National Institute of Corrections Jails Division Large Jail Network Meeting February 2 - 4, 2003 Longmont, Colorado

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MEETING HIGHLIGHTS

LARGE JAIL NETWORK MEETING

FEBRUARY 2-4, 2003

These proceedings summarize a meeting of NIC's Large Jail Network held in Longmont, Colorado, on February 2-4, 2003. Approximately 55 administrators of the nation's largest jails and jail systems attended the meeting.

The meeting focused on several issues affecting jail operations:

- Legislation, grants, and available funding for jails
- Internal affairs
- Professional jail standards
- Legal issues update

HIGHLIGHTS OF MEETING SESSIONS

- How to Improve Funding for Jails. In this opening session, Michael Thompson, Council of State Governments, suggested that jail administrators could make a stronger case for funding by pointing to the fact that jail inmates represent populations with heavy needs. Inmates are also clients of social service providers and, because they often have serious health problems, the health issues in corrections facilities are public health issues. Thompson pointed to both traditional and non-traditional funding sources and emphasized the need to use data on inmate populations when seeking funding.
- Legislation, Resources, and Funding: A Perspective From our Professional Associations. Speakers for this session were the directors of the professional associations representing jail administrators: Stephen Ingley, Executive Director of the American Jail Association, Jim Gondles, Executive Director of the American Correctional Association, and Tom Faust, Executive Director of the National Sheriffs' Association. Each summarized his group's recent initiatives, including their efforts to influence legislation affecting jails. They also led an extended, open forum discussion of the new, outcomes-based standards for jails, which are currently in draft form.
- Handling Legislation and Dealing Effectively with Funding Authorities. Calvin Lightfoot, Allegheny County, Pennsylvania, summarized his success in bringing community agencies into the jail to provide services. Michael Thompson, Council of State Governments, facilitated a roundtable discussion among meeting participants. Topics addressed included data and its implications; non-traditional funding sources and partners; culture issues; and barriers and opportunities.
- The Role of Internal Affairs. Dennis Williams, Escambia County, Florida, summarized the manager's role in the internal affairs function and pointed to the importance of internal affairs as means for assessing an agency's performance.

- **Ralph Green**, Hudson County, New Jersey, offered some recommendations on how to handle internal affairs, based on his agency's experience.
- Open Forum: Jail Issues for Discussion. This session gave meeting participants the opportunity to raise issues of concern or to request assistance from other attendees. The following issues were discussed at this session: the community health model used in Hampden County, Massachusetts; suicide prevention cards; ACA's Intelligence Committee; a day care center for jail employees; an ACA survey on workforce needs; officer training; jail standards; and the LJN Listserv.
- The LJN Online and NIC Website. Tracey Vessels, NIC, and Connie Clem, NIC Information Center, made a presentation on NIC's web site and the online services provided specifically for Large Jail Network members, including the LJN Listserv.
- Legal Issues Update. Bill Collins, attorney-at-law, provided an update on legal issues, focusing especially on the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and its implications for jails.
- Topics for the Next Meeting. Richard Geaither, NIC Correctional Program Specialist, led participants in a discussion of issues to be addressed at the next meeting of the Large Jail Network in July 2003. The group agreed on the following topics for the meeting: future trends; new technologies; changing demographics of jail populations; and accreditation.

THE FUTURE OF JAIL LEGISLATION, RESOURCES, AND FUNDING

MICHAEL THOMPSON, COUNCIL OF STATE GOVERNMENTS

BACKGROUND: THE COUNCIL OF STATE GOVERNMENTS

The Council of State Governments (CSG) is a non-profit, non-partisan, membership association of state government officials. It represents all three branches of state government: legislature, judiciary, and executive branch. There are four regional offices; the Criminal Justice Division is in the Eastern region. Members use CSG as a non-partisan setting in which to discuss controversial criminal justice topics outside of the public spotlight.

CSG's recently completed Criminal Justice/Mental Health Consensus Project was a national effort to address the problem of the over-representation of people with mental illness in the criminal justice system. The project report includes 45 policy statements and hundreds of recommendations that represent a consensus on needed steps. In addition to wide coverage by the press, the report resulted in two pieces of federal legislation, including the Mentally Ill Offender Treatment and Crime Reduction Act, which established \$100 million to improve the collaboration between mental health agencies and local jails.

CSG also has another national initiative, the Re-Entry Policy Council, which is developing policies and principles related to the re-entry into the community of those released from correctional facilities. The Council will facilitate coordination and information sharing among organizations working on re-entry initiatives.

WHOSE CLIENTELE ARE BOOKED INTO JAILS AND PRISONS?

It is important to remember that jail inmates represent populations with heavy needs. Many have serious health and mental health problems.

- Nearly one in five of those in jail or prison has a mental illness.
- More than 75% of those with a serious mental illness have a co-occurring substance abuse disorder.
- Almost one in four people with HIV passes through a jail or prison each year.
- The occurrence of AIDS is five times greater in prisons and jails than in the general population.
- More than one in three people with TB passes through a jail or prison each year.
- A large proportion of inmates are uneducated.
- A large proportion of inmates are people of color.
- Seven in 10 women in local jails have children under the age of 18.

IMPLICATIONS OF DATA FOR JAIL OPERATIONS

- Average length of stay. At Riker's Island, the average length of stay is 42 days, but it is 215 days for an inmate with a serious mental illness.
- **Proportion of inmates serving maximum sentences.** In Pennsylvania state prisons, in 2000, inmates with serious mental illness were three times as likely as other inmates to serve their maximum sentences.
- *Time spent monitoring suicidal inmates*. In the Monroe County, New York, Sheriff's Office, during an average two-week period, officers spend about 325 overtime hours monitoring inmates who might be suicidal.

IMPLICATIONS FOR JAIL AND COUNTY BUDGETS

- In Pennsylvania, it costs approximately \$80 a day to incarcerate an average inmate and \$140 a day to incarcerate a person with a serious mental illness.
- Monroe County, New York, spent \$320,000 a year on overtime for 24-hour suicide watches.
- In Los Angeles, it costs \$54 a day to incarcerate an average inmate and \$300 a day for an inmate with health needs.
- King County, Washington, spent over \$1.1 million on drug and alcohol acute services and criminal justice resources for just 20 individuals in 2000.
- In Summit County, Ohio, the cost to taxpayers for a similar group of 20 individuals was \$1.3 million in 2001.

