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Policy and Procedure Development: A Worksheet Approach

September 1980

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OUTLINE - 4 HOUR HOLDING FACILITY

- I. Administration
 - A. Goals and Objectives
 - B. Personnel
 - C. Communication and Coordination
 - D. Staff Training

- II. Admission of Prisoners
 - A. Legality of Custody
 - B. Condition of Prisoner
 - C. Frisk Search/Strip Search
 - D. Telephone Calls
 - E. Determination of Bail Status and Booking Records
 - F. Confiscation of Prisoner Personal Property
 - G. Juveniles
 - H. Holding Cell Assignment and Classification

- III. Transfer and Release
 - A. General Release Procedures
 - B. Authority for Transfer/Release

- IV. Security
 - A. Surveillance of Holding Cells
 - B. Weapons
 - C. Use of Force
 - D. Use of Restraining Devices
 - E. Contraband Control and Security Inspections
 - F. Key Control

- v. Jail Management and Prisoner Services
 - A. Prisoner Communication
 - B. Medical Services
 - 1. Emergency Care
 - 2. Medications and Medical Records
 - 3. Miscellaneous Services
 - C. Jail Maintenance
 - D. Miscellaneous Prisoner Services
 - E. Prisoner Grievances
 - F. Prisoner Discipline

- VI. Emergencies
 - A. Fire
 - B. Escape
 - C. Death of Prisoner in Confinement
 - D. Hostage Taking

OUTLINE - 4 HOUR HOLDING FACILITY (CONT.)

APPENDICES

- A. Frisk Search
- B. Security Inspection
- c. Prisoner Services Resources
- D. Medical Emergency Care Plan
- E. Symptoms of Mental Illness or Anxiety
- F. Alcoholism Terms
- G. First Aid Equipment
- H. Floor Plan
- J. Forms
 - 1. Booking Card
 - 2. Health Screening/Medical Treatment
Property Envelope
 - 2: Telephone Log
 - 5. Jail Log
 - 6. Inspection Sheet

WORKSHEETA. OPERATIONAL AREA

Administration - Goals and Objectives

B. STATE STANDARDS

None directly applicable

C. C. MODEL POLICY AND PROCEDURE - (OUTLINE ONLY)

I.A.

Policy:

The Police Chief, Mayor, and the City Solicitor shall review applicable case law annually to establish the legal basis for operating the jail. A planning committee shall be established to monitor and make recommendations regarding the operation of the jail and the condition of the physical plant.

Procedure:

1. Authorizing or relevant statutory law.
2. Goals and Objectives:
 - a. as related to the total criminal justice system;
 - b. the jail as a separate entity.

WORKSHEETA. OPERATIONAL AREA

Administration - Personnel

B. STATE STANDARDS

5120:1-12-17

- (A) Each jail shall develop written policies and procedures governing jail personnel requirements.
- (B) The official charged with responsibility for operating a jail shall function as the jail manager or, if not qualified to do so, shall designate a jail manager who is qualified by training and/or experience to supervise and control prisoners.
- (D) A written standardized Individual performance evaluation shall be conducted at least annually,
- (E) All jails shall have staff available to fulfill the responsibilities included but not limited to those found in Paragraphs (D), (E), (F), (I), (J), (L), (M), (N) and (P), OF RULE 5120:1-12-01 of the Administrative Code; Paragraphs (A) and (B) of Rule 5120:1-12-02 of the Administrative Code; Paragraphs (B), (C), (E), (L), (R) and (V) of Rule 5120:1-12-03 of the Administrative Code; Rule 5120:1-12-11 of the Administrative Code; and Paragraph (B), (E) (1), (F), and (G) of this Rule.
 - (1) A second staff person shall provide back-up when multiple occupancy cells are entered by staff.
 - (2) When applicable, the jail shall provide sufficient staff to conduct prisoner transportation and court escort without disrupting routine jail operations.
- (F) Each jail shall establish a sufficient number of staff posts based on prisoner classifications and facility design.
- (G) Each jail shall employ a sufficient number of female staff to be available to perform all sensitive reception and release procedures for female prisoners (E.G., Searches),

C. MODEL POLICY AND PROCEDURE (OUTLINE ONLY)

I.B.

Policy:

The Police Chief, Mayor, and City Council shall review personnel policies on an annual basis. It is the desire of this department to hire the most qualified applicants. It is the city's policy not to discriminate against anyone.

Procedure:

1. Employment Criteria
 - a. age
 - b. education
 - c. other
2. Recruitment Methods
 - a. minority recruitment
 - b. civil service list
 - c. Ohio Bureau of Employment Services
 - d. colleges and technical schools
3. Employment Screening
 - a. testing
 - b. background investigation
 - c. interview
4. Hiring
 - a. appropriate approval
 - b. payroll procedures
5. Terms and Conditions of Employment
 - a. salary
 - b. fringe benefits

- c. vacation leave
- d. sick leave
- e. retirement
- f. probationary period
- g. promotional opportunities
- h. resignations
- 6. Compensatory Time
- 7. Overtime
- 8. Scheduling and Posting of Duty Assignments
 - a. administrative responsibility
 - b. handling of requests and preferences
 - c. procedures for exchanging duty assignments
- 9. Job Descriptions
 - a. Police Chief: jail related duties
 - b. Shift Commander
 - c. Banking Jailer on duty
 - d. Officer assigned to jail
 - e. Dispatcher
 - f. organizational chart
- 10. Code of Ethics
- 11. Dress Code
- 12. Personnel Infractions
 - a. minor infractions (tardiness, dress code violations, etc.)
 - b. major infractions (absence from duty, failure to follow orders, etc.)
 - c. supervisor's responsibilities
 - d. employee's responsibilities and rights

e. hearing and appeal procedures

13. Employee Performance Reviews

a. supervisor's responsibility

b. employee's role

c. appeal of unfavorable reviews

14. Employee Grievances

15. Staffing Levels

a. security

b. services

WORKSHEETA. OPERATIONAL AREA

Administration - Communication and Coordination

B. STATE STANDARDS

None directly applicable

C. MODEL POLICY AND PROCEDURE (OUTLINE ONLY)

I.C.

Policy:

Since the jail serves a public function, it is imperative that the administration and employees maintain open lines of communication with the city residents and news agencies. It is the desire of this administration to encourage public interest in the jail. The Police Chief shall be responsible for initiating and maintaining coordination with other jails, law enforcement and criminal justice agencies. The Chief and the city solicitor shall evaluate all written contracts with such agencies.

Procedure:

1. Communication with News Agencies
 - a. newspapers
 - b. radio and television
 - c. other
2. Communication with General Public
3. Communication and Coordination with Other Jails
4. Communication and Coordination with Other Law Enforcement Agencies
5. Communication and Coordination with Other Criminal Justice Agencies

WORKSHEETA. OPERATIONAL AREA

Administration - Staff Training

B. STATE STANDARDS

5120:1-12-18

- (A) Each jail shall develop written policies and procedures for the training of personnel assigned to jail duty.
- (B) All staff assigned to jail duty shall receive training within the prescribed time period commencing with date of employment, including:
 - (1) Reading and understanding all rules, regulations, policies and procedures governing the operation of the facility (one week).
 - (2) Familiarization with the "Minimum Standards For Jails In Ohio" as established by the Bureau of Adult Detention Facilities and Services and the rules, regulations, and other directives of the governing authority (one month).
 - (3) Legal aspects of corrections (one month).
 - (4) Appropriate training in self-defense and restraining techniques (three months).
 - (5) "American Red Cross" or equivalent training in emergency first-aid and life-saving techniques (six months).

C. MODEL POLICY AND PROCEDURE (OUTLINE ONLY)

I.D.

Policy:

Training of all personnel shall be an ongoing process. Detailed training objectives will be established based upon

specific job tasks and applicable jail standards. Performance standards will be established to measure the effectiveness of training and to indicate areas where further training is needed. Outside agencies will be utilized to supplement in-house resources. All officers will be required to complete 40 hours of pre-service training since it is unlikely they are qualified to perform their assignment duties effectively upon employment. Thereafter, officers will receive 40 hours training annually to maintain and improve skills.

Procedure:

1. First Day Orientation For New Officers
 - a. processing required agency personnel forms
 - b. introduction of staff
 - c. uniform issue
 - d. physical exam
2. Pre-Service Training/One Week
 - a. physical plant
 - b. policies and procedures manual
 - c. Minimum Standards For Jails In Ohio
3. On-The-Job Training
 - a. responsibility of supervisor
 - b. responsibility of training officer
 - c. implementation of policies and procedures
 - d. report writing
4. In-Service Training
 - a. mandatory
 - (1) self defense and restraining techniques
 - (2) basic Red Cross training
 - (3) legal aspects of corrections

NOTE: The National Sheriff's Association's Training Manual will be used for (3).

- b. suggested
 - (1) Ohio Peace Officer's Training Academy courses
 - (2) college and technical school courses
 - (3) Advanced Red Cross
- 5. Probationary Period Examination
- 6. Pre-promotion Training and Examination
- 7. Supervisor Annual In-Service Training
- 8. Attendance at Seminars, Workshops, and Conferences
 - a. in state
 - b. out of state
- 9. Memberships in Professional Organizations
- 10. Exceptions or Waivers from Mandatory Training

WORKSHEETA. OPERATIONAL AREA

Admission of Prisoners - Legality of Custody

B. STATE STANDARDS

5120:1-12-01

- (A) Each jail shall develop policies and procedures governing the reception, orientation, and release of prisoners.
- (B) Reception of all commitments by proper authority requires documentation as prescribed by law.
- (C) The arresting or committing officer shall be positively identified and duly authorized to make the commitment.

C. MODEL POLICY AND PROCEDURE

II.A.

Policy:

No person shall be admitted into the custody of the Cardinal City Jail unless the reasons for processing or detention are clearly and legally documented and the officer accompanying the person is properly identified.

Procedure:

1. Request: If the escorting officer is not a Cardinal City Police Officer, the dispatcher will request to see identification.
2. Identification: the dispatcher shall consider the following as proper identification:
 - a. badge and photo I.D. from a neighboring suburban or township police department.
 - b. badge and photo I.D. from the Ohio State Highway Patrol.

3. Documentation: the dispatcher shall require all officers to produce a legal document authorize the detention of the individual in their custody.
 - a. on-sight arrests: if a person is arrested on-sight during the commission of a crime by police officers, the dispatcher shall request a warrant signed by the arresting officer.
 - b. arrest warrants: if a person has been arrested by police officers on an outstanding warrant, the dispatcher will request to see the warrant and will record the warrant number, the issuing court, the reason, time, date and name of arrestee, in the Jail Log. (Appendix J.5.) (For example, "warrant #0712999, Buckeye Municipal Court, Telephone Harassment, 0800, June 12, 1980, John P. Doe".)
4. Refusal: if the escorting officer refuses to show any identification and/or is unable to produce valid commitment documents, the dispatcher will refuse to accept the prisoner and direct the escorting officer to take the prisoner to the Ohio County Jail. If the escorting officer refuses to leave the premises, the dispatcher will contact the Shift Supervisor by radio and request the supervisor to come to the Police Department to resolve the difficulty.
5. Recording:
 - a. each new admission will be recorded by the dispatcher in the Admissions Book, noting name, date, time, committing or arresting authority and reason for detention.
 - b. if an escorting officer refuses to produce proper identification/documentation, the dispatcher shall make a full report of the incident on a standard report form and transmit one copy to the Police Chief.

WORKSHEET

A. OPERATIONAL AREA

Admission of Prisoners - Condition of Prisoner

B. STATE STANDARDS

5120:1-12-01

(D)(16) Booking records shall include apparent mental and physical condition.

(F) A preliminary health observation shall be completed on all prisoners upon admission to determine if the prisoner is experiencing any serious physical or mental disorder; and, in the event such a condition appears to exist, appropriate treatment will be provided immediately.

(G) No prisoner shall be admitted in a state of unconsciousness without documented approval from a licensed physician.

C. MODEL POLICY AND PROCEDURE

II.B.

Policy:

It is the policy of the Cardinal City Jail that no person will be admitted to the jail in an unconscious state and that any evidence of illness or injury will be given prompt attention by medical personnel.

Procedure:

1. Observation: the dispatcher will carefully observe the physical condition and behavior of the prisoner being admitted.

9. Further Examination:
- a. Condition: if the booking officer who conducts the preliminary health observation suspects that the prisoner may have:
 - (1) a communicable disease;
 - (2) epilepsy, a heart condition or another condition for which continued medication is necessary; or,
 - (3) an emotional condition which may make further examination advisable, the officer will place that person in an unoccupied cell, preferably cell 1 or 2, notify the shift commander on duty, and describe the prisoner's condition to him.
 - b. Commander: the shift commander may order that the prisoner be transported to the hospital, that the local emergency squad be summoned to the jail immediately, or that the fire department's paramedic on duty be asked to check the prisoner within the next hour.
 - c. Surveillance: when any of the above conditions exist, the surveillance schedule noted in procedure IV.A. will be increased to 20 minute intervals.
10. Medical Records: any medical records received by the dispatcher will be placed in the prisoner's file (see procedure V.B.2.)

2. Serious Injury: if the injury, illness, or emotional state of the prisoner appears serious, the dispatcher will:
 - a. Refuse acceptance of custody and direct the arresting officer to seek medical attention for the prisoner;
 - b. Not accept custody until the arresting officer provides documentation of prisoner's medical treatment.
3. Intoxicated: if the prisoner's behavior appears to be affected by the use of drugs or alcohol, the dispatcher shall follow the steps in procedure V.B.3. #4.
4. Minor Injury: if the prisoner's injury appears minor in nature:
 - a. The dispatcher will notify the shift commander prior to accepting the prisoner.
 - b. The shift commander will carefully observe the prisoner's injury(s) and determine the need to call the Fire Department Emergency Medical Squad.
5. Approval: until the emergency medical squad examines the prisoner for acceptance, the dispatcher will not accept custody of the prisoner and will direct the escorting officer to remain with the prisoner in the booking area.
6. Refusal: if after examination the emergency medical squad determines that the prisoner should not be admitted into custody, the dispatcher will refuse acceptance and return the commitment document(s) to the escorting officer.
7. Recording: any incident which results in the refusal of admission will be noted by the dispatcher in the Jail Log.
8. Screening: the booking officer will obtain a Preliminary Health Observation Form (Appendix 5.2.) and while observing the prisoner, answer questions 1-11 on the form.

NOTE: If the escorting officer is not a Cardinal City Police Officer, the dispatcher shall radio the assigned jail officer to report to the jail to conduct the booking process.

WORKSHEETA. OPERATIONAL AREA

Admission of Prisoners - Frisk/Strip Search

B. STATE STANDARDS

5120:1-12-01

- (H) During admission, every prisoner shall be properly frisk-searched, and all unauthorized items will be properly confiscated, recorded, and secured.
- (I) Prisoners whose present or prior behavior indicates that they are likely to be concealing contraband or a weapon, shall be strip-searched prior to being placed in the holding area. Any prisoner not strip-searched shall be housed in an area separate from those who have been.
 - (1) A strip-search shall be conducted in a manner that preserves the dignity of the prisoner.
 - (2) A strip-search shall be conducted by designated personnel of the same sex.
 - (3) A strip-search shall be conducted in a designated non-public area.
 - (4) A detailed record shall be made of all unusual findings (e.g., cuts, bruises, body vermin, needle scars, and other injuries).

C. MODEL POLICY AND PROCEDURE

II.C.

Policy:

In an effort to prevent the introduction of contraband into the jail, yet respecting the persons and their property, all arrestees and new prisoners will be subject to a frisk-search before being placed in a holding cell, even where the escorting officer may have searched the person before coming to the jail.

Procedure:1. Frisk Search:

- a. Position: the officer conducting the booking process will instruct the prisoner to take the standing wall position, unless the officer has strong reason to believe that the prisoner is likely to attack or draw a weapon, in which case he will instruct the prisoner to kneel and place hands on top of head, lacing fingers. The officer will stand behind the prisoner and grasp the prisoner's fingers and hair with one hand, conducting a pat search with the other.

NOTE: The female dispatcher shall conduct the search of female prisoners.

- b. Search: the step-by-step procedure specified in Appendix A of this Manual will be used.

NOTE: A prisoner who is likely to be released on bond (see procedure #II.F.) may keep his personal property unless the booking officer has reason to believe the prisoner may use it to harm himself, other persons or jail property.

2. Contraband: if, during the frisk search, the officer discovers contraband, the procedures set forth in IV.E. of this Manual will be followed with regard to confiscation, recording and preservation of the contraband.

3. Strip Search:

- a. Determination: the officer will review the prisoner's record to determine if a strip search is warranted.
- b. Transport: prisoners whose present or past charges include drug-related or weapons charges, or who appear to be under the influence of drugs, shall be booked and transported immediately to the Ohio County Jail for housing and a strip search providing that bond has not been posted at the conclusion of the admissions process.

NOTE: The officer shall request assistance in transporting the prisoner in order to maintain constant supervision. The jail staff at the Ohio County Jail shall be informed by the transporting officer of his suspicions.

WORKSHEETA. OPERATIONAL AREA

Admission of Prisoners - Telephone Calls

B. STATE STANDARDS

5120:1-12-01

(E) Upon their reception and request, all persons to be confined in a local jail shall be permitted to complete telephone calls to:

- (1) Retain an attorney.
- (2) Contact a person of their choice.

C. MODEL POLICY AND PROCEDURE

II.D.

Policy:

All persons admitted to the Cardinal City Jail will be given every reasonable opportunity to contact persons who may assist in securing bail or legal counsel and who may need to be informed of the prisoner's detention.

Procedure:

1. Number and Frequency of Calls: newly admitted prisoners shall be allowed to use the booking room telephone after being frisk searched (procedure II.C.). The booking officer may use his or her discretion in deciding how many and how often the new prisoner may use the telephone, except that every prisoner must be allowed at least two completed calls.
2. Access: the telephone in the booking room is to be used or, if the booking room phone is unavailable, the phone in the interview room.

