the savings would allow the agency to continue its cost-of-living (COLA) increases. Staff knew the COLA increase would affect their retirement benefit levels, so they were willing to budge on the furlough question. In tough times, less work is better than no work at all. Other bargaining units have accepted salary freezes paired with no increase in insurance fees or out-of-pocket costs.

Being Creative

Agencies often find solutions to issues they can address internally. Arapahoe County, Colorado, created a trusty program for eligible ICE inmates, allowing them to earn good time credits and move out the facility faster. Montgomery County provides space for mental health competency examinations in the jail to speed diversion to community treatment. Staff in Jefferson County, Colorado, make phone calls to remind people of their court dates. It's not technical, but it is effective in keeping bed use down.

In Montgomery County, Maryland, the jail has an expeditor position that follows up on details that enable criteria-guided release. If a low-risk detainee isn't released right away, the expeditor finds out why and locates information, such as a residential address or family contact, to enable safe release.

Structured release criteria, for pretrial or end-of-sentence decision-making, can help reduce bed use without raising risk to the community.

Communities owe jails a lot of good will for the work they do. Jails need to make sure people know what they're doing so they get the appreciation they deserve. When budgets are tight, jails can share info about their budget situation. The jail in Monterey County, California, asked the local community for library book donations as part of its overall drive to cut costs. Public service work programs continue to earn jails get positive public recognition. In El Paso County, Texas, inmates salvaged cactus and other materials from an expansion at Fort Hood to build a botanical garden outside the justice center.

Jails can also connect with community agencies and care systems to coordinate services. Each agency works with some of the same people and can help the other.

Rule Changers

Jail leaders can also think outside the box and influence policy to get costs and bed utilization down. Jails are a big piece of county budgets, and saving money in the jail can mean big savings for the county. Making options clear so that public resources are used wisely makes everybody look good.

Communication is key. Jail leaders need to cultivate good relationships and trust both within and outside their own agencies. Credibility and integrity are important, and so is good packaging of facts and statistics. Jails in Oklahoma were able to pass legislation to get inmates with preexisting conditions covered by state indigent health care funds. Similar partnerships help other agencies provide psychotropic medications on release, funded by public health or probation. Minnesota counties

convinced the legislature to reverse a bill that would have sent to jail all state-sentenced inmates with less than a year to serve; some of the counties would have had to buy beds to house them.

Jails can also promote jail alternatives that let judges “get tough” while using fewer jail beds. Electronic monitoring is being used in St. Louis County and elsewhere as part of plans to enforce rulings on child support payments, for example.

Focusing on the mission of the jail helps frame questions about crowding and bed use. Beds need to be available to keep the community safe. This can become a topic of education with the public and the local justice community.

Examining pretrial process and releasing low-risk detainees can make a big difference. Changes in bond levels and bail amounts can directly affect bed use. Promoting “systems thinking” helps people see the connections between the jail, police, courts, probation, and the rest. Agencies can collaborate on a system-wide jail use plan, as they did in Jefferson County, Colorado. Agencies in the Criminal Justice Strategic Planning Committee (<http://co.jefferson.co.us/cjp/index.htm>) have all signed on to a stated goal of “keeping beds open to deter crime and improve compliance with court orders.”

If working relationships between justice agencies are not yet in place, that can be a direction to head in the future. Everyone has a stake in the jail.

Discussion

Art Wallenstein (Montgomery County, Maryland) said that the driving force in Joe's report is his ability to lower costs by reducing average length of stay (ALOS). Art's analysts when he was in King County, Washington, calculated that the ALOS has five times the impact on jail beds as the number of bookings. A dollar spent on pretrial services saves \$5 in the jail. Jurisdictions that have pretrial services are extremely fortunate. It comes down to moving people through the system more efficiently and quickly. In terms of population control, pretrial services are far more important than alternatives for sentenced inmates; the “bang for the buck” is infinitely greater.

Clem said communities often don't understand what jails do. Jail leaders and sheriffs don't really get the word out about the actual costs of jail services. If jail leaders get out in front of the issue and show the county how cut justice system costs, county government ought to appreciate it.

Some participants said the counties would appreciate it so much, they'd cut the jail's budget even further. One described sitting across the table from elected officials, finance directors, and other county budget officials who insist they know everything about running a jail. He commented, “We try to explain to them why we want what we want. They are just totally clueless and don't want to learn.” In one argument, the jail had an overrun of \$500,000 on overtime but could not get approval to hire more personnel to reduce overtime usage. As an alternative, he proposed a pilot program to release 500 misdemeanants, saving \$50,000 and avoiding overtime. The county officials would rather give the jail the \$500,000 for the overtime. It boiled down to the officials saying they knew how to run the jail, and the jail leadership didn't. It was frustrating to try to justify the views of the jail administration while facing a such lack of respect for their professionalism.

Mitch Lucas (Charleston County, South Carolina) said he was a “budget guy” before he ran the jail, so he knows the way they think. Bean-counters focus on how much jails cost per inmate per day, but eventually they figure out that if the jail removes one inmate, it's not going to save that amount. So, it's

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important to be honest with them about what actually will reduce the jail's costs. Jails need to change the way they approach the people with money. It's an issue jails haven't talked about very much,

Jeff Newton (Douglas County, Nebraska) said he finds it effective to shift the conversation to what it costs to run a housing unit. When speaking at the legislature or with county commissioners, he'll say, "I can save you \$1,000 a day if you can help me close a housing unit. Reducing the population won't help me any until I can close a unit." The message is getting across.

Tom Merkel (Hennepin County, Minnesota) said, "It's all about the data." Jail leaders need to package their data so it speaks to the people they are trying to convince. From an evidence-based viewpoint, the justice system is a big circle. Jails only hold inmates for awhile. There's also the reentry piece, the law enforcement piece—if all the decision-makers can get in the same room, they can understand the effect their actions have on each other. "But you've got to have the data."

Also, Merkel said, controlling length of stay is one thing, but jails can also focus on the front door. "I spent the first 25 years of my career saying I don't control the front door, but yeah, I do!" Merkel diverted 10,000 bookings a year by getting together with the City of Minneapolis, the jail's biggest customer. They found that the main reason officers were bringing misdemeanants to the jail was because they couldn't identify them. Now, the precincts have the identification technology to do a one-finger IBIS roll, and fewer people come to the jail. It's good for the jail and for the patrol officers, who don't have to wait 3 hours in intake anymore. Once this is quantified with some data, it's a "wow" moment. Merkel said that in the current economic environment, jurisdictions are having discussions they've never had before. There are plenty of opportunities for collaboration around the question of how to spend the money, but jails need the data to do it.

Another participant described reducing a jail's medical costs from \$287 to \$211 per inmate by doing more medical referrals at the gate and not accepting inmates who were injured or very ill. The jail is also working with the courts to get sick people released on OR or to reduce their charges or sentences. The jail cut \$400,000 in its medical care contract last year and will be asking for another \$500,000 reduction this year.

Chris McQuillan said that Lake County, Indiana, did the same thing by having EMTs assess people when they come to the front door. This has also helped keep communicable diseases out. However, the practice is unpopular with arresting officers, who have complained and even dumped a detainee in the parking lot rather than taking him to the hospital.

A participant commented that people have died in the jail's sallyport, and the arresting officers still wanted the jail to bring him into the building. Tim Ryan (Miami-Dade County, Florida) agreed that the culture of law enforcement is, "I have an arrestee and I have to do something with him." It's worth the effort to try to change the culture so officers will take the person to the hospital and arrest them when they walk out the door. A person who is having a heart attack should be cared for and the care paid for through a different mechanism. They can be brought to the jail when they're medically cleared.

Presenter information: Connie Clem is Principal of Clem Information Strategies, located in Longmont, Colorado. She can be reached at connie@cleminfostrategies.com or 303.242.6278. Her web site is <http://cleminfostrategies.com>.

PROGRAM SESSION: THE TREND OF MEDICAL ISSUES IN THE FUTURE

Future Trends in Jail Correctional Health

Presenter: Elizabeth F. Gondles, Ph.D, Institute for Criminal Justice Healthcare, Alexandria, Virginia

Betty Gondles said that to understand correctional health care trends, it's necessary to look at three questions: "Where have we been?", "Where are we now?", and "Where are we going based on how we got there?"

There is great variability in correctional health care across the country. Changes in practice generally are driven by court action. An early case in North Carolina, *Biser v. Williams*, from 1926, established that the public must pay for inmates' care because they don't have the freedom to provide for their own care.

The driving forces that shape correctional health care are different from those shaping care for the public. In the free world, advances come from practitioners and the desires and demands of the patient. Care for incarcerated populations evolves through the ideas of a handful of visionaries.

Gondles noted that the Warren and Burger eras on the U.S. Supreme Court protected individual rights over society's rights, changing the face of corrections. *Estelle v. Gamble* established that inmates have a right of access to health care, to a professional medical opinion, and to have that opinion carried out. Lack of any of these elements would constitute deliberate indifference on the part of the agency. In *Farmer v. Brennan*, the Court established that cases need to be decided on a very individual basis.

Where Have We Been?

The working environment and the level of professionalism in correctional health care has evolved significantly over the last quarter century.

- Prior to the 1970s, administrators and their subordinates would make direct patient care decisions.
- By the 1970s, the correctional health care field had a reputation of incompetency. Professional training was often lacking, and salaries were dismal.
- In the 1980s and 1990s, salaries, professionalism, and staffing numbers all were improved. On-site physicians influenced correctional practices. The private medical services contracting industry arose. Mental health and substance abuse issues were growing in importance.

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Agencies at this point were confronting the need for a systematic approach to correctional health care. Costs were skyrocketing, and administrators had no way to objectively gauge the competency of the medical care providers they were hiring. Agencies learned to leverage economies of scale with pharmacy and supplies purchasing and began to develop new approaches for negotiating costs. Many more agencies turned to private providers or partnerships with state universities.

Legal challenges on medical and mental health care remained prevalent. The Prison Litigation Reform Act of 1995 reduced some of the pressure on corrections.

Some correctional leaders continue to focus on addressing the inherent challenges in correctional medical care. For example, one challenge is educating the public on the need to spend money on health care. It is not obvious to everyone that providing immunizations significantly benefits public health. Dr. Ken Moritsugu and Dr. Newton Kendig are two leaders known for keeping their agencies on the cutting edge of care and thereby leading the way forward for other agencies.

Where Are We Today?

Corrections agencies today are focusing on ideas that will reduce costs and improve care. There is a trend toward concentrating medical resources toward those who most need care. Agencies are creating efficiency via specialized facilities and closer involvement of security personnel. Agencies such as those in Los Angeles County and Broward County prioritize care for incoming inmates by identifying their levels of need as chronic or acute, stable or unstable, etc.

Cost control is the dominant factor as agencies compete for funding. The effect of the newly passed national health care reform throws all predictions out the window. Future court decisions are another unknown.

Emerging developments and trends are evident in clinical care, public health initiatives, information technology, professionalism, policy, and reentry planning.

Developments in clinical care:

- A rise of infectious diseases and drug resistance (MRSA, TB); pandemics.
- New therapies or treatments for addictions (methamphetamines, prescription opiates);
- Advances in treatment for diseases such as hemophilia, multiple sclerosis, and HIV, involving expensive new classes of drugs and an obligation to treat.
- Changes in national medical care guidelines that involve ordering more tests.

Public health initiatives:

- A trend toward medically assisted treatment for addictions.
- Use of rapid STD and HIV testing at intake. Public health nursing staff can be on-site at the jail to provide education, linkage to care, and discharge planning.

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- Vaccination programs with federal Title 317 funds through the state health departments. State hepatitis coordinators are a place to start exploring the potentials for jails.

Information technology:

- Telemedicine, digital radiography, electronic medical records, and electronic prescribing avoid travel out of the facility. The more services jails can provide in-house, the better it is for the jail's bottom line.
- Jails will face costs for development of software and hardware as well as training and maintenance. Medical information will need to be integrated with existing jail management systems, lab systems, consultation recordkeeping, etc.

Professionalism:

- Correctional medical care interests intersect with those of many professional organizations. For example, ACA identifies medical care competencies.
- Specialized educational programs are more prevalent, such as a correctional fellowship program for physician specialization at Southeastern University and correctional nursing programs.
- Publications such as the Journal of Correctional Health Care and Correctional Health Today provide a bridge from theory to practice.

Policy:

- Financial pressure continues for government to do more with less.
- Health care reform will affect Medicaid benefits and eligibility for jail inmates.
- Jails are likely to use more electronic monitoring and resettlement overnight release (ROR) for inmates with complicated health problems.

Reentry medical services:

- More jails have a nurse position that provides medical discharge planning to promote delivery of community health and mental health services, potentially keeping clients from returning to jail.
- Integrated delivery of services is being provided through partnerships between health and criminal justice agencies.
- Partnering with federally qualified health clinics (FQHC) is advised. Jails can access medications for about 20% less. FQHCs benefit from the partnerships because they get more funding.

What Does the Future Hold?

Gondles presented a number of predictions about the future of correctional medical care.

- The federal courts will have less of an effect on standards of care.
- Senior jail administrators will have more autonomy in their handling of inmate health care, except where services are privatized.
- Privatization will continue to be less economically attractive. Contracting for services removes a troublesome area from the direct concern of facility administrators, but it provides no absolution from responsibility for inmate care.
- Niche providers will take on a larger portion of the contracting market. Agencies will be more likely to contract separately for services such as mental health care, primary care, pharmacy, and service review.
- University-based health care systems may gain access to 340B pricing of pharmaceuticals, and jails may be in line in the future. The Ohio State University system is one that provides a significant volume of inmate health services and can be looked to for purposes of comparison.
- Public provider systems will continue to lag behind community standards of care because of competition for resources.
- Accreditation will continue to be linked with a higher level of services. Sources include ACA, the National Commission on Correctional Health Care (NCCCHC), and the Joint Commission (www.jointcommission.org).
- An acute nationwide shortage of nurses is looming. Jails will return to using less trained people and other creative arrangements to extend nursing services because they will be unable to compete with hospitals and other employers. Less trained staff will require more supervision from physicians and nurses on staff.
- Fewer physicians are training as primary care givers, and more are training as specialists.
- Good ideas will continue to emerge from the federal system, universities, and committed individuals and organizations. Former U.S. Surgeon General Richard Carmona has written a call to action for correctional health care that was never formally released. One concept is the creation of an Office of Correctional Health Care within the U.S. Public Health Service.
- Future legal action may lead to incremental rather than dramatic change.
- There will be less wholesale privatization of correctional health care.
- Standards developed under the Prison Rape Elimination Act will increase agencies' responsibility for providing training and education to medical personnel on recognizing signs of sexual abuse. Agencies will increase their use of assessment checklists, medical and mental health screenings, access to emergency medical and mental health/crisis intervention services, and ongoing treatment and counseling.