MAKING A CASE FOR FUNDING

- Health issues in corrections facilities are public health issues.
- Jail and prison inmates are clients of social service providers.
- Health and social service providers and jails draw on the same communities.
- These facts have serious fiscal and public safety implications.

POTENTIAL FUNDING SOURCES

Private Foundations

Foundations have begun to recognize that jail populations are among the underserved populations they want to reach. Between 1995 and 2000, however, private foundations provided only \$38 million for health programs that targeted people involved in the criminal justice system. During that same time period, they provided more than \$20 billion for health and housing services to the general population. Given this disparity, jails should be receiving more funding from foundations. Hampden County is one jurisdiction that has received funding from private foundations; in 1999, the county received substantial funding from the Ford Foundation to create a community-based correctional health care program.

Community Resources

Workforce Investment Act (WIA) managers have had trouble convincing Congress that they are meeting their goals. Jails can attract resources by helping the WIA boost its numbers. Community colleges represent a group that can come in to your facilities to provide services.

Federal Programs—Examples of relevant Federal funding streams include:

U.S. Department of Justice

- ♦ State Criminal Alien Assistance Program (SCAP)
- ◆ Residential Substance Abuse Treatment (RSAT)
- ◆ Serious and Violent Offender Re-Entry Initiative
- ◆ Byrne grants
- ♦ Mental Health Court Grant Program

The SCAAP and the Byrne programs may be zeroed out of the current Federal budget. To keep them alive, you should write or call in support of these programs even if you have never applied for SCAAP funds. (Facilities in Texas, Florida, and California get most of the money because they deal with the largest number of criminal aliens.) When you look at the current Federal budget, it is all about homeland security, but there are clearly ways for jail administrators to capitalize on those dollars. Unless Congress hears from you, they will assume that there are better ways to invest funds than on SCAAP and Byrne.

- Substance Abuse and Mental Services Agency (SAMSHSA) Jail Diversion Program. An example of funding under this program is the Mental Health Diversion Program operated by Pima County (Arizona) Pretrial Services.
- U.S. Department of Housing and Urban Development (HUD) Shelter Plus Care, which has funded the Maryland Community Criminal Justice Treatment Program, a multi-agency collaborative that provides shelter and treatment services to offenders with mental illness.

Federal Entitlement Programs

◆ SSI/SSDI/Medicaid—Be sure that a detainee's Medicaid benefits are suspended, not terminated, upon his/her admission to the jail.

New Federal Initiatives

- ♦ Mentally Ill Offender Crime Reduction Grant Program
- White House Initiative Regarding Mentoring, which provides funds to mentor the children of inmates. Jail administrators should be involved in helping to define this program so that it is not solely for those in state-level institutions.

New Population Management Initiatives

In an era in which there are no more services to cut, jurisdictions are moving toward shortening sentences and developing more back-end solutions. These initiatives often shave days or weeks off of sentences, which is more palatable than simply letting a particular set of inmates out of the facility. These approaches can have major implications for cost control, but it is important to make sure they work sensibly. The key may be to think carefully about the roles of probation and post-release supervision. It is also important to collaborate with community agencies in providing services.

SUMMARY OF RECOMMENDATIONS

- Analyze the characteristics of your jail population.
- Determine the cost, public health, and public safety implications of your analysis.
- Use these findings to engage non-traditional resources.
- Exercise your political muscle.
- Remember that you will need to share.

For additional information, contact Michael Thompson, Director of Criminal Justice Programs, Council of State Governments; 212-912-0128; mthompson@csg.org See Appendix 3 for "Links to Potential Federal Funding Sources and Internet Resources." A copy of the complete presentation is on

LEGISLATION, RESOURCES, AND FUNDING: A PERSPECTIVE FROM OUR PROFESSIONAL ASSOCIATIONS

STEPHEN INGLEY, EXECUTIVE DIRECTOR, AMERICAN JAIL ASSOCIATION

BACKGROUND: AJA

The American Jail Association (AJA) was formed in 1981 as a result of a merger between the National Jail Association and the National Jail Managers' Association. In 1986, AJA had 600 members; it now has 5,000 members. Nearly 300 jail managers have completed AJA's Certified Jail Managers Program, which was established in 1997. We have just moved into new headquarters in Hagerstown, Maryland. Our JOB Video Series is being put online, and we are partnering with Fort Hays State University in Kansas to provide full degree programs.

For the past several years, we have been involved in working to develop performance-based standards, which are now on the AJA website. Please make comments on the standards prior to May 1, as they will be presented to ACA's Standards Committee this summer.

LEGISLATIVE ACTIVITY

AJA has been active on the legislative front:

- Residential Substance Abuse Treatment Program (RSAT). Working through Senator Lugar's office, we helped to ensure that up to 10 percent of a state's RSAT funding will be used for jail-based treatment. The program is now the Jail-Based Substance Abuse Treatment Programs (JSAT) administered through RSAT.
- *Mental health legislation.* AJA is working with the Bazelon Center for Mental Health Law to gain formal support for initiatives addressing mental health.
- *SCAAP and Byrne programs.* There is a potential to lose funding for both of these programs, but AJA is beginning to address this issue.
- *COPS Program.* AJA has not yet been successful in making jail personnel eligible for this program, but will continue to try and do so.
- Issues related to terrorism. AJA has written to the National Governors Association and legislators to have jails considered under new legislation related to homeland security. I encourage you to contact your state's homeland security director and offer support.

It is important for you to make your ideas and thoughts known to those who make decisions. I encourage you to communicate with legislators and other policymakers.

TRENDS

• *Technology.* Technology is constantly improving. We will see more use of fingerprint, voice, and retina recognition technology in the coming years.

- *Inmate Population.* Numbers are increasing, and we expect this trend to continue, except that the budget crisis will eventually interfere. Female and Hispanic populations will continue to rise.
- *Direct supervision* will continue to grow, but slowly.
- **Privatization** is unlikely to increase, except at the Federal level, which houses INS inmates.
- **Diseases in jail** are being addressed by many groups as part of a public health effort.
- *The budget crisis*, although of great importance right now, will end eventually. These things happen cyclically. We have been here before. It is important to keep operations going smoothly as we undergo these difficult times.

For additional information, contact Stephen Ingley, Executive Director, American Jail Association; 2053 Day Road, Suite 100; Hagerstown, MD 21740-9795.