3. Monitoring: the booking officer may observe the prisoner but may not monitor the call from an extension.
4. Long Distance: if the prisoner wishes to make a long distance call, the officer will first explain that the charges on such a call must be reversed. If the prisoner consents, the officer will dial the call for the prisoner and instruct the operator to reverse the charges.
5. No Contact:
 - a. If after several attempts, the prisoner fails to reach either of the called parties, the officer will continue with the booking process and will allow the prisoner to make additional attempts periodically during the rest of the booking sequence.
 - b. If after the booking process is complete the prisoner has been unable to complete any telephone calls, the officer will record this fact in the jail log and prepare to transport the prisoner to the Ohio County Jail.
 - c. Prisoners remaining at the Cardinal City Jail may be allowed to place additional calls after being placed in a holding cell if staff is available to properly supervise the call(s).

WORKSHEETA. OPERATIONAL AREA

Admission of Prisoners - Determination of Bail Status and
Booking Records

B. STATE STANDARDS

5120:1-12-01

(D) A booking record shall be made of every commitment. Such records shall include the following information:

- (1) Time and date of commitment.
- (2) Name and alias.
- (3) Official charge or charges.
- (4) Authority ordering commitment.
- (5) Date of birth.
- (6) Race.
- (7) Sex.
- (8) Weight and height.
- (9) Home address and phone number.
- (10) Marital status.
- (11) Spouse/next of kin.
- (12) The person to notify in case of an emergency.
- (13) Employer, place of employment, and phone number.
- (14) Social security number.
- (15) Personal physician and any special medical needs.
- (16) Apparent mental and physical condition.
- (17) Other identifying characteristics (e.g., scars and marks).

(J) During admission, every prisoner who is reasonably coherent shall have the jail rules explained to him/her by staff.

C. MODEL POLICY AND PROCEDURE

II.E.

Policy:

The Cardinal City Jail is a temporary holding facility. It is our policy to release every misdemeanor prisoner who is likely to appear for their court hearing and felony prisoners who meet the court's release requirements. Those who are unable to be released on their own recognizance and cannot post bail will be transferred to the Ohio County Jail immediately following the booking process.

Procedure:

1. Orientation: the booking officer shall read the jail rules to the prisoner. The rules are posted on the wall next to the booking desk.
2. Records: the officer will interview the prisoner to complete the Cardinal City Jail booking form (Appendix 5.1.).
3. Bail/Bond Status:
 - a. Felony prisoners - Persons charged with at least one felony offense must have a bond set by the appropriate court. The booking officer shall initiate release procedures III.A. only if the arrestee is able to meet the release requirements established by the court.
 - b. Misdemeanant prisoners:
 - (1) Recognizance - Persons charged with misdemeanor offenses may be released on their own recognizance if the officer determines they meet the criteria in Appendix (Not Available).
 - (2) Cash bail - If a person is not eligible for release as noted in (1) above, the officer will compare the charge(s) to the bail schedule posted on the booking room door. The schedule specifies the amount of bail to be imposed on particular misdemeanor offenses:

- (a) Charge is not listed on bail schedule, proceed with #4 of this procedure.
 - (b) Charge is listed; determine if arrestee has necessary cash on his person, if so proceed to III.A., if not proceed to #4 of this procedure.
- (3) Third party bail - Third party bail takes two forms; cash brought to the jail on behalf of the arrestee or surety bond posted by a licensed bonding agent. If the arrestee does not possess the necessary amount of cash, the officer will determine whether there are persons contacted by the arrestee who will come to the jail to post cash or surety for the arrestee.
- (a) If it is reasonably clear that someone will post bail for the arrestee within 4 hours, proceed to II.H. for temporary cell assignment.
 - (b) If it is unlikely that the arrestee will be able to secure assistance in posting bail within 4 hours, proceed with step #4 of this procedure.
4. Transfer: if at the conclusion of the booking process it is clear that the prisoner's stay will exceed 4 hours, the booking officer will initiate procedure II.F., "Confiscation of Personal Property".

WORKSHEETA. OPERATIONAL AREA

Admission of Prisoners - Confiscation of Personal Property

B. STATE STANDARDS

5120:1-12-01

(L) An item-by-item inventory of all personal property with a detailed objective description of each item shall be listed on each property folder.

- (1) The prisoner's signature shall be affixed to the completed inventory.
- (2) All property not returned to the prisoner shall be secured.
- (3) Prisoners awaiting release on bond from the four hour holding facility shall not be subject to paragraphs (L), (L) (1) and (L) (2) of this rule unless security would be jeopardized by prisoners retaining their personal property.

C. MODEL POLICY AND PROCEDURE

II.F.

Policy:

The personal property of persons in custody will be respected by departmental staff and will be handled with care to prevent loss or damage.

Procedure:

1. Removal: the booking officer will confiscate all personal property which the prisoner has in his possession (e.g., money, all contents of prisoner's pockets, and other items not part of prisoner's personal clothing. i.e. purses, jewelry) when necessary for the safety of the prisoner and staff and/or prior to transporting the prisoner to the Ohio County Jail.

2. Inventory: each item will be described on the face of the property envelope (Appendix 5.3.) along with the date, time, prisoner's name and booking officer's initials.
3. Money: money will be counted in the prisoner's presence and the total amount noted on the envelope.
4. Signature: the prisoner will be asked to sign and date the envelope. If the prisoner refuses to sign, the officer will so note on the envelope and, secure another staff member (dispatcher or other officer) to witness this fact. The other staff member will sign his name, record the date and time on the envelope next to the notation "prisoner refused to sign",
5. Envelope: the items will be placed in a property envelope.
6. Storage: the booking officer will temporarily secure the prisoner's property envelope in the grey cabinet in the booking room.

WORKSHEET

A. OPERATIONAL AREA

Admission of Prisoners - Juveniles

B. STATE STANDARDS

5120:1-12-01

(K) During admission, no juvenile shall be placed or allowed to remain in the same cell or room with adult prisoners; . . .

5120:1-12-04

(A) Juvenile female and male prisoners shall be housed completely separate by sight, sound, and touch from adult prisoners at all times.

C. MODEL POLICY AND PROCEDURE

II.G.

Policy:

It is the policy of the juvenile court to detain juveniles in the County Juvenile Detention Center except when the juvenile must be detained by law enforcement agencies for investigation, or the juvenile is being released into the custody of his parents.

Procedure:

1. Definition of a Juvenile: any person under eighteen (18) years of age.
2. Temporary Jail Detention:
 - a. A juvenile may be temporarily detained until he/she can be released into the custody of his/her parents/legal guardian. The dispatcher shall notify the juvenile's parents/legal guardian of the detention and inform them that the juvenile may be released into their custody.

- b. If a juvenile is arrested, either on a warrant -or on-sight by a Cardinal City Police Officer, the juvenile will be brought to the city jail for booking only. Those steps specified in II.A. through II.C. and II.E. and F. will be performed so that the Police Department will have a record of the arrest, clearance, and arrestee.
3. Housing: juveniles held temporarily will be housed in cell 2.
4. Transfer: as soon as practical after the booking process is complete (II.F.), juvenile arrestees will be transferred to the County Juvenile Detention Center (See also III.A.).

WORKSHEET**A.** OPERATIONAL AREA

Admission of Prisoners - Holding Cell Assignment
and Classification

I

B. STATE STANDARDS

5120:1-12-02

(A) Each jail shall develop an appropriate classification system.

(1) The criteria to be used in the classification system shall be assigned priority as follows:

(a) Sex.

(b) Age.

(c) Tendency for violent behavior.

(d) Mental/physical handicaps.

(2) The criteria shall be implemented to the maximum extent, consistent with the design and capacity of the jail.

(B) At no time shall any unsupervised adult prisoner be permitted in an area with prisoners of the opposite sex.

(C) Prisoners shall not be confined with other prisoners possessing characteristics markedly dissimilar to their own.

5120:1-12-04

(A) Adult female, juvenile female, adult male, and juvenile male prisoners shall be housed completely separate by sight, sound, and touch at all times.

C. MODEL POLICY AND PROCEDURE

II.H.

Policy:

At all times, female prisoners will be separated from male, adults from juveniles, and violent prisoners from non-violent prisoners.

Procedure:

1. Juveniles: Juveniles who cannot be immediately transported to the County Detention Center or released will be temporarily held in cell 2 and, if necessary to separate sexes, cell 1. (Interview room may be used if cells 1 and 2 are occupied.)
2. Females: All females shall be held in cell #3 or #4.
3. Violent Prisoners: Any prisoner whose past or present charge(s) or behavior indicate that they are likely to "act out" in a violent manner shall be housed by themselves in cell #1.
4. Adult Males: Those adults who cannot be released or immediately transferred to the county jail will be held in cells 3 and 4.
5. Special Prisoners: Prisoners with medical and/or mental health problems shall be placed in cell 1 under constant-observation of the dispatcher pending examination and/or transportation to another facility.
6. Recording: The holding cell assignment will be recorded on the prisoner's booking card.
7. Filing: The booking card will be checked for completeness and accuracy and be filed in the dispatcher's office in the "Admissions" file.

WORKSHEETA. OPERATIONAL AREA

Transfer and Release - General Release Procedures

B. STATE STANDARDS

5120:1-12-01

- (N) When a prisoner is released to the custody of another jurisdiction, the identity of the escorting officer shall be verified.
- (O) The escorting officer shall sign a release authorization for the prisoner.
- (P) A true record shall be made of the time and date of release from confinement, the authority by which released, and into whose custody the prisoner is released.
- (Q) All prisoners shall sign a receipt for property, valuables, and cash returned to them at the time of release.
- (R) Any complaint regarding property returned must be made in writing, with specific details of the complaint.

C. MODEL POLICY AND PROCEDURE

III.A.

Policy:

No prisoner of the Cardinal City Jail will be released or transferred unless the legality of the action is clearly established and the identity of the prisoner is certain. The procedures specified for release will be followed in the prescribed sequence.

Procedure:

General procedures applicable to all non-emergency transfers and releases:

1. Examination of Release Documents: The dispatcher must verify the legality of the release as outlined in procedure III.B. If there is reason to question the validity of the documents presented for release or transfer, the dispatcher will call the Shift Commander, or in his absence, the Police Chief,
2. Detainer Check: The dispatcher will then check to see if there are any detainers, holders, or warrants which are pending that might prevent the prisoner's release or transfer by reviewing:
 - a. the prisoner's booking card
 - b. the prisoner's file
 - c. N.C.I.C.
3. Detainer Found:
 - a. If on a transfer, additional detainers, holders or warrants are discovered (other than those on which the instant transfer is being made) and, if there is no indication of the priority of those detainers, holders or warrants, the Shift Commander will be called or, in his absence, the Police Chief, to resolve the conflict.
 - b. If any release detainers, holders, or warrants are discovered, the dispatcher will notify by the most rapid means possible (teletype, telephone, telegram) the agency from which the detainer, holder or warrant was issued. If the agency wishes to take custody, the prisoner will be transferred to the Ohio County Jail to await pickup,
4. Notification: If all records are in order, the dispatcher will:
 - a. Notify the assigned jail officer to return to the building to conduct the release/transfer process (providing another officer is not present);
 - b. Notify the prisoner of the anticipated time of release/transfer.

5. Verification of Prisoner's Identity: The assigned jail officer will obtain the prisoner's booking card and review the identifying information (e.g., height, weight, color) to confirm proper identity of the prisoner to be released/transferred.
6. Records: The officer will note the date and time of the scheduled release/transfer on the booking card and the dispatcher will note it on the jail log.
7. Prisoner Property: All prisoners being released whose property was removed at booking shall be issued their personal property in the following manner:
 - a. The officer will secure the prisoner's property envelope from grey locker in the booking room and inventory the items. (Money will be counted in the prisoner's presence).
 - b. The prisoner will sign the property envelope to acknowledge receipt of all property and money.

EXCEPTIONS:

- c. If the prisoner is being transferred to the custody of another agency, the prisoner shall not take possession of his property. The escorting officer shall sign the inventory acknowledging receipt of the property and shall deliver the prisoner and his property to the receiving jail.
8. Refusal to Sign: In the event a prisoner refuses to sign to verify receipt of his property/money, the officer will summon the dispatcher or another officer present to sign and date the form(s) witnessing the return of the listed items.
9. Prisoner Complaints: If the prisoner wishes to complain in any way about allegedly missing or damaged property/money, he shall be informed that the complaint must be made in writing within 48 hours and addressed to the Chief of Police. He shall be provided paper, pencil, and an envelope and requested to write the complaint immediately.
10. Identity of Escorting Officer or Agent: In transfer of custody, the identity of the person into whose custody the prisoner is being transferred must be verified by the officer/dispatcher (if not a member of the Cardinal Police Department) and the escorting officer must sign a statement accepting custody of the prisoner.

11. File: All empty property envelopes, booking cards, and other records will be returned to the dispatcher for filing.

WORKSHEET

A. OPERATIONAL AREA

Transfer and Release - Authority for Transfer/Release

B. STATE STANDARDS

5120:1-12-01

(M) Proper and written legal authorization shall be required prior to the release or removal of any prisoner from confinement.

C. MODEL POLICY AND PROCEDURE

III.B.

Policy:

The proper authority for release or transfer of a prisoner is critical to the protection of the public and the maintenance of security. No prisoner will be released without such authority.

Procedure:

1. Pre-trial Release:

- a . Bail-bond (via bondsmen, cash, property or other surety): All bail bonds will have been posted with the Clerk of Courts. The prisoner or his representative must present to the dispatcher a signed bail bond notarized by the Clerk.
- b. Bond release by court (on recognizance, conditional release): The court will have made an order and the clerk will have prepared a bond, which is signed, notarized, and presented to the dispatcher.

2. Transfer:

- a. To another county or state (as witness, defendant or suspect): A detainer, holder or warrant will have been lodged and the detainer, holder or warrant (if not expired) will be used as the authority for transfer.
- b. To military authorities: The military authorities will have issued a "DD-363" form specifying the dates and reasons for transfer and this form will be used as authority for transfer.

NOTE: In all above instances, the dispatcher will retain a copy of the appropriate document and will place that copy in the prisoner's file.

- c. To the Ohio County Jail: The warrant (see II.A.#3) will be used as authority for transferring to the county jail for holding in excess of four (4) hours.

WORKSHEETA. OPERATIONAL AREA

Security - Surveillance of Holding Cells

B. STATE STANDARDS

5120:1-12-03

- (B) Direct, in-person surveillance of each prisoner shall be conducted on an irregular schedule, no less than every sixty minutes. Hourly checks must be logged.
- (C) Certain classifications and physical arrangements require increased documented surveillance at intervals to include but not be limited to every 15 to 20 minutes. Examples of classifications and physical arrangements requiring increased surveillance are: suicidal, assaultive, escape risk, mentally/emotionally disturbed prisoners, and bullpen areas.
- (E) Prisoners must be able to verbally contact staff at all times. An audio communication system shall be used when a staff person is not within normal hearing distance of the prisoner.

C. MODEL POLICY AND PROCEDURE

IV.A.

Policy:

No person held in the Cardinal City Jail will be left unattended for more than one hour. Persons whose condition or behavior warrant increased surveillance will be identified and given increased surveillance in order to protect the security of the jail and the safety of its staff and prisoners.

Procedure:

1. Holding for Processing: If more than one prisoner is to be processed through admission, the officer conducting the booking will process only one prisoner at a time, placing the other prisoner(s) in the holding cell(s) adjacent to the Booking Room (but only after each prisoner has been frisk searched).
2. Assistance: If more than three (3) male prisoners or more than two (2) female prisoners are awaiting processing, the officer conducting the booking will notify the dispatcher to request booking assistance from other road patrol officers. The dispatcher may contact off-duty officers if the active road patrol is unable to respond.
3. Frequency of Surveillance: The road officer assigned to conduct prisoner checks will return to the jail at least once every 60 minutes to visually check the occupant of each holding cell to confirm the prisoner(s) presence and to be certain that no unusual events have occurred (e.g., injury, illness, death, escape attempt, damage to property).
4. Special Surveillance: Prisoners who fall into any of the categories listed below will be subject to visual surveillance every 20 minutes:
 - a. Suicidal
 - b. Emotionally unstable (e.g., hallucinatory, disoriented, exceedingly fearful, rapidly changing moods, extremely depressed)
 - c. intoxicated
 - d. thought to be escape risks
5. Audio Communication: The dispatcher shall monitor the holding cell areas for unusual sounds or requests for emergency assistance.
6. Recording: Each surveillance tour will be noted in the jail log by the person who conducts it.

WORKSHEETA. OPERATIONAL AREA

Security - Weapons

B. STATE STANDARDS

5120:1-12-03

- (H) No weapon, ammunition, chemical agent, related security equipment, or any object which presents the potential of being used as a weapon shall ever be permitted in the confinement area unless authorized by the Chief or other officials specifically designated as having administrative responsibility for the confinement facility.
- (I) All unissued firearms, weapons, and/or chemical agents assigned to the jail shall be stored in an arsenal, vault, or other secure room under double lock.
 - (1) This area shall be inaccessible to all unauthorized-persons.
 - (2) There shall be a written procedure for issuing and accounting for all weapons.
- (J) All jails shall have a storage area (e.g., pistol locker, weapons cabinet) for the temporary securing of weapons when persons enter the security perimeter.

C. MODEL POLICY AND PROCEDURE

IV.B.

Policy:

To insure the safety and security of staff and prisoners, no firearm, chemical agent, or weapon shall be allowed in the holding area except in emergency situations and then only at the specific direction of the Chief or his designee.

Procedure:

1. Checking: All persons entering the holding area (through the security entrance or the entrance adjacent to the dispatcher's office) will be required to check their sidearm, other weapons, and chemical agents.

2. Locations: There is a weapons locker located adjacent to the security entrance in the garage. (NOTE: Officers escorting prisoners must not remove the prisoner from the automobile until the garage door is closed and the weapon securely stored.) If entrance is sought through the door adjacent to the dispatcher's office, the weapon will be given to the dispatcher, who will store it in the gun cabinet in the dispatcher's office.

WORKSHEET

A. OPERATIONAL AREA

Security - Use of Force

B. STATE STANDARDS

5120:1-12-03

(W) Physical force shall only be employed when reasonably necessary for the following:

- (1) Self-defense of staff.
- (2) Protection of another person from a prisoner attack.
- (3) Prevention of riot or escape.
- (4) Enforcement of jail rules.

(Y) Only the amount of force reasonably necessary to control a given situation shall be used.

(Z) All use of physical force shall be thoroughly documented with a detailed account including but not limited to:

- (1) Who was involved.
- (2) The force that was used.
- (3) Justification for its use.