Conclusion

Jails are dealing with more clinical challenges and increasing costs. Public health partnerships are a recommended strategy for enhancing services and providing additional resources for jail medical care. Jails can leverage information technology to improve efficiency, increase service capacity, and manage risk. Gondles gave participants a CD collection of resources on correctional medical care, including articles that address strategies for the future.

Gondles noted that the impact of dedicated individuals should not be underestimated. With the caliber of people now working in jail leadership and correctional medical care, they can bring corrections to the next level no matter what challenges will be faced.

Discussion

Participants take different views on the question of sending inmates home on electronic monitoring if they require high-cost medical care, such as dialysis. It is unclear whether the jail might still be legally responsible for costs of care provided in the home. Art Wallenstein (Montgomery County, Maryland) said his agency has never sought the release of an inmate in order to avoid medical costs. The potential for ethical violation would be enormous.

Bobby Wyche (Caddo Parish, Louisiana) said the parish jail reduces its need for nurses by hiring retired paramedics who still have current certifications. They are qualified to perform certain such as administering injections.

In the Florida juvenile justice system, a youth complaining of abdominal pain was disregarded for three days. Officers brought the youth to the medical unit several times and finally won approval to take him to a hospital, but he died of appendicitis. Agency staff need to understand when and how non-medical staff can circumvent the judgment of medical staff in extreme circumstances, and whether they or the jail can be held liable if officers do not intervene.

Tim Ryan (Miami-Dade County, Florida) said security staff should be trained to trust their gut. They see more of the inmate and his or her symptoms. If security staff are not confident in the medical care being provided, they should feel free to raise the issue higher and deal with any resulting fight later. On the other hand, participants said, jails should not let a correctional officer get in the way of a professional medical opinion. Because it's best to err on the side of sending an inmate to the hospital, the watch commander should make final call.

Kim Spadaro (Broward County, Florida) agreed that if an officer observes that an inmate's condition is deteriorating, the officer has an absolute responsibility to advocate on behalf of the inmate and bring the concern forward to the attention of higher-ups.

Ronaldo Myers (Richland County, South Carolina) said that in another case, staff watched a person deteriorate but did not intervene, thinking they were following the rules. The jail began making it clear to staff that they should take on the responsibility if needed, and always err on the side of caution.

Art Wallenstein noted that NCCHC standards specify that non-medical staff do not practice health care. This standard was created to prevent officers from denying access to care. Once medical professionals are involved, any failure is a competency issue rather than an access issue. Well trained staff know that if a nurse denies care and the inmate still exhibits symptoms, the officer must call back, over and over if necessary. Mitch Lucas (Charleston County, South Carolina) said officers have a duty

to go through the supervisory channel. Wallenstein agreed, noting that the nurse has a supervisor, too. If a dispute arises between security administration and health care administration, the matter may go to disciplinary action.

Bill Lovingier (Denver, Colorado) noted a recent \$9 million award on a similar case. An officer did not have a channel for raising an appeal for medical attention. After the decision, it has become easier for officers to advocate for additional medical care.

Participants agreed that costs of care are a concern, but they will never dictate constitutional standards. Advocacy for care may highlight budget issues. When the budget perspective suggests that a jail is overspending on medical care, the reasonable answer is, no, the fiscal perspective is under-budgeting.

A participant asked for clarification. "If an RN works for me, and a layperson officer doesn't agree with her decision, are you saying I should get an EMT to overrule her?" The answer is no, but if there is enough concern to double-check the decision, the matter should be raised higher within the nursing chain of supervision.

Tim Ryan (Miami-Dade County, Florida) said that in the end, whether care is in-house or outsourced, the jail buys the care. If there is an unnecessary death in the jail, the local politics will be bad. The politics will say, "There was another death at the jail," not that it was the medical staff's fault.

Presenter information: Elizabeth Gondles directs the Criminal Justice Healthcare Institute, located in Alexandria, Virginia. She can be reached at 703-836-0024, or see the Institute's web site at <http://www.icjh.org>.

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PROGRAM SESSION: CREATING A CULTURE OF LEADERSHIP

Part 1. Discretion, Accountability, and Leadership

Presenter: Mitch Lucas, Chief Deputy, Charleston County Sheriff's Office, North Charleston, South Carolina

Mitch Lucas opened the session by noting there are now more than 700 accepted theories of leadership and management. All have their merits, but people in jails know that none of the quick approaches work. Sending one person to leadership training may not gain the agency much benefit or be useful for succession planning. Succession planning has been a consistent concern for LJN agencies. But most jails have a rank structure and a hierarchy of specific jobs; isn't the promotional chain equivalent to succession planning?

A participant noted that when departments are headed by elected officials, the people they promote may not be the best people for the job. It's important to have a system of succession planning to identify the right people to promote.

Lucas said agencies can move forward by working on professionalism throughout the agency. True leadership begins to show low in the organizational structure, at the sergeant level. A sergeant is a strong influence, whether positive or negative. When sergeants retire or are promoted, it's an opportunity to identify a new leader.

Participants shared some techniques they use to cultivate leadership:

- Executive staff are mentoring the supervisory staff beneath them.
- Agencies are promoting membership in professional organizations.
- Agencies are involving lieutenants in the budget process.
- Agencies are empowering line staff in making decisions.

Cultivating leadership is inherently equal to succession planning. Involving staff in decision-making teaches them how to be a leader within the culture of the particular organization. On the other hand, formal leadership training covers topics that are often missed in the direct professional experiences staff encounter. AJA's new leadership program is an excellent program in this regard, and participants come back with leadership perspectives and contacts from outside their own agency.

Leadership theory states that each rank and position in a jail has its own levels of authority, responsibility, and accountability. Accountability is critical, and it's often the element that is missing, but accountability is based on authority and responsibility.

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Agencies can establish parameters for authority, responsibility, and accountability for each position in the jail. This involves articulating the role of each management position with respect to security, control of resources, discretion to circumvent policy.

Security aspects and the basics of food and daily needs are the easiest to define in terms of authority, responsibility, and accountability. Control of resources is more complex, including involvement in manpower assignments, materials control, budget input, and decisions on specific expenditures. When the lieutenant is not present, who is in charge of inmates—sergeants or the watch commander? Ideally it's the sergeant—and if that person is trusted with ensuring people's safety, why should he or she be considered unable to manage resources or to manage line staff?

Authority to circumvent policy, that is, discretion for individual judgment, should be made clear in an agency's policy documents. People learn to make discretionary decisions by making them. Not letting people make mistakes reduces their chances to learn.

When staff lack discretionary authority, things can go wrong. For example, a moving train with a locked wheel needed to be stopped because the friction was causing the wheel to smoke and the metal to melt. When the crew became aware, they followed the regulations and stopped the train. Unfortunately, they stopped on a bridge, and the bridge caught fire. The crew's supervisors also stuck to protocol, and the train and bridge were lost. This example shows that policy needs to say that staff can use their brains. Lucas quoted a line from a John Wayne film, "Life is tough. It's even tougher if you're stupid."

Discretionary decisions are based on reasons. Agencies can specify how different types of decisions will be recorded and documented. Staff at every level need to understand the circumstances when they can step outside policy. If it's necessary to determine if a decision was justified, it can be useful to have someone outside the chain of command review the decision.

Positional parameters also can define authority to impose supervisory discipline. A first-line supervisor in one agency may not be able to suspend someone (due to civil service regulations or union agreements), but may be able to dismiss a staff member from the shift when an immediate response to an infraction is important. Does the sergeant also have discretion for making that a dismissal on administrative leave status with pay, or a dismissal without pay? Going up the scale, an egregious break in policy would be met with a different due process response.

A participant noted that because sergeants typically have different levels of experience, if a jail has 53 sergeants, it may have 53 different standards of conduct. Lucas said that in the Charleston County jail, sergeants can suspend supervisees up to 2 days. In Gwinnett County, Georgia, sergeants can recommend suspension but not impose it.

Comments were that grievances would spring up immediately. Lucas replied that looking at it differently is the first step in changing expectations and processes.

Lucas said this example raises the question, How can staff learn to lead without having the authority to deal with the people who report to them? Charleston County uses a form for internal review of disciplinary actions. The sergeant's decision can be overturned if it is not fair, just, and equitable, but in fact the sergeants' discipline is usually less than what Mitch would have imposed. The system develops leadership skills by pushing decisions to the lowest level so that staff have decision-making experience before they are promoted. Staff learn the disciplinary philosophy and its historical basis, and

they learn how to measure the effect of the discipline they impose. Staff are accountable for their decisions.

Leadership development involves supporting personal growth. This means focusing on a person's strengths before the weaknesses, because the strengths are what both the staff member and the agency can build on. Supervisors and mentors can help the newer staff define their mileposts for success and focus on them rather than the finish line. Supervisors and mentors can also suggest forms of assistance and learning opportunities. They need to celebrate both successes and good efforts alike.

Lucas told the story of "Diesel," an officer who accidentally put diesel fuel in the gas tank of a non-diesel-burning vehicle. It's now 5 years later—will he ever shake the nickname and the sense of failure?

To shape staff performance, it's important to measure what matters. The trick is helping everyone understand what matters, especially when what matters changes all the time.

Discussion

Tim Ryan (Miami-Dade County, Florida) took on absenteeism in his jail by focusing on accountability. Supervisors were routinely filling in leave usage forms with no big-picture review. Now, to flag possible disciplinary concerns, supervisors complete a two-page form that tracks how many times the staff member has called in sick within a certain time period. If concerns are flagged, the sergeant has to make a decision about requiring a letter from the physician or other possible responses. Absenteeism is now lower.

Art Wallenstein (Montgomery County, Maryland) commented that new sheriffs commonly appoint people to lead the jail who have no jail experience and who replace the senior management team with others from outside the jail. This does not reflect a culture of leadership, and it can be difficult for jail staff to respect a decision made on the basis of not merit or ability, but who campaigned for whom. Lucas replied that this shows the leadership caliber of the staff who remain in the jail and keep it running by managing upward.

Participants commented that it's difficult to demonstrate a culture of leadership when the sheriff is a micromanager. Glen Kurtz (Sedgwick County, Kansas) said his agency had that problem when he came onto the staff 16 years ago, and it's taken 10 years and a second sheriff to begin changing the culture. Majors and captains had all been brought in from the patrol side. In his view it may take another 10 years before the agency has developed a strong cadre of genuine leaders.

Another participant commented that there's a risk in allowing subordinates to make decisions. Lucas responded that higher-level staff are paid more money to take that heat and also to make more important decisions.

Presenter information: Mitch Lucas is Chief Deputy with the Charleston County Sheriff's Office in North Charleston, South Carolina. He can be reached at 843-529-7305 or mlucas@charlestoncounty.org.

Part 2. Developing a Leadership Culture

Presenter: Ron Freeman, Chief Deputy, Ada County Sheriff's Office, Boise, Idaho

Ron Freeman asked, "How many jails have had an incident or event that changed how your agency did its work?" Ada County had just such an experience in 2005.

With a new sheriff on the job, a dangerous methamphetamine user escaped from the jail. He was a Level 1 inmate with an extensive criminal history, detained on charges of attempted murder. He was able to escape because staff did not follow procedure while returning him from recreation. First, an escorting officer left open the door from the recreation area to the main jail. Then, unit staff removed his leg irons and belly chain before he reentered the tier. On the premise of pickup up a bucket and mop to clean his cell, the inmate began moving. He got out, smacked the hasp off a gate, climbed a fence, crossed the roof, crossed another fence, and grabbed a mental health nurse, stealing her car. No one in dispatch had been trained to switch radio frequencies to another channel, giving the inmate an additional 4 minutes to get lost. He was located 9 days later in Wyoming and now is serving a life sentence in the Idaho prison system.

Afterward, the sheriff could have fixed the gate, fired the deputies, and called it good. But instead, Freeman was given the responsibility for fixing things in the jail. He kept his management team and called NIC for help. NIC sent an expert who spent two weeks on-site and produced a report that was worth its weight in gold. The reviewer found, in brief, that the overall agency culture was acceptable but the jail's own subculture needed attention. Some issues were traced to the first line supervisors, four of whom were terminated or allowed to resign.

Freeman compared a jail's staff to a football team. They get out there and do good work, but without a score they can't see how they're doing. To measure success and communicate it to the staff, the jail is now focused on maintaining a "score" of 0-0-0:

- 0 escapes,
- 0 suicides, and
- 0 staff seriously injured.

It is critical to have first line supervisors with a passion for doing things the right way for the right reasons. Successful jail management rests on three pillars: safety of staff, security of the facility, and inmate well-being. The jail made all its decisions going forward by basing them on those goals. It was time to get back to the basics, to measure success, and to let staff know the score.

A variety of metrics are also being tracked and reported. Examples are use of force incidents and inmate grievances. The jail's target for inmate on inmate physical violence is 2.5 or fewer incidents per 1000 inmate-days. All the jail's incident metrics have dropped dramatically.

The jail also surveys the inmates for their perceptions of safety and staff professionalism. When inmates were asked if they feel safe in the jail, 83% said yes. Sixty-six percent (66%) said the jail staff is professional. Inmates are also surveyed on facility cleanliness, food quality, and other measures, and the results are reviewed to detect spikes and other variations from month to month.

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The jail's experience proves that what you measure gets done. By cracking down on measurements, the jail found ways that staff weren't following the protocols. For example, some staff were performing their inmate well-being checks but failing to document them. Documentation, of course, is key in the event of an incident or lawsuit.

The jail also tracks measurements of intra-agency communication, and scores are rising. Sergeants and lieutenants provide weekly organizational updates, and line staff also can share articles. The jail's top staff spend a lot of time in the jail observing and asking targeted questions relevant for management.

An annual employee satisfaction survey tracks responses to 13 questions every year. Among them is, "Are you satisfied working for the sheriff's office?" The jail and court services divisions are currently scoring higher than police services. The response rate on the surveys is around 82% to 83%, up from 65% when the annual survey was first launched in 2005. The jail uses the online SurveyMonkey tool to conduct the surveys with complete anonymity.

Some are the survey questions are

- Are you satisfied working with at the Ada County Sheriff's Office?
- Do you understand the direction in which ACSO is headed?
- Do you understand your job responsibilities?
- Do you feel communication within ACSO is adequate?
- Are you involved in decision-making with your job?
- Do you feel your job is important to ACSO?
- Do you receive recognition or praise for doing good work?
- Do you feel your opinions count at the division level?
- Does your supervisor effectively solve problems for you and other workers when needed?

Freeman shared a useful insight from the book, *First Break All the Rules* (Buckingham and Coffman, 1999): "People don't change that much. Don't waste time trying to put in what was left out; try to bring out what was left in."