JIM GONDLES, EXECUTIVE DIRECTOR, AMERICAN CORRECTIONAL ASSOCIATION

LEGISLATIVE UPDATE

The Government and Legislative Affairs division of ACA serves as the liaison between ACA and decision makers at the state and Federal levels. ACA supports laws, administrative procedures, and adequate government funding to safeguard the rights of all those in the criminal justice system. A full-time legislative liaison, Joe Weedon, helps ACA address legislation affecting corrections. Feel free to contact him at 1-800-222-5646, x1885.

ACA has urged the following legislation:

- Continuation of the SCAAP funds and the Byrne Memorial Grant Program,
- Creation of an Office of Correctional Health Care, to be located in the Department of Health and Human Services;
- Legislation on mental illness in correctional facilities; and
- Legislation designed to limit frivolous lawsuits on jails and prisons.

ACA can build networks of contacts and keep members informed, but without your input, Congress will not be willing to work on new legislation. If we do not have the support of local constituents of those in the legislature, we cannot be effective. There are many associations on Capitol Hill, of course, and it is difficult to move Congress if they do not hear from you and your friends as well from ACA itself.

The last time I was at a Large Jail Network meeting, there was a good deal of discussion about standards, and I believe that ACA has responded in a positive way by establishing a task force of experts on local jails. A draft of the "4th Edition of Performance-Based American Correctional Association's Standards for Adult Local Detention Facilities" is on the Web sites of ACA and AJA; please review the standards and recommend any changes before May 1, 2003. We believe that they will be excellent and attainable standards for institutions across the country.

For additional information, contact Jim Gondles, Executive Director, American Correctional Association; 4380 Forbes Blvd., Lanham, MD 20706-4322; 301-918-1800.

TOM FAUST, EXECUTIVE DIRECTOR, NATIONAL SHERIFFS' ASSOCIATION

IMPORTANCE OF THE JAIL PERSPECTIVE TO NSA

In recent years, the National Sheriffs' Association (NSA) has become more focused on the sheriff's involvement in the area of jail operations. Organizationally, NSA had lost track of the importance of the jail operations aspect of the sheriff's job. I am working very hard to improve that, because sheriffs run most jails in the country. To that end, we have just brought on board a regular member of the Large Jail Network. Mike Jackson of Fairfax County, Virginia, has just joined NSA as a full-time staff member. This is the first time in recent years that NSA has had a real corrections expert on board, and we expect this to be very helpful to you. Mike will represent NSA at future Large Jail Network meetings, and I encourage you to work with him in any areas in which NSA can help you.

Mike has also updated two of our correspondence courses, which should benefit you even though large jails have more training funds than small jails do. The course for First Line Supervisors can be useful as a test prior to certifying someone who is nearing the end of a probation period, and large jails have also used the basic correctional officer's course, which has just been made available on CD-ROM.

NEW INITIATIVES

NSA has put forth a proposal to expand the Weapons of Mass Destruction Program to address the response to terrorism as it pertains to jails. We have just received \$2 million to expand training in this area. We are in the process of developing a seminar that will address jail evacuation in case of bio-terrorism or a chemical attack, as well as legal issues, personnel, and transportation.

We are also developing a proposal on intelligence-gathering specific to corrections, which the Office of Domestic Preparedness is interested in. We will address issues such as how to determine real from phony information, who should get information, what is important, what is an inmate's or group's agenda? We are concerned because inmates may use correctional facilities as a recruiting base for terrorist activities. You may be called on to address these issues in large jails, which are often in large urban areas.

LEGISLATIVE ISSUES

- A voice for corrections. We need to coordinate messages about the importance of corrections, as well as law enforcement. Although a Federal agency such as the Bureau of Prisons cannot officially lobby, it can certainly be influential. As the Drug Enforcement Agency and the FBI have proven, we can distribute "education" about corrections to help legislators understand its importance. At present, there is no cohesive message being circulated about corrections. I believe that the Large Jail Network can be an effective voice in these efforts.
- **SCAAP.** We believe that there will be funding for the upcoming fiscal year, but it may not go beyond that. Even next year's funding will be 3.5 percent less than last year despite a 29 percent increase in eligible applicants.

- **Private transportation of inmates.** NSA is supporting the Interstate Transportation of Dangerous Criminals Act, which sets standards for private prison transport companies.
- **COPS.** The current administration has been working to eliminate funding from this office. Carl Peed, whom many of you know, is the current director of COPS, and he certainly knows the importance of correctional issues. However, the funding future does not look too bright, as funds are more likely to go to equipment and technology or to counter-terrorism.
- *Mental health.* NSA is supporting jail diversion programs for inmates with mental illness. This will continue to be a huge issue.
- **Byrne grants.** The Byrne formula grants are not funded in the Senate version, but the discretionary program is funded at \$134 million. Iowa Senator Harkin proposed an amendment to add \$500 million into the Senate bill, but it did not pass. However, the House version includes this amount, and funding is likely to be set at \$500 million.

We want to hear from you about legislation that is important to you. I also encourage you as jail administrators to become involved in NSA. If you have never been to one of our conferences, I encourage you to attend this year in Nashville on June 25.

For additional information, contact Tom Faust, Executive Director, National Sheriffs' Association; 1540 Duke St., Arlington, VA 22314; 202-836-7877.

OPEN FORUM DISCUSSION WITH REPRESENTATIVES OF PROFESSIONAL ASSOCIATIONS

DISCUSSION OF STANDARDS

In this Open Forum session, meeting participants raised the following issues related to standards:

There has been no input from jail administrators on the proposed standards changes.

The standards are now online, so there is no excuse not to look at them. An early draft said that jails had to separate pretrial detainees and sentenced inmates, which would have been impossible for jails, of course. We complain about the standards, but if we don't say anything, we are to blame. You may be concerned when you see the number of statistics you will need to maintain, so get ready for some changes. The medical standards, especially, need to be reviewed. Please take the time to review the standards. Look at the likely effect on your operations and send in your comments. (*David Parrish*)

We believe that the ACA standards will be superior to United Nations standards. However, if we don't hear from practitioners, then the Standards Committee will assume that everyone is satisfied. So look at the standards on either ACA's or AJA's web site and get back to us. (*Jim Gondles*)

Jails are not sufficiently interested in becoming accredited.