(AA) A medical examination and/or treatment shall be provided to prisoner(s) and/or staff involved in any use-of-force incidents.

- (1) The medical examination and/or treatment resulting from the use-of-force incident shall be thoroughly documented.

C. MODEL POLICY AND PROCEDURE

IV.C.

Policy:

Only the amount of force necessary to gain control of a prisoner will be used by officers. Force may be used only when an attack by a prisoner(s) on another person is actually occurring or imminent; or when lesser means have failed to achieve a legitimate and necessary objective.

Procedure:

The following procedural guidelines are designed to illustrate that officers have a number of choices in handling violent or potentially violent situations. Officers should, whenever possible, move through these procedures in sequence so that prisoners are given every opportunity to cease their disruptive or assaultive activity and cooperate with the officer(s).

- A. Uncooperative Prisoner: The officer who encounters an uncooperative prisoner (e.g., refuses to enter cell, refuses frisk search, refuses to be removed from cell) will take the following actions:
 - a. Verbal persuasion: attempt to verbally convince the prisoner to cooperate;
 - b. Verbal warnings: if verbal persuasion fails, warn the prisoner of the consequences of non-cooperation (use of force, disciplinary sanctions);
 - C. Show of force: if time allows and if warnings are not effective, call for backup personnel in an attempt to intimidate the prisoner through a show of force;
 - d. Control holds: if a show of force is insufficient (or impossible) the officer(s) shall attempt to use the physical holds designed to gain control of the prisoner (no blows will be struck by the officer unless the resisting prisoner becomes an attacker).

2. Attacking Prisoner: If at any point in the above process a prisoner attempts to physically attack a staff member, visitor, other prisoner or any other person, the following steps shall be taken:
 - a. Backup: call for backup personnel (if not already present;
 - b. Blocks: block the blows or kicks of the prisoner giving the prisoner opportunity to reconsider and clearly establishing that the prisoner is in fact the aggressor;
 - c. Take-downs: if, after the prisoner's initial blows or kicks have been blocked, the prisoner persists, the officer(s) will attempt to take the prisoner down by using take-down techniques (specified in the jail training course) designed to gain control over the prisoner;
 - d. Blows and kicks: if the prisoner's strength and agility are such that the take-down techniques are not effective (or if the physical setting renders their use ineffective), only then may the officer(s) resort to kicks or blows. The following blows are to be avoided categorically unless an officer's life or the life of another person is clearly in danger:
 - (1) knuckle blows to the temple,
 - (2) base of hand blows to the nose,
 - (3) cupped-hand blows to the ears,
 - (4) kicks to the groin or head areas,
 - (5) blows or gouges to the eye.

When an officer resorts to blows or kicks, only the type and number sufficient to bring the prisoner under control shall be used. Such tactics may not be used to inflict unnecessary or permanent injury (thus the prohibition of (1) through (5) above) but only to temporarily disable and only after other means have failed,

- e. Retreat: officers may, if all else has failed, if an escape route is open to the officers and if no other persons are or would be open to attack from the prisoner, retreat from the scene and obtain a baton and chemical irritant spray (from the dispatcher's cabinet);
 - f. Use of baton: the baton is for defensive purposes and the same procedures apply to the baton as apply to hands and feet. First, use the baton to block the prisoner's blows or kicks, giving the prisoner the opportunity to desist and surrender. Second, use the baton to strike the prisoner below the neck and in a manner designed only to temporarily disable and gain control, not to cause permanent injury. (See Training Manual);
 - g. Use of chemical irritants: if chemical irritant spray is used, it shall be used only in that amount necessary to gain control and to cause the prisoner to desist. It should never be sprayed directly into the face at close range.
3. Medical Examination: Persons involved in a use-of-force incident who complain of or receive injuries, will receive medical assistance as follows:
 - a. the fire department emergency medical squad will be notified and will examine and provide treatment if necessary.
 - b. All staff persons will be required to receive immediate medical attention and provide documentation of treatment.
 - c. All other persons will be requested to seek immediate medical attention.
 4. Transportation: Following a use-of-force incident, the prisoner will be transported to the Ohio County Jail.
 5. Investigation: The Chief of Police will initiate an investigation of the incident (apart from any investigation for criminal charges- against the prisoner(s) if:

- a. the prisoner alleges an excessive use of force; or
 - b. the Chief determines from the report(s) that an investigation is warranted.
6. Reporting: After every incident in which an officer has used physical force, the officer involved will immediately file a full report of the incident, citing the reasons for the degree of force used and the results of its use. The report will be transmitted to the Police Chief.

WORKSHEETA. OPERATIONAL AREA

Security - Use of Restraining Devices

B. STATE STANDARDS

5120:1-12-03

(X) Restraining devices shall only be employed during transportation or pending the approval of the Chief of Police or his designee for the following:

(1) To prevent the prisoner from harming himself.

(2) Protection of another person from a prisoner at tack.

(3) Self defense of staff.

(U) Each jail administrator shall develop written policies and procedures governing the use of physical restraints.

(V) No prisoner placed in physical restraints shall be left unattended.

See also IV.C.

C. MODEL POLICY AND PROCEDURE

IV.D.

Policy:

Restraining devices such as handcuffs, leg chains, belly chains, 4-way or 2-way restraints will never be used to inflict punishment. Such devices may only be used when, in the judgment of the officer on duty, they are necessary to protect the prisoner from injuring himself, prevent an escape, or prevent the prisoner from injuring others or destroying jail property,

Procedure:

1. Protection from Self-Harm:
 - a. Isolation: when a prisoner's behavior indicates a potential for an actual attempt at injury to him or herself, the prisoner will be isolated in his or her cell.
 - b. Restraints: after isolation, if the prisoner's behavior is still directed toward or indicative of self-harm, the prisoner will be placed in physical restraints. When restraints are used in such a manner, they will be used to restrict the movement of the prisoner only to the degree necessary and will be affixed in such a way as to cause minimal discomfort and avoid their injuring the prisoner.
 - c. Surveillance: prisoners placed in restraints will be under constant observation by an officer until his release or transfer to another facility.
 - d. Reporting.: the placement of a prisoner in restraints for self-protection will be reported immediately to the Shift Commander. A written incident report will be filed with the Chief of Police within 24 hours of the incident.
2. Prevention of Escape or Assault: When a prisoner is being transferred into the custody of another law enforcement agency or correctional agency, the dispatcher will inform the escorting officer(s) of the prisoner's history and behavior and any indication of risk posed by the prisoner. The use of restraints will be at the discretion of the escorting officer(s).

WORKSHEETA. OPERATIONAL AREA:

Security - Contraband Control and Security Inspections

B. STATE STANDARDS

5120:1-12-03

(F) All jail administrators shall establish a routine procedure for thoroughly inspecting all facility areas accessible to prisoners for contraband and physical security on at least a weekly basis.

(G) There shall be a written procedure for reporting security irregularities.

c. MODEL POLICY AND PROCEDURE

IV.E.

Policy:

For the protection of the prisoners and staff, contraband must be identified and removed from all confinement areas. It is the Department's policy to use all legal means available for controlling contraband and to prosecute those who violate state laws prohibiting the possession or introduction of contraband into the confinement facility.

Procedure:

1. Control Methods: frisk searches and jail shakedowns are the primary methods to control contraband, along with informing prisoners of the rules and penalties pertaining to contraband.
2. Confiscation and Recording: when contraband is found on a prisoner or- in the jail, the officer who first discovers the item(s) will:
 - a. remove the contraband from the prisoner or location;

- b. place the prisoner (if known) on restriction (i.e., not to leave cell);
 - c. place a tag on the contraband showing the date, the time, the name of the prisoner from whom taken and/or the location where found and the initials of the officer;
 - d. place the contraband in a plastic bag (obtained from the evidence storage room);
 - e. deliver the contraband to the Chief within 24 hours of the incident;
 - f. complete a standard incident report form.
3. Prosecution: The Chief shall determine whether or not prosecution is warranted and, if so, consult with the appropriate prosecuting attorney.
 4. Storage/Destruction: If charges are to be filed, the contraband will be stored in the manner prescribed in Section 13.b of the detective's manual. Contraband will be destroyed only after disciplinary action and/or the disposition of criminal charges.
 5. Security Inspection: Every seven days, the Chief of Police will select two (2) officers to conduct a shakedown of the facility, to include all areas to which prisoners have had access during the prior week in accordance with the procedure in Appendix B.
 6. Special Inspection:
 - a. Partial: when an officer suspects that contraband may have been introduced into the jail by a particular prisoner, that officer may conduct a partial shakedown in order to discover the contraband. Such shakedowns will cover only that cell or cells the suspect prisoner has occupied. Any partial shakedown will be conducted by two officers, one who will supervise the prisoner standing just outside the cell and the other to conduct the shakedown.

IV.E. (CONT.)

- b. Total: If an officer(s) suspects that contraband may be present in the jail but does not have sufficient information to narrow the suspicion to a particular prisoner, the Chief of Police will be notified and he may order a total shakedown..
7. Reporting: Any contraband found during a special or routine search will be handled in the manner prescribed in Step #2 of this procedure.

WORKSHEETA. OPERATIONAL AREA

Security - Key Control

B. STATE STANDARDS

5120:1-12-03

- (M) All jails shall have a key-control system. This system shall include but not be limited to the following elements:
- (1) A key-control center which is secure and inaccessible to unauthorized persons at all times.
 - (2) An accounting procedure for issuing and returning keys.
 - (3) A procedure for immediate reporting and repairing of any broken or malfunctioning key or lock.
 - (4) A set of duplicate keys to be maintained in a separate, secure place.
 - (5) A third set of keys shall be kept at a location outside the jail.
- (N) In addition, the key-control system shall include but not be limited of the following provisions:
- (1) No prisoner shall ever handle keys used to operate jail security locks.
 - (2) Keys operating locks to outside doors and/or gates will never be in the confinement area.
 - (3) Emergency keys and keys to critical security areas (e.g., arsenal) will only be issued in accordance with written procedures established by the jail administrator.
 - (4) Precautions similar to those outlined above shall be taken to insure the security of all non-key-operated locking devices (e.g., electrical switches, levers),

C. MODEL POLICY AND PROCEDURE

IV.F.

Policy:

Keys are critical to the security of the jail and, when the electronic locking systems fail, critical to the safety of prisoners and personnel. Therefore, no keys to the confinement or booking area will ever leave the facility except those stored elsewhere for emergency purposes.

Procedure:

1. Key Inventory:
 - a. the following keys will constitute an inside set and will be kept on one key ring: doors to the confinement hallways; door to the interview room; and, doors to all cells.
 - b. the following keys will constitute an outside set and will be kept on one key ring: electronic door to the lobby; electronic door to garage; electronic doors to dispatcher's office; and, emergency exits.
2. Location of Sets: The following set(s) of keys will be kept in each of the following locations for the designated uses:
 - a. dispatcher's office - one inside set for use by the person performing duties as the assigned jail officer. (see procedures below for issuance and return).
 - b. Chief of Police's office safe - one inside and one outside set for use by the Chief in case of emergencies or in normal performance of Chief's duties.
 - c. office of the Buckeye Fire Chief - one inside and one outside set for emergency use only.
3. Issuance: The dispatcher will issue keys to the officer assigned to the jail or wishing to book a prisoner. The officer will return the set of keys to the dispatcher at the conclusion of his duties at the jail. Only in emergency situations will officers transfer keys directly from one to another.

WORKSHEET

A. OPERATIONAL AREA

Jail Management and Prisoner Services - Prisoner Communication

B. STATE STANDARDS

5120:1-12-06

- (A) Each jail administrator shall develop written policies and procedures governing prisoner correspondence.
- (B) Incoming correspondence from the courts, an attorney of record, or public officials shall be opened in the presence of the prisoner.
- (C) Outgoing correspondence to the courts, an attorney of record, or public officials shall be forwarded sealed without inspection.

5120:1-12-07

- (A) Each jail shall provide a visiting area.
- (B) Visitors shall be subjected to security controls established by the jail administrator.
- (C) Any attorney of record shall be allowed to visit his client at all reasonable times, both daytime and evenings.
- (D) A member of the clergy shall be allowed to visit a prisoner at all reasonable times, both daytime and evenings.
- (E) Written procedures shall be developed to regulate visits from persons desiring to arrange bond for a prisoner.

Also see II.D.

C. MODEL POLICY AND PROCEDURE

V.A.

Policy:

It is the policy of the Cardinal City Jail to allow prisoner communication through telephone calls, visits, and written correspondence in order to reduce the anxiety associated with being incarcerated (especially for the first time) and facilitate making arrangements for release with family, friends, and attorneys.

Procedure:

1. Telephone. Calls: All prisoner requests for telephone calls will be handled in accordance with procedure II.D.
2. Incoming Correspondence: Hand delivered correspondence addressed to a prisoner in custody will be delivered within thirty minutes of its receipt. The dispatcher will:
 - a. inspect the correspondence for contraband in the deliverer's presence prior to taking it to the prisoner;

NOTE: The correspondence will not be read by the dispatcher or any other staff.

 - b. follow procedure IV.E. if contraband is discovered;
 - c. if correspondence is undeliverable (prisoner has been released or transferred), attach an explanatory note to the correspondence and return it to the sender.
3. Official Visits: Upon presentation of valid identification, judges of courts within the county, probation officers, the Prosecuting Attorney or his staff, staff of the Ohio Department of Rehabilitation and Correction, the Ohio Parole Board and its representatives, peace officers from Ohio law enforcement agencies, clergy, and the attorney of record, will be allowed to visit with a prisoner at any reasonable time during daytime and evening hours. Such visits may be delayed by the dispatcher in order to request the assigned jail officer to come to the facility to supervise the visit.

4. Other Visits: Family or friends shall be permitted to visit with a prisoner for the purpose of arranging bond and/or reduce the prisoner's anxiety relating to being incarcerated or his/her alleged offense.
5. Denial of Visits: The dispatcher may deny a visit if:
 - a. the visitor is disruptive or dangerous;
 - b. the visitor has a recent history of disruptive behavior at the jail;
 - c. the visitor is under the influence of alcohol or drugs;
 - d. the visitor refuses to show identification when requested; or,
 - e. the prisoner refuses the visit. Any such denial will be documented by the dispatcher with the filing of an Incident Report and a notation in the Jail Log.
6. Supervision: The assigned jail officer will remain in the hallway outside the interview room during any visit and will escort the prisoner back to the holding cell at the end of the visit.
7. Duration and Limitation: No visit will exceed thirty minutes. Only one prisoner will be allowed in the interview room at one time.
8. Records: The dispatcher will note the date, time, visitor's and prisoner's names in the jail log.

WORKSHEET

A. OPERATIONAL AREA

Medical Services - Emergency Care

B. STATE STANDARDS

5120:1-12-09

- (A) A physician shall approve a written medical and health care plan outlining policies and procedures regulating all aspects of medical treatment and services for prisoners.
- (B) Every jail shall have emergency medical treatment available on a twenty-four (24) hour basis for all prisoners.
- (K) All prisoners shall be provided professional dental treatment of an emergency nature, as required.
- (L) All prisoners evidencing signs of serious mental disorder shall be referred to a physician who shall arrange appropriate psychiatric services or other courses of treatment as he may deem necessary.
- (M) Equipment and supplies to administer first aid shall be readily available at all times.

5120:1-12-12

- (I) Fundamental rights which cannot be suspended as discipline:
 - (5) medical care.

C. MODEL POLICY AND PROCEDURE

V.B.1.

Policy:

Emergency medical services are available 24 hours a day to prisoners of the Cardinal City Jail to insure prompt attention of their medical needs. All staff are trained to

respond to medical emergencies since the prisoner's life may depend on quick action.

Procedure:

1. Support Agencies and Staff Training:

- a. Emergency treatment is available through the Cardinal City Fire Department's Emergency Squad or the Cardinal Memorial Hospital Emergency Room.
- b. Before being assigned to the jail rotation, all officers will be trained in emergency first aid, cardio pulmonary resuscitation and the administration of oral medication with updated training every three years. They will also receive an orientation to jail medical procedures by an experienced officer.

It shall be the responsibility of the Chief of Police to review the training and orientation of officers assigned to the jail and assure that the Department training officer is notified of their training needs.

2. Emergency Definition: The following occurrences define an emergency and their presence will initiate the Medical Emergency Care Plan (Appendix D).

- a. Massive bleeding: from which, unlike a minor cut, there is rapid and observable loss of blood before or during first aid attempts.
- b. Unconsciousness: even where the cause is known, an unconscious prisoner or staff is a prima-facie medical emergency.
- c. Inability to breathe or severe difficulty breathing.
- d. Head injury.
- e. Severe burns.
- f. Any injury, apparent injury or illness which does not respond to the officer's first-aid attempts or which is unrecognizable to the officer.

3. Response to Medical Emergency: Any officer who discovers or is made aware of a medical emergency will:
 - a. Notify the dispatcher (either verbally or through the sound monitoring system in the cells), relay the emergency information, and request that the Emergency Squad be called;
 - b. Render first aid to the victim (first aid kits are available in the booking room, the dispatcher's office and in all squad cars);
 - c. Not move the prisoner unless absolutely necessary;
 - d. Remove other prisoners from the area by locking them in separate cells;
 - e. Cooperate with and assist the emergency squad upon its arrival.
4. Notification of Medical Emergency: The dispatcher will:
 - a. Call the emergency squad to the scene;
 - b. Notify the Shift Commander of the situation; and,
 - c. Contact the prisoner's next of kin (See booking card).
5. Emergency Medical Squad: When the emergency medical squad arrives, its Captain is to be considered in charge of the medical situation. If the squad Captain orders the prisoner removed to the hospital emergency room; the officer assigned to the jail will accompany the prisoner and the Shift Commander will make further arrangements for jail coverage and supervision of the prisoners at the hospital.
6. Records: All personnel who are involved in any way with a medical emergency will, following the emergency, complete an incident report and forward it to the Police Chief.
7. Emergency Dental Care: Dental care is available for those prisoners experiencing acute dental problems, i.e., severe pain, or bleeding gums. Prisoners requiring emergency care will be transported as soon as possible to the dentist. At this time, the following local dentists are available to provide dental services to prisoners on an emergency basis:

- a. Dr. Red Carnation
(237-2853
240 S. Parsons Avenue
- b. Dr. B. Grey
(237-8083)
260 Stygler Road

The Shift Commander on duty shall be contacted and requested to make the necessary arrangements.