In a show of hands, many of the participants present agreed that a sergeant had had a big impact on them early in their careers. Freeman said that jail staff learn a lot from their sergeants. Participants said they learned about integrity, being in control, being fair, and projecting confidence. These elements are about attitude, not about intelligence per se. Jail leaders need to have the passion to carry forward the positive culture that we think is so important.

Discussion

Mary Lou McDonough (Prince George's County, Maryland) said that when she was brought into the jail directorship after a crisis there, complacency was a major problem. Every time management would look into some aspect of operations, they would find nine other things that needed attention. She asked whether Freeman found that the staff errors that led to the escape were common. Freeman replied that the errors weren't really typical. However, the incident led to a very useful hard look at performance and attitudes in the jail. Sergeants' meetings have been a good tool to establish consistency in staff practices.

Kathy Black-Dennis (American Correctional Association) asked whether the staff surveys have uncovered a link between compensation and job satisfaction. Freeman said that the jail and patrol sides have pay equity, but because they work different schedules, it's hard to make correlations in the job satisfaction data. Attitudes really boil down to trust and communication.

Meeting participants were asked to answer a few questions about how they are working with culture in their agencies. The results are provided in Appendix D.

Presenter information: Ron Freeman is Chief Deputy with the Ada County Sheriff's Office, Boise, Idaho. He can be reached at rffreeman@adaweb.net or 208-577-3305.

PROGRAM SESSION: CREATIVE EFFICIENCIES IN THE BOOKING AREA

Part 1. Creative Efficiencies in Booking

Presenter: Major Glen Kurtz, Sedgwick County Sheriff's Office, Wichita, Kansas.

Sedgwick County's booking process is managed by three corporals. Detainees are booked, the jail verifies their identity and checks for outstanding warrants, and those who can be released are released. The booking area has a central open pit area with cells around the perimeter. When the jail was opened, it was thought they'd separate those charged with misdemeanors and felonies, but it was not pursued.

The county has identified several efficiencies to keep intake running well. Several are specifically aimed at increasing convenience for arresting officers.

- An accessible printer allows arresting officers from 26 agencies to print warrants on-site. Area justice agencies have paid for the printer and supplies. Arresting officers can bring in their patrol computers and download data to the printer or the computer network. Arresting officers are still completing personal property lists by hand.
- A kiosk is in place to process all inmate money from the arresting officer and the inmate, and it records the value of the cash quickly and accurately. Jail staff never come in contact with inmates' money. The kiosk accepts coins other than pennies, which are counted as inmate property. It also detects counterfeit bills. Money that is soiled or bloody is bagged as a biohazard.

John Zenone (Lake County, Indiana) asked about the turn-around for giving people access to their money for cash bonds. Kurtz said availability of funds is a good point to specify in the RFP and contract language.

- Multi-agency access to a database of active felony warrants streamlines processing. Ten agencies, including police patrol officers, have access to the system and regularly bring people with felony warrants into the jail.
- Breathalyzer units in intake are another efficiency tool. The jail has two units, one paid for by the city and one by the jail. A red line on the floor is used for sobriety testing.
- A field reporting procedure allows officers to transfer booking data while detainees are still in a vehicle in transit to the jail. This doesn't work 100% of the time, depending on remote cellular service. There is also a hotspot once vehicles get to jail parking lot, where arresting officers can log on and transfer data. This is especially appreciated during the winter, because the sallyport is often very cold.

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- A bank of telephones is available for arresting officers.
- Fax machines are essential in intake for exchanging paperwork with the courts and agencies around the state. Charge and bond information, release authorization, inmate property lists and other paperwork uses a ream of paper a day, sometimes a ream per shift.
- Backscatter X-ray machines are a new tool that allows the jail to search inmates in less than 5 seconds. The scanner produces a blurred image of the body and will show anything between the inmate's skin and clothing. The jail scans both misdemeanor and felony detainees. The \$100,000 price tag for the Rapiscan unit was met with money from the inmate telephone revenues. Searches are quick, clean, and less intrusive than a pat search, reducing liability in a time when many jails are paying damages in connection with lawsuits.

Marie Kielar (Denver, Colorado) asked if the jail has been challenged on scanning petty offenders. Kurtz replied that the search is the same as everyone goes through at airports. Images of the body contours are blurry rather than clear, alleviating most privacy concerns. Images are viewed by officers of the same gender, and the jail deliberately does not record or store any image data. Kurtz acknowledged that it took 2 years to convince county counsel to approve use of the instrument.

Don Pinkard (Gwinnett County, Georgia) said his agency tested a scanning unit that used sound waves, with U.S. Bureau of Justice Assistance grant funds. Inmates learned quickly that the system would not let them get anything by.

Mitch Lucas (Charleston County, South Carolina) asked how the jail determines whether a body cavity search may be needed. Kurtz replied that scanner results can create reasonable suspicion to justify a strip search, for example, if there is something in the image that the jail staff can't identify. State law permits strip searching in such a situation, even for misdemeanor detainees. All factors and decisions leading to a strip search are documented. The jail now is conducting far fewer strip searches.

Participants commented that the Bosch chair will show if inmates have a metal object hidden in a body cavity, but it won't detect drugs. Some morbidly obese detainees have hidden firearms and other contraband in the folds of their flesh.

Kurtz added that the wand X-ray scan won't disrupt pacemakers and is not a concern during pregnancy. It exposes the subject to less radiation than a 30 minute air flight. The unit is normally recommended for use in spaces with 10 feet of space between the unit and concrete walls or cell doors, but the vendor confirmed that just 7 or 8 feet of space is adequate.

Kurtz commented that though the unit has not necessarily allowed the jail to cut a specific staff post, it has saved significant money over time. He compared the technology to the evolution of electronic fingerprinting—the early machines were clunky, slow, and expensive, yet today they're commonly used and the price has dropped.

Legal aspects of the technology were discussed during the legal issues segment of the meeting (see page 36).

- Jail information management systems can include features that greatly increase efficiency in booking and intake or increase the speed with which inmates can be released.

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Several specific capabilities of an integrated jail management system are particularly important for efficiency in booking:

- Does the jail's system support computer based booking?
- Can the system retrieve and clear warrants?
- Can the system receive information directly from the courts?

Outside agencies often are happy to send the jail case-specific information; sometimes they are less happy to accept information from the jail. Making a jail system do exactly what you want can be a challenge. The jail is now using a system Intergraph, with an interface to a state system. The county plans to write its own jail management system soon.

To evaluate the potentials for a jail management system, consider how many times different staff enter the same information into their systems—from booking to commissary to medical? Can something be streamlined to save keystrokes and staff time?

The jail's management system should match its workflow. Many jails have learned the hard way that dollar driven decisions don't always lead to the best solution. Systems that don't match actual workflow processes are cumbersome to use. Mitch Lucas (Charleston County, South Carolina) commented that another school of thought is to find a system that works better than the jail's practices, then the jail can change its workflow and forms accordingly. Kurtz said that in his experience, some fundamental workflow elements were lost in their original set-up.

Lucas said that with a relatively small customer base of up to 3,200 jails, a company may be willing to customize a system if the jail can pay for it, but competition is not going to push the market. Kurtz said that the Intergraph product includes an excellent CAD system, the communication linkage with NCIC is very good, and many people don't want to change. But jails should look at how systems work on the floor and in the view of lieutenants and sergeants. Are some current practices a tradition that you no longer need? For example, Sedgwick County realized the jail was collecting many fingerprint samples that weren't needed and changed its practices accordingly.

Art Wallenstein (Montgomery County, Maryland) commented that the volume of booking and release transactions is what distinguishes jails from prisons. The LJN group can pool its resources to help each other with this topic by sharing experiences, exploring contract bridging opportunities, hosting site visits, and sharing advice and jail management system RFPs.

Kurtz continued his list of intake efficiencies:

- Information sharing with detectives, courts, and other law enforcement agencies is another place to look for efficiencies. Investments in systems that link all the court and jail data in one place can have a major impact.
- Jails can also implement document scanning at the booking desk. Sedgwick County scans all inmate paperwork and shreds the originals.
- Deploying a web camera on the booking computer is another idea. Storing an inmate photo in the system at booking enables the jail to respond more quickly when, for example, the jail

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needs to get fingerprints for one detainee out a roomful of people in intake. The photo is also useful for verifying identity against prior jail stays and at release—the face and clothing should match the photo. To capture images, the jail can have booked inmates stand on a square on the floor when they first enter the facility.

- LiveScan fingerprint equipment and interface is a time-saver.
- Medical information software can be used to collect data on new inmates and provide downloads to the medical staff hourly.
- Commissary access via a kiosk increases sales and provides easy access to items detainees want or need.
- Digital mug shot capture systems share facial images, scars, marks, and tattoos with detectives and area governmental units and can be used to generate identification wristbands as well as tying in with the housing units for identification.
- Bar code label printers can be used to quickly and accurately identify evidence, property, and DNA samples.
- Fingerprint data can be uploaded through a direct connection to the state bureau of investigation. Once the prints are uploaded to the state, the jail doesn't need to keep a print copy on site.

Kurtz also reviewed some technologies that make the release process more reliable, more secure, and more rapid.

- Jails can confirm releasees' identify through systems such as LiveScan, proprietary state systems, or Sagem-Morpho, which returns results on a one-finger scan within 30 seconds, if the subject has ever been fingerprinted.
- Jails can issue inmate funds via debit cards rather than cash.

Gwyn Smith-Ingley (American Jail Association) pointed out that many jails are using the IAFIS system (Integrated Automated Fingerprint Identification System) for detainee identification. The Department of Justice is providing the system free to requesting agencies to help in processing ICE detainees. (Information is available at <http://www.fbi.gov/hq/cjisd/iafis.htm>.)

Technology add-ons can be leveraged to create efficiencies in other areas of operation.

- Agencies can digitally store inmate grievances, requests, property lists, and other paperwork. Having the inmate's signature in a networked location makes it more convenient for validating the signature later.

Kurtz reminded meeting participants to think outside the box.

- There may be ways to keep arrestees out of the on-site booking process. The sheriff's office can conduct remote booking at events where a significant number of arrests is

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anticipated. Mobile booking vans are one approach that allows the agency to book, identify, and release arrestees detained for minor offenses, all on site.

- Before collecting fingerprints on detainees, jail staff can confirm whether they are already on file. Online systems allow staff to check whether a detainee already been fingerprinted.
- Jail administrators can consider whether mission creep has been taking place: are the jail's staff performing actions that aren't the jail's responsibility? Sometimes the courts or another local agency ask for extra services that have become accepted practice but can be handled a different way. For example, the City of Wichita wanted to be notified when any hearing-disabled inmates were booked into the jail.

Mitch Lucas commented that the need for inmates' signatures has been an impediment in certain jail functions, for example, in operating a video-based bond court. He suggests that jails implement e-signature pads like those used in retail stores. The South Carolina Supreme Court agreed the signatures would be valid, and systems have been put in place and are working well.

Intake crowding remains a concern. Depending on population trends, the facility may not be meeting the jail's needs. Jail managers can consider whether the jail's open pit is no longer the best option, or perhaps an open booking area is a good idea to try. A legal firm, Levy and Levy, has been working its way across the country filing lawsuits against jails that are holding inmates in booking and intake for longer than 24 hours and will likely certify a class action. Kurtz is ready to give them data on how many times this has happened in the Sedgwick County jail.

Participants commented that they have been asked to provide special data downloads for attorneys that then can be used to support a lawsuit. Many jails have greatly decreased their numbers of inmates held longer than 24 hours. However, it can still take a struggle with bail bondsmen and other system actors to move people out of the jail after initial intake.

In final comments, Kurtz said jails should not hesitate to copy other agencies' RFPs. Kurtz said in particular that there's no better approach when a local jail wants to connect with a state-managed information system. It's also important to raise questions with people who can assist with technology. Describe the need, and ask for help finding the equipment. A solution may be found that costs very little to implement.

Presenter information: Glen Kurtz is a Major with the Sedgwick County Sheriff's Office in Wichita, Kansas. He can be reached at 316-383-7711 or gkurtz@sedgwick.gov.

Part 2. More on Intake and Booking

Presenter: Mitch Lucas, Chief Deputy, Charleston County Sheriff's Office, South Carolina

Jails are the support system for all local law enforcement. Getting patrol officers back on the street is a priority, and in Charleston County intake processing takes an average of 12 minutes. One area of concern is the quality of searching performed by arresting officers. A prominent sign on the wall reads, "Inmate Search Area," as a reminder.

Inmate property control needs careful attention, especially as detainees or inmates are moved from one agency's custody to another. If items are lost, it is difficult to determine which agency is responsible.

- In Charleston County, a plastic bag dispenser in intake is used to contain the personal property of incoming inmates.
- Glen Kurtz said that heat-sealing inmate property in bags reduces loss of small items.
- Other participants suggested shrink-wrapping the property and to photograph items to ensure they can be correctly identified at release. Written records can help, but they may not capture a useful level of detail.
- A participant asked if any jails limit incoming property to just the inmate's identification, with the remainder stored by the arresting officer's agency. No agencies at the meeting do this.

Use of force issues often arise in intake and the strip search area in particular. Signage and verbal communications in the Charleston County jail help make expectations clear to detainees.

- Inmates are told to stay within a boxed-off area behind a privacy partition and are warned that if they do not comply, they will be considered uncooperative and subject to physical control.
- It is explained to inmates that a video camera is placed where it will capture their image if they emerge from behind the partition in a conflict. Marilyn Chandler Ford (Volusia County, Florida) described privacy curtains used in that jail's the search area, which are like the curtains an emergency room.
- Charleston County sometimes places intoxicated inmates in a restraint chair if they are considered unlikely to cooperate with a search. Uncooperative inmates who will not submit to a strip search are offered the alternative of time in the restraint chair. The courts have been supportive, because they rely on the jail to ensure inmates are safe enough to appear in court. Dry-celling is another option for contraband control.

Presenter information: Mitch Lucas is Chief Deputy at the Charleston County Sheriff's Office. He can be reached at 843-529-7305 or mlucas@charlestoncounty.org.

PROGRAM SESSION: R.I.S.E. PROGRAM

The R.I.S.E. Program: Recovery in a Secure Environment

Presenter: Michael Wade, Sheriff, Henrico County, Virginia

Mike Wade introduced himself as having become Henrico County's sheriff after years in police officer and intelligence work. He became interested in alcohol and drug rehabilitation and obtained a master's degree. Before he was elected sheriff, he had never been in a jail, but he understood it was important to make all his promotions from within the jail staff and to support loyalty to the agency, not to the sheriff personally.