The standards movement is the most valuable development in our field in 100 years, but only 110 jails—an infinitesimal number—are now accredited. How do we convince 3000 jails of the importance of accreditation? Becoming accredited may be a daunting task, but it raises the level of operations significantly. NIC has provided technical assistance for jails that want to engage the standards issue. Can we set a performance-based goal, such as, by next year, 200 jails will be accredited? How can we get every jail in this room to participate? (Arthur Wallenstein)

Fiscal concerns limit accreditation.

One thing that is a hindrance to becoming ACA accredited is that ACA's medical standards exceed California state medical standards in dollar value. Our local county commissioners will fund the state minimum standards, but they will not provide an additional million dollars to meet what are seen as unnecessary medical standards. I believe that ACA should consider allowing jails to become accredited if they meet state mandated medical standards. I have written to ACA about this, and I know that the idea has been considered. However, the reason there are only 100 accredited jails is not a lack of will or interest; it's a lack of money. I believe that if you can meet state standards, you should be ACA accredited. (*Norman Hurst*)

Fiscal concerns are on a collision course with standards. All momentum is driven by budgetary concerns. We need broader support for accreditation, perhaps through the National Association of Counties (NACO). (Steve Thompson)

Many sheriffs can help find extra money if an agency is looking for accreditation from the Commission on Accreditation for Law Enforcement (CALEA). In some cases, it is a matter of setting priorities. If agencies can spend millions of dollars to get CALEA-accredited, they can do the same to achieve jail accreditation. (Sheriff Charles Foti)

The Immigration and Naturalization Service (INS) also has a stream of money we could use. INS standards influence where inmates are placed. We need to find a way to work with INS to amend these standards, so that we don't have to run our jails differently to qualify for INS funds. The INS contracted with Price-Waterhouse to evaluate facilities, and if you don't meet Price Waterhouse demands, you don't qualify for funds. (Sheriff Foti)

Paying for accreditation is difficult. If we could get external funding to support accreditation, it would remove the stumbling block for many. (Roy Mueller)

The cheapest thing about accreditation is the fee itself. The hardest thing is to do all the required work to meet the standards. Although \$10,000 is a lot, the fee is not the issue, especially as you can get a reduced insurance fee to counter the cost. Perhaps insurance carriers would be interested in paying the accreditation fee, which I will investigate. (*Jim Gondles*)

There is a lack of coordination in addressing public policy on corrections.

Jails have been left behind because there is insufficient coordination in corrections. A group has successfully been lobbying Alan Beck of the Bureau of Justice Statistics to collect data specifically on local jails, which focuses on releases and bookings rather than average daily population. The world will change when the public realizes what we really do. In addition, members of the Large Jail Network should look at the legislative Correctional Officers' Caucus to see if their representative is a member. If not, urge them to join. We have not yet touched on the potential of that caucus. Perhaps in two years we can go to the caucus for public policy work that will affect us in the broader sphere. (*Arthur Wallenstein*)

Crowding in our facility would make accreditation impossible. If this is not true, I would like to know it.

ACA is flexible about crowding, if you have a plan of action. Being crowded is not a reason for denying accreditation. The issue is quality of life.

NCCHC accreditation. Our facility is accredited by the National Commission on Correctional Health Care; does this count?

If your facility is already NCCHC accredited, you are grandfathered in with respect to ACA.

Standards are the issue, not accreditation.

It doesn't cost anything to meet the standards, so that step should come first. Even if you lose accreditation, your facility can run as if it were accredited.

A pre-accreditation audit is offered by NIC.

NIC offers technical assistance that consists of a pre-accreditation audit of a facility, and this assistance can be very helpful.

Involvement is needed from the National Association of Counties (NACO).

NACO has endorsed the ACA standards, and ACA works closely with Don Murray, NACO's Executive Director. However, despite this support at the mega-policy level, more is needed at the political level. Perhaps it would help to provide a seminar at a NACO conference marketing the importance of standards.

DISCUSSION OF OTHER TOPICS RELATED TO PROFESSIONAL ORGANIZATIONS

- *LJN Listserv*. A more formal system of communication is needed between the AJA Board of Directors and the LJN. The LJN could choose a small subgroup to convey the substance of discussions at these meetings to AJA. A formalized system would allow the group to request help from AJA on a regular basis.
- Representation on ACA Legislative Committee. The ACA Legislative Committee does not include a jail practitioner and would like such a representative to volunteer to attend two committee meetings a year.

HANDLING LEGISLATION AND DEALING EFFECTIVELY WITH FUNDING AUTHORITIES

CALVIN LIGHTFOOT, ALLEGHENY COUNTY, PENNSYLVANIA

INTRODUCTION: THE IMPORTANCE OF WORKING WITH THE COMMUNITY

If we don't change the way we do business, there will be 4.2 million people in the nation's corrections system by 2010. Many people still believe that jails are for punishment, so it takes courage to step up and say otherwise. We have a greater responsibility to public safety than simply running institutions, and that responsibility does not end at the door of the jail. If we want to have real influence, we must work with groups in the community.

The difficult thing about creating a paradigm shift is getting corrections officers on board. However, once the officers believe in your philosophy, it is easier to get things done. Allegheny County started with a mission statement that became the basis for our operations:

"To maintain a safe and secure facility that adheres to court orders, to provide through a comprehensive management system rehabilitative/habilitative treatment and education programs for inmates, and to collaborate with others societal systems for the return of inmates to the community."

PRE-RELEASE PROGRAM

Correctional facilities often just send people out into society, and they return in two weeks. The Allegheny County jails didn't have any programs at all when I came. I knew I had to do things differently, so I opened up the jail and asked community providers if they were interested in coming into the jail. Their clients and my inmates are all the same people. The providers in Allegheny County were happy to do so, and I am sure you will find that there are many community programs willing to come to the jail to do their work. When offenders enter the jail, community agencies normally drop them off their radar screen, however. By forming collaborative relationships, however, you can create a continuum of care.

Jail administrators are used to begging for money. In times of fiscal uncertainty, the first thing to be cut is the jail, which means that you will lose funding for programs. I am now collaborating with social services agencies, including the local health department. I convinced them to bring programs into the jail, where we have 35 housing units, each with 112 beds.

We hold NA and AA meetings, and 450 religious volunteers work in the jail. We award 105 GEDs a year, a number that I hope will increase. Services are in the jail at no cost to us. Caseworkers have redesigned their jobs. They do assessments of every inmate to discover the inmate's problems, and then the problem is attacked.