- 8. Mental Health Emergencies: If an officer observes a prisoner exhibiting signs of emotional instability or psychological distress (See Appendix E), the prisoner will be placed under increased surveillance (every 15 minutes) and the dispatcher will immediately call the Ohio County Mental Health Center's 24-hour crisis line and arrange to either transport the prisoner to the Center or have a member of the Center's staff come to the jail.
- 9. Suicidal Precautions: Any prisoner who is under increased surveillance due to suicidal tendencies shall have the following items removed from his cell:
 - a. items with which he could hang himself, i.e., belts, shoe laces;
 - b. matches and flammable materials (prisoner may smoke out of the cell under supervision);
 - c. all sharp objects (i.e., pens, pencils) as well as any glass items such as glasses, mirrors, etc.

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WORKSHEETA. OPERATIONAL AREA

Medical Services - Medications and Medical Records

B. STATE STANDARDS

5120:1-12-09

- (D) Complete and accurate records documenting all patient-perceived medical problems and emergency medical treatment shall be maintained at the facility.
 - (1) All medical records shall be considered strictly confidential.
 - (2) The physician-patient privilege shall be protected at all times.
- (E) The administration of prisoner medications and medical supplies shall be regulated by the written medical and health care plan.
- (F) A complete and accurate record of all prisoners receiving medications and supplies shall include but not be limited to:
 - (1) The kind and amount of medication administered and/or medical supplies used.
 - (2) The time and by whom such medications are administered and supplies are used.
- (G) Medications shall only be administered in the dosage, form, and at the time prescribed by the physician treating the prisoner.
- (H) Hypodermic needles, syringes, and other supplies subject to abuse shall be made secure and destroyed after use.
- (I) Prisoner medications, medical supplies, and records shall be stored in secure locked cabinets and/or storage rooms as required by Section 3719.172 of the Revised Code.

(J) Medications, supplies, and records shall be inaccessible to unauthorized persons at all times.

C. MODEL POLICY AND PROCEDURE

V.B.2.

Policy:

Medications, medical supplies, and medical records shall be administered/stored so as to comply with the regulations of the Ohio Board of Pharmacy, the Federal Control Substances Act, the Privacy Act, and to minimize the possibility of their misuse or abuse.

Procedure:

1. Verification: If a prisoner is admitted with medication on his person, the dispatcher shall verify the prescription with the original physician's office or issuing pharmacy before it is administered.
2. Log:
 - a. The booking officer shall note any medication needs on the Health Screening form (Appendix 5.2.) as required in procedure II.B. and notify the dispatcher of the need for verification and/or scheduled medication times.
 - b. The dispatcher shall maintain a list of prisoner(s) requiring medication in the jail log and shall inform the officer assigned to prisoner surveillance checks of the necessary medication times.
3. Administering: At scheduled medication times, the assigned jail officer will:
 - a. return to the facility and obtain the necessary medication, health forms and instructions from the dispatcher.
 - b. have the prisoner take the medication in his presence. If taken by mouth, the officer is to observe swallowing, check mouth, have prisoner talk Immediately after swallowing and watch for several minutes to assure ingestion of the medication.

- c. have the prisoner initial the health screening form and initial it himself,
 - d. return the health form to the dispatcher.
4. Refusal: If a prisoner refuses medication, the officer will note this fact on the preliminary health form, initial it, and have the dispatcher witness it. (The dispatcher will also note the refusal in the Jail Log.)
5. Confidentiality of Medical Records: Medical records are in a locked file cabinet in the dispatcher's office. Only the Shift Commanders and dispatchers have been authorized to have access to these files. All records pertaining to medical screening examination and treatment occurring during the prisoner's stay in the City Jail will be kept in this cabinet. Medical records are confidential and no person not presently authorized, including the emergency squad, will be permitted access unless the prisoner has signed a release form.
6. Storage of Medication: Medication prescribed by a physician for particular prisoners will be stored in the brown locked file cabinet in the dispatcher's office. The dispatcher shall keep the key in the middle desk drawer.

WORKSHEET

A. OPERATIONAL AREA

Medical Services - Miscellaneous Services

B. STATE STANDARDS

5120:1-12-09

(C) Prisoners shall be permitted to be treated by their personal physicians in the jail at their own expense provided the identity of the physician is verified.

5120:1-12-01

(I)

(5) Lower body cavity searches are to be conducted only by medical personnel and when reasonable cause exists to believe that a weapon or contraband is being concealed.

C. MODEL POLICY AND PROCEDURE

V.B.3.

Policy:

A prisoner retains his right to dignity when incarcerated. At times the medical problems and security concerns involving a prisoner must be addressed simultaneously to insure the prisoner's health and dignity and the security of the jail. Areas requiring this close coordination include: treatment by personal physicians, use of prosthetic devices, body cavity searches, and handling of detoxification.

Procedure

1. Personal Physician: The officer who receives a request from a prisoner for a visit by the prisoner's personal physician will:

- a. obtain from the prisoner the name of the physician, the address and phone number, and the reason the prisoner wishes to see his or her physician;
 - b. telephone the prisoner's personal physician and make the necessary arrangements;
 - c. inform the dispatcher of the arrangements made for the personal physician's visit and note the arrangements in the Jail Log. If the physician is coming to the jail to see the prisoner, the visit will take place in the interview room;
 - d. have the prisoner sign a release if the personal physician wishes to review the prisoner's preliminary health screening form.
2. Prosthetic Devices: Prisoners who are admitted wearing prosthetic devices (e.g., artificial limbs) will be transferred to the Ohio County Jail as soon after the booking process as possible.
 3. Body Cavity Searches : If at any time an officer suspects that a prisoner may have concealed contraband in a lower body cavity, he will complete the booking process and then transport the prisoner to the Ohio County Jail. NOTE: The officer shall request assistance to transport the prisoner in order to maintain constant supervision. The jail staff at the Ohio County Jail shall be informed by the transporting officer of his suspicions.
 4. Detoxification: Any prisoner who is drunk or has alcohol on his breath at the time of booking should be considered as a possible alcoholic. The officer conducting the booking shall:
 - a. Get receiving screening information as in regular booking. Note time of last drink (if possible) , and description of condition, e.g., "shakes, DT's, or nervous".
 - b. If possible, also ask how often he drinks and how often he gets drunk when he drinks. Record answers on the preliminary health observation form.
 - c. If in doubt of a referral to detoxification, take the person's pulse. If it is over 100, call the emergency squad - this is the most consistent symptom other than the breathalyzer itself.

V.B.3. (CONT.)

- d. Do not admit people into the jail without performing the above and noting the results on the preliminary observation form.
- e. If you do book someone into the jail under "borderline" conditions, assure that someone checks the above symptoms within 20 minutes after booking.

NOTE: Be careful not to mistake a diabetic for an alcoholic. The diabetic often has a sweet smell on their breath. (For common alcoholism terms, refer to Appendix F.)

WORKSHEETA. OPERATIONAL AREA

Jail Management and Prisoner Services - Jail Maintenance

B. STATE STANDARDS

5120:1-12-03

- (L) All security devices and safety equipment, shall be inspected monthly to insure they are maintained in proper working order and the inspections logged.
- (O) All tools; toxic, corrosive, and flammable substances; and other potentially dangerous supplies and equipment shall be stored in a locked area.

5120:1-12-04

- (D) Reasonable efforts shall be made to maintain temperatures in prisoner quarters within the normal comfort zone (sixty-eight degrees F. to eighty-five degrees F.) during daytime hours and not below sixty degrees F. at night.
- (F) Cells shall be equipped with a sanitary, working flush toilet and lavatory if used to confine prisoners not having access to such facilities.

5120:1-12-05

- (A) Each jail shall develop written policies and procedures for insuring the safe and sanitary condition of the jail.
- (B) Each jail and the immediate grounds shall be kept free of potential health and safety hazards.
- (C) All grounds, walkways, driveways, and parking areas shall be in good repair and well lighted to insure safety and adequate perimeter security.
- (D) The jail administrator shall make regular requests to have the facility inspected by local or state health authorities on an annual basis.

- (E) Arrangements shall be made for semi-annual insect and rodent inspections and control.
- (F) All building elements shall be structurally sound, clean, and in good repair.
- (G) All painted surfaces shall be painted as needed.
- (H) Ventilation shall be sufficient to remove dangerous and disagreeable odors.
- (I) Sufficient lighting shall be provided to insure effective security in all areas.
- (J) Prisoners shall be required to keep their persons and quarters clean and in proper order.
- (K) Garbage and trash receptacles shall be emptied and cleaned daily.
- (L) Toilets, urinals, and sinks shall be cleaned daily if prisoners are confined.
- (M) All supply and equipment storage areas shall be located so as to minimize safety hazards. Such areas shall be maintained in a clean and orderly manner,

C. MODEL POLICY AND PROCEDURE:

V.C.

Policy:

To insure the safety and health of staff and prisoners, routine maintenance and inspections will be conducted of the holding areas and the building's grounds,

Procedure:

1. Daily Cleaning: The building's custodial staff will check with the dispatcher on the 7 a.m. - 3 p.m. shift to determine if the holding cells or booking-area require cleaning. The dispatcher will:

- a. request that any cell occupied within the last 24 hour period be cleaned;
 - b. report any maintenance problems which need attention (e.g., bulbs replaced).
2. Health Department and Other Inspections:
- a. the Chief of Police shall request the Local Board of Health and the Fire Safety Inspector to conduct annual inspections of the jail and report their findings in writing.
 - b. the Chief of Police shall arrange to have the confinement area treated every six months for insect and rodent control.
3. Monthly Inspections: On the last day of every month, the Chief of Police shall assign an officer to inspect the jail area and the outer security perimeter (see Appendix J.6.) to detect any security or safety concerns or required building maintenance (e.g. painting).
4. Reports: The officer conducting the monthly inspection shall document his findings on the inspection form (Appendix 5.6.) and shall submit his findings to the Chief of Police within 24 hours of the inspection.

WORKSHEET

A. OPERATIONAL AREA

Jail Management and Prisoner Services - Miscellaneous Services

B. STATE STANDARDS

5120:1-12-11

All jails shall arrange for professional intervention, when appropriate, in the areas of: alcoholism, drug abuse, psychological/social services, and other community services.

C. MODEL POLICY AND PROCEDURE

V.D.

Policy:

No prisoner will be denied access to community services because of the mere fact of incarceration. Legitimate and compelling needs of prisoners will not be ignored by officers but will be handled on a case-by-case basis.

Procedure:

1. Services Available: Those services available in the community which are frequently requested by prisoners are as follows:
 - a. alcoholism and drug abuse counseling
 - b. mental health services
2. Requests: The officer who receives a request for one of these services or determines such services are needed will:
 - a. note the request or determination in writing in the jail log
 - b. contact the relevant service provider (listed in Appendix C) within one hour of the request/determination

- c. arrange for a special visit, note these arrangements in the jail log and notify the dispatcher, who will also note in the dispatcher's log
 - d. notify the prisoner.
3. Supervision: When the service agency representative arrives, he or she will be required to produce identification and can remain with the prisoner no longer than one and one-half hours. Unless circumstances require privacy, the representative will meet with the prisoner in the cell but may, at the officer's discretion, be allowed to use the interview room.

WORKSHEET

A. OPERATIONAL AREA

Jail Management and Prisoner Services - Prisoner Grievances

B. STATE STANDARDS

5120:1-12-16

(A) Each facility shall establish and post a procedure whereby a prisoner may express his grievance to the facility administrator.

C. MODEL POLICY AND PROCEDURE

V.E.

Policy:

Any prisoner shall be allowed to file a grievance at such time as the prisoner believes he or she has been subjected to abuse, harassment, abridgement of civil rights, or denial of privileges specified in the Jail Rules.

(Grievances must be restricted to incidents which occur while the prisoner is in custody of the Cardinal City Police Department.)

Procedure:

1. Transmittal: A grievance shall be made in the form of a written statement by the prisoner promptly following the incident, sealed in an unstamped envelope and addressed to the Police Chief. Such a letter will be transmitted promptly and without interference to the Chief by any officer to whom the grievance is given.
2. Contents: The grievance shall state fully the time, date, names of those officers or staff members involved, and pertinent details of the incident, including the names of any witnesses.

3. Review: Upon receipt of a grievance by the Chief of Police, he shall review the grievance, and determine:
 - a. if the grievance constitutes a proscribed act by an officer;
 - b. appears to be a violation of the prisoner's civil rights;
 - c. a criminal act; or,
 - d. an abridgement of prisoner privilege as cited in the Jail Rules.

4. Investigation: If the grievance constitutes an abridgement of the prisoner's privileges as specified in the Jail Rules, the Police Chief may appoint an impartial member of the Police Department staff to investigate the grievance and report his findings and recommendation(s) to the Chief.

(NOTE: Any officer or staff member who subjects a prisoner to harassment, curtailment of privileges or any type of punishment because of a grievance, or attempts to prevent or interfere with the reporting of a grievance, shall be subject to immediate dismissal from employment.)

5. Response: Any prisoner who submits a grievance to the Police Chief shall promptly receive a response from the Chief following investigation of the grievance, to include findings and actions be taken by the Department.

6. Appeal: If not satisfied with the disposition of the grievance, the person may set forth his grievance and mail it to the Court of Common Pleas for consideration.

7. Records: The Police Chief shall maintain a file of all grievances and their disposition, and ensure that all orders of the court are followed should the judge's decision overturn that of the Department.

WORKSHEETA. OPERATIONAL AREA

Jail Management and Prisoner Services - Prisoner Discipline

B. STATE STANDARDS

5120:1-12-12

- (A) Each facility shall develop written policies and procedures governing all disciplinary and administrative actions.
- (B) Jail rules governing prisoner conduct shall clearly define violations.
- (C) The rules shall be posted in a conspicuous place within the holding area.
- (D) Corporal punishment shall be prohibited.
- (E) Criminal misconduct by a prisoner(s) shall be referred to the appropriate prosecuting attorney.
- (F) Qualified rights which may be suspended as discipline: clothing, use of toilet and lavatory.
- (G) The qualified rights provided in Paragraph (F) of this rule may be suspended only (i) when the practice in a particular case poses a serious threat to security or (ii) when the jail or jail property issued is seriously abused.
- (H) The incident(s) leading to the qualified rights of a prisoner being suspended shall be thoroughly documented.
- (I) Fundamental rights which cannot be suspended as discipline:
 - (1) Visits by attorneys.
 - (2) Visits by clergy.
 - (3) Phone calls to attorneys or clergy.
 - (4) Adequate light, ventilation, temperature control, and sanitation.
 - (5) Medical care.

C. MODEL POLICY AND PROCEDURE

V.F.

Policy:

Every prisoner of the Cardinal City Jail has the right to know what behavior is expected and the penalties for misbehavior. The disciplinary process must be fair and systematic so that no person, staff or prisoner, may plead ignorance of the rules or bias in the procedure. Hasty, arbitrary and/or corporal punishment will not be allowed.

Procedure:

1. Rules: A prisoner shall only be subject to discipline for those violations described in the Prisoner Rules, or those which have been, or may be proscribed by state law. If the offense committed constitutes a crime, the Police Chief shall refer the case to the appropriate prosecuting attorney for possible charges.
2. Violations: The following infractions shall be considered violations of the jail rules:
 - a. Minor Offenses:
 - (1) Failure to comply with any officer's orders.
 - (2) Profanity, derogatory remarks or gestures to any member of the staff, visitors, or fellow prisoners.
 - (3) Unnecessary noise such as arguing, shouting, whistling, rattling or pounding on doors or windows.
 - (4) Talking through windows to person(s) on the exterior of the jail.
 - (5) 'Horseplaying," teasing or verbally harassing another prisoner.
 - (6) Lying to an officer.
 - (7) Fighting.
 - (8) Abusing visiting or telephone.
 - (9) Writing on the walls.

b. Major Offenses:

- (1) Assault on another prisoner or staff member.
- (2) Escape, attempted escape, or aiding another in escape.
- (3) Possession, of alcoholic beverages or unauthorized drugs.
- (4) Theft.
- (5) Interfering with security operations of the jail.
- (6) Arson.
- (7) Possession of a weapon or chemical agent or any object which has been modified so that it may be used as a weapon.
- (8) Creating or inciting to riot.
- (9) Malicious destruction, alteration or misuse of property.
- (10) Possession of anything not authorized by the booking officer.
- (11) Damage of jail property.

3. Observation of Infraction: When an officer witnesses a violation of rules by a prisoner, or when a violation of rules is reported by another prisoner or staff member, the officer who sees the violation or receives the report shall initiate procedures as follows:

- a. Violent Prisoner: If the prisoner offender is violent, or there is immediate and reasonable cause to believe the prisoner offender will continue to inflict injury on another person, himself, or to facility property, then the prisoner offender shall be promptly confined in a single cell if not already so confined. When such action may be necessary, the assigned jail officer shall be notified immediately.
- b. Minor Violations: If the violation appears minor in nature, the officer shall verbally reprimand the prisoner offender and inform him that continued violation of the rule may result in prosecution under city ordinance 005 and note the incident in the jail log,

NOTE: City Ordinance 005 permits a 3 day sentence and/or \$100 fine for violation of the jail rules.

- c. Major Violations: If the violation appears major in nature, the officer shall promptly prepare an incident report and submit it to the Chief of Police.
- d. Violation Review: Upon receipt of a verbal or written report of a major violation, the Chief of Police or ranking officer on duty shall review the facts and determine the appropriate action:
 - (1) confinement to cell;
 - (2) transfer to Ohio County Jail;
 - (3) referral to Prosecuting Attorney.
4. Informing the Prisoner: The ranking officer on duty will inform the prisoner of the action imposed, record it in the jail log, and notify the dispatcher of the prisoner's status.
5. Penalties:
 - a. Rights which may be temporarily suspended to protect the prisoner and/or prevent continued abuse of jail property:
 - (1) Articles of clothing;
 - (2) Use of toilet or lavatory.

NOTE: The above may only be withheld with the approval of the ranking officer on duty.
 - b. Rights which MAY NOT be suspended as discipline:
 - (1) Visits by attorneys or clergy;
 - (2) Phone calls to attorneys or clergy;
 - (3) Adequate light, ventilation, temperature control, and sanitation;
 - (4) Medical care.