As sheriff, Wade decided to start the R.I.S.E. program ("Recovery In a Secure Environment") to make a difference with inmate addictions, the strongest driver of involvement in the criminal justice system. The program was launched in 2000 and now operates in three pods. After 10 years of operation, 85% of program completers had not returned to jail within 2 years of release (based on regional but not statewide data). Virginia Governor Bob McDonald has visited the jail and is interested in the program's outcomes in reentry, and other state elected officials are enthusiastic supporters.

Henrico County operates the R.I.S.E. program in a linear jail with a new, 500-bed direct supervision addition. R.I.S.E. inmates enter the program voluntarily. R.I.S.E. programming is based on another program, Life Without Drugs. Inmates live in a structured environment with daily videos, counseling, and group work. Honesty, responsibility, structure, and rules and safety are essentials. Inmates have considerable ownership of the program and early on asked for NA and AA to be added. The ownership and group process create an environment in which inmates hold each other accountable for honesty and responsibility. The R.I.S.E. housing unit has had fewer than 20 disturbances in 10 years, and no vandalism.

R.I.S.E. has expanded as inmates continue to ask to be admitted. By the end of the program's first month, 60 more inmates had applied for admission.

The jail's only extra costs to run the program have been a DVD player and a bookshelf. Judges accept the program and place inmates in the jail, where they can apply for admission. The jail's mental health unit was initially skeptical about the possibilities of the program and inmates' interest, but its popularity has been proven.

R.I.S.E. takes place in three phases, each covering 6 weeks. Participants learn that recovery is a process. Packets of written work both provide exercises in self-understanding and provide a resource for participants to return to as they continue in recovery.

Phase I was initially the entirety of the program. The jail then created a Phase II for inmates who didn't want to return to general population units. Phase III is a successful living unit. Program completers receive a certificate but no special consideration by the court. After Phase III, inmates typically move into work release, which provides a continuation of the recovery culture.

The program features several specialized elements.

- The dayrooms are the center of activities and have a whiteboard with program events and assignments.
- New participants are assigned a “buddy” when they enter the pod to speed their integration.
- Training using the Life Without a Crutch curriculum by Linda Ingraham. Mental health staff were initially in charge of running the sessions, but now they are led by inmates.
- Community NA meetings are held in the jail lobby. Former inmates and weekend-sentenced inmates attend these meetings alongside general community members.
- Relapse prevention is emphasized. Everyone learns the AA/NA 12 steps and leaves the program with a personal recovery plan.
- A women’s unit includes material by Stephanie Covington that incorporates concepts in self-esteem, relationships, abuse, codependency, and spirituality. It’s evident that women simply look better after they’ve been in the program for a few weeks.
- Other resources include Houses of Healing material by Robin Casarjian, covering how to make amends for past mistakes, and Back to Basics by Wally Patton, which explains how 12 step programs work. Recovery Dynamics is used as a follow up.
- Hollywood movies are viewed and used for discussion on a therapeutic and/or recovery theme. Participants have developed discussion questions for these sessions.
- The emphasis on talking aloud about their experiences and what they are learning about recovery helps participants express themselves credibly when they appear in court.
- Sign-in sheets at all sessions establish a detailed record of program participation that inmates take with them when they leave the jail. Deputies sign off on the documents.
- The daily schedule includes time set aside for both meditation and exercise. Meditation is emphasized for spiritual connectedness and stress relief. Physical exercise is essential and is especially helpful for people who are recovering from an addiction to stimulants. Daily community meetings include “push-ups” (positive recognition for things participants have done well) and “pull-ups” (consequences for inappropriate behaviors).

Community members are assigned specific roles and responsibilities on the units:

- Monitors keep an eye on unit noise levels, bathroom cleanliness, the events schedule, etc.
- Facilitators are people who have advanced further on in the program.
- Advisors are, similarly, participants with more experience in the program.
- Coordinators keep activities of the three programs on track and synchronized.

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Participants have developed a rigorous set of rules for themselves, in addition to the standard jail rules and regulations. For example, participants cannot engage in side conversations during group sessions, may not behave aggressively, may not make racial or sexual comments, may not gamble, and must refrain from profanity. Participants sign a contract that specifies zero tolerance for infractions. Inmates who violate the rules are confronted in community meetings, and progressive consequences are applied. A “pull-up” might involve a learning experience (such as cleaning the bathroom or writing a report) or a house ticket written up by a deputy who can assign discipline. Repeated violations can lead to removal from the program.

Benefits

The benefits of the R.I.S.E. program are significant and far-reaching.

- **Security**—The program takes place in units that have two pods and a control room in the middle. Because the climate in the pods is so stable, one deputy can manage both pods, saving a deputy position.
- **Discipline**—Participants impose a tremendous degree of discipline on themselves. The units are very quiet, and inmates walk in a straight line as specified in the rules.
- **Mental health**—R.I.S.E. has increased the number of inmates the mental health staff have been able to reach. Because inmates run the program, it's clear that the intention is educational rather than to tinker with people's minds. Inmates receiving mental health services can attend programs taking place in the R.I.S.E. pods.
- **Courts**—The courts love the program. Participants are typically much more open with the court than other inmates and often ask the court for more time in jail in order to finish the program. These requests are always accommodated.
- **Sentencing**—People sometimes complete all or segments of the program before sentencing, which can help them avoid a jail sentence.
- **Drug court**—The drug court can send people to the program for treatment, in which case they sign a waiver that specifies their participation is voluntary. Defense attorneys commonly call the jail to get their clients into the program.
- **Politics**—The degree of public understanding and approval is tremendous. In Wade's last election for sheriff, his opponent got just 19% of the vote on a platform of making the jail a place no one wanted to be.
- **Recovery**—The biggest benefit of the program is that people learn what recovery is and how to work toward it.

Discussion

A participant asked if special training is provided for officers who run the program pods. Wade said yes, there is a special 40-hour block of training on addiction and recovery for deputies on these units. However, the deputies are not involved in the actual programming, other than running the videos. Deputies get a lot of respect from the inmates.

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Tim Ryan (Miami-Dade County, Florida) commented that a detainee recently came into a jail and died within 24 hours due to complications of alcoholism and alcohol intoxication. Could something have happened differently in the medical intake review? Wade said that computerized medical intake questions are helpful. Medical assessments used to be conducted in the booking area, but they are more effective when conducted in a private room. Wade noted that alcohol is the most dangerous drug to detox from. Henrico County's protocol gets alcohol addicts on medication immediately, and they are taken to a hospital if their blood alcohol content is too high.

A participant asked whether the program shows a good cost/benefit ratio—is the program saving money somewhere else? Wade's recidivism indicators are good, and noted that the program has paid for itself by allowing the jail to cut the unnecessary deputy position. Good institutional behavior and security benefits have been definite. No deputy has been assaulted in 10 years. Inmates make their beds, and the floor is clean enough to eat from. There have been no contraband problems, except a few in connection with the work release group. They now have family visitation at a set time and date at community locations.

Wade was asked whether the jail's population is rising because the program is popular with judges. He said he had been worried that probation violators might become too numerous, but this has not been a problem. There are mandatory sentences for DUIs, with some entering the program at the start of their sentences rather than later.

Gordon Bass (Jacksonville, Florida) commented on data that suggest people shouldn't start programs unless they have at least 120 days of sentenced time, and that people with short jail stays tend to return. Wade said that participants have told him directly that even a short exposure to the R.I.S.E. program is beneficial.

Kem Kimbrough (Lane County, Georgia) said that the Georgia state government has abdicated its responsibility for drug and alcohol treatment, leaving it up to local jurisdictions to provide programs. As a result, county jail systems are collectively the largest mental health provider in the state. Jails are filling the gap without additional funding because the services are essential. He asked how Georgia's situation differs from conditions in Virginia. Wade replied that it's important to look at the issue from an educational perspective. He's had elected officials from throughout the state in to see the program.

In terms of strategy, one pointer is to start slow and let the inmates grow the program and make it work. The jail in the City of Richmond started a similar program by borrowing inmates from Henrico. Inmates are very capable of teaching each other, and in fact, passing along what you've learned in recovery is a major component of the NA and AA programs. Local NA and AA communities can be very helpful in launching jail programs. The standard wry comment is that there are two kinds of people in jail: those who are on drugs, and those who need to be.

A video and other items describing the R.I.S.E. program are available on the Henrico County Sheriff's Office web site (<http://www.co.henrico.va.us/departments/sheriff/>).

Presenter information: Michael Wade is Sheriff of Henrico County, Virginia. He can be reached at (804) 501-5860 or sheriff@co.henrico.va.us.

PROGRAM SESSION: LEGAL UPDATE

Legal Issues in Jails—2010

Presenter: William C. Collins, Esq.

On the docket:

- Prison Rape Elimination Act
- Searches: Arrestee Strip Searches and The Ultimate Search
- Less than Lethal Force
- Odds and Ends
- Stump the Chump (Q & A)

Docket Item 1—Prison Rape Elimination Act

Collins discussed the opportunity for jail professionals to submit comments to the U.S. Attorney General by May 10, 2010, recommending that jail leaders not write a “rant.” Identifying specific concerns, impacts, and costs and explaining the background in some detail will be more effective. Collins also suggested jail leaders take the long view and accept that some iteration of the standards eventually will be released. It is promising that the Attorney General appears to be taking a good faith look at the PREA standards in light of comments from the field; otherwise, a second period for public comment would not have been opened.

Among the concerns that persist are the mechanics of the inspection process. Might state corrections departments be designated to inspect local jails? What appeals process will be in place? Will there be some sort of clearinghouse to aid in consistent interpretations of the standards? Might jails choose to “cherry pick” the standards they will adhere to, or will they need to attempt to apply them all equally?

Docket Item 2—Inmate Searches

The 4th Amendment bars “unreasonable” searches of inmates. In considering cases, the courts apply a four-step balancing test emerging from *Bell v. Wolfish* (441 U.S. 520 1979).

- Manner of the search — Jails can control this.
- Place where the search occurs — Jails can control this.

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- Scope of the intrusion — How intense is the search? Circumstances shape what searching is required.
- Justification — The more intrusive the scope of the search, the more important it is to have adequate justification.

For example, if a jail cannot show it has a significant level of contraband coming into the jail, contraband control would be a weak justification for a more intrusive search.

Case law on inmate searches has been shifting in some districts. The basic rule in eight circuits has been that reasonable suspicion is needed to justify a strip search of an arrestee. Courts consider any circumstances where officers see a detainee naked, even momentarily, as a strip search.

Reasonable suspicion may be based on:

- The nature of the charge at arrest — is it a violent offense, or are drugs involved? It is not defensible to strip search all felony detainees. There is some uncertainty around searches related to some drug-related arrests; for example, see *Ventura County*, 2006 WL 1028835.
- Arrestee behavior — searches may be justified based on actions reported by the arresting officer, e.g., behavior that suggests the detainee is hiding contraband.
- Prior record — but jails should be cautious about pushing this too far.

Under this framework, placement of an inmate in a general population housing unit does not justify a strip search.

In a Ninth Circuit case in 2008 (*Bull*, 2008 U.S. App LEXIS 18026), a three-judge panel in San Francisco upheld the traditional rule that strip-searching everyone who is booked is unacceptable. However, one judge noted discomfort with the rule, and one dissented. Better data on the need to control contraband could have strengthened the county's case.

Now, a 2010 case has seen the 9th Circuit join the 11th Circuit in breaking ranks with the majority of circuits. In *Bull v. City and County of San Francisco* (2010 U.S. App. LEXIS 2684), the court said en banc that jails can search all general population inmates without violating the Fourth Amendment. This is similar to the 11th Circuit (Florida, Alabama and Georgia) decision in *Powell* (541 F.3d 1298) that reasonable suspicion is not necessary to justify a strip search of a general population inmate. No Supreme Court review has been sought in these cases.

The 3rd Circuit (Pennsylvania and New Jersey) is considering similar issues in at least one case, with more cases possible from New Jersey. If the 3rd Circuit outcome follows the decisions in the 9th and 11th Circuits, no Supreme Court review is likely, but if the decision follows the established majority to date, a review will be very likely.

Lawyers representing the inmates are considering their chances of winning on an appeal to the U.S. Supreme Court and may be hesitant, given the increasingly conservative nature of the Court. However, the government may take up the case in order to resolve the split, since there has not been disagreement on this issue since the 1980s. It could rise to the Supreme Court docket for a decision by June 2011.

Until there is a further resolution, jails located in different circuits should still adhere to the reasonable suspicion rules from Bell.

Did the Bell case mention general population inmates at all?

The Bell case did not deal with general population explicitly; the case challenged a New York City policy requiring a strip search after contact visits. The question can be asked, is strip searching essential? Experience has shown there's no flood of contraband when jails follow the reasonable suspicion rule. Even Florida jails that have been freed from the rule are not strip searching any more than they did previously.

Is the backscatter X-ray “virtual strip search” discussed this morning safe from legal challenge?

Collins applied the four-point Bell test to this technology:

- Manner — Images are viewed by a same-sex correctional officer.
- Place — Who else can see the screen? Is any recording made of the image? These aspects do not appear to pose much of a problem.
- Scope — The scan is less intrusive than a strip search and probably less intrusive than a thorough pat search.
- Justification — Is the Transportation Safety Administration using this scan on everyone, or only on some passengers for cause? If jails can use this tool in lieu of pat searches, it could reduce or eliminate problems related to handling drunk or angry detainees and thereby reduce use of force. A potential weakness could emerge if jails fail to find much contraband with the unit. Data will be illuminating after the tool has been in use for a year or so.

What does case law say about searches that locate marijuana or other non-dangerous contraband?

It's advisable to keep a log of all contraband found on intake to help justify search practices if a case goes to court. The other half of the question is, what types of inmate is the jail finding with contraband—those with reasonable suspicion based on charge, behavior, etc., or people arrested on lesser offenses? In the Bull case, the data were weaker because it measured contraband in the jail, not specifically found at intake. Contraband can enter the jail in other ways or be created in the jail, or it can be missed during intake.

Does the deadliness of the contraband found in searches have legal significance?

To some extent, yes, but the jail finds one loaded revolver out of 25,000 searches, the supporting data are still a bit weak. The argument could be made, why didn't the jail find the revolver in a less intrusive search?

What about reasonable suspicion to support searching detainees for drugs?

It may seem that a person who is arrested for a drug-related offense, especially one who is under the influence, is more likely to have drugs concealed on their person. However, the Way case from the 9th Circuit found being under the influence was not necessarily linked to possession. In the Hartline case, police stopped a pickup truck with a broken light and found tiny scraps of marijuana; the court found this did not equal reasonable suspicion. Charges made incident to the arrest (such as violence, some type of drug element more significant than being under the influence) could create additional justification. In defending one case for a jail of around 500 beds, a review of records showed that the jail tended to find only single-use quantities of drugs, usually in a pocket or sock, and had not found any weapons. This points to the value of recordkeeping by the jail. "What does your data show?"