In the future, I hope to fund programs through means such as grants and the inmate welfare fund. The biggest cost for programs will be for staff, but staff will not cost as much as building a new jail would.

If you want your programs to sell, remember that you should not sell them on the basis of helping inmates, but as public safety programs.

For additional information, contact Calvin Lightfoot, Warden, Allegheny County Jail; 950 Second Ave., Pittsburgh, PA 15219-3100; 412-350-2100; clightfoot@county.allegheny.pa.us

MICHAEL THOMPSON, COUNCIL OF STATE GOVERNMENTS

ROUNDTABLE DISCUSSION

Michael Thompson led a roundtable discussion of the issues he presented in his opening talk on Sunday night. Meeting participants were asked to discuss the following topics with those at their tables:

- 1. **Data and implications of data**. Participants were urged to think differently about statistics they maintain, especially in terms of how they might be used as marketing tools to appeal to funders.
- 2. **Non-traditional funding partners.** Participants were asked for examples of how they engage non-traditional funding partners, such as the following:
 - ◆ Private and community resources
 - ♦ Federal entitlements
 - ◆ State and local governments
 - ♦ Federal opportunities outside the Department of Justice (e.g., H.U.D., H.H.S)
 - ♦ New Federal initiatives (e.g., on homeland security and children of inmates)
 - ♦ Sharing; getting access to funds that are in other agencies' budgets
 - ◆ Culture issues. (What kinds of culture issues do jail administrators need to address?)
- 3. *Opportunities and Barriers.* For each of these topics, participants were asked to consider the following:
 - ♦ Opportunities
 - ◆ Barriers
 - ◆ Concrete examples of seizing opportunities or overcoming barriers

SUMMARY OF THE ROUNDTABLE DISCUSSION

DATA AND ITS IMPLICATIONS:

- It is impossible to prove a point without data.
- Relationships with other social services providers are based on data.
- Examples of using data effectively:
 - Presenting data on Hispanic and African American women to the county health department resulted in the jail becoming part of the health department's funding stream;

◆ King County discovered that most of those with mental illness in the community did not go break the law, which created the question of how to prioritize funding. Other counties cited using data to support programs such as methadone maintenance, visiting nurses, and the homeless.

NON-TRADITIONAL PARTNERS

Private and Community Partnerships. Examples of non-traditional partnerships include partnerships to provide:

- Training for all inmates on domestic violence
- Services in the jail, which are continued as the inmate enters the community (a partnership with the National Alliance for the Mentally III)
- Education for youthful offenders through partnership with schools
- Reduced costs at local hospital and for health insurance
- Services and medications for inmates with HIV and hepatitis
- Volunteer retired persons to work in the facility. (This is done through a partnership
 with the American Association for Retired Persons [AARP], which pays a stipend to
 those working in the facility).

Federal Entitlements

- Federal entitlements include Medicaid, Medicare, and SSI.
- If inmates are receiving benefits when they come into the jail, they can continue to receive a proportion of those benefits while they are incarcerated.
- Those on Medicaid can get benefits paid if you track their care.
- It is important to arrange for inmates to receive benefits for which they are eligible prior to their release.

State and Local Governments

- There are strong incentives to consolidate operations, especially as budget shortfalls can result in the closing of small jails, while larger facilities are protected.
- In Virginia, regional jails have had a positive fiscal impact. However, the sheriffs' association opposed consolidation.
- In Alaska, the entire correctional system is unified.

Non-Department of Justice Initiatives, including New Federal Initiatives

 New federal initiatives such as the Homeland Security act and new funding for Children of Prisoners offer opportunities for funding. • It would be helpful if Congress would revise its approach to cost containment on Medicare, so that benefits would apply to inmates.

Sharing

- Criminal Justice Coordination Councils are involved in jail operations and budget.
- The Inmate Welfare Fund offers opportunities for creative funding of programs and services.

Culture Issues

- Efforts to open the institution to outside agencies must start from the top down.
- Administrators need to learn to think like those in private enterprise.
- It is important to change the way administrators think, to recognize the need to satisfy their constituents.
- A successful mission and purpose can be extended to the way a facility works with others in the community.
- Administrators need to become better at representing what they do to the community as a whole.

BARRIERS

- Turf wars
- Lack of understanding of other agency's mission
- Stereotyping
- Lack of sufficient staff and systems to make it possible to tap into Federal entitlement programs
- Philosophical barriers between security and program staff
- Resistance to new ways of doing things.

THE ROLE OF PROFESSIONAL STANDARDS AND INTERNAL AFFAIRS

DENNIS WILLIAMS, ESCAMBIA COUNTY, FLORIDA

THE IMPORTANCE OF CONTEXT

The internal affairs function offers a good means for assessing performance, which is valuable because you need to understand your performance to sell your agency to funders as well as to encourage your staff.

MANAGER'S ROLE IN INTERNAL AFFAIRS

Managers must control the internal affairs function because of the uniqueness of what we do. Those trained in corrections also need training in investigative disciplines within the jail environment. A manager's role in establishing an effective internal affairs function includes the following:

Specify Activities

- ◆ Establish a process for recording, registering, and controlling investigations of complaints against officers. Remember that more than 90 percent of investigative processes clear the staff person. Understand that your mission is to uncover the truth; assume that staff have done well.
- ◆ Establish a process for supervising the investigation. Ensure a competent, integrity-based investigation.
- Establish a process for maintaining the confidentiality of the investigation and records.

Specify Categories

- ◆ Conduct Unbecoming
- ◆ Discourtesy
- **♦** Excessive Force
- ♦ Abusive Language
- ◆ Falsification of Reports and Records
- **♦** Corruption
- ◆ Policy Infraction
- ♦ Policy Failure

Designate a Position Responsible for Internal Affairs

◆ There are two choices: either a dedicated unit or the use of whoever is available at the time to conduct the investigation. ◆ Whichever approach you choose, it is crucial for internal affairs personnel to understand policy, procedure, rules and regulations, the internal affairs process, and the disciplinary process.

Consider Other Issues

- Notifications and rights are determined by state law; incorporate these into your facility's policies.
- ◆ Investigate all complaints.
- ◆ Maintain records and provide security over them.
- ♦ Verify complaints.
- ♦ Know how to file complaints and advise staff of their status.
- ★ Keep superiors informed.
- Publish statistical reports on the types and nature of complaints, as they can tell you a lot about whether your mission statement is being carried out.
- ♦ Interact with appropriate agencies when criminal conduct is in question.
- ◆ Define the categories of complaints to be investigated by supervisors. It is important to be sure that the process is the same throughout the organization.