WORKSHEET

A. OPERATIONAL AREA

Emergencies - Fire

B. STATE STANDARDS

5120:1-12-05

(N) The jail administrator shall request in writing that the jail be inspected by a local or state fire safety inspector at least annually.

(O) There shall be a fire evacuation plan which shall include provisions for adequate firefighting equipment.

Also see VI.B.

C. MODEL POLICY AND PROCEDURE

VI.A.

Policy:

All personnel shall make every effort to prevent the occurrence of fires in the jail through proper supervision of prisoners and control of flammable materials in all areas of the jail, particularly prisoner-occupied sections. In the event of fire, the primary objective shall be the protection of lives of prisoners, staff, and visitors. No rule or set of rules can completely cover procedures to be utilized in the event of fire, but the following basic steps should be taken.

Procedure:

1. Prevention: The dispatcher shall be responsible for ensuring that trash is disposed of on at least a daily basis. (See procedure V.C.#1). The Chief of Police shall be responsible for:
 - a. insuring that the jail is inspected by the Cardinal City Fire Department on an annual basis;

- b. seeing that all fire fighting, detection, and alarm equipment 'is inspected and tested on a 'weekly basis;
 - C. seeing that a floor plan (Appendix H.) outlining evacuation routes and location of fire fighting equipment is kept current and posted in the booking room and dispatcher's office,
2. Discovery:
- a. When an employee discovers, a fire he shall inform the dispatcher via the intercom immediately, giving the exact location, and the nature of the fire;
 - b. When an employee is informed by a prisoner or visitor that there is a fire, he shall alert the dispatcher via intercom that he is investigating the possibility of a fire and then follow the preceding step #2.a. if a fire is discovered;
 - C. When the smoke alarm(s) activates, the dispatcher shall notify the assigned jail officer which area(s) is noted by the alarm,
 - (1) if the officer is in the building, the dispatcher shall request the officer to investigate the fire(s) and report the exact location and nature of the fire;
 - (2) if the officer is not in the building the dispatcher will notify all patrol officers of the discovery, report an alarm and then investigate or take actions further specified below.
3. Notification: Upon being informed of a fire, the Dispatcher shall:
- (a) Call the Cardinal City Fire Department at 441-1674 and request that they bring the emergency keys to the jail;
 - (b) Notify all road patrol units to respond to the jail;
 - (c) Notify the Shift Commander and the Chief of Police;
 - (d) Request back-up assistance from the County's Road Patrol Units.

4. Response:

- a. The officer assigned to the jail/dispatcher shall remove all prisoners located within the affected areas to the appropriate evacuation area(s). (See Floor Plan Appendix H).
- b. The officer or dispatcher shall secure prisoners in their cells in unaffected areas, escort visitors out of the building, and then proceed to the fire to provide assistance.
- c. The officer (or first to arrive on the scene other than the dispatcher) shall obtain a self-contained breathing apparatus from the dispatcher's office, proceed to the affected fire zone, and assist in evacuating the prisoners.
- d. The Chief of Police or in his absence, the Shift Commander, will be responsible for directing and coordinating the efforts of the police and fire fighters at the scene.
- e. When patrol units arrive, they shall be responsible for securing the perimeter of the jail, and supervising the prisoners, relieving the dispatcher. The dispatcher shall be responsible for directing the firefighters to the appropriate area.

5. Defend in Place:

- a. The Shift Commander, after all prisoners are secured, shall determine if staff shall attempt to extinguish the fire prior to the arrival of the fire department.
- b. If staff attempt to extinguish the fire, they shall utilize the breathing apparatus and appropriate fire fighting equipment.
- c. If at any time the Shift Commander determines the smoke may affect those prisoners who have not been evacuated, or that staff are not capable of controlling the fire, he shall order the immediate evacuation of all prisoners and staff.

6. Fire Department Arrival:
 - a. When the fire department arrives, they shall be escorted to the fire zone(s) by the dispatcher.
 - b. The ranking firefighter shall assume authority at this time, He may order further evacuation of prisoners and shall direct all personnel in assisting in fire fighting and evacuation efforts.
7. Prisoner Evacuation: The primary evacuation areas are the lobby and garage. If the fire chief determines further evacuation is needed, prisoners shall be loaded into cruisers and transported to the Ohio County Jail.
8. Investigation: The Police Chief shall order an investigation of the incident in cooperation with the City Fire Department and the State-Fire Marshall. All staff involved in the initial discovery of the fire shall complete an incident report.

WORKSHEET

A. OPERATIONAL AREA

Emergencies - Escape

B. STATE STANDARDS

5120:1-12-03

(CC) All jails shall have available written procedures for emergency situations including but not limited to:

- (1) Escapes.
- (2) Taking of hostages.
- (3) Fires.
- (4) Civil disturbances in the community.
- (5) Suicides.
- (6) Other deaths and disorder.

C. MODEL POLICY AND PROCEDURE

VI.B.

Policy:

Since the custody of the prisoners is the primary mission of the jail, whenever such custody is breached, the officers and personnel shall give the highest priority to the apprehension of the escapee.

Procedure:

1. Discovery: The officer who first discovers an escapee or apparent escape will:
 - a. immediately advise the dispatcher;
 - b. secure the area from which the escape was made;

- C. lock up all prisoners;
- d. place a freeze on all prisoner movement and conduct a count;
- e. relay the following (if known) to the dispatcher:
 - (1) the name(s) of the escapee(s);
 - (2) the mode of transportation of the escapee(s);
 - (3) the time of the escape.

NOTE: If the name of the escapee is not known, identify the escapee by matching physical characteristics of present prisoners to the booking cards.

- 2. Notification: The dispatcher, immediately upon being notified of an escape will:
 - a. broadcast the description and other pertinent information from prisoner's booking card to all patrol units, the Sheriff's Department, State Highway Patrol, and enter the description into LEEDS;
 - b. notify by radio (if not already notified above or if not present) the Shift Commander and Chief of Police.
- 3. Investigation: The Chief of Police will order an investigation by the Detective Bureau and will be given copies of all incident reports (to be filed by all personnel involved in the discovery of the escape).

WORKSHEET

A. OPERATIONAL AREA

Emergencies - Death of a Prisoner in Confinement

B. STATE STANDARDS

Same as VI.B.

C. MODEL POLICY AND PROCEDURE

VI.C.

Policy:

In the event of the death of any prisoner, the officers and personnel shall take all actions necessary to provide necessary medical services, to preserve the scene, and cooperate with all medical and investigative authorities.

Procedure:

1. Discovery: The officer who initially discovers a prisoner who appears dead, will first use the emergency medical procedures as specified in V.B.1. If the prisoner cannot be revived, the following steps will be taken:
 - a. seal off the scene of the death in order to preserve it (this will require that any prisoners present be removed from the scene);
 - b. summon the Shift Commander on duty.
2. Identification and Investigation,:
 - a. the Shift Commander will summon the Chief of Police and County Coroner;
 - b. upon verification of death by the County Coroner, the Chief of Police will:

- (1) notify the Detective Bureau and request that an investigation commence;
 - (2) arrange for a qualified officer to proceed to the scene to lift fingerprints from the corpse (such prints will be used to positively identify the deceased, and a set of these prints will be attached to the prisoner's file;
 - (3) determine the custody status of the deceased (city, county, federal, military, or other prisoner).
3. Follow-Up: The Chief of Police will assign staff to complete the following tasks:
- a. if the deceased is a federal, immigration or military prisoner, notify the appropriate agency immediately to advise them of the death;
 - b. if the deceased is being held on a warrant from another jurisdiction, notify that jurisdiction;
 - c. obtain the name, address and telephone number of the relative(s) shown in the prisoner's file;
 - d. notify the appropriate relative or other person (Mentioning that prisoner property may have to be held until investigations are complete);
 - e. notify the court(s) to which the prisoner's case(s) is assigned;
 - f. implement general release procedures in order to complete jail records;
 - g. collect all property of the deceased and notify relatives that the property may be released (unless otherwise instructed by the Coroner or Detective Bureau).

WORKSHEET

A. OPERATIONAL AREA

Emergencies - Hostage Taking

B. STATE STANDARDS

Same as VI.B.

C. MODEL POLICY AND PROCEDURE

VI.D.

Policy:

The first priority in a hostage situation is to preserve the life of the hostage(s). The personnel who may be involved will never attempt to interfere in the negotiation process.

Procedure:

The following steps shall be taken in the event that a prisoner(s) takes and holds a hostage(s) within the jail:

1. Discovery: The staff member who first becomes aware of the situation will:
 - a. notify the dispatcher;
 - b. see that the area in which the hostage(s) has been placed is sealed; and,
 - c. place a freeze on all prisoner movement outside the hostage area.
2. The dispatcher will:
 - a. call the Shift Commander to the jail;

- b. alert the City Police Patrol Officers and Sheriff's patrol but request that they remain clear of the scene until directed otherwise by the Shift Commander;
 - c. alert the Cardinal City emergency medical squad to stand by.
3. The Shift Commander Will:
- a. notify the Department's pre-designated hostage negotiator;
 - b. determine, to the degree possible, the identity of the hostage taker and gather all pertinent facts which may aid in the negotiation;
 - c. notify the Chief of Police.
4. Negotiations: The Chief of Police will direct the procedure and will make all final decisions concerning negotiations (if the Chief is absent or is the hostage, this authority transfers to the Shift Commander). The following general procedures apply to hostage negotiations:
- a. at no time will any prisoner(s) be permitted released from jail;
 - b. the pre-designated negotiator will not be empowered to make final decisions on negotiable items, but will check with the Chief of Police or his designee before making any promises or concessions to the hostage-taker(s);
 - c. any orders or commands given by the hostage, even if the hostage may be a ranking official, will not be honored to allow the hostage-taker(s) to effect an escape;
 - d. no person except the negotiator shall be in contact with the hostage-taker(s) unless specifically directed by the Chief or his designee.
4. Investigation: At the conclusion of any hostage-taking event, a full investigation will be conducted by the Detective Bureau and all employees will cooperate fully in that investigation.

SUPPLEMENTAL WORKSHEETA. OPERATIONAL AREA

All Areas - Frisk Search

B. MODEL POLICY AND PROCEDUREAppendix A. Frisk Search

Before conducting a frisk search, the officer shall instruct the prisoner to empty all pockets in his clothing, place the items on the floor, and move out of reach of the items.

When groups of prisoners are to be frisk searched, all such prisoners shall be lined up, spaced apart, and faced with their palms extended at arms length against a wall.

Under no circumstances shall an officer frisk search a prisoner of the opposite sex.

1. Instruct the prisoner to stand erect, feet apart, with arms extended outwards.
2. Move behind the prisoner, then:
 - a. Carefully examine the shirt collar.
 - b. Run hands over the prisoner's shoulders, down the outside of his arms to the shirt cuffs, and carefully examine the shirt cuffs.
 - c. Move hands up the insides of the arms to the armpits.
 - d. Run hands down the prisoner's shirt front, carefully checking the pockets.
 - e. Move fingers around the inside of the waistband, feeling for any objects which may be concealed there or behind the belt.
 - f. From the waistline, move hands down the prisoner's buttocks.

- g. Put both hands on one leg at a time, and run them carefully down each leg, being certain to check each trouser cuff.
 - h. Move hands over the prisoner's lower abdomen and crotch carefully, to inspect for contraband that may be hidden or taped to those areas.
 - i. Instruct the prisoner to extend one foot at a time, backward, then inspect each sock and shoe for concealed articles.
- 3. When the frisk is completed, instruct the prisoner to face the wall with palms extended at arms length against the wall, then carefully check each item that the prisoner removed from his pockets.
 - 4. Items that a prisoner is allowed to have in his possession shall then be returned to him.

SUPPLEMENTAL WORKSHEETA. OPERATIONAL AREA

Security/Emergencies - Security Inspections

B. MODEL POLICY AND PROCEDUREAppendix B. Cell Search

Before initiating a cell search, the prisoner(s) shall first be removed from the cell. The officer who inspects the cell shall leave it as neat as it was before the search.

The following actions shall be observed:

1. Closely and carefully examine:
 - a. all furniture which may be in the cell,
 - b. lavatory and toilet (including the bottom of those fixtures),
 - c. floor drain,
 - d. ventilation grill,
 - e. faucets, drains and any openings in cell door tracks,
 - f. light sockets,
 - g. personal letters and papers (letters and papers may be removed from envelopes and inspected, but not read, by the officer).
2. Examine each bar in the cell to determine if it has been cut or loosened.
3. Examine all locking lugs to determine if they have been jammed.
4. Examine any panels and protective screens to determine if they have been loosened in preparation for removal.
5. Following the cell search, no cell shall be left unlocked by the officer.

SUPPLEMENTAL WORKSHEET

A. OPERATIONAL AREA

Jail Management and Prisoner Services - Miscellaneous Services

B. MODEL POLICY AND PROCEDURE

Appendix C: Prisoner Services Resources

Arrangements have been made with the agencies listed below to provide services on a case-by-case basis to prisoners confined in the Cardinal City Jail. See Procedure V.D. "Miscellaneous Prisoner Services".

1. Alcohol and Drug Abuse Services:

- a. Ohio County Alcoholism Council
Cardinal Valley Chapter
1336 E. Aluminum Parkway
Cardinal, Ohio 43433
Phone: 848-4833 days, 855-9910 evenings
Contact Person: Harold Pinter

Services: individual counseling, work with families of alcoholics.

- b. The Cardinal Drug Abuse Screening and Treatment Center
46 Normal Avenue
Cardinal, Ohio 43433
Phone: 855-9293 days and evenings
Contact Person(s): Dr. Renee Bojan
Dr. John Johnson

Services: diagnostic testing, individual counseling, drug and alcohol abuse information.

2. Mental Health/Psychiatric Service:

- a. The Ohio County Mental Health Center
46 Trim Avenue
Cardinal, Ohio 43446
Phone: 855-9294 days and evenings
Contact Person(s): Dr. Milton Lowenstein
Dr. Mary Hilton

Services: individual counseling, diagnostic testing.

3. Other Services:

I

Ohio County Council of Churches

7876 N. Platte Avenue

Cardinal, Ohio 43433

Phone: 843-7763

Contact Person: Mary Forsythe

Services: Pastoral counseling, emergency financial
assistance to families, referral to various
other programs.

MEDICAL EMERGENCY CARE PLAN

1. Be aware that an emergency can occur at any time.
2. Be ready to observe or be notified of the emergency.
3. First aid must be given immediately.
4. Telephone the Cardinal Fire Department's emergency medical squad.
5. Call for assistance from other officers.

Emergency Room	
Cardinal Memorial Hospital	333-7777
Emergency Squad	333-8888

SYMPTOMS OF MENTAL ILLNESS OR ANXIETY

Any prisoner suspected of being mentally ill or of being a potential suicide victim must be isolated and observed closely by staff. It may become necessary to remove certain items from the cell, such as matches or any other item with a potential for self-inflicted harm, or any item capable of being used as a weapon.

Any prisoner who exhibits any of the following symptoms must be referred to a physician as soon as possible:

- A. Hallucinations - e.g., hearing voices, seeing visions, perceiving something that is not there.
- B. Illusions - misperceiving something that is there - e.g., thinking he is someone else, seeing an object as something that it is not.
- c. Delusions - strange beliefs or ideas, often overly religious or grandiose. May believe people are out to get him, or that thoughts can control others.
- D. Extreme Hyperactivity - constant moving, talking.
- E. Withdrawal - very little activity, refusal to speak or get out of cell.
- F. Obsessions - persistent thoughts that the person feels he cannot get out of his mind, e.g., thoughts of suicide, harming someone, etc.
- G. Compulsions - repeated actions (persons feel forced to act in a certain way), e.g., washing hands over and over.
- H. Phobias - severe, unrealistic fears - person may have increased pulse rate, hyperventilation, sweating, etc., in the face of a situation not normally frightening.
- I. Catatonia - unusual, rigid posturing; e.g., person stands with arms and legs in a particular position for hours at a time.
- J. Flight of Ideas - strange speech, stringing together unrelated topics and thoughts without apparent order.

In any of this type, explore the recent and past history of drug and alcohol use and abuse. Alcohol, drugs and withdrawal from either can cause many of the same symptoms.

Prisoners known to be mentally ill shall be kept isolated for their own protection from the other prisoners.

ALCOHOLISM TERMS

Blackout - memory loss, from few minutes to more than one day, early symptom.

Alcoholic - depends on alcohol in some way, varying degrees of loss of control over amount consumed, gradually progresses into having withdrawal symptoms when drinking stops.

"Chronic" Alcoholic - long standing, with heavy daily or binge drinking, poor eating habits, withdrawal symptoms, may have history of seizures, DT's, liver disease, nerve damage.

"Cycle" Drinking - end-product of above, body can't tolerate alcohol anymore, gets drunk on small amounts, passes out, wakes up, keeps repeating cycle, doesn't eat.

Withdrawal - nervous system reaction to absence of alcohol, with elevated vital signs and exaggerated nervous behavior, begins six to twelve hours after drinking stops, lasts one to five days or more, takes one to fifteen years to develop.

"Shakes" - withdrawal symptom, trembling of hands, can involve all the body.

Hallucinations - brain disorder complication of withdrawal, seeing, hearing, smelling things that are not there, can progress into DT's.

DT'S - three to fifteen days after drinking stops, extreme fright from hallucinations, tries to "escape" from them, totally confused and out of contact with world.