Case Study: The Ultimate Search

Collins presented the facts from a recent case. An inmate in general population triggered a metal detector. When brought in, sniffer dogs did not alert; a strip search was also negative. The inmate was subjected to a second wand while naked, with negative results. What should the jail do next? Meeting participants suggested the jail check the clothing, try another metal detector, take the inmate to a hospital for an x-ray, or place the inmate in a dry cell and wait for him to defecate.

The jail had an X-ray taken, and it showed a lump that was considered to potentially be a cell phone. At the hospital, the inmate was subjected to not one but two digital exams, still with negative results. The inmate was convinced to consent to exploratory surgery, which also didn't find anything, and neither did another X-ray after surgery. The court found the surgery excessive; the doctor's opinion that it could have been a cell phone made the jail's other actions appear reasonable. In this analysis, the justification was too weak; the officer's pressure for consent negated any voluntariness. Essentially, this was a situation of the collective jail staff's mind being made up and unwilling to consider the facts, despite several decision points when they could have de-escalated the situation.

Art Wallenstein (Montgomery County, Maryland) commented that the physician should have walked away, based on professional guidelines and continuing education.

Surgical searches may be justified when a person is thought to be in danger (e.g., has swallowed drug baggies). A situation was mentioned where an inmate swallowed his fork and spoon because he didn't like the food he was served. If the jail leadership thinks surgery is justified, it is safest to get a court order rather than a simple consent. The court proceedings should make it clear the surgery is being done on the basis of the inmate's safety.

Regarding contraband, a Texas participant observed that inmates can keep up with case law as well as the jail does. Gangs will pay someone to get arrested to bring in the contraband. If drug mules are swallowing drug packets, a strip search isn't going to detect them. Attorneys who had qualified inmates from a certain period for a class action suit are now seeking to settle.

Docket Item 3—Less than Lethal Force

Cell extractions

Use of force is evaluated against factors outlined in *Hudson v Macmillan*. The basic test is whether force was being used in good faith to restore order, or maliciously and sadistically to cause pain.

In reviewing use of force incidents, agencies should examine all five relevant factors:

- Need for force
- Amount of force
- Injuries that result
- Reasonableness of the perceived threat
- Efforts to temper the force.

Regarding the injuries aspect, the 5th Circuit said that an 8th Amendment claim on use of force would have to show that significant injury was sustained. The Supreme Court overturned the ruling, saying injury is a relevant factor but indicating a case won't necessarily fail without a sustained, significant injury. Some forms of force or sadism produce no serious injury but do inflict serious pain.

Efforts to temper or reduce the use of force are not likely to be strong factor in an actual case. On the other hand, quality policies present the agency's position on alternatives to use of force, defusing situations, and explaining behavioral expectations and options to inmates.

A Scenario:

A 135-pound male inmate in a jail's highest custody unit was moved to a strip cell following sexual conduct and refusal to comply with a "back of cell" order. In the strip cell after a strip search and with his personal possessions taken away, he papered his cell window and flooded the cell floor. Jail staff can choose to open the window from the outside and can observe the inmate through a skylight; he is not being destructive, but he is agitated and refusing to comply with orders. One officer thinks the inmate might have something in his hand. A court decision prevents the jail from using a Taser; the medical department has forbidden use of OC because the inmate has asthma. What should the jail staff do?

Some reasonable options could be to wait and observe the inmate from the skylight at intervals; to open the window and pull the paper off; or to send in a suited response team to restrain the inmate by force. What actually took place was that the jail sent a team in to subdue the inmate—but first they tossed in a stinger grenade that produced a big bang and tiny pellets, causing hearing damage to the inmate.

An evaluation on the Hudson standards would find:

- Need — yes

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- Amount — could be termed overkill
- Injury — yes
- Threat — limited
- Efforts to temper — the jail staff had given orders, which were ignored, but the jail gave no warning before deploying the grenade.

Good faith factors in this case include the limited range of alternatives available to the jail. Waiting had not worked so far; there was a concern about a possible weapon, making entering the cell a potential risk to staff; the wet floor increased the risk of injury if there were a struggle; opening the window might have exposed an officer to injury and likely wouldn't resolve the situation. On these grounds, a jury might believe the stinger was the only alternative left.

Factors for the plaintiff would include the small size of the inmate; use of the stinger before there was reasonable confirmation of a weapon risk, particularly since the inmate had just been strip searched; availability of the skylight for observation; lack of danger to the inmate in the cell; lack of destructive behavior; the fact that the stinger had never been used on an inmate; the lack of a warning to the inmate to cover his eyes; the fact that the lieutenant ducked away from the door after tossing the grenade.

Again, something went wrong with the decision-making in this case. The jail personnel lost track of the big picture. Perhaps they were following a legitimate intent to incapacitate the inmate to reduce risk to officers, but they overlooked the comparative risk to the inmate.

In a defense attorney's dream cell extraction, the need for removal is clear. Alternatives have been exhausted, and there is a need to move inmate now rather than later. The jail can show it has used patience and made efforts to temper the use of force. Clear warnings have been given to the inmate, perhaps by an officer who gets along well with the inmate and can be persuasive. The staff on the extraction team are well trained, and the amount of force is carefully calibrated. The inmate receives a medical examination shortly after the incident and again the next day to check for both obvious immediate injuries and for problems or evidence that might show up later. There may be bruising or a recurrence of pain that was masked by adrenaline after the incident. Medical review provides documentation of the injuries sustained. The amount of force was proportionate: deterrence and incapacitation are acceptable if reasonably limited. Incapacitation by OC spray is easier to defend than a Taser, which should only be used in limited, extraordinary circumstances.

Ideally the entire incident would be recorded on video, from preliminaries through the resolution. Reports would be collected from all involved staff, including medical and mental health personnel. Perhaps the inmate could be asked to write a voluntary statement of what happened from his own perspective. (This has proven successful in the Ohio Department of Corrections and Rehabilitation, per Collins, and in Douglas County, Nebraska, according to Jeffery Newton). An inmate statement may contribute to the agency's defense in some situations. Or, officers may slightly understate their use of force, and if the inmate's report says differently, the situation may be worth looking at in more detail.

Jail leaders should of course review the paperwork and video record of any use of force incidents. Closely reviewing some incidents at random can be a good approach. Paying close attention to events with serious injuries is also advised.

Discussion

Tim Ryan (Miami-Dade County, Florida) commented that jails can't use OC spray with mentally ill inmates. In a few incidents, the jail has found that the inmate had not taken their medications, so this is an element to watch for. It can be important to get medical personnel on the scene to better understand the situation.

Collins speculated about available alternatives if OC cannot be used. Is it better to use a proven tool with medical staff on the scene to administer oxygen and other aid if needed, or, without OC, to put the staff and inmate at risk of injury in a hand-to-hand struggle?

Ryan said Miami-Dade County is doing special supervisory training on use of force reports and how to hold people accountable. Written reports don't always match the video record. Staff have been asking to see the video recording before they write their reports, ostensibly to help them write more accurate reports. Ryan is resisting this so far.

Mark Bolton (Louisville, Kentucky) raised the question of vetting use of force with medical staff beforehand. Collins said that if the situation allows the jail time to do so, that's fine and can help avoid a legal challenge. The medical personnel can appear within the video record, too, to provide additional background on how the jail staff approached the situation in a reasonable and professional manner.

The point is showing that the jail has run out of alternatives to use of force. The decision should reflect a balance of concern for controlling the inmate, minimizing risk to the officers, and minimizing risk to the inmate.

Collins presented an informal history of cell extractions. The standing goal is to control the inmate with minimal risk to officers.

- Early approach: Pain was inflicted deliberately; extraction teams were made up of big guys with sticks; the "goon squad."
- With more enlightenment: Agencies trained SERT teams and provided them body armor; extraction teams were now made up of big guys with gear.
- Today: Agencies understand the need to defer conflict and incapacitate the inmate, if possible, before resorting to a hands-on intervention; teams are still big guys with gear, but now they also have OC and other tools to help avoid use of force.

The question arises, incapacitate to what point? Shooting is not the answer, using the stinger first is doubtful, and what about the Taser? In a recent law enforcement example, officers stopped a man who was driving erratically. He emerged from the car, yelling at himself to express frustration with a series of unfortunate events but not yelling at the officer. He was ordered back into the car but did not comply quickly enough. The officers used the Taser on him, and he fell, breaking four teeth.

A known risk in using the Taser is that they are intended to cause the subject to fall to the ground uncontrollably, and there's no soft place to fall in a jail. On one hand, it's good for the jail if a situation can be controlled with only the inmate being hurt on the jail's hard surfaces and not the staff. On the other hand, the momentum of falling after being Tased isn't quite the same thing as going down in a pile with officers. The risk of injury through falling is higher, especially in the stiff, convulsive state typical of a Tased subject.

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Each situation is judged on the specifics. In general, case law to date has favored using the Taser in jail, but none of these cases has involved the death of or serious injury to an inmate. Several cases support use of the Taser when inmates are confrontational, aggressive, and/or uncooperative. In the Hunter case (238 Fed Appx. 336) (10th Circuit 2007) the court noted that force was disproportionate to the need but on balance accepted the jail's actions.

Discussion

Jails are now beginning to use the electric shock shield, which operates in a manner a bit similar to the Taser.

Officers often receive Taser training that includes being hit with the unit. This takes place on a soft mat, essentially acknowledging the risks inherent in falling. If the Taser is to remain a reasonable tool for "routine" cell extractions, jails need to be extremely careful in the situations where they use them. The need should be clear, alternatives should have been exhausted, and risk of injury to the inmate should be minimized. The potential will still exist for the appropriateness of using Tasers in the jail to become clouded in minds of juries and judges.

At what point is it acknowledged by people outside the jail that the inmate chooses the behavior that results in use of force and the Taser?

This goes back to the tests in the Hudson case. What was the need? What was amount of force in relation to the need? Under certain circumstances, these tools are acceptable. Collins speculated that eventually there may be a case where, even though the inmate provoked use of the Taser, the decision will be that its use was "too much" for the particular circumstances. If there is a permanent injury, the case dynamics are likely to change.

Are much larger inmates considered to pose more risk, legally speaking, in a physical altercation?

Size per se is not a factor, but it's the context that matters. Is the inmate spoiling for a fight, or is he being quietly uncooperative?

Docket Item 4—Odds and Ends: Section 1983 Suits

Section 1983 suits (42 USC SS 1983) were created to enable people to raise civil rights issues in court. The code specifies that a person or other entity (such as a county) acting under color of state law (e.g., by staff in uniform) that causes a violation of federal rights is liable for damages, injunction, or other relief. Typically relief on a 1983 finding involves an injunction that the agency clean up its act, possibly with a period of court oversight or a monitor. If compliance hearings are required, this leads to more attorney fees. Fee awards to inmate are based on the hourly rate federal court attorneys receive in the jail's district. Before the Prison Litigation Reform Act (PLRA) was passed, fees were \$300 - \$400 per hour, but they have since dropped to something in the range of \$125.

When the court orders an injunction, it can appoint a master, and PLRA limits what the master can be paid. Or the court can appoint a monitor, who has fewer powers than a master. The real cost is not from these positions but from making the adjustments they require. PLRA specifies that after 2 years, if the jail has addressed the issues, the jail can go to court and ask that the case be dismissed. Unless

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plaintiffs can show that there's a continuing constitutional violation, the court is required to dismiss at least a portion of the case.

In some cases, it may be wise to leave an injunction in place. For instance, some jails may operate more safely under a population cap and prefer to keep that protection.

Civil rights issues also can arise in the context of the Civil Rights of Institutionalized Persons Act (CRIPA). Investigators from the U.S. Department of Justice arrive to review possible problems in a particular area, which may be expanded once they are on -site. They produce a report that frequently is critical of the jail and provide recommendations to resolve the problem. The jail then enters into an agreement with DOJ, and there is generally a 3-year period of oversight and monitoring that allows the jail to address the issues and avoid a formal civil rights action. In a CRIPA proceeding, if the Memorandum of Agreement process fails, the U.S. Attorney General becomes the plaintiff in what amounts to a Section 1983 action against the jail. Overall, responding to a CRIPA investigation tends to be less costly than actual litigation.

Discussion

- Some meeting participants said their jails have experienced CRIPA investigations, and some are currently active. Most jails cooperate with the investigation process. The jail in Erie County, New York, declined to cooperate with DOJ, and the story is still playing out.
- A participant asked about the effect of a civil suit under way at the same time as the CRIPA investigation and follow-up process. The response was that a CRIPA filing has no effect on inmate civil suits addressing the same issue. A CRIPA matter does not prevent inmates from filing their own suits.
- A participant asked whether DOJ has ever done a CRIPA investigation and found no violations. It was suggested a FOIA request might be the way to learn a definitive answer.

Civil rights damages can be significant. In one civil rights case, officers beat an inmate in an elevator and sprayed him with OC while he was in a restraint chair. When a nurse saw the inmate the next morning, he was nonresponsive. Staff who were approaching the end of their shift refused to take the inmate to the hospital, and the following shift did not keep an eye on the situation. The inmate died, leading to a \$56.5 million judgment against two officers.

Tom Merkel (Hennepin County, Minnesota) pointed out that a \$10,000,000 Section 1983 award in Kansas was later found to involve no civil rights violation, significantly reducing the amount of the award.

Qualified immunity can protect individual staff, but not the county, from damages stemming from a legal action. The court must determine whether plaintiffs' rights were violated and whether the right was clearly established. If in some cases this is a difficult determination for the judge, it is not surprising that line staff also may have difficulty. If rights cannot be clearly established, damages or entire cases may be dismissed. If rights can be clearly established, the defense counsel will be more likely to settle. Federal court dockets allow access to the fact of a settlement being made, but not how much money changed hands.

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Agencies will usually indemnify employees from damages and provide for their defense. This assumes staff are acting in good faith and within the scope of their duties. Agencies that terminate a defendant might find that person being the star witness in a later case.

The Ngo decision (126 S.Ct. 2378 2006) illustrates the application of a requirement that inmates exhaust available administrative remedies before filing a section 1983 action. Ngo missed a deadline in a grievance process, filing several months after a deadline of 15 working days. The Court said that missing that mandatory requirement meant that the inmate had not exhausted available administrative remedies, precluding a later 1983 case.

Tim Ryan (Miami-Dade County) observed that people can miss a filing date for valid reasons, such as a medical situation. Collins agreed that the statute creates a dilemma. Time limits in filing grievances are primarily in place for administrative purposes; it's difficult to investigate something that happened a few years ago. The technical filing limitations, in PLRA for example, are cutting off litigation but also undermining the purpose for the grievance process. Grievances can be useful for agencies because they help the agency identify things they need to address.