Complaint Processing

◆ There are three elements to the complaint processing system: top management support and philosophy; administrative investigators; and line supervisors.

Personnel Complaint Defined

- ◆ A personnel complaint is an allegation of employee misconduct. It can be received by phone, letter, or in person. Not all complaints amount to employee misconduct.
- You must determine quickly whether the alleged misconduct is subject to criminal or administrative sanctions. It is not a good idea for one investigator to conduct both investigations. If you must do both, always conduct the criminal investigation first.

ROUNDTABLE DISCUSSION OF THE INTERNAL AFFAIRS PROCESS

Are investigation reports protected?

In Florida, reports are protected until the process is concluded. The investigation must be concluded within 45 days of the receipt of the complaint. Occasionally, the Florida Division of Law Enforcement is called in to conduct an investigation independent of internal affairs.

Does the staff person being investigated have the right to representation?

Yes, he/she may have representation, but the person cannot speak.

Do you use the polygraph for internal affairs investigations?

Yes, we use the polygraph if there is prior agreement on the part of both sides. The polygraph has value, but I recommend that you stay away from electronic determinations of fact.

Do you provide a written notification of findings?

Yes. Unless we can provide a written reason for a delay, Florida law requires that we conclude an investigation within 45 days, although the determination of an appropriate discipline can take longer. We also report all violations to the Florida Standards Commission.

Do you tape or videotape a hearing?

Yes, taping or videotaping is highly recommended.

For additional information, contact Dennis Williams, Director, Escambia County Sheriff's Office; P.O. Box 17800; Pensacola, FL 32522; 850-436-9822; dwilliams@escambiaso.com A copy of Mr. Williams' complete PowerPoint presentation is available on the LJN network site of the NIC Information Center, http://www.nicic.org, services.networks.ljn/default.htm

RALPH GREEN, HUDSON COUNTY, NEW JERSEY

INTERNAL AFFAIRS: SOME RECOMMENDATIONS

- Having a good internal affairs process does not relieve first-line supervisors from the responsibility to investigate complaints. When we reviewed 30-40 cases, we realized that they should have been handled at the jail. Don't pass on the responsibility.
- The fewer investigations the Internal Affairs staff must do, the better the quality of each investigation.
- You must report to the prosecution any firearms violations. However, prosecutors are not experts in jail management, so I do not pass on any other information.
- Intelligence information gathered internally can be helpful. Hudson County has a tip line, which has provided very useful information. We uncovered problems, especially related to staff sexual misconduct, which we would otherwise not have known about.
- I recommend random urine testing of correctional officers. A dirty urine costs the officer his job. We have a random system for identifying employees to test. If someone is on leave, that person is bypassed; we don't go to anyone's house to test him or her.

ROUNDTABLE DISCUSSION OF INTERNAL AFFAIRS ISSUES

Following are some additional comments of meeting attendees on internal affairs issues:

- After any officer is involved in three incidents involving excessive force in restraining inmates, we "red flag" him. The officer is informed that he has been red flagged, and Internal Affairs staff may call the officer in to identify the problem.
- I am opposed to random urine testing. We test officers if there is any cause or dysfunction, but not at random.
- It is important to remember that you cannot violate your own policies and procedures.
- Videotaping cell extractions can cause problems, because if you tape one, you must tape them all.

For additional information, contact Ralph Green, Director, Hudson County Corrections Center; 35 Hackensack Ave., Kearney, NJ 07032; 201-558-7086; rapgreen@aol.com

OPEN FORUM: JAIL ISSUES FOR DISCUSSION

TOM ROVELLI, HAMPDEN COUNTY

Community Health Model. Hampden County has been working on a community health care model for some time. Our project relates to some of the funding issues addressed by Mike Thompson, because the project was paid for by a grant from the Ford Foundation. The project is in line with our department's philosophy on reentry. We think that the most effective public safety we can provide is an effective community health model that results in public safety.

We have about 2,000 inmates, 700 of which are pretrial and 1300 sentenced. Because of this longer term population, we see an even greater responsibility for preparing people to go back into the community. Our mission focuses on public safety. We work closely with our public health system, including the hospital, public health agency, and local addictions services to provide health and mental health services to inmates through a continuum of care that involves the community.

We have just formed a non-profit corporation, which makes it easier to apply for grants. We are now seeking funding from the Ford Foundation and local businesses to support high-priority projects in the institution. Our forte is marketing our facility to the community by emphasizing that we share problems that are reflected in the community itself.

DAVID PARRISH, HILLSBOROUGH COUNTY

- Suicide Prevention Card. Thanks to Rocky Hewitt (Orange County, California), we are now handing out a Suicide Awareness Card to every employee. They must carry the card with them at all times.
- Corrections Intelligence Committee. ACA's Corrections Intelligence Committee includes a broad representation of corrections administrators. Its purpose is to share intelligence, and it offers a gold mine of information. Please get in touch with me if you have anything to share.
- Day Care Center for Employees. We will soon go out to bid on designing and building a child care facility for our employees, which will operate 7 days a week, 16 hours a day.

MARILYN CHANDLER FORD, VOLUSIA COUNTY

• *ACA Workforce Survey*. ACA is conducting a survey on workforce needs in the coming years, which gives us an opportunity to tell about our jails' needs. I will put a copy of the survey on the LJN Listserv, and I encourage everyone to contribute.

STEVE THOMPSON, KING COUNTY

• Officer Training. How many of you train your officers for 6 or fewer hours a year? King County is at 6 hours right now, which is at the very low end of the spectrum.

RICHARD GEAITHER, NIC JAILS DIVISION

• Follow-up on Discussion of Standards. There seemed to be a difference of opinion here on whether or not NCCHC medical accreditation meets the medical requirements for ACA. I understand that it does, but there seems to be mixed information among the auditors. I suggest that we ask Jim Gondles for a letter stating that NCCHC accreditation is sufficient. We will post the clarification on the LJN listserv.

OTHER ISSUES

• Inclusion of Association Representatives on the LJN Listserv. Meeting participants renewed previous discussions about including an AJA representative on the LJN listserv. If there are NIC/or BOP stipulations prohibiting such an inclusion, the listserv access will be limited to LJN members.