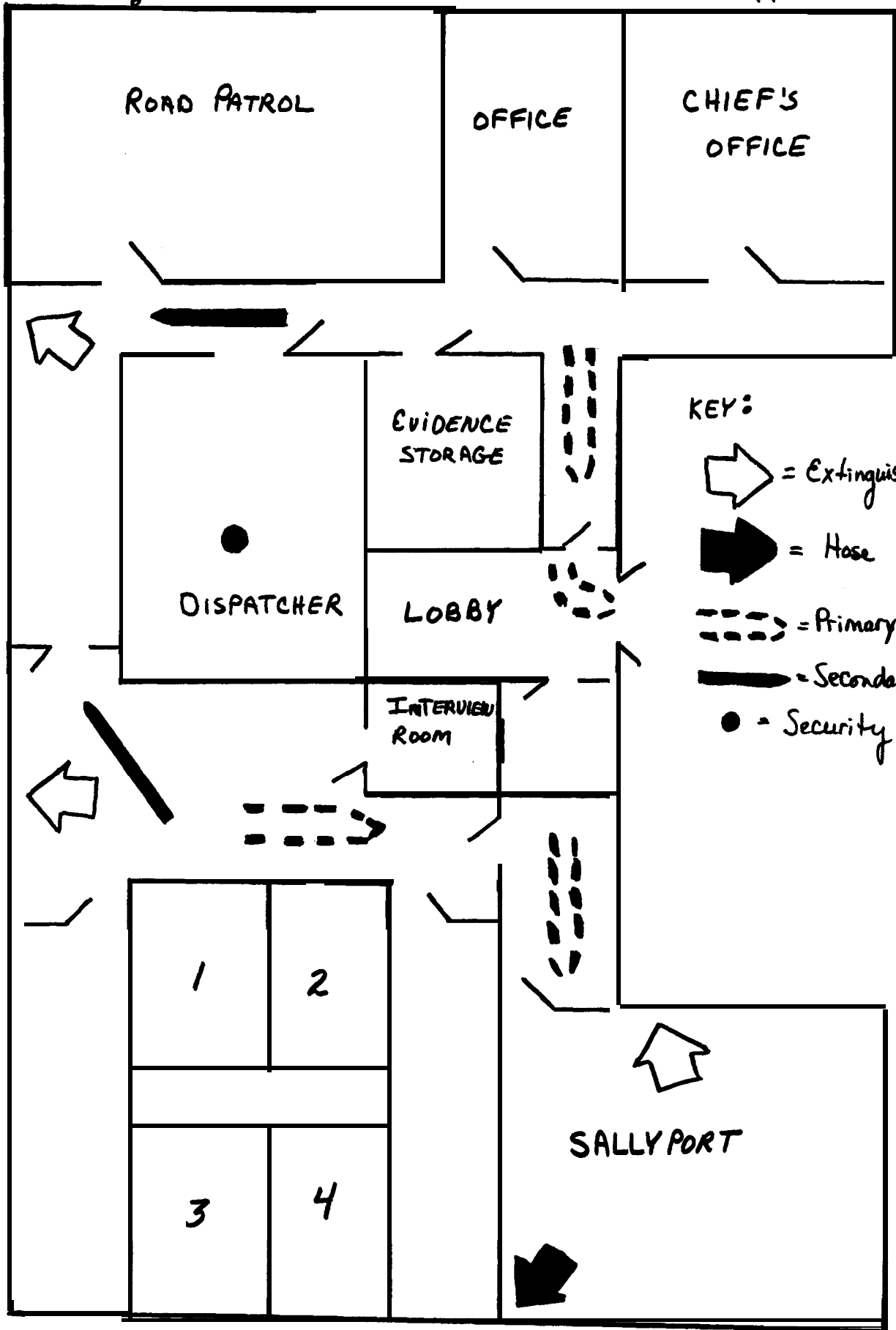
Alcoholic Cirrhosis - long-standing liver disease with gradual decrease in function; if badly distended abdomen, swollen hands and feet, or jaundice (yellow whites of eyes, skin).

Alcoholic Hepatitis - inflammation of liver, happens after long, hard drinking bout; symptoms include elevated temp, jaundice, nausea/vomiting, or pain.

"Nerve Damage" - long-standing vitamin deficiency, starts in arms, legs, goes to trunk, brain; numbness, poor grip, difficulty walking, poor control over bowels/bladder, poor memory, judgment, unreasonable anger, paranoid behavior or confusion.

FIRST AID EQUIPMENT

1. Adhesive tape rolls
2. 2" x 3" sterile dressings
3. 8" x 7 1/2' surgipads, sterile
4. Box of cling or gauze bandages
5. Sling
6. Sanitized receptacle for ice
7. Blanket
8. Resuscitation aid
9. Antiseptic liquid
10. Local dental anesthetics
11. Gauze for dental hemorrhages
12. Elastic bandage



BOOKING CARD

(FRONT)

CARDINAL CITY JAIL

Comp. # _____ PHOTO # _____

NAME _____ SSN _____

ADDRESS _____ PHONE # _____

DOB _____ PLACE OF BIRTH _____

RACE _____ SEX _____ HGT. _____ WGT. _____ COMP.# _____ NAT'L _____

HAIR _____ EYES _____ MENTAL/PHYS. EVAL. _____

MARKS/SCARS _____ SPEC. MED. PROBLEMS _____

PHYSICIAN _____ MARITAL STATUS _____ SPOUSE _____

EMERGENCY NOTIFICATION _____ PHONE # _____

OCCUPATION _____ EMPLOYER _____ PHONE # _____

CHARGE _____ ARRESTING OFFICER _____

DATE OF CRIME _____ DATE OF ARREST _____ CELL # _____

FBI _____ BCI _____ ALIAS _____

ASSOCIATES _____

VEH. _____ YEAR _____ BODY STYLE _____ LIC. # _____

OPER. LIC. # _____ EXP. DATE _____ STATE _____

DISPOSITION _____

BOOKING CARD

(BACK)

PROPERTY _____

I have had the Jail Rules explained to me and I understand them. The above is a complete list of my property taken by the Cardinal City Jail.

NAME: _____ DATE _____

TIME ENTERED _____ DATE: _____ OFFICER _____

I acknowledge the receipt of my property from the Cardinal City Jail.

NAME _____ DATE _____

TIME' RELEASED _____ DATE: _ _ OFFICER _____

REMARKS _____

TOT/DEPARTMENT _____ OFFICER _____

CARDINAL CITY JAIL

MEDICAL FORM

TIME _____ DATE _____

PRISONER _____ SEX _____ DOB _____

OFFICER _____

BOOKING OFFICER'S VISUAL OPINION:

- | | | | |
|-----|---|-----|----|
| 1. | Is the prisoner conscious? | YES | NO |
| 2. | Does the new prisoner have obvious pain or bleeding or other symptoms suggesting need for Emergency Service? | YES | NO |
| 3. | Are there visible signs of trauma or illness requiring immediate Emergency or Doctor's care? | YES | NO |
| 4. | Is there obvious fever, swollen lymph nodes, jaundice or other evidence of infection which might spread through the jail? | YES | NO |
| 5. | Is the skin in good condition and free of vermin? | YES | NO |
| 6. | Does the prisoner appear to be under the influence of alcohol? | YES | NO |
| 7. | Does the prisoner appear to be under the influence of barbiturates, heroin or any other drug? | YES | NO |
| 8. | Are there any visible signs of Alcohol/Drug withdrawal symptoms? | YES | NO |
| 9. | Does the prisoner's behavior suggest the risk of suicide? | YES | NO |
| 10. | Does the prisoner's behavior suggest the risk of assault to staff or other prisoners? | YES | NO |
| 11. | Is the prisoner carrying medication or does the prisoner report being on medication which should be continuously administered or available? | YES | NO |

DATE	MEDICATION	TIME	GIVEN BY INIT.	PRISONER INITIAL

PRISONER MEDICAL COMPLAINT

EMERGENCY
TREATMENT

I hereby authorize the release of the above information regarding my medical/mental health.

SIGNATURE

CARDINAL CITY JAIL
PROPERTY ENVELOPE

PRISONER NAME _____

DATE OF ADMISSION _____

OFFICER _____

DESCRIPTION OF ITEMS

I certify that the above is a correct list of items, removed from my possession at the time I was placed in jail.

SIGNATURE OF PRISONER _____ DATE _____

RELEASE: I certify that the items listed above were -returned to me on _____ in the condition and quantity specified above.
(date of release)

SIGNATURE OF PRISONER _____ DATE _____

CARDINAL CITY JAIL

TELEPHONE LOG

PRISONER NAME	ATE	NUMBER CALLED	RELATIONSHIP	REMARKS	OFFICER'S INITIALS

JAIL LOG (typical page)

NOTE: The officer/dispatcher will keep a daily log. The relief officer will review that log upon assuming duties on his or her shift. The following activities shall be routinely noted in the log:

Security Inspections

Prisoner Movement (e.g., transfer, release)

Medical Treatment/Emergencies

Disciplinary Actions

Use of Force

Surveillance Checks

Unusual Incidents

Prisoner Activities (e.g., use of telephone)

STAFF INSPECTION REPORT
 CARDINAL CITY JAIL

OFFICER(S) _____ DATE _____

HOLDING CELLS (Comments on back)

YES	NO	NA

- Manual cell door system working properly?
- Windows intact and in good repair?
- Screens intact and in good repair?
- Security devices intact and working properly?
- Floor clean?
- Drains clean?
- Walls/bars clean?
- Ceiling clean?
- Toilets clean?
- Sinks/water fountain clean?
- No visible insects or signs of roaches, lice, etc?
- Area disinfected as prescribed by contract?
- Heating system working properly?
- Adequate ventilation in area?
- Toilets working properly?
- Sinks/water fountains working properly?
- Drains working properly?
- Lights working properly?

CASE LAW COMPENDIUM

Supplement to Worksheets

September 1980

Temporary Holding Facilities
0-4 Hours

I. OPERATIONAL AREA: Administration

A. Goals and Objectives

(None directly applicable.)

B. Personnel

Brown v. Benton, 452 F. Supp. 28 (W.D. OK 1978)

Termination of guard based solely on results of background check was reasonable.

Finney v. Mabry, 458 F. Supp. 720 (.E.D. AR 1978)

Court orders affirmative action program of recruitment. Also orders the rotation of officers assigned to administrative segregation unit.

United States ex rel. Wolfish v. Levi, 439 F. Supp. 114 (S.D. NY 1977) (Manhattan M.C.C.).

The court refuses to prohibit the supervision of inmates in shower or toilet areas by members of the opposite sex.

C. Communication and Coordination

(None directly applicable.)

D. Staff Training

Jones v. Wittenberg, 440 F. Supp. 60 (N.D. OH 1977)

Staff training ordered and psychological screening of staff ordered.

Ahrens v. Thomas, 434 F. Supp. 873 (W.D. MO 1977)

Court orders jail staff training program and the hiring of staff on merit.

Goldsby v. Carnes, 429 F. Supp. 370 (W.D. MO 1977)

All jail staff ordered to undergo 40 hours annual in-service training.

Alberti v. Sheriff of Harris County, 406 F. Supp. 649 (S.D. TX 1975)

Court orders additional training for jail staff, orders County to budget for training and orders that jail staff receive parity with enforcement deputies in pay and hours.

Taylor v. Perini, 455 F. Supp. 1241 (N.D. OH 1978) (Marion).

Psychological testing is required as a precondition to employment as a guard. A program of in-service training for the staff is to be initiated.

Also see Use Of Force Cases IV.C.

II. OPERATIONAL AREA: - Admission of Prisoners

A. Legality of Custody

(None directly applicable.)

B. Condition of Prisoner

Jones v. Wittenberg, 330 F. Supp. 707 (N.D., OH 1971)

Jail required to have physician on call and to examine "entering prisoners".

Maynard v. Kear, 474 F. Supp. 794 (N.D. OH 1979).

Failure of police to take an inmate suffering from "slight bleeding" to a physician or hospital is not sufficient to claim a violation of the Eighth Amendment where no permanent injury results.

Holly v. Rapone, 476 F. Supp. 226 (E.D. PA 1979)

Prisoner underwent withdrawal symptoms and received no treatment until twenty-four hours after the onset of symptoms. This was not deliberate indifference to known medical needs because treatment was rendered within the stated time limit according to state law.

Also see Sections V.B.1. and V.B.3. for additional case references.

Frisk Search/Strip Search

United States v. York, 578 F. 2d 1036 (5th Cir. 1978) (Miami, FL)

For a strip search to be conducted, there must be some suspicion that there is contraband on the individual.

Telephone Calls

Parker v. Gladwell, No. C-74-391 (N.D. OH, 1976)

Each inmate to be allowed at least one telephone call upon entry into the jail.

O'Bryan v. Saginaw, 446 F. Supp. 436 (N.D. MI 1978)

Newly admitted inmates to be given opportunity to contact attorney, family, bondsmen and others on and after admission.

Jones v. Wittenberg, 330 F. Supp. 707 (N.D. OH 1971)

Inmates to be allowed at least two telephone calls during admission process.

II. (CONT.)

E. Determination of Bail Status and Booking Records

McCollan v. Tate, 575 F. 2d 509 (5th Cir. 1978) cert. granted subnom. Baker v. McCollan, 995. Ct. 1015 (1974).

Sheriff can be liable for failing to institute procedures that would have identified inmate who was mistakenly imprisoned. Supreme Court to review the decision.

Taylor v. Perini, 413 F. Supp. 189 (N.D. OH 1976)

Copies of rules and regulations must be distributed and posted.

Smith v. Weyandt, No. C-73-888 (N.D. OH 1976)

Inmates must be given copies of jail rules.

Wolff v. McDonnell, 418 U.S. 539 (U.S. Supreme Court, 1974)

Inmates must be informed of rules or sanctions may not be imposed for their violation.

F. Confiscation of Prisoner Personal Property

Jensen v. Klecker, 599 F. 2d 243 (8th U.S. Circuit, 1979).

Where inmate's property was confiscated and the particular property was not prohibited by rules, property must be returned to inmate on request.

G. Juveniles

In re Tsesmilles, 24 OH Appeals Court, 2d 153 (1970)

Court ordered separation of adults and juveniles in confinement.

H. Holding Cell Assignment and Classification

Smith v. Weyandt, No. C. 73-888 (D.D. OH 1976)

Sexes shall be segregated at all times.

Jones v. Wittenberg, 330 F. Supp. 707 (N.D. OH 1971)

Court orders a classification system to be implemented on admission to the jail.

Parker v. Gladwell, Civil No. C. 74-391 (N.D. OH 1976)

Court orders classification to separate juvenile from adult; those of "noticeably different degrees of intelligence" from others; and violent from non-violent.

III. OPERATIONAL AREA: Transfer and Release

A. General Release Procedures

B. Authority for Transfer/Release

Shakur v. Bell, 447 F. Supp. 958 (S.D. NY 1978)

The transfer of an individual to another state where there is a detainer for trial is within the sound discretion of prison officials and the officials need not provide procedural due process in such a transfer.

Mingo v. Patterson, 455 F. Supp. 1358 (D. CO 1978) Arapahoe & Denver County Jails

Transfer between jails did not deny the prisoner the right to see his attorney or require due process.

United States ex rel. Wolfish v. Levi, 439 Supp. 114 (S.D. NY 1977) Manhattan M.C.C.)

The recently announced policy of the defendants requiring that prisoners be notified of transfers 24 hours in advance except in emergency situations is sufficient and meets all constitutional objections.

IV. OPERATIONAL AREA: Security

A. Surveillance of Holding Cells

Falkenstein v. City of Bismarck, 268 N.W. Ed. 787 (Sup. Ct. N.D. 1978)

Jail staff have higher duty of supervision for prisoners under influence of alcohol and to prisoners with potential suicidal tendencies.

Parker v. Gladwell, No. C 74-391 (N.D. OH 1976)

Required one guard on duty in cell area at all times. Security checks must be performed at least twice every twenty-four (24) hours.

Clappier v. Flynn, 605 F. 2d 519 (10th Circuit), (1979)

Jail administration and staff held liable for an inmate-on-inmate attack where evidence revealed that living areas were patrolled only once per shift.

Redmond v. Baxley, 475 F. Supp. 1111 (E.D. MI 1979)

Jury awarded \$130,000 to plaintiff for damages sustained in a homosexual rape. Supervision was found to be inadequate.

IV. (CONT.)

City of Belen v. Harrell, 26 Crim L. Rptr. 2200 (Supreme Court of N.M.)

Jail administration is under a duty to use "ordinary care" to protect inmates. There is a special duty towards inmates who are suicidal.

Hamilton v. Covington, 445 F. Supp. 195 (W.D. AR 1978)

Duty owed by Sheriff to provide adequate security. Liability may exist for deaths and injuries occurring in unattended jail.

Stevens v. County of Dutchess, 445 F. Supp. 89 (S.D. NY 1977)

Sheriff liable if prisoner-on-prisoner attack occurred under conditions of inadequate supervision.

Forts v. Ward, 471 F. Supp. 1095 (S.D. NY, 1979)

Female inmates have a reasonable expectation of privacy which includes not being viewed when nude by male guards and not being viewed using the toilet by male guards.

B. Weapons

(None directly applicable.)

C. Use of Force

Owens v. Haas, 601 F. 2d 1242 (2nd Cir. 1979)

The county may be held liable for failing to properly train jail staff if that failure amounts to "gross negligence" or "deliberate indifference" to the inevitable consequences of a lack of training. In addition, there need not be a "pattern" of abuse for the county to be liable, but liability under Section 1983 can arise from a single incident if that incident is serious enough to indicate some level of "official acquiescence" (in this case, the incident was the beating of a prisoner who refused to leave his cell by the defendant Officer Haas and other officers). If the plaintiff can show an official "custom or policy" stemming from or resulting in a conspiracy, and if the conspiracy implicates the county itself, then the county may be liable as a "person" under Title 42, Section 1985 (the conspiracy section of the Civil Rights Act).

NOTE: These conclusions by the Circuit Court were appealed by the county to the U.S. Supreme Court (see Nassau County v. Owens, 48 USLW 3259). In December 1979 the Supreme Court refused to hear the appeal (denied certiorari) and so let the 2nd Circuit's decision stand.

IV.C. (CONT.)

Dailey v. Byrnes, 605 F. 2d 858 (5th Cir. 1979)

Where a guard struck the plaintiff prisoner in retaliation for water being thrown at the guard, there is a clear violation of civil rights.

Collins v. Cundy, 603 F. 2d 824 (10th Cir. 1979)

Mere verbal abuse of a prisoner does not state a claim for relief under Section 1983, but an allegation that a jailer beat the plaintiff does state a claim.

Martinez v. Rosado, 474 F. Supp. 758 (S.D. NY 1979)

When force is used not with respect to the duty to maintain order and enforce rules but with the intention of causing injury, the injured prisoner may maintain an action for violation of civil rights.

Stanley v. Henderson, 597 F. 2d 651 (8th Cir. 1979)

The court finds that in fact the defendant correctional officer did hit the plaintiff prisoner. An award by the District Court of \$1,000.00 in actual and \$2,500.00 in punitive damages is upheld.