The Ngo case said if inmate failed to comply with procedural requirement, he failed to exhaust the grievance process, regardless of the merits. The grievance has been denied; there is not an available administrative remedy. It's up to the inmate to appeal that determination; if he failed to appeal the jurisdictional grounds, he hasn't exhausted administrative remedies.

In sum, Collins said, jails should see if their response to grievances is responsive. Jails should not be too quick to overlook key allegations or to rely too much on use of force reports.

What Were They Thinking?

The Golden Grill

A detainee headed for a minimum security placement entered a jail with a decorative gold grill cemented on his teeth. The booking officer considered them a gang identifier, put on gloves, and removed a portion of the grill. The inmate won damages of \$95,000, and the officer was demoted.

Fraternization

An officer with a long history in the department fell in love with an Inmate. After the inmate was released, the couple had their photo taken in a shopping mall photo booth. Somebody saw the photo and recognized the officer and the inmate, and a distinguished career was ended.

Docket Item 5—Stump the Chump (Q & A)

How can jails safely respond, on a liability level, when very sick or injured inmates are brought to the jail by law enforcement? Jails do not want to accept responsibility for seriously ill or injured detainees and their costs of medical care.

Collins's sense is that jails might be running a big bluff by refusing to accept these inmates.

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- Don Pinkard (Gwinnett County, Georgia) said this situation was costing the jail significant overtime. State law prohibits jails from refusing to take them, but the jail can defer taking them until they're cleared medically.
- Other participants said they don't let these detainees out of the sallyport, calling 911 for assistance and directing the arresting officer to follow the ambulance.
- John Zenone (Lake County, Indiana) said that the bottom line is, people don't get into the jail without the jail's OK.
- Police may be trying to force the issue. Jails need to have a proactive internal policy and stick by it; raising the issue through negotiations or a court case may not turn out well for the jail.

Is video an acceptable tool for disciplinary procedures?

Some prison systems operating under court order have on-site administrative law judges who answer to the central office and are assigned to individuals prisons. For a state corrections department with multiple institutions, using video would allow the agency to pull all the ALJs to one location, which would reduce the social pressure they experience from wardens and officers. This could also be applicable in jail systems with several widely separated facilities. More use of video could also reduce some problems of getting witnesses to hearings, particularly witnesses housed in segregation.

Are jails obliged to provide materials to the public and media?

Tim Ryan (Miami-Dade County, Florida) raised the question of what materials a jail is obligated to provide to the media—are materials created by the jail part of the public record? He noted that with the Casey Anthony case playing out in Orlando, the news media are demanding more and more from the jail. They want video visitation tapes between inmates and their family members, the specifics of their commissary purchases, letters, and tapes from the housing units.

Collins replied that every state has some kind of freedom of information act (FOIA) or "sunshine" law which specifies that every piece of information the government has is available to the public and the media—unless it fits into certain categories of exemption. Exemptions include the privacy of inmates, and the privacy concern is greater in the context of a family visit than a question about what kind of chocolate an inmate buys.

News media are more aware now that jails routinely make video recordings, so it's important that jails understand and/or influence their state statutes carefully. Mark Bandy (Hall County, Georgia) suggested jails may keep demand under control by recovering costs for services. If compiling written or video material will take 300 staff hours, plus 20 cents a sheet for photocopying, the request may get cut back to something more workable.

Other participants noted that providing material on CD can be less expensive. Also, when a large amount of material is released, reviewers may find patterns the jail staff have missed because staff were looking at the material one document at a time.

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OPEN FORUM

“Hot topic” sessions for the meeting are an opportunity for participants to discuss emerging issues. Mitch Lucas (Charleston County, South Carolina) facilitated the group’s discussion of hot topics.

TOPIC 1 — RESTRICTIONS ON VISITATION

What are jails’ practices to disallow visitation by people who previously have been incarcerated in the jail, who have a criminal record, or who have a known gang affiliation?

A participant said that the jail in his county is restricting visits on the basis of the jail’s records and intelligence. Participants discussed the legal aspects. If former inmates have completed their county sentence, can the jail legally prevent them from visiting? One view was that if the visitation would be taking place through glass, the legal precedent might be the same as for telephone calls. Aside from the legal aspects, the workload burden to verify visitors’ status could be significant.

Tim Ryan (Miami-Dade County, Florida) said his jail allows such visits, as long as they do not affect institutional security, because it can be useful for the jail and law enforcement to know who inmates are connected to in the community. Don Pinkard (Gwinnett County, Georgia) agreed that many cases are solved using intelligence gained during visits and captured on tape. Inmates and visitors are notified that their conversations may be recorded.

Video visitation is being used more for contact with family and friends and professional visits, on-site in the jail and from remote locations such as an attorney’s office or the family home. Web-based systems are emerging. Dick Carberry (Onondaga County, New York) said that the New York State Commission on Corrections is actively encouraging video visitation. Mitch Lucas said Charleston County is moving to all-video visitation, including a private visitation booth for attorney conferences. One monitor has been used for 500 visits per month. Spartanburg County will be generating revenue by collecting a fee for video visitation. Carberry said there is still defense team resistance to using video for arraignments.

Dan Simovich (Pinellas County, Florida) described his county’s mobile video visitation unit, deployed on a bus. Visitors can schedule an appointment to use the system when it travels to neighborhood community centers, etc. The system automatically limits the time per session.

Ron Freeman (Ada County, Idaho) said that a local team wrote its own visitation software, which works like the Skype voice-over-internet service. A monitor was set up in the dormitories. The first two visits are free, and beyond that, the callers are charged a fee. The jail bought \$300 desktop units and set up the system without the help of any vendors. Women inmates use it more than men, and the jail finds that inmates with regular visits are better behaved.

David Diggs (Seminole County, Florida) commented providers are allowing advertising by bail bondsmen, defense attorneys, etc.

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Art Wallenstein (Montgomery County, Maryland) suggested that if county defenders or courts are resistant to using video, visiting another county will change their minds. To convince public defenders in Montgomery County, the jail paid for their travel to another jurisdiction. They learned first-hand that there are no Constitutional violations, and the public defenders now swear by doing remote interviews.

Bobby Wyche (Caddo Parish, Louisiana) said that the Louisiana Department of Corrections is partnering with a vendor at the state women's institution to allow families of jail inmates to use the video visitation system located there. Families save hours of travel time and hotel expense. A \$5 fee is charged.

Jails are positioning their video visitation monitors in the usual visitation space or in separate units or rooms.

Dan Simovich (Pinellas County, Florida) mentioned that video connections are also useful for medical issues, essentially using telemedicine within the facility.

Mitch Lucas commented that vandalism with video systems has been low.

TOPIC 2 — POSITIVE MEDIA IMAGES FOR JAILS

What are some ways jails are creating "positive buzz" in the media about the services provided by jails?

Art Wallenstein (Montgomery County, Maryland) reported that the Montgomery County jail got good media coverage and community esteem after it provided evacuation housing when a recent snowstorm caused the roof of a non-profit center for homeless women to fail. The jail had a gymnasium at the ready and a disaster assistance agreement in place, plus mattresses and health and comfort kits. Within an hour, 54 women had been moved. Small adjustments were needed to jail rules to allow the women to go to work. In addition to providing emergency back-up housing, the jail also provides laundry services to county homeless shelters, which is easy to do and saves the county money.

Mitch Lucas (Charleston County, South Carolina) agreed that jails should be proactive in making similar arrangements with local shelters and have the MOA in place before it's needed. In an emergency, inmates can be double-bunked to make space for non-inmates.

Other community-focused initiatives include providing Meals on Wheels services. Patrick Tighe said that St. Lucie County replaced inmate televisions and donated the old ones to local thrift shops. Inmates also repair bicycles and donate them to thrift shops.

The Gwinnett County (Georgia) Sheriff's Department makes a large trailer-mounted propane grill available for community fundraisers. A banner helps provide visibility for the department.

Tim Ryan (Miami-Dade County, Florida) suggested that jail leaders develop a relationship of mutual confidence and trust with one or more local reporters. Ryan gave five examples of how he has used these relationships to initiate coverage of jail issues and improve public understanding of safety, security, and community impacts.

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- Community awareness about inmates and three-way phone calls — Cleaning crews in the Miami area were changing the PIN codes on fax machines, and the phone numbers were being sold to inmates. Inmates could then charge calls to that phone line, and the owner of the line would get the bill. Local victims included a federal judge and a jail architect. The county's message, shared via the media, was, "We don't want any more victims. Here's how to be in charge of the PIN code on your fax machine." (An article from the Miami Herald is available at <http://www.miamiherald.com/2010/03/28/1552713/miami-dade-inmates-collect-call.html>.) The jail's inmate telephone services provider has paid over \$160,000 to reimburse victims.
- "Corrections Idol" contest — Inmates need to have a clear disciplinary record to compete, and other inmates were focused on who would win instead of rule breaking.
- March Madness — A youth basketball program is attracting positive attention.
- Documentary programming — The National Geographic Society (NGS) is developing programs on women professionals in corrections and their experiences coming up the ranks, and Miami-Dade appears likely to be one of the agencies profiled.
- Extraordinary jail stays — Ryan has shared perspectives on population control and the role of judges and other actors in the justice system. He outlined the stories of six inmates who have been in the jail's custody for 10 years and the more than 200 people who have been jailed for over 4 years. The jail found that only a few in that group had a public defender, and the rest were privately represented.

Leroy Kierkegaard (Las Vegas, Nevada) said that media personnel take tours of the jail and talk to the officers. The Discovery Channel and media outlets from as far away as France have filmed material there. It's useful to let the community see what officers are doing inside the walls.

Tony Wilkes (Davidson County, Tennessee) has been in conversation with NGS about the documentary about women in corrections and understood the jail would not have final say on the editing. Ryan said he asked for and was given assurances of final approval. Another participant said his agency was included in an NGS series on lockdown units, and NGS staff were primarily concerned with accuracy. If the jail said the coverage or presentation was not accurate, NGS changed it.

TOPIC 3 — PROGRAMS FOR VETERANS/HOMELESS VETS

Mitch Lucas (Charleston County, South Carolina) reported that the VERA Institute is working to develop a specialized program to assist homeless or justice-involved veterans with employment, mental health, and other services. Veterans have high incidence of post-traumatic stress disorder, substance abuse, suicidal impulses and behavior, and domestic violence, and they lose their benefits when they enter jail.

Los Angeles County, California, was mentioned as having a large program for veterans. Dane County, Wisconsin, has a partnership with an adjoining county to implement a veteran's court which is in its Infancy but appears to be going well.

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Tim Ryan (Miami-Dade County, Florida) said that the Veterans Administration has provided a liaison who comes to the jail to meet with inmates who are veterans to identify their needs and set up release plans. Ryan highly recommended that other jails connect with the VA to do something similar. Glen Kurtz (Sedgwick County, Kansas) has added veteran status as a standard question at intake. Numbers are small, but Kurtz is working with the VA toward developing a mentoring process to help bring together scattered and piecemeal assistance.

Tom Merkel (Hennepin County, Minnesota) described a small veterans' court with a typical cohort of about 35 defendants. It operates as part of the county's mental health court.

Patrick Tighe (St. Lucie County, Florida) commented that veterans' issues today are different. Veterans from the WWII and Vietnam eras have good community support available in local VFW posts, but young veterans don't go there.

TOPIC 4 — RFID AND BARCODE TECHNOLOGY

The group discussed use of proximity cards and radio frequency identification (RFID) to track officer tours of the facility. Staff need to touch keypads, but proximity cards just need to be close to the sensor. Gwinnett County is one that uses proximity cards for entry and exit doors. Jail managers can run a report to see an officer's exact activity.

RFID bracelets are used for tie-in to video visitation, inmate movement, and count checks. The Guardian system is working well, with some spotty problems. Marilyn Chandler Ford said the Volusia County Jail has moved away from wristbands to RFID cards. For group movement for meals and recreation, a simple roster is faster than PDA-based tracking.

TOPIC 5 — CELL PHONE DETECTION

In response to a question about cell phone detection, Art Wallenstein (Montgomery County, Maryland) said that the D.C. jail has been successful using sniffer dogs. Mitch Lucas said that at Virginia's Hampton Roads Regional Jail, dogs are being trained to detect cell phones rather than drugs. When the New Jersey corrections department introduced cell-phone sniffing dogs, they found 300 phones in the first week.

Gwen Smith-Ingley said the American Jail Association web site has a link on the home page about a new report on detection testing in Maryland. Legislation to allow a Federal Communications Commission waiver on cell phone jamming by prisons has not advanced, but the Federal Bureau of Prisons was authorized to conduct testing.

Bobby Wyche (Caddo Parish, Louisiana) said one vendor is selling a \$18,000 detection unit. It is hand-held and can detect the presence of a cell phone only when it is turned on.

Marlin Gusman (Orleans Parish, Louisiana) said grant funding allowed the agency to acquire a handheld device that also detects weapons by sensing certain configuration of metal.

Jim Gondles (American Correctional Association) noted that dogs have more difficulty detecting cell phones if they are hidden high in the room. He also noted that SIM cards are becoming more prevalent in jails and are easier to hide than the actual phone. (SIM = Subscriber Identity Module, a portable memory chip used in some models of cellular telephones.)

TOPIC 6 — RELIGIOUS OBSERVANCE ISSUES

Marilyn Chandler Ford (Volusia County, Florida) asked how agencies have handled hunger strikes connected to issues of religious freedom. Marlin Gusman (Orleans Parish, Louisiana) said the jail experienced such a situation, and an immigration officer was able to talk the inmate out of continuing it.

Participants discussed how they accommodate issues of religiously-based dress and grooming. Burkhas are being seen more often in court. Mitch Lucas (Charleston County, South Carolina) said that Charleston County requires Sikh detainees to remove their turbans for identification photos then return the turbans without searching them. Gordon Bass related how the jail in Jacksonville, Florida had a Sikh inmate with three consecutive 12-month sentences. The jail required him to cut his hair and does not allow Sikh inmates to wear the turban. The 11th Circuit Court of Appeals has upheld cutting sentenced inmates' hair for safety and security reasons.

TOPIC 7 — DETERRING VANDALISM

Jails find that jail hardware marketed as tamper-proof rarely is. Participants commented on strategies for deterring damages and vandalism by inmates.

- Lupe Valdez (Dallas County, Texas) said a special screen can be purchased to protect the sprinkler unit.
- Ronaldo Myers (Richland County, South Carolina) said his agency's best defense is a state statute that adds an automatic 2 to 3 years to an inmate's sentence for tampering. In addition to charging inmates for basic repairs, the jail adds on the cost for the fire department to move a unit, since they must respond.
- Tom Merkel (Hennepin County, Minnesota) suggested the use of preaction sprinkler systems, in which pipes are dry until valve sensors verify the presence of heat or smoke. Mitch Lucas said his agency looked at that option but found the cost prohibitive.
- Darren Long (Travis County, Texas) suggested charging inmates for repair parts and labor out of their commissary accounts.
- Art Wallenstein (Montgomery County, Maryland) said that a disciplinary hearing to impose "taxpayer restitution" is an easy and easily defensible approach.
- Tim Ryan (Miami-Dade County, Florida) noticed that a number of state-sentenced inmates who were being returned to jail were facing charges for breaking sprinklers in prison rather than being disciplined for it. Talking with the state prosecutor ended the flow of inmates.