THE LJN ONLINE AND THE NIC WEB SITE

TRACEY VESSELS, NATIONAL INSTITUTE OF CORRECTIONS, AND CONNIE CLEM, NIC INFORMATION CENTER

THE NIC WEB SITE

The web site provides resources and information for corrections practitioners, policy makers, and researchers. Resources include:

- Jail-related NIC publications
- NIC curriculum packages
- Archives of videoconferences
- Web links to corrections-related Web sites
- What's New at NIC
- NIC Staff Development Opportunities--including program descriptions, registration materials, and information on videoconferences. In February 2003, NIC also launched an online e-Learning Center, which offers self-paced courses that are available free of charge. There are now more than 250 training programs online.

PUBLIC INFORMATION ABOUT THE LIN

The NIC web site provides the following general information about the Large Jail Network:

- LJN Network description, goals, and FAQs
- Recent issues of the Large Jail Network Bulletin (now called the Large Jail Network Exchange)
- Recent Proceedings of LJN Meetings

LJN MEMBERS-ONLY RESOURCES ON THE NIC WEB SITE

In addition, the site includes a link allowing LJN members to enter a password-protected area for members only.

- Only LJN members with the password can access the following:
 - ◆ List of LJN members
 - ◆ LJN Web site directory
 - ◆ LJN "Resource Vault," which contains materials of interest submitted by LJN members
 - ◆ LJN Meeting details: agenda, logistics, evaluations, list of past meeting topics
 - ◆ A link to all LJN Meeting Proceedings

◆ Information on the *LJN Exchange*: background, process, and author guidelines

THE LJN LISTSERV

• The Listserv is a members-only discussion group that was launched in 1998. All new members must be approved by NIC. There are currently 224 members from more than 130 agencies. The Listserv contains an average of 10-20 messages a week, and all messages are archived and searchable.

LJN ONLINE SERVICES: DISCUSSION AND QUESTIONS

How do we post materials in the LJN Resource Vault?

Send an email message to Connie Clem and attach the materials to the message. Connie will put the materials into the appropriate format and post them on the LJN page in the Resource Vault.

How do we link our agency's policies and procedures from our home page?

Send the URL of your policies and procedures to Connie, who will link to it from the LJN page. In addition, if your agency has a Web site that is accessible to the public, please send the URL to the LJN Listserv. This will enable you to look at each other's sites very easily.

We need to get every LJN member to join and use the Listserv.

If you are not participating in the LJN Listserv, we would like to know why not. We encourage you to join if you have not done so. We realize that even if you are not responding, you may still be benefiting from the Listserv. The LJN Listserv is NIC's most productive Listserv.

For additional information, contact Connie Clem at 800-995-7429, ext. 712 (cclem@nicic.org) or Richard Geaither at 800-995-7429, ext. 139 (reeaither@bop.gov)

LEGAL ISSUES UPDATE

WILLIAM COLLINS, ATTORNEY AT LAW, OLYMPIA WASHINGTON

REMARKS ON PROFESSIONAL STANDARDS AND ACCOUNTABILITY

The overriding theme of this meeting—professional standards and accountability—is interesting to me from the perspective of someone who worries about liability issues. Standards and codes, including those of ACA and NCCHC, as well as state regulations are a good place start to determine how you should operate a facility. In some situations, the standards mirror court decisions; in others they more generally reflect what is deemed important. The standards and codes are useful because you don't have to invent your own.

The proposed performance-based standards for jails will require considerable data collection. However, if the standards succeed in getting people to collect these data, they will be very valuable. The question is whether the data collection effort is more than people are willing to take on.

It is easy for a relatively small jail to become isolated, and the standards can help mitigate this problem. Sometimes, however, standards do not stay on top of needed changes and they sometimes offer such a broad direction that they are not as useful as they might be. The standards and codes on conditions of confinement that are related to the physical environment are a useful framework, but it is difficult to read court decisions for guidance on some issues, for example, lighting. One problem with standards is that there is always pressure to mitigate them in order to keep costs contained. I am also concerned with the varying quality of inspections; do you get a very broad-brush inspection or a white glove inspection?

To whom is a jail administrator accountable? To the Constitution, to state standards, to his/her own sense of professionalism, and to the taxpayers. These various constituents do not always agree with one another, of course. The taxpayer's approach may not be consistent with the Constitution, as taxpayers usually want you to spend as little as possible. One reason for court intervention is a lack of internal accountability. Standards hold you accountable at one level, but the key is what you as administrators and your supervisors do to hold everyone internally accountable to your standards.

Strong internal affairs can do a lot to reduce exposure to liability. Defendants want to show a custom, pattern, or practice of misuse, but you want to demonstrate that an incident of wrongdoing was isolated and that you have taken steps to be sure it doesn't happen again.

In my view, the best way to maintain accountability is through supervision. Even the best training and policies cannot have a positive effect without good supervision. It is much better to hold yourselves accountable than to have the Federal court do so.

LEGAL ISSUES DISCUSSED

This session provides an update on the following legal issues affecting jails:

HIPAA—Health Insurance Portability and Accountability Act of 1996

- Admission Screening
- Other—"Stump the Chump"

BACKGROUND: HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (HIPAA)

- HIPAA was passed in 1996 to improve the efficiency of the electronic transfer of medical information. Initially, it was not related to jails. However, old data codes are now being translated into new ones, and Congress became concerned about privacy issues. Any group that transfers medical information electronically, including a jail, now needs to be concerned with HIPAA. The privacy standards go into effect in April 2003.
- Regulations governing the privacy of medical information are very complicated.
- Security standards are still to come.

WHO IS COVERED?

- "Covered entities" are health care plans, health care clearinghouses, and health care providers that transmit electronic data in conjunction with "transactions." Transactions include:
 - ♦ Health care claims or equivalent encounter information
 - ♦ Health claims attachments
 - ♦ Health plan enrollments and disenrollments
 - ♦ Health plan eligibility
 - ♦ Health care payment and remittance advice
 - ♦ Health plan premium payments
 - First report of injury or health care claim status
- Jails are covered entitities as "health care providers" either directly or through their health care contractor if they communicate electronically with others, such as hospitals or specialty providers.
- All jails should consider themselves covered if they transmit any data in connection with medical information. However, HIPAA has an important exception related to inmates, which will be discussed later.

JAILS ARE COVERED; SO WHAT?