Lamb. v. Hutto, 467 F. Supp. 562 (E.D. VA 1979)

Mere threats do not state a claim on which relief can be granted, but a single act of a beating by several guards is offensive and does state a claim for violation of civil rights.

Fowler v. Vincent, 452 F. Supp. 449 (S.D. NY 1978)

Not every battery by a guard automatically states a claim for violation of civil rights, but where the battery is unprovoked or has no relationship to the necessary operation of the institution, a claim can be stated.

Dailey v. Byrnes, 605 F. 2d 858 (5th Circuit 1979)

Where county jail prisoner was struck and injured by a guard and no effort made to secure medical attention, guard and county could be held liable for deliberate indifference.

D. Use of Restraining Devices

Owens-El v. Robinson, 457 F. Supp. 984 (W.D. PA 1978) (Allegheny Co. Jail).

A record of the use of restraints must be maintained. A physician must supervise all use of restraints.

IV. (CONT.)

E. Contraband Control and Security Inspections

United States v. Ready, 574 F. 2d 1009 (10th Cir. 1978).

Prison officials may search an inmate's cell at any time without probable cause and may seize any contraband found therein without a warrant.

Harvey v. Blankenship, 474 F. Supp. 1349 (W.D. VA 1979)

Where the authorities found cash (\$750.00) and the prisoner was disciplined for the unauthorized possession, the state could place the funds in the prisoner benefit fund and was under no obligation to hold the money for the prisoner and return it upon his release.

Bell v. Wolfish, U.S. _____ (Supreme Court 1979)

Prisoner has no constitutionally protected interest in being present during searches of the prisoner's living quarters.

F. Key Control

(None directly applicable.)

V. OPERATIONAL AREA: Jail Management and Prisoner Services

A. Prisoner Communication

Jones v. Wittenberg, 440 F. Supp. 60 (N.D. OH 1977)

Opening and censoring of privileged mail (attorneys, courts) not permissible unless done in presence of inmate.

Johnson v. O'Brien, 445 F. Supp. 122 (E.D. MO 1977)

Court ordered revision of visiting rules to extend time limits and increase frequency of visits.

Jordan v. Wolke, 444 F. Supp. 599 (E.D. WI 1978)

Orders establishment of procedures for denial of visitation. Orders expansion of visiting list to include children.

McGoff v. Rapone, 78 F.R.D. 8 (E.D. PA 1978)

Contact visitation ordered.

Also see section II.D. for additional case references.

V. (CONT.)

B.1. Medical Services - Emergency Care

Smith v. Weyandt, No. C. 73-888 (N.D. OH 1976)

Similar requirements to Jones v. Wittenberg and staff with paramedic or EMT training to be available on each shift.

Shannon v. Lester, 519 F. 2d 76 (6th Circuit 1975)

Persons in custody entitled to medical care. Denial of treatment is violation of due process.

Estelle v. Gamble, 429 U.S. 97 (Supreme Court 1976)

Deliberate indifference to medical needs violates Eighth Amendment.

Campbell v. McGruder, 580 F. 2d 521 (D.C. Cir. 1978) (D.C. Jail)

An order requiring that mentally ill prisoners be removed from the jail within 24 hours of discerning such mental condition is upheld.

Sykes v. Kreiger, 451 F. Supp. 421 (N.D. OH 1975)

Emergency dental services must be provided.

Green v. Carlson, 581 F. 2d 669 (7th Circuit 1978)

Institution's medical equipment found not operative, institution had no medical emergency plan, no staff trained in emergency first aid: these conditions constituted deliberate indifference to known medical needs of a prisoner who died as a result.

Fielder v. Bosshard, 590 F. 2d 105 (5th Circuit 1979)

Jury awards damages for death of county jail prisoner.

Lutheran Medical Center v. City of Omaha, 281 N.W. 2d, 786 (Sup. Ct. NE 1979)

City has obligation to provide medical care to inmates of local jail. Failure to so provide is deliberate indifference to known medical needs. The Sheriff may procure necessary medical services and the City is liable for the costs, even when a contract for services does not exist.

Finney v. Malory, 458 F. Supp. 720 (E.D. AR 1978) (AR System)

By agreement of the parties, the prisoners are to receive reasonable and necessary medical and dental care.

V.B.1. (CONT.)

Jones v. Wittenberg, 440 F. Supp. 60 (N.D. OH 1977) (Lucas County Jail).

Jail physician fails to provide adequate intake physicals or coverage.

B.2. Medical Services - Medications and Medical Records

(See those relating to Medical Care in V.B.1.)

B.3. Medical Services - Miscellaneous

Hurley v. Ward, 584 F. 2d 609 (2nd Cir. 1978) .

A prohibition against anal and genital searches of the named plaintiff without a showing or probable cause is confirmed.

Bell v. Wolfish, U.S.L.W. 4507 (U.S. Supreme Court 1979)

Body cavity searches must be reasonable based on the scope of the intrusion, the manner in which it is conducted, the justification for initiating it and the place where it occurs.

Falkenstein v. City of Bismarck, 268 N.W. 2d 787 (Sup. Ct. ND 1978)

The jail staff has a higher duty of supervision of individuals under the influence of drugs or alcohol in order to prevent these individuals from injuring themselves.

(See also those relating to Prisoner Surveillance in 1V.A.)

C. Jail Maintenance

(None directly applicable.)

D. Miscellaneous Prisoner Services

(None directly applicable.)

E. Prisoner Grievances

The recently enacted "Inmate Rights Bill" gives the U.S. Attorney General legal standing to initiate and intervene in suits to redress serious and pervasive patterns of abuse, particularly where there is no internal grievance procedure or an inadequate procedure to correct such abuses.

F. Prisoner Discipline

Owens-El v. Robinson, 442 F. Supp. 1368 (W.D. PA 1978)

Use of restraints as a disciplinary measure violates Eighth Amendment.

Also see cases dealing with prisoner rules and use of force in Sections II.E. and IV.C.

VI. OPERATIONAL AREA: - Emergencies

A. Fire

State ex rel. Watson v. Rader, 585 P.2d 759 (Ct. App. OR 1978)
(Harney Co. Jail).

The Fire Marshall has some jurisdiction over the county jail. Dismissal of mandamus to compel the installation of fire equipment is reversed and remanded for further consideration by the trial court on the question of the extent to which state statutory standards require a county jail to install such fire equipment as is required by the State Fire Marshall.

Hamilton v. Covington, 445 F. Supp. 195 (W.D. AR 1978) (Nevada Co. Jail).

The Sheriff and members of the county executive board owe the inmates of the jail a duty to provide a safe place and adequate supervision and may be liable in damages for injuries sustained in a fire when the jail was unattended.

Owens-El v. Robinson, 457 F. Supp. 984 (W.D. PA 1978) (Allegheny Co. Jail).

An evacuation plan is to be developed and maintained.

B. Escape

Reid v. State Department of Corrections, 376 So. 2d 977 (Louisiana Court of Appeals 1979)

The prison administration may be liable for the actions of a prisoner who escaped if it can be shown that the escape occurred through the administration's negligence.

C. Death, of Prisoner in Confinement

Falkenstein v. City of Bismarck, 268 N.W. 2d 787 (Sup. Ct. N.D. 1978).

Where the jail staff places an individual who is apparently on alcohol or drugs in the "hole" which is particularly depressing, it owes a special duty of supervision to prevent self-injury or suicide. State jail standards and inspection reports are admissible to prove knowledge of this danger. Where suicide occurs, the jailers are liable in state court in a 42 U.S.C. Section 1983 action.

O'Bryan v. County of Saginaw, 446 F. Supp. 436 (E.D. MI 1978)
(Saginaw Co. Jail).

Intercom system to permit contacting guards is ordered installed.

See also those cases pertaining to Prisoner Surveillance IV.A.

VI. (CONT.)

D. Hostage Taking

Numerous courts have said that any promises of amnesty or non-prosecution made during hostage negotiations are made under duress and are invalid, thus do not prevent later prosecution of the hostage taker(s).

CASE LAW COMPENDIUM

Supplement to Worksheets

September 1980

Temporary Holding Facilities

I. OPERATIONAL AREA: Administration

A. Goals and Objectives

(None directly applicable.)

B. Personnel

Brown v. Benton, 452 F. Supp. 28 (W.D. OK 1978)

Termination of guard based solely on results of background check was reasonable.

Finney v. Mabry, 458 F. Supp. 720 (E.D. AR 1978)

Court orders affirmative action program of recruitment. Also orders the rotation of officers assigned to administrative segregation unit.

State Dept. of Human Resources v. 'Dept. of Correctional Services, 401 NYS 2d 619 (App. Div. 1978)

Sex is not a bona fide occupational qualification for an institutional cook.

Carey v. New York St. Human Rights Appeal Bd., NYS 2d 207 (App. Div. 1978).

It is a bona fide occupational qualification to require that the staff supervising the housing of inmates be of the same sex as the inmates.

United States ex rel. Wolfish v. Levi, 439 F. Supp. 114 (S.D. NY 1977) (Manhattan M.C.C.).

The court refuses to prohibit the supervision of inmates in dressing, shower or toilet areas by members of the opposite sex.

C. Communication and Coordination

(None directly applicable.)

D. Staff Training

Jones v. Wittenberg, 440 F. Supp. 60 (N.D. OH 1977)

Staff training ordered and psychological screening of staff ordered.

Ahrens v. Thomas, 434 F. Supp. 873 (W.D. MO 1977)

Court orders jail staff training program and the hiring of staff on merit.

Goldsby v. Carnes, 429 F. Supp. 370 (W.D. MO 1977)

All jail staff ordered to undergo 40 hours annual in-service training.

Alberti v. Sheriff of Harris County, 406 F. Supp. 649 (S.D. TX 1975)

Court orders additional training for jail staff, orders County to budget for training and orders that jail staff receive parity with enforcement deputies in pay and hours.

Taylor v. Perini, 455 F. Supp. 1241 (N.D. OH 1978) (Marion).

Psychological testing is required as a precondition to employment as a guard. A program of in-service training for the staff is to be initiated.

Also see Use of Force Cases IV.G.

II. OPERATIONAL AREA: Admission of Prisoners

A. Identity of Escorting Officer

(None directly applicable.)

B. Documentation of Legality of Custody

(None directly applicable.)

C. Condition of Prisoner

Jones v. Wittenberg, 330 F. Supp. 707 (N.D., OH 1971)

Jail required to have physician on call and to examine "entering prisoners."

Maynard v. Kear, 474 F. Supp. 794 (N.D. OH 1979).

Failure of police to take an inmate suffering from "slight bleeding" to a physician or hospital is not sufficient to claim a violation of the Eighth Amendment where no permanent injury results.

D. Frisk Search and Confiscation of Prisoner Personal Property

Jensen v. Klecker, 599 F. 2d 243 (8th U.S. Circuit, 1979).

Where inmate's property was confiscated and the particular property was not prohibited by rules, property must be returned to inmate on request.

E. Telephone Calls

Parker v. Gladwell, No. C-74-391 (N.D. OH, 1976)

Each inmate to be allowed at least one telephone call upon entry into the jail.

O'Bryan v. Saginaw, 446 F. Supp. 436 (N.D. MI 1978)

Newly admitted inmates to be given opportunity to contact attorney, family, bondsmen and others on and after admission.

Jones v. Wittenberg, 330 F. Supp. 707 (N.D. OH 1971)

Inmates to be allowed at least two telephone calls during admission process.

F. Identification

McCollan v. Tate, 575 F. 2d 509 (5th Cir. 1978) cert. granted subnom. Baker v. McCollan, 995. Ct., 1015

Sheriff can be liable for failing to institute procedures that would have identified inmate who was mistakenly imprisoned. Supreme Court to review the decision.

G. Determination of Status and Probable Length of Stay

(None directly applicable.)

H. Shower/Delouse and Issuance of Bedding, Clothing, Hygiene Items

Palmigiano v. Garrahy, 443 F. Supp. 956 (D.R.I. 1977) (Adult Corr. Inst.).

Bedding must meet the fire code. Each inmate is to be furnished with clean linens, towel and soap.

O'Bryan v. County of Saginaw, 446 F. Supp. 436 (E.D. MI 1978) (Saginaw Co. Jail).

Inmates are to be provided with clean sheets and a clean blanket upon receipt into the jail. Inmates unable to afford the same are to be provided with toothpaste and a toothbrush.

Owens-El v. Robinson, 442 F. Supp. 1368 (W.D. PA 1978) (Allegheny Co. Jail).

Inmates have a right to clean bedding, clothing and items of personal hygiene. These must also be furnished to inmates in solitary confinement,

I. Strip Search

United States v. York, 578 F 2d 1036 (5th Cir. 1978)
(Miami, FL)

For a strip search to be conducted, there must be some suspicion that there is contraband on the individual.

J. Prisoner Handbook

Taylor v. Perini, 413 F. Supp. 189 (N.D. OH1976)

Copies of rules and regulations must be distributed and posted.

Smith v. Weyandt, No. C-73-888 (N.D. OH 1976)

Inmates must be given copies of jail rules.

Wolff v. McDonnell, 418 U.S. 539 (U.S. Supreme Court, 1974)

Inmates must be informed of rules or sanctions may not be imposed for their violation.

K. Preliminary Health Screening

Holly v. Rapone, 476 F. Supp. 2.26 (E.D. PA 1979)

Prisoner underwent withdrawal symptoms and received no treatment until twenty-four hours after the onset of symptoms. This was not deliberate indifference to known medical needs because treatment was rendered within the stated time limit according to state law.

Also see Sections II.C. and V.D. for additional case references.

L. Juveniles

In re Tsesmilles, 24 OH Appeals Court, 2d 153 (1970)

Court ordered separation of adults and juveniles in confinement.

M. Cell Assignment and Classification

Smith v. Weyandt, No. C. 73-888 (D.D. OH 1976)

Sexes shall be segregated at all times.

Jones v. Wittenberg, 330 F. Supp. 707 (N-D. OH 1971)

Court orders a classification system to be implemented on admission to the jail.

Parker v. Gladwell, Civil No. C. 74-391.(N.D. OH 1976)

Court orders classification to separate pre-trial from sentenced; juvenile from adult; those of "noticeably different degrees of intelligence" from others; and violent from non-violent.

Furtado v. Bishop _____ f. 2d _____ 25 Crim. L. Rptr. 2509 (Firs; Circuit, 1979)'

The classification of an inmate to segregation does not require due process, but may be attacked via grievance procedures or in the courts as being arbitrary, capricious, or disproportionate to the particular circumstances.

Mickens v. Winston, 462 F. Supp. 910 (E.D. VA 1978)

Racial segregation as a device to relieve tension and prevent incidents among inmates may be permissible as a temporary measure under extreme circumstances; it it cannot be justified as a general practice. (Damages of \$250.00 awarded.)

Hiuchan v. Fauver, 26 Crim L. Rptr. 2217 (D.N.J. 1979)

Regulation prohibiting "sex offenders" from attaining minimum security status violates equal protection because definition of "sex offender" is nowhere supplied; thus it is impossible to determine the rational basis for the distinction.

Owen v. Heyne, 473 F. Supp. 345 (N.D. IN 1978)

Administration segregation of inmates *'believed instigating disorder," done in good faith and for investigative purposes, was an emergency action and did not require due process.

Lee v. Washington, 390 U.S. 333 (U.S. Supreme Court 1968)

Racial segregation is unconstitutional outside the prison walls. and is unconstitutional inside as well, except for "the necessities of security and discipline."

Wright v. Enomoto, 402 F. Supp. 397 (N.D. CA 1976)
affirmed 43 U.S. 1052 (U.S. Supreme Court)

A classification of a prisoner from the general population to administrative segregation requires procedural due process if the conditions of administrative segregation are substantially more "onerous" than those in the general population.

III. OPERATIONAL AREA: Transfer and Release

A. General Release Procedures

B. Authority for Transfer/Release

Shakur v. Bell, 447 F. Supp. 958 (S.D. NY 1978)

The transfer of an individual to another state where there is a detainer for trial is within the sound discretion of prison officials and the officials need not provide procedural due process in such a transfer.

U.S. V. Rannazzisi, 434 F. Supp. 619 (S-D. NY 1977)

The sentencing judge may order that a prisoner be permitted a furlough to attend the wedding of the prisoner's daughter and officials have no formal recourse but to comply with the order.

Mingo v. Patterson, 455 F. Supp. 1358 (D. CO 1978)
(Arapahoe & Denver County Jails)

Transfer between jails did not deny the prisoner the right to see his attorney or require due process.

United States ex rel. Wolfish v. Levi, 439 Supp. 114
(S.D. NY 1977) (Manhattan M.C.C.)

The recently announced policy of the defendants requiring that prisoners be notified of transfers 24 hours in advance except in emergency situations is sufficient and meets all constitutional objections.

IV. OPERATIONAL AREA: Security

A. Surveillance of Prisoner Quarters

Falkenstein v. City of Bismarck, 268 N.W. Ed..787
(Sup. Ct. N.D. 1978)

Jail staff have higher duty of supervision for prisoners under influence of alcohol and to prisoners with potential suicidal tendencies.

Parker v. Gladwell, No. C 74-391 (N.D. OH 1976)

Required one guard on duty in cell area at all times. Security checks must be performed at least twice every twenty-four (24) hours.

Clappier v. Flynn, 605 F. 2d 519 (10th Circuit),
(1979)

Jail administration and staff held liable for an inmate-on-inmate attack where evidence revealed that living areas were patrolled only once per shift.

Redmond v. Baxley, 475 F. Supp. 1111 (E.D. MI 1979)

Jury awarded \$130,000 to plaintiff for damages sustained in a homosexual rape. Supervision was found to be inadequate.

City of Belen v. Harrell, 26 Crim L. Rptr. 2200
(Supreme Court of N.N.)

Jail administration is under a duty to use "ordinary care" to protect inmates. There is a special duty towards inmates who are suicidal.

Hamilton v. Covington, 445 F. Supp. 195 (W.D. AR 1978)

Duty owed by Sheriff to provide adequate security. Liability may exist for deaths and injuries occurring in unattended jail.

Stevens v. County of Dutchess, 445 F. Supp. 89 (S.D. NY 1977)

Sheriff liable if prisoner-on-prisoner attack occurred under conditions of inadequate supervision.