TOPIC 8 — LIMITING VISITORS

The question was raised whether any jails limit visitation to family members only, to cut down on the number of visitors processed by the jail.

- Ronaldo Myers (Richland County, South Carolina) suggested limiting the number of visitors inmates can have at once session.
- Bergen County, New Jersey, limits visitation to five family members. If an inmate has no family visitors, a friend can visit.
- Bobby Wyche (Caddo Parish, Louisiana) said that after Katrina, visitation sessions were cut from 30 minutes to 15, with a maximum of two visitors per day. In most cases families have not complained about having shorter visits. If families come from more than 100 miles away, they can be approved to visit for 30 or longer.

TOPIC 9 — AUTOMATED CASH HANDLING SYSTEMS

About a dozen of the agencies represented at the LJN meeting are using kiosk machines to process detainees' cash on arrest. Automated systems count the money accurately and record the value so that jail staff do not need to handle it. The money is returned to the inmate at release in the form of a cash card. Some agencies also accept bond payments electronically on-site and through Internet transfer.

Kiosk services are typically funded through inmate fees. Contractors retain fees in the range of \$3 to \$5. Mark Bolton (Louisville, Kentucky) said that check cashing businesses charge much higher fees. Participants cautioned that jails should avoid giving the impression they are charging for too many services, particularly with the recent national attention on inmate phone charges.

Automated systems are convenient for both families and justice agencies. Prisons can accept wire transfers when inmates are sent on to state prison. Jails experience fewer problems with bogus money orders. For families, it's easy to transfer money into the inmate's account over the telephone using a credit or debit card account. Money can also be transferred through the web site, www.paynow.gov, or through Western Union.

Ron Torres (Bernalillo County, New Mexico) commented that the jail can't charge inmates on release, and that therefore the inmates' first time through the system is free, but if they return they need to pay. Staff do not handle the money except for removing the cash from the machine, otherwise the vendor would be entering the booking area armed for security purposes.

TOPIC 10 — SOCIAL NETWORKING

Most participants said their agencies are now accessing online social networking sites to conduct investigations and background checks on new hires and/or during annual performance reviews. Staff typically sign a waiver acknowledging their profiles and online content may be reviewed. Participants

said that the waiver is not strictly necessary, since the information is public, but is a safeguard in case court decisions in this area evolve in a different direction. Jeffery Newton (Douglas County, Nebraska) said the police department in Omaha requires staff to make the employing agency a “friend” in platforms such as Facebook, but the jail has not adopted a similar policy.

TOPIC 11 — CHILD SUPPORT DELINQUENCY

Several LJN jails have special programs for enforcement of inmates’ child support responsibilities. Day reporting work programs are one solution that has inmates earning wages, a portion of which is diverted to child support. Joe Schmitz (Hamilton County, Ohio) said that delinquent payers can work in his program outside the secure perimeter until they find a better job. If they lose the job, they can be returned to jail.

Mark Bolton (Louisville, Kentucky) described his area’s family support court, which provides case management for delinquent payers. They also receive assistance in the form of money management classes, job referrals, etc.

In Travis County, Texas, child support workers report directly to the parks department. Supervisors confirm they are reporting for work without direct enforcement by the courts or sheriff.

Mitch Lucas said that Charleston County has referred more than 60 delinquent payers to a program called Celebrate Recovery that helps people find better jobs. Father to Father is another option that is available at almost no cost. Very few inmates have returned to the jail.

Mark Bandy (Hall County, Georgia) said his agency has had some people walk away from their work release jobs where they had been sent for child support enforcement. The jail can’t charge walk-aways with escape, but he has been able to convince them to come back.

TOPIC 12 — INMATE MAIL VIA POSTCARD

Participants discussed requirements that inmate mail be sent on postcards instead of letters. Has this practice been reviewed by the courts?

Pima County is thought to have won a case on this matter. In Florida, at least Hillsborough and Pasco Counties have gone to a postcard-only system. Pasco has litigation in process. John Zenone (Lake County, Indiana) said that people began sending gigantic postcards, so policies need to limit the size of the cards to something reasonable.

Some jails are allowing inmates to receive and send email. Incoming mail is printed out for inmates, which is effective but cumbersome and uses resources, leading some jails to charge a fee. Inmates’ outgoing mail is scanned for sending. Some jails only process incoming mail, paying for supplies from the inmate welfare fund. Vendors are offering to set up an outgoing system for a 50-cent-per-item fee, which is comparable to postage costs.

TOPIC 13 — PRISON RAPE ELIMINATION ACT

The U.S. Attorney General's review of proposed standards for controlling inmate sexual assault is going forward. A report with results of the review is due on June 23, 2010, but it clear the deadline will not be met.

Mitch Lucas (Charleston County, South Carolina) reported that Just Detention International, the organization formerly known as Stop Prison Rape, has been contracted to work on PREA matters. At a February meeting of the review panel, exchanges between corrections and project staff have been less adversarial than in the past. Project attorneys appear to be more receptive to the legal issues that would make it difficult for jails to adhere to the initially proposed standards, such as prohibitions against cross-gender supervision.

Gwyn Smith-Ingley of the American Jail Association said jails are getting a lot of misinformation about PREA. Some agencies think they need to be working now to meet the draft standards, and some consultants are taking advantage of the situation. AJA is making clear explanatory material available to jails via its magazine and web site.

The Attorney General is looking at what the standards say and what the costs of implementation could be. The original PREA legislation specifies that corrections agencies cannot be required to comply with the standards if costs are too substantial. Booz Allen Hamilton is conducting an internal study that is not expected to be made publicly available.

A current opportunity for public input ends on May 10. There will be a second opportunity for public input after OMB has reviewed the Attorney General's findings and revised standards are released.

Jim Gondles of the American Correctional Association recommended that agencies pay attention to issues in the own agencies so their jails aren't singled out as one of the nation's worst performers on PREA. Jail leaders should submit constructive comments during public comment periods. The main risk to jails is not the federal funding penalty; it's the legal exposure if there is a sexual assault and the jail cannot demonstrate efforts to comply with the standards.

Gondles added that the Booz Allen Hamilton team includes well known corrections professionals David Parrish, Richard Stalder, and Dave Gaspar. The final version of the standards is expected by December 2011. In the mean time, Pat Nolan and other advocates on this issue are not being kind to the profession, and they don't trust jails. When victims say they were gang raped repeatedly, other jails need to be able to explain how their own operations are different.

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UPDATES AND ANNOUNCEMENTS

Legislative Update

Gwyn Smith-Ingley (American Jail Association) and Jim Gondles (American Correctional Association) reviewed the status of legislation introduced in the first year of the 111th Congress. Major legislation often takes a full 2-year cycle to be voted into law.

Smith-Ingley encouraged meeting participants to visit AJA's redesigned web site to see upcoming events and solicitations. A link to legislation and advocacy information helps jail leaders keep up to date on measures before the Congress and includes links to the bills under consideration. She reminded the group to send AJA letters that describe the impact of proposed legislation on jails. Having input from as many congressional districts as possible strengthens her advocacy work on behalf of jails in the U.S. House of Representatives and Senate.

- Second Chance Act — This bill makes \$165 million available for reentry grant support. Actual yearly appropriations since its enactment have been in the range of \$5 to \$10 million. Appropriations for Fiscal Year 2011 are still pending. The National Reentry Resource Center web site (<http://www.nationalreentryresourcecenter.org>) provides complete information on the Second Chance Act, funding availability, funded projects, and related events.
- Mentally Ill Offender Treatment and Crime Reduction Act — MIOTCRA became law in 2004 and was renewed in 2008 with annual funding of \$50 million. Lobbying is now under way for 2011 appropriations.

Jim Gondles noted that a recent issue of ACA's magazine, *Corrections Today*, included a letter to President Obama on criminal justice and jail issues that was developed by the ACA board of directors.

- H.R. 2829, Recidivism Reduction Act of 2009 — This bill addresses the temporary or permanent loss of federal benefits that occurs when people are detained in jail and the delays in reenrollment upon reentry. Former inmates experience service gaps of sometimes 60 to 90 days. ACA will audio tape an upcoming presentation to the congressional committee. Speakers are expected to include Fred Osher from the Council of State Governments, Art Wallenstein and Stefan LoBuglio of Montgomery County, Maryland, and a representative of the U.S. Social Security Administration.
- Criminal Justice Reinvestment Act — A recent issue of *Corrections Today* magazine takes an in-depth look at this issue. The act would provide Federal grant funding to help states gather and evaluate data on local criminal justice systems. The Senate version (S. 2772) was just passed out of the Senate Judiciary Committee for consideration by the full Senate. The House version (H.R. 4080) is under subcommittee review. Jail leaders should be in touch with their Representatives to shape the bill so that funding flows directly to jails rather than moving via a state pass-through. Audit requirements may be stringent. Agencies receiving grant funds must provide a 25% match, half of which can be in-kind contributions.

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- National Criminal Justice Commission Act — This bill (S. 714) has been passed out of the Senate committee, but it is lacking momentum for a full Senate vote and there is no House companion bill. Gondles said the original language of the bill pointed to corrections as the problem within the justice system. Advocacy from groups including ACA helped change the language to include prosecutors and police, which gained the bill more attention. Those changes were revoked and later restored. With the back-and-forth, the future of the bill is uncertain, though it is supported in its current form by ACA and the International Association of Chiefs of Police (IACP).
- H.R.1133, Family Telephone Connection Protection Act of 2009 — This bill would impose a variety of restrictions on provision of telephone service to inmates but is not moving forward.

Gondles recommended two online sources of current information on Federal legislation.

- Govtrack.us is helpful for people who are unfamiliar with the legislative process.
- Thomas.gov is a service of the U.S. Library of Congress and is very easy to search. The information here is deeper for people who want to drill down for more detail and history on the progress of a bill.

ACA Core Jail Standards

NIC has paid for copies of the newly released, 136-item *Core Jail Standards* to be sent to every jail in the nation through an arrangement with ACA. The standards do not provide a path to full agency accreditation but can be a stepping stone in that direction. The core standards are especially useful for smaller jails. They provide achievable guidance and support for jails that are striving to improve their professionalism. More jails will be able to benchmark their performance against nationally recognized professional standards.

Jeff Newton noted that Nebraska jail standards are compliance-based. The Douglas County jail is ACA accredited but not accredited by the state. The state standards may be adjusted to specify that jails meeting ACA standards will have automatic state accreditation as well.

American Jail Association News

Gwyn Smith-Ingley, Executive Director of the American Jail Association, updated participants on key AJA initiatives.

- The BJA-funded Discover Corrections project will assist in recruiting people to work in corrections and also educate people broadly on the corrections field.
- A second BJA grant is funding work on an online leadership development training program for jails, in development with Sam Houston State University and the Center for Innovative Public Policies. It will supplement National Jail Leadership Command Academy training for those who are unable to participate.

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- Three classes have now graduated from the National Jail Leadership Command Academy at Sam Houston State University.
- The U.S. Bureau of Immigration and Customs Enforcement is updating its detention standards in 2010. Some friction is expected when the proposed standards will be compared to standards applicable to U.S. citizens, in areas such as recreation time, visitation, and library time. Jim Gondles noted that the Acting Director of ICE has no detention experience. Former sheriff and National Sheriffs' Association Director Tom Faust is seeking the appointment.

American Correctional Association News

Jim Gondles, Executive Director of the American Correctional Association, announced that this summer marks the 140th Congress of Correction, to be held in Chicago. Davidson County Sheriff Darren Hall is the first sheriff to be president of ACA. Committee opportunities are available.

Gondles thanked U.S. Bureau of Prisons Director Harley Lappin for supporting the core jail standards project and thanked NIC for helping them get published. AJA also helped by providing testimony and contributing to the writing.

Regarding PREA, Gondles noted that ACA may have a role in the auditing process for prison rape because of ACA's extensive work in standards and auditing.

ACA is contributing its expertise to the Discover Corrections career outreach program targeted to high school and college students, military retirees, and others entering a second career. The AJA and the American Probation and Parole Association (APPA) are also involved.

Gondles noted that NIC has had no Advisory Board for the past 14 months, as a result of a U.S. Attorney General ruling against hold-over appointments. The board typically includes three or four people with a jails background. Work is ongoing within the Bureau of Prisons to form a new board.

LARGE JAIL NETWORK BUSINESS

LJN Member Communications

Joshua Stengel, Program Manager of the NIC Information Center, spoke to participants at two points in the LJN meeting about member-to-member communications via NIC's online Corrections Community.

Session 1: Discussion

In the first session, on Monday, Stengel reviewed the history of member communications, beginning with a discussion list that was launched in 1998 and became a critical tool. Communications were moved 4 years ago to a new web-based platform. That system is about to be upgraded, and Stengel invited members to share their views.

Members offered thoughts on the web-based forum:

- NIC should be cautious about imposing major changes since the group still has not recovered from the last change.
- Immediacy and swift feedback among senior jail leaders are the key necessities.
- It's difficult to find the LJN Forum on the NIC site.
- The spell-check feature behaves strangely.
- The system is slow.
- It's difficult to tell whether the file attachment process is working. Members are often sharing files off the forum, so other agencies do not have access to them.
- The knowledge management capabilities are excellent. Topics and keywords make past discussions findable.

The discussion produced some specific suggestions:

- Forum messages should be customized to display well on handheld devices, as more LJN members adopt their use.
- A digest function would be useful for some members.
- A written user's instructional manual could be helpful.
- If fewer members are participating, NIC should learn why and address the issues. Is registration the hurdle? Is it the learning curve? Are senior correctional leaders less computer literate than some of their subordinates?

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- All LJN counties should be required to participate and proactively assisted to do so, beginning with those agencies that send staff to attend the meetings. If the U.S. Government recognizes the value of the LJN Network enough to pay for agencies to travel to the LJN meeting twice per year, agencies should do their part by participating in the Forum.

Mike Jackson commented that with 170 jails eligible to participate, each with up to three Forum members, higher levels of participation could produce a lot of email.

To improve participation, Stengel said NIC can consider providing additional instruction via videos or individual coaching on the telephone, online, or at LJN meetings. New equipment will be installed this year, which may improve speed. A digest option can be developed, but it could delay response times.