- If you are a covered entity, the privacy protections under HIPAA extend to "protected health information" in any form, not just electronically transferred information.
- Penalties can be either civil or criminal:
 - ◆ \$100/violation \$25,000 a year
 - ♦ \$50,000 and 1 year for knowingly disclosing private health information

• Doe v. Delie: In this case, a jail inmate complained that his HIV status was disclosed in a casual way as medications were being distributed. Under HIPAA, this could well be seen as knowingly disclosing health information and thus might be subject to a criminal penalty. The court has held that an inmate has a Constitutional right to privacy, but the right may be suspended if there is a "security-related reason" for disclosing medical information.

THE CORRECTIONS EXCEPTION UNDER HIPAA

- The general rule is that patient consent is required to disclose protected health information for treatment, payment, or health care operations. However, consent is not required for disclosure between a covered entity and a jail if the information is necessary for giving health care to the inmate or for the health or safety of inmates and staff or the security of the institution.
- If you are dealing with a hospital, an inmate does not have to give consent in order for you to send information between the jail and the hospital. This is a huge loophole. It is important, however, to realize that casual disclosure of protected health information is not exempted.
- Inmates have the right to seek amendments to their health record. You do not have to respond to the request, but you must give a reason for denying it. It is permissible to charge an inmate for copies of his medical record, but you may not charge him simply for looking at the record.

SOME RESOURCES ON HIPAA

- The Department of Health and Human Services HIPAA page: http://www.cms.hhs.gov/hipaa/
- Privacy regulations: http://www.hhs.gov/ocr/hipaa/
- Am I a covered entity:
 http://www.cms.hhs.gov/hipaa/hipa2/support/toolsdecisionsupport/default.asp
- Compliance deadlines: http://www.cms.hhs.gov/hipss/hipaa2/deadlines.asp

ADMISSION SCREENING: A REASON TO DO IT

- The courts have determined that a refusal to do a medical/mental health screening of a combative inmate constitutes deliberate indifference.
- Gibson v. Washoe County
 - ◆ Facts of the case: A man with bipolar disorder goes into a manic phase, and his wife gets frightened and moves out. He disappears, and his wife calls police, telling them that he has bipolar disorder and cannot be found. The police put him on a list to be brought in. The man acts strangely, is seen by officers, and is arrested. He is very belligerent and refuses to cooperate. The jail has a policy saying that a mental health screening will not be done until the person calms down. This inmate came into the jail with medications, which he is not taking. The nurse notes this and puts his medication aside, but she does not note the possible relationship between his actions and the medication. The inmate is put in the cell on restraints, but he slips out of them. Officers go into the cell, and

- the inmate resists them. A totally unknown heart condition kills him immediately.
- ◆ Court finding: The 9th Circuit court ruled that the jail's policy of refusing to do a mental health screening for a combative inmate amounted to deliberate indifference.
- ◆ Implications of the case: It is important to do some kind of screening even of belligerent inmates. You should look at the implications of the person's behavior. You need a medical unit on duty at all times to do an immediate screening. Staff who screen inmates must also be sensitive to those who bring in medications.

OPEN FORUM DISCUSSION

Following is a summary of comments and questions addressed to Bill Collins, along with his responses:

Must screening be done before the booking process?

Not necessarily. You can do the screening in connection with the booking process.

We train all staff in universal precautions, which means that we don't need to divulge an inmate's HIV status.

One could defend a policy of disclosing some HIV information to staff, arguing that it is necessary for their protection. The *Doe* case (see above) leaves that possibility open. However, training staff on universal precautions is sound professional practice, and it works. Under OSHA regulations, you must report incidents when there is an exchange of fluids. However, this is different from announcing than an inmate is HIV positive or housing all HIV inmates together.

The rules allow certain kinds of disclosure, but casual disclosures are not exempted. You still need to impress among staff that such medical information is confidential. It is not clear who will be penalized when information is disclosed loosely, but I suspect it will be the jail.

What do you do with inmates who belong to a group that rejects the authority of the government? They are difficult to deal with as they make excessive demands on the legal library, insist on defending themselves, and make other unreasonable demands.

If such an inmate is demanding materials related to a criminal case, you must honor the request, but only to the extent of what is available. If an inmate rejects counsel and then makes excessive demands, you can go to court. Inmates who are defending themselves sometimes argue that all their mail is related to their own defense and is therefore privileged. To be prudent, you might want to go to the court and ask for a clarification of what constitutes privileged communication in such a case.

Can we do away with the law library on the grounds that inmates' access to the court is through their attorneys?

No. If a criminal defendant has an appointed attorney, this might equal access to the courts in relation to the criminal case, but it does not cover any kind of civil rights claim. The courts require a jail to provide "meaningful access to courts," but this quite vague. Five years ago, I would have said that you must have a certain kind of law library, but the Supreme Court was not specific about what you need to provide. It is possible that a minilibrary will do. Providing Internet access may also cover the requirement, but institutions are nervous about providing inmates with such access.

For additional information, contact William Collins, Attorney at Law, 4923 Lemon Road NE; Olympia, WA 98506; 360-754-9205; <u>billcol@attbi.com</u>

TOPICS FOR THE NEXT LARGE JAIL NETWORK MEETING

RICHARD GEAITHER, CORRECTIONAL PROGRAM SPECIALIST, NIC

Richard Geaither led the group in a discussion of possible topics for the next meeting of the Large Jail Network, to be held July 13-15, 2003. The following topics were suggested:

- Futurist's vision for corrections
- Changing demographics of inmate population
- Accreditation (ACA and NCCHC)
- International topics that relate to jails
- Update on HIPAA
- New technology and jail operations
- True costs of incarceration
- Civil disobedience
- Responding to budget deficits
- Alternatives to crowding

The group selected the following topics for the July 2003 meeting:

- New technologies
- Changing demographics
- Accreditation

Participants also agreed that Richard should attempt to have a presentation by a futurist at the opening session on Sunday evening.

For additional information, contact Richard Geaither, Correctional Program Specialist, NIC Jails Division; 1960 Industrial Circle, Longmont, CO 80501; (800) 995-6429; reaither@bop.gov

APPENDIX 1: MEETING AGENDA

APPENDIX 2: PARTICIPANT LIST

APPENDIX 3: LINKS TO POTENTIAL FEDERAL FUNDING SOURCES AND INTERNET RESOURCES