Forts v. Ward, 471 F. Supp. 1095 (S-D. NY, 1979)

Female inmates have a reasonable expectation of privacy which includes not being viewed when nude by male guards and not being viewed using the toilet by male guards.

B. Prisoner Counts'.

(See IV.A. above.)

c. Shakedowns/Security Inspections

United States v. Ready, 574 F. 2d 1009 (10th Cir. 1978).

Prison officials may search an inmate's cell at any time without probable cause and may seize any contraband found therein without a warrant.

Harvey v. Blankenship, 474 F. Supp. 1349 (W.D. VA 1979)

Where the authorities found cash (\$750.00) and the prisoner was disciplined for the unauthorized possession, the state could place the funds in the prisoner benefit fund and was under no obligation to hold the money for the prisoner and return it upon his release.

Bell v. Wolfish, _____ U.S. _____, (Supreme Court 1979)

Prisoner has no constitutionally protected interest in being present during searches of the prisoner's living quarters.

See generally those cases related to supervision.

D. Key Control

(None directly applicable.)

E. Contraband Control

(See IV.C. above.)

F. Weapons

(None directly applicable.)

G. Use of Force

Owens v. Haas, 601 F. 2d 1242 (2nd Cir. 1979)

The county may be held liable for failing to properly train jail staff if that failure amounts to "gross negligence" or "deliberate indifference" to the inevitable consequences of a lack of training. In addition, there need not be a "pattern" of abuse for the county to be liable, but liability under § 1983 can arise from a single incident if that incident is serious enough to indicate some level of "official acquiescence" (in this case, the incident was the beating of a prisoner who refused to leave his cell by the defendant Officer Haas and other officers).

If the plaintiff can show an official "custom or policy" stemming from or resulting in a conspiracy, and if the conspiracy implicates the county itself, then the county may be liable as a "person" under Title 42, Section 1985 (the conspiracy section of the Civil Rights Act).

NOTE: These conclusions by the Circuit Court were appealed by the county to the U.S. Supreme Court (see *Nassau County v. Owens*, 48 USLW 3259). In December 1979 the Supreme Court refused to hear the appeal (denied certiorari) and so let the 2nd Circuit's decision stand.

Dailey v. Byrnes, 605 F. 2d 858 (5th Cir. 1979)

Where a guard struck the plaintiff prisoner in retaliation for water being thrown at the guard, there is a clear violation of civil rights.

Collins v. Cundy, 603 F. 2d 824 (10th Cir. 1979)

Mere verbal abuse of a prisoner does not state a claim for relief under § 1983, but an allegation that a jailer beat the plaintiff does state a claim.

Martinez v. Rosado, 474 F. Supp. 758 (S.D. NY 1979)

When force is used not with respect to the duty to maintain order and enforce rules but with the intention of causing injury, the injured prisoner may maintain an action for violation of civil rights.

Stanley v. Henderson, 597 F. 2d 651 (8th Cir. 1979)

The court finds that in fact the defendant correctional officer did hit the plaintiff prisoner. An award by the District Court of \$1,000.00 in actual and \$2,500.00 in punitive damages is upheld.

Lamb. v. Hutto, 467 F. Supp. 562 (E.D. VA 1979)

Mere threats do not state a claim on which relief can be granted, but a single act of a beating by several guards is offensive and does state 'a claim for violation of civil rights.

Fowler v. Vincent, 452 F. Supp. 449 (S-D. NY 1978)

Not every battery by a guard automatically states a claim for violation of civil rights, but where the battery is unprovoked or has no relationship to the necessary operation of the institution, a claim can be stated.

Owens-El v. Robinson, 457 F. Supp. 984 (W.D. PA 1978)
(Allegheny Co. Jail).

A record of the use of restraints must be maintained.
A physician must supervise all use of restraints.

Dailey v. Byrnes, 605 F. 2d 858 (5th Circuit 1979)

Where county jail prisoner was struck and injured by
a guard and no effort made to secure medical attention,
guard and county could be held liable for deliberate
indifference.

H. Use of Restraining Devices

(See IV.G. above.)

V. OPERATIONAL AREA: Prisoner Management and Services

A. Use of Telephone

Jones v. Wittenberg, 440 F. Supp. 60 (N.D. OH 1977)

Limits on prisoner phone calls found too restrictive.

O'Bryan v. Saginaw, 446 F. Supp. 436 (E.D. MI 1978)

Telephone calls on admissions, return from court and
at least 10 minutes per week.

Owens-El v. Robinson, 457 F. Supp. 984 (N.D. PA 1978)

Telephone system ordered.

Sykes v. Kreiger, 451 F. Supp. 421 (N.D. OH 1975)

Prisoner access to telephones ordered.

B. Mail

Feeley v. Sampson, 570 F. 2d 364 (1st Cir. 1978)

Outgoing mail may be searched.

Jones v. Wittenberg, 440 F. Supp. 60 (N.D. OH 1977)

Opening and censoring of privileged mail (attorneys,
courts) not permissible unless done in presence of
inmate.

O'Bryan v. Saginaw, 466 F. Supp. 436 (E.D. MI 1978)

Indigent inmates to be provided postage and materials for at least one letter per week for personal use and more for correspondence to court.

Sykes v. Kreiger, 451 F Supp. 421 (N.D. OH 1975)

Indigent inmates must be allowed to send five free letters per week. No limitations allowed on attorney-client mail. Inmates in isolation entitled to correspond with attorney.

Vest v. Lubbock Co., 444 F. Supp. 824 (N.D. TX 1977)

Neither incoming nor outgoing mail may be censored but may be opened and inspected. Incoming mail must be delivered to inmate within 24 hours.

C. Visitation

Vest v. Lubbock Co., 444 F. Supp. 824 (ND. TX 1977)

Pre-trial detainees ordered to be permitted daily visits, others at least two (2) per week.

Martin v. Knoch, No. C. 74.284 (N.D. OH 1975)

Visitation schedule expanded in Auglaize County Jail.

Johnson v. O'Brien, 445 F. Supp. 122 (E.D. MO 1977)

Court ordered revision of visiting rules to extend time limits and increase frequency of visits.

Jordan v. Wolke, 444 F. Supp. 599 (E.D. WI 1978)

Orders establishment of procedures for denial of visitation. Orders expansion of visiting list to include children.

McGoff v. Rapone, 78 F.R.D. 8 (E.D. PA 1978)

Contact visitation ordered.

O'Bryan v. Saginaw, 466 F. Supp. 436 (E.D. MI 1978)

Expanded visitation schedule to include at least two visits per week; include children; limited contact visitation ordered.

Owens-El v. Robinson, 442 F. Supp. 1368 (W.D. PA 1978)

Three visits per inmate per week found acceptable.

D.1 Medical Services - Emergency Care

Smith v. Weyandt, No. C. 73-888 (N.D. OH 1976)

Similar requirements to Jones v. Wittenberg and staff with paramedic or EMT training to be available on each shift.

Shannon v. Lester, 519 F. 2d 76 (6th Circuit 1975)

Persons in custody entitled to medical care. Denial of treatment is violation of due process.

Estelle v. Gamble, 429 U.S. 97 (Supreme Court 1976)

Deliberate indifference to medical needs violates Eighth Amendment.

Campbell v. McGruder, 580 F. 2d 521 (D.C. Cir. 1978)
(D.C. Jail)

An order requiring that mentally ill prisoners be removed from the jail within 24 hours of discerning such mental condition is upheld.

Owens-El v. Robinson, 457 F. Supp. 984 (W.D. PA 1978)
(Allegheny County Jail)

At least one nurse per shift is to have training in handling mental problems.

Sykes v. Kreiger, 451 F. Supp. 421 (N.D. OH 1975)

Emergency dental services must be provided.

Green v. Carlson, 581 F. 2d 669 (7th Circuit 1978)

Institution's medical equipment found not operative, institution had no medical emergency plan, no staff trained in emergency first aid: these conditions constituted deliberate indifference to known medical needs of a prisoner who died as a result.

Fielder v. Bosshard, 590 F. 2d 105 (5th Circuit 1979)

Jury awards damages for death of county jail prisoner.

D.2 Medical Services - Non-Emergency Care

Lutheran Medical Center v. City of Omaha, 281 N.W. 2d, 786 (Sup. Ct. NE 1979)

City has obligation to provide medical care to inmates of local jail. Failure to so provide is deliberate indifference to known medical needs. The Sheriff may procure necessary medical services and the City is liable for the costs, even when a contract for services does not exist.

Finney v. Malory, 458 F. Supp. 720 (E.D. AR 1978) (AR System).

By agreement of the parties, the prisoners are to receive reasonable and necessary medical and dental care.

Jones v. Wittenberg, 440 F. Supp. 60. (N.D. OH 1977) (Lucas County Jail).

Jail physician fails to provide adequate-intake physicals or coverage.

Vest v. Lubbock Co. Commissioners Court, 44 Supp. 824 (N.D TX 1977) (Lubbock County, Jail).

Sick call is to be held by a physician at least twice each week: Examination facilities are to be provided.

Johnson v. O'Brien, 445 F. Supp. 122 (E.D. MO 1977) (St. Louis County Jail).

The sick call procedures are delineated. A physician is to visit the facility at least three times each week.

Jones v. Wittenberg 330 F. Supp. 707' (N.D. OH 1971) (upheld by 6th Circuit, 1977).

Physician must be on call. Sick call must be held daily. Nurse may not prescribe medication. Dentist to be available part-time.

Johnson v. O'Brien, 445 F. Supp. 122 (E.D MO 1977)

Guards prohibited from interfering in medical treatments.

D.3 Medical Services - Medications and Medical 'Records

(See D.2 above.)

D.4 Medical Services - Miscellaneous

Hurley v. Ward, 584 F. 2d 609 (2nd Cir. 1978)

A prohibition against anal and genital searches of the named plaintiff without a showing or probable cause is confirmed.

Bell v. Wolfish, U.S.L.W. 4507 (U.S. Supreme Court 1979).

Body cavity searches must be reasonable based on the scope of the intrusion, the manner in which is is conducted, the justification for initiating it and the place where it occurs.

Falkenstein v. City of Bismarck, 268 N.W.2d 787 (Sup. Ct. ND 1978)

The jail staff has a higher duty of supervision of individuals under the influence of drugs or alcohol in order to prevent these individuals from injuring themselves.

See also those relating to Prisoner Surveillance IV.A.

E. Food Services

Cunningham v. Jones, 567 F. 2d 653 (6th Cir. 1977)

A limited or restricted diet for inmates in segregation must be shown to be nutritionally adequate.

Rutherford v. Pitchess, 457 F. Supp. 104 (C.D. CA 1978) and Steward v. Gates, 450 F. Supp. 583 (C.D. CA 1978)

Inmates must be allowed at least 15 minutes to eat.

Vest v. Lubbock Co. 444 F. Supp. 834 (N.D. TX 1977)

Food handlers subject to state codes. Inmates in solitary to be given three (3) meals per day.

Martin v. Knoch, No. C 74-284 (N.D. OH 1975)

Food services to be inspected by health department every six (6) months.

Parker v. Gladwell, No. C 74-391 (N.D. OH 1976)

Food facilities to be approved by Board of Health.

Smith v. Weyandt, No. C 73-888 (N-D. OH 1976)

Quarterly inspection by public health officials.
Food must meet nutritional standards set by U.S.
Bureau of Prisons.

Brown v. State, through Dept. of Corrections, 354
So. 2d 633 (Ct. App. LA. 1978)

\$75,000 awarded to plaintiff prisoners. Institution
was aware of medical necessity for a bland diet
bland diet had been ordered by facility physician but
not provided. Facility administration found liable.

F. Prisoner Hygiene

Bijeol v. Nelson, 579 F. 2d 423 (7th Cir. 1978)

Pre-trial detainees may be required to perform general
housekeeping tasks.

Owens-El v. Robinson, 457 F. Supp. 984 (W.D. PA 1978)
(Allegheny County Jail).

Bedding and towels are to be changed and laundered
weekly. Toilet articles are to be given to all
inmates since the staff has shown itself to be unable
to operate a system of providing such articles only
to those inmates without funds.

Lock v. Jenkins, 464 F. Supp. 541 (N.D. IN 1978)

Provision of three showers per week not shown to
create a health hazard.

Preston v. Thompson, 589 F. 2d 300 (7th Cir. 1978)

Court finds that it was legitimate for administration
to discontinue showers in emergency situation.

5. Leisure Activities

Graham v. Skidmore, No. C2 74-125 (S.D. OH)

Inmates to be allowed one (1) hour daily exercise.
Space for passive recreation ordered. Television
radio, and games shall be made available to inmates.

H.1 Other Prisoner Services - Reading Materials

Cotton v. Lockhart, 476 F. Supp. 956 (E-D. AR 1979)

The "publishers only" rule is found to be valid as a protection of institutional security..

Bell v. Wolfish, _____ U.S. _____, 47 U.S.L.W.. 3761 (1979)

The "publishers only" rule applied to hardback books does not violate First Amendment.

Taylor v. Perini, 477 F. Supp. 1289 (N.D. OH 1979)

The exclusion of a magazine detailing the fabrication of a weapon as "inflammatory" is found to be reasonable.

Goodson v. United States, 472 F. Supp. 1211 (E.D. MI 1979)

Court finds the National Socialist Bulletin racist and may cause violence between races. Its exclusion is proper as it constitutes a threat to security.

Jones v. Wittenberg, 330 F. Supp. 707 (N.D. OH 1971)

Arrangements must be made for library services. No censorship of books or periodicals unless they are considered "pornographic,"

Martin v. Knoch, No. C 74-283 (N.D. OH 1975)

The jail must supply current newspapers for each cell block. Prisoners to be allowed to possess periodicals and books which are legally purchaseable in the county.

H.2 Other Prisoner Services - Legal References

Hollis v. State, _____ P.2d _____ 26 Crim L. Rptr, 2217 (Sup. Ct. NV 1979)

Where a prisoner elects to proceed as his own counsel, he does not automatically gain the right of access to a full legal library, so long as prison authorities provide him with "reasonable" amount of appropriate reference material.

State v. Williams, 595 P. 2d 1104 (Sup. Ct. KS 1979)

Where counsel was appointed to assist a prisoner, the prisoner did not have the right of access to a law library.

Jones v. Diamond, 594 F. 2d 997 (5th Circuit 1979)

The availability of public defenders and the ability of prisoners to "page" books from the county law library provided adequate access to the courts for pre-trial detainees. Where convicted prisoners were provided neither public defender assistance nor access to the law library, they were denied access to the courts and their claims for relief could be heard.

H.3 Other Prisoner Services - Religious Practices

Jones v. Wittenberg, 330 F. Supp. 707 (N.D. OH 1971)

Court ordered establishment or expansion of religious programs.

Loney v. Scurr, 474 F. Supp. 1186 (S.D. IA 1979)

Court finds that the "Church of the New Song" is a bona fide religion and its adherents must be given opportunity to worship with no more restrictions than any other religion.

Chapman v. Pickett, 586 F. 2d 22 (7th Circuit 1978)

It is improper for prison authorities to force a Muslim prisoner to handle pork.

NOTE: First Amendment to United States Constitution prohibits government from making any law "prohibiting the free exercise of religion.

H.4 Other Prisoner Services - Miscellaneous Services

Norris v. Frame, 585 F. 2d 1183 (3rd Circuit 1978)

A prisoner awaiting trial who is presently on a methadone maintenance program has a protected liberty interest in the continuation of the program while in confinement, the arbitrary removal of the prisoner from the methadone maintenance program constitutes deliberate indifference to known medical needs.

Jones v. Wittenberg, 330 F Supp. 707 (N.D OH 1971)

Court orders establishment of counseling, education, and other programs in the jail.

I. Prisoner Grievance Mechanism

The recently enacted "Inmate Rights Bill" gives the U.S. Attorney General legal standing to initiate and intervene in suits to redress serious and pervasive patterns of abuse, particularly where there is no internal grievance procedure or an inadequate procedure to correct such abuses.

J. Prisoner Discipline

Owens-El v. Robinson, 442 F. Supp; 1368 (W.D. PA 1978)

Use of restraints as a disciplinary measure violates Eighth Amendment.

Also see cases dealing with prisoner rules and use of force in Sections II.J. and IV.G.

VI. OPERATIONAL AREA: Emergencies

A. Fire

State ex rel. Watson v. Rader, 585 P.2d 759 (Ct. App. OR 1978) (Harney Co. Jail).

The Fire Marshall has some jurisdiction over the county jail. Dismissal of mandamus to compel the installation of fire equipment is reversed and remanded for further consideration by the trial court on, the question of the extent to which state statutory standards require a county jail to install such fire equipment as is required by the State Fire Marshall.

Hamilton v. Covington, 445 F. Supp. 195 (W.D. AR 1978) (Nevada Co. Jail).

The sheriff and members of the county executive board owe the inmates of the jail a duty to provide a safe place and adequate supervision and may be liable in damages for injuries sustained in a fire when the jail was unattended.

Owens-El v. Robinson, 457 F. Supp. 984 (W.D. PA 1978) (Allegheny Co. Jail).

An evacuation plan is to be developed and maintained.

B. Escape

Reid v. State Department of Corrections, 376 So. 2d. 977 (Louisiana Court of Appeal-s 1979)

The prison administration may be liable for the actions of a prisoner who escaped if it can be shown that the escape occurred through the administration's negligence.

C. Death of Prisoner in Confinement

Falkenstein v. City of Bismarck, 268 N.W. 2d 787 (Sup. Ct. N.D. 1978).

Where the jail staff places an individual who is apparently on alcohol or drugs in the "hole" which is particularly depressing, it owes a special duty of supervision to prevent self-injury. or suicide. State jail standards and inspection reports are admissible to prove knowledge of this danger. Where suicide occurs, the jailers are liable in state court in a 42 U.S.C. 5 1983 action.

O'Bryan v. County of Saginaw, 446 F. Supp. 436 (E.D. MI 1978) (Saginaw Co. Jail).

Intercom system to permit contacting guards is ordered installed.

See also those cases pertaining to Prisoner Surveillance IV.A.

D. Hostage Taking

Numerous courts have said that any promises of amnesty or non-prosecution made during hostage negotiations are made under duress and are invalid, those do not prevent later prosecution of the hostage taker(s).