Art Wallenstein recently posted a message describing how the Montgomery County jail served as an evacuation site for a women's shelter when its roof was damaged by heavy snowfall. Stengel asked whether other LJN members are inclined to share similar successes on the LJN Forum or other spaces within NIC's online Corrections Community. This could be a way to spread good news about jails.

Mitch Lucas (Charleston County, South Carolina) said that the hot topics sessions at the meeting allow members to share successes, and he would hesitate to introduce another vehicle. Other participants said they value the forum primarily as a tool for getting questions answered quickly.

Session 2: Demonstration

In the second session, on Tuesday, Stengel introduced NIC's Corrections Community, an online connection point for professionals, academics, and others interested in corrections and justice issues. It includes a blog on NIC activities plus forums, both public and private. Most of the forums are based around a particular topic, such as training.

Stengel encouraged meeting participants who were not yet enrolled in the LJN Forum system to do so. The first step is joining the Corrections Community, then community members can request admission to the private LJN Forum. NIC approves all new members to ensure a secure space for members to share concerns and suggestions. New members can browse posted discussions, presentations from past meetings, shared policy documents, and survey information.

To make it easy to find the LJN Forum online, members should bookmark the page in their browsers once they have arrived.

In addition to supporting conversations between members, the community system also allows members to share photos and files. Stengel pointed on-screen to the tab members can use to share files.

Approved LJN members have access to more than just the LJN forum. They can also participate in a public forum for jail administrators who are not in LJN agencies, for example.

Approved LJN members also can participate in the forum without visiting the Corrections Community web site. The email address to post a new message is forum-LJN@nicic.gov. Members can

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adjust their personal settings in order to receive LJN posts (and/or posts from any other Community forums) directly to their email accounts.

If an approved member is not receiving email messages from the LJN Forum, s/he can subscribe by following these steps:

- Log in to the LJN Forum at <http://community.nicic.gov/forums/10.aspx>
- Toward the upper right side of the screen, note whether the message appears, "Click to subscribe." If so, click to initiate an email subscription.
- Approved members can also subscribe to an RSS feed of posts. This functions like a digest, sending the member a compiled list of messages posted within a given time frame (usually a day).

Stengel then demonstrated some of the functionality of the LJN Forum.

- How to sign in, and how to get help signing in if necessary.
- How to edit the member profile to add optional information such as a display name, photo, signature, and additional information.
- How to enable the system to send posts via email, by using another tab in the member profile. Members' settings must say "yes" here, but they must also sign up to receive email from the individual forums.
- How to adjust site options for displaying or writing posts, via a tab in the member profile. Each member can set the default post screen for writing posts to use plain text, standard HTML, or enhanced HTML. Members who do not see formatting icons should change to the "standard HTML" setting. This also should solve most problems with message formatting.
- How to set the password.
- How to subscribe to receive posts by email from any available forum.
- How to compose, subject-tag, and post a new message. A spell-check plug-in can be downloaded. Adding one or more subject tags to a post helps to classify posts by topic for later browsing and retrieval.
- How to attach a file to a post. An attachment button appears on the main screen and also under the "options" menu. Members can then browse to find the file and click "save." Though on-screen confirmation is unclear, the procedure is working.
- How to "turn off" messages on a high-volume topic that is not of interest. The member will continue to get other posts from the forum, but not the messages on that particular thread.
- How to reply to a post. Members can send a reply to all by default or reply to just the original poster by using an option under the reply menu.

Members have several ways to find content that has been posted to the forum.

- Members can search either the forum they are currently visiting (in this case, the LJN Forum) by default, or they can search the entire Corrections Community site.
- Subject tags in the sidebar show the topics people have been discussing. Adding a tag is an extra step for the member, but it makes it easier to find content.
- Subject lines displayed in the main screen indicate topics and the number of replies. Several pages worth of posts have been stored since the Forum first went online.

The LJN Forum can also help members build their community, since some are unable to attend LJN meetings.

- Adding a photo to the member profile will help people recognize each other.
- Adding a clearly identifying and professional display name helps members to know who is asking questions or providing answers. The display name should include the member's last name for easy recognition. The forum has members known as "china" and "cookie captain" whom no one can identify.

Mike Jackson encouraged members to get connected with the forum. He reviewed the policy that each LJN agency can have up to three forum participants. Ideally, an agency's forum members will be the sheriff and/or the jail commander, where applicable. When an agency has a third participant, that person must be at the level of a deputy jail commander.

Stengel stayed after the session to help sign new members up for the Corrections Community and LJN Forum. Technical support is available to members by calling Stengel at the NIC Information Center at (800) 877-1461, ext. 4432 or contacting him at CommunitySupport@nicic.gov.

Future Meeting Topics

Members selected the following topics for the next meeting of the Large Jail Network, to be held September 13 – 15, 2010, in Aurora, Colorado.

- Workforce caused security issues (complacency, contraband, fraternization)
- Substance abuse recovery
- Termination or return to work policies for personnel who are legitimately ill
- Using Comstat (aka CompStat) in jails for accountability and leadership.

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Appendix A

**Large Jail Network
March 2010 Final Meeting Agenda**

LARGE JAIL NETWORK MEETING

March 28-30, 2010

Doubletree Hotel Denver Southeast

Aurora, CO

Agenda

Sunday, March 28

6:00 p.m. Introduction and Overview.....Mike Jackson
NIC Correctional Program Specialist

6:30 p.m. INFORMAL DINNER

7:30 p.m. Orientation for New Members

8:00 p.m. ADJOURN

Monday, March 29

8:00 a.m. Open Forum: Hot Topics..... Mitch Lucas

10:00 a.m. Coping Skills with and for Staff in Fiscally Tight TimesJoe Schmitz
Hamilton Co., OH
Connie Clem
Clem Information Strategies

12:00 noon LUNCH

1:00 p.m. The Trend of Medical Issues in the Future..... Elizabeth Gondles, PhD
Institute for Criminal Justice
Healthcare

3:00 p.m. Creating a Culture of Leadership Mitch Lucas
Charleston Co, SC
Ron Freeman
Ada Co, ID

5:00 p.m. ADJOURN

Tuesday, March 30

- 8:00 a.m. Creative Efficiencies in the Booking Area Glen Kurtz
Sedgwick Co, KS
Mitch Lucas
Charleston Co, SC
Scott Bodiford
Greenville Co,SC
- 10:00 a.m. R.I.S.E Program Mike Wade
Sheriff, Henrico Co, VA
- 12:00 noon LUNCH
- 1:00 p.m. Legal UpdateBill Collins
- 4:30 p.m. Future Meeting TopicsMike Jackson
Correctional Program Specialist
- 5:00 p.m. ADJOURN

Appendix B

**Large Jail Network
March 2010 Participant List**

National Institute of Corrections

Michael Jackson

Betsy Matten

FINAL PARTICIPANT LIST

10J2401

Large Jail Network Meeting

Aurora, Colorado

Sunday, March 28, 2010 - Tuesday, March 30, 2010

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Appendix C

Index of Past LJN Meeting Topics

**LARGE JAIL NETWORK MEETING TOPICS
JUNE 1990 -MARCH 2010**

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

LARGE JAIL NETWORK MEETING TOPICS
JUNE 1990 -MARCH 2009
(continued)

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

2006	January	Implementing PREA: The BJS Report Statistical Analysis: Crowding, Life Safety, Managing Staff Succession Planning The Question of TASERS Legal Issues Update
	July	Diagnosing, Analyzing and Improving the Jails Organizational Culture Planning for Catastrophes and Other Crises Prison Rape Elimination Act (PREA) and Jails Criminal Registration Unit: Hillsborough County, FL
2007	January	15 th Anniversary Meeting Large Jail Systems Assessment Research Project Changing Organizational Culture Improving Collaboration Between Jails and Mental Health Systems Legal Issues Update
	September	Jail Inmate Re-Entry Programs: Public, Private, Non-Profit Involvement Jail Inmate Re-Entry Issues on a County Level Responding to Women Offenders in Large Jails Excited Delirium: A Problem to be Eliminated or Managed Recruiting, Hiring and Retention of Staff
2008	March	Immigration and Custom Enforcement 287 (g) Program Contract Services Media Relations Workforce Development Legal Issues Update
	September	Faith Based Programs Human Resource Management Emerging Technologies Proactive Discipline
2009	March	Illegal Alien Programs Transgender, Lesbian, Gay and Intersex Inmates Proactive Discipline Part 2 PREA Update Legal Issues Update
	September	PREA Commission Presentation Legislative Updates Successful Pre-Trial and Criminal Justice System Collaborations USDOJ - ADA, CRIPA, LEP Presentation Middle Management Training Programs
2010	March	The Trend of Medical Issues in the Future Creating a Culture of Leadership Creating Efficiencies in the Booking Area R.I.S.E. Program (Henrico County, VA) Coping Skills with and for Staff in Fiscally Tight Times Legal Updates with Bill Collins

Appendix D

Summary of Responses:

Large Jail Network Agency Organizational Culture Indicators and Tools

SUMMARY OF RESPONSES: LARGE JAIL NETWORK AGENCY ORGANIZATIONAL CULTURE INDICATORS AND TOOLS

LARGE JAIL NETWORK MEETING, MARCH 2010
Compiled April 2, 2010
Connie Clem, ClemInformationStrategies.com

Participants

Forty-four LNJ meeting participants responded, representing 42 agencies.

Question 1 — Critical Events Related to Agency Culture

“Within the last few years, has your organization had an event — such as an escape, riot, or the death or serious injury of a staff member — that caused your organization to evaluate its culture and the leadership that was responsible for that culture?”

Yes: 30 respondents, representing 29 agencies

No: 14 respondents, representing 13 agencies

Types of Events Identified

Inmate suicides or deaths:	8
Major leadership or organizational changes:	6
Officer ethics, professionalism issues:	6
Inmate escapes:	4
Other:	8

“Other” critical events include natural disaster, release of wrong inmate, economic pressure, officer suicide, public failure of leadership, and misc.

Changes Made in Response to Events

Inmate suicides or deaths

- Training (more or new and improved)
- Emphasis on shared responsibility for inmate welfare, “take the initiative”
- New position in infirmary
- Modified intake form
- Hired new and better qualified mental health staff
- Increased psych evaluation and tracking for high profile inmates
- New equipment

- Leadership change

Escapes and other safety/security issues

- Better pat and cell searches
- Physical plant: fencing and secure sallyport
- Tightened security, including searches of everyone entering the housing areas, including command staff and the sheriff
- Established intelligence committee to supplement the intel unit
- Training, including mock events
- Entrance inspections
- Management inspection teams
- Dual verification of inmate identity at release

Ethics issues and lapses of professionalism

- Emphasis on code of conduct
- More accountability
- Created intelligence committee
- Encouragement of staff buy-in through participation in policy development
- Better communications
- Staff searches

Leadership and culture issues

- Got rid of “dead wood” / encouraged new thinking in management
- Emphasized or clarified accountability, responsibility
- Emphasized better communication, including video, briefings, written material, access to operational performance statistics, and face time.
- Reorganized the command structure
- Imposed quality assurance team reviews / management inspection teams
- Established new management style; “servant leadership”
- Empowered managers and staff; lowered levels of decision-making
- Focused on first-line supervision
- Weekly note to all staff to answer questions and provide information on changes
- Created teams within shifts
- Formed an occupational issues committee
- Added a timeline element for addressing identified culture issues
- Gave officers more access to administrators
- Created objective process for promotions; emphasized fairness
- Revamped HR and training practices
- Instituted leadership training in roll call
- Emphasized “family,” morale, engagement, in-this-together philosophy
- Worked to establish trust, end us/them barrier between line staff and administrators
- Implemented suggestion boxes
- Informal weekly lunches with the sheriff for feedback
- Focused on staff stress, support, wellness

- Emphasized getting to know staff — their passions and talents
- Emphasized vision or pride in service
- Added new forms of employee recognition

Question 2 — Metrics

“What are the most important measures or regular statistics that your organization uses to validate your success or highlight opportunities for growth or improvement?”

Inmate well-being

- Performance of suicide checks
- Number of suicide attempts
- Inmate grievances
- Education program participation and GED completions
- Inmate exit interviews

Safety and security

- Inspection reports
- Weekly climate reports
- Number of cell searches
- Contraband hits
- Security threat group numbers
- Inmate discipline
- Inmate-on-inmate assaults/incidents
- Use of force incidents, SERT deployments
- Officer injuries
- Escapes/attempts

General operations

- Mental health statistics
- Overtime data
- Accreditation and standards adherence (CAC, NCCHC, state, and ICE)
- Population and/or length of stay
- Budgets/expense status
- General statistics and benchmarks, including COMSTAT review
- Lawsuits
- Administrative remedy proceedings

Staff performance, job satisfaction, and well-being

- Officer grievances
- Staff discipline and misconducts
- Staff evaluations
- Staff training hours
- Absenteeism / utilization of leave

- Vacancy rate / attrition and retention
- Training participation “above and beyond” mandatory levels
- Officer commendations
- Number of applicants for promotional opportunities
- Requests for shift change
- Staff surveys

Other

- Citizen surveys

Comments

“The organization had a train up and tasking to ensure the supervisors understood their roles. When speaking with supervisors, they were concerned about their discretion being second-guessed.”

“[It was noticed that] staff follow certain supervisors or prefer certain work groups. . . . To what extent are they willing to work with others? Believed to be a proxy of feeling we are one family and it is OK to work outside of a group of ‘best friends.’”

“Stats are kept for all phases of operation. Problem was the information was not shared. Officers and line level staff are able to see the results of their hard work after this simple communication was established.”

“Try to get the rank and file to believe in the professional leadership team and buy in to the vision and mission of the Sheriff’s Office. Encourage and support education, while setting up training sessions for officers and supervisors. Encourage officers and supervisors to attain ACA accreditation for their positions. Upper level supervisors were trained as certified public managers.”

“Staff participation in readdressing security policies (contraband searches, procedures, etc.) developed buy-in.”

“We have allowed for more accountability at all levels of management. We instituted a ‘stat’ program that has increased communication and accountability. Leaders have taken same process to their units.”

“Our agency has quarterly meetings to review statistical data and ways to improve performance. Areas that require improvement are given a timeline. All areas of our command staff help the areas that require improvement through open discussion to help create a plan.”

“Thoughts on developing leaders:

1. Select sergeants based 50% on command leadership qualities and 50% on job knowledge.
2. Track them and provide assignments that play to their qualities.
3. Provide educational experiences.
4. Include them in discussions for decisions “above their pay grade” — not to make the final call, but to see how they are made.
5. Provide policies that give each level more authority and responsibility than the one below — they can see the path leads to the top.
6. Permit mistakes — expect they won’t be made twice.
7. Praise but don’t offer false praise — it is insulting to the person and demeans true, deserved praise.
8. Watch from afar but get out of the way!”