

TABLE OF CONTENTS

Meeting Highlights	1
Virginia Hutchinson, Chief, NIC Jails Division	4
Text of Introductory Remarks	4
Mike O'Toole, Retired Chief, NIC Jails Division	5
Origins of the Large Jail Network	5
Large Jails Today	5
The Use of Data for Planning, Decision Making, and Measuring Outcomes, Part 1	6
Dr. Timothy Brennan, Director, Human Systems Institute, and Associate Member of the Center for Judgement and Policy, University of Colorado, Boulder	6
Types of Decisions	6
Data-Driven Decisions	6
The Current Status of MIS in Jails	8
Criminal Justice Data Collection and Data Quality Problems	9
Meeting Participants' Goals in Using Data	9
The Use of Data for Planning, Decision Making, and Measuring Outcomes, Part 2	12
Dr. Timothy Brennan	12
Some Common Deficiencies in Jail Databases	12
The Four Components of Automated Jail Management Information Systems	13
Major Changes in Jail Management Information Systems Nationally	14
Participants' Discussion of their MIS Systems' Strengths and Weaknesses	15
What are the Vital Statistics of a Jail?	17
Major Data Types in Monitoring any Service/Unit/Department of a Jail	18
Conceptualizing the 8 Dimensions	18
A Case Study: David Parrish, Hillsborough County, Florida	19
A Case Study: Randy Demory, Kent County (Michigan) Sheriff's Office	20
Final Comments	21
The Role of Professional Associations and Their Relationship with Large Jails in the 21st Century	23
Jim Gondles, Executive Director, American Correctional Association	23
Background	23
Progress over the Past 10 years	23
Plans for the Future	23
Tom Faust, Executive Director, National Sheriffs' Association	25
Background	25
Achievements	25
Request for Input from Large Jail Network Members	25
Steve Ingley, Executive Director, American Jail Association	27
Background	27
Future Trends in Corrections	27
New Directions for AJA	28

Two Issues _____	29
Roundtable Discussion _____	30
Legal Issues Update _____	32
William Collins, Attorney at Law, Olympia, Washington _____	32
Introduction _____	32
Religious Issues _____	32
Jails and Delayed Medical Care _____	33
Jails and a Right to Aftercare _____	33
A Management Scenario: Conflicts Between Policy and Practice _____	34
Update on Americans with Disabilities Act (ADA) _____	34
Death in Custody Reporting Act _____	35
Law Enforcement Searches _____	35
Jail Inmates, Due Process, and <i>Sandin v. Conner</i> _____	36
Future Meeting Issues _____	38
Richard Geaither, NIC Jails Division _____	38
Appendix 1: Meeting Agenda _____	40
Appendix 2: Participant List _____	42
Appendix 3: "Religious Land Use and Institutionalized Persons Act of 2000" (RLUIPA) _____	44

MEETING HIGHLIGHTS

LARGE JAIL NETWORK MEETING

JANUARY 6-8, 2001

LONGMONT, COLORADO

The proceedings summarize a meeting of NIC's Large Jail Network held in Longmont, Colorado, on January 6-8, 2100. Approximately 50 administrators of the largest jails and jail systems in the country attended the meeting.

The meeting focused primarily on the role of data in jail management. Also featured were presentations by the executive directors of the three major professional associations for corrections personnel and an update on legislative and legal developments affecting large jails.

- **Introduction to the Meeting.** On this occasion of the tenth anniversary of the Large Jail Network, Virginia Hutchinson, Chief of the NIC Jails Division, spoke of the important role played by Mike O'Toole, retired Jails Division Chief, in establishing the Network. Mike O'Toole briefly summarized how the Network began and spoke of the role of Large Jail Network members in meeting the current and future challenges of large jails.
- **The Use of Data for Planning, Decision Making, and Measuring Outcomes, Part 1.** Dr. Tim Brennan introduced the topic of using data in jails and jail systems.
- **The Use of Data for Planning, Decision Making, and Measuring Outcomes, Part 2.** Dr. Brennan continued his discussion of using data.
- **The Role of Professional Associations and Their Relationship with Large Jails in the 21st Century.** Jim Gondles, Executive Director of the American Correctional Association; Tom Faust, Executive Director of the National Sheriffs' Association; and Steve Ingley, Executive Director of the American Jail Association, summarized their associations' roles with respect to large jails.
- **Roundtable Discussion.** Meeting participants discussed issues of importance with the Executive Directors of the Professional Associations and requested their help in addressing some problems.
- **Legal Issues Update.** William Collins, attorney, summarized recent developments in case law and legislation that potentially affect jail populations.

- **Future Meeting Issues.** Richard Geaither, NIC Jails Division, led a discussion of potential topics for the next meeting, to be held in July 2001. The group agreed on the general topic of staffing issues for the meeting.

INTRODUCTION TO THE MEETING

VIRGINIA HUTCHINSON, CHIEF, NIC JAILS DIVISION

TEXT OF INTRODUCTORY REMARKS

I am especially pleased to note that Mike O'Toole will be with us during this meeting. Mike retired a few years ago, much to his staff's dismay. I remember the day he told the Jails Division staff of his decision. We responded to his announcement with a shocked silence, broken only when Richard asked, "What are we going to do now, Mike?" It was virtually impossible to imagine the Jails Division without Mike O'Toole's leadership.

Throughout his tenure as Jails Division chief, Mike provided strong leadership, not only within NIC, but also within corrections generally. His leadership was based on his knowledge of jails, his sense of correctional history, his insights into human behavior, his commitment to service, and his belief that all business should be conducted openly and honestly.

Mike, of course, was the driving force behind most of today's Jails Division initiatives--facility development, inmate classification, the small jail initiative, mental health, and others. In his work with Ray Nelson, Mike was instrumental in bringing podular direct supervision to the nation's jails, and podular direct supervision is probably the single greatest advancement we have seen in jails.

It was Mike O'Toole who conceived of the Large Jail Network. He understood the unique needs of large jails, and he understood that, as a group, large jail administrators have a combined knowledge that can inform and help all the individuals within the group. Mike understood that we could provide no better service to large jail administrators than to bring them together and give them a forum to learn from each other. And, ten years later, this is one of the most successful and productive of NIC-sponsored networks.

Finally, let me mention that, in Mike O'Toole, jails probably have no stronger ally or advocate. As Jails Division chief, he ensured that jails received their fair share of services and were recognized as a unique and important criminal justice entity. When he sensed that anyone misunderstood the role of the jail or believed the jail to be a smaller or lesser version of a prison, Mike corrected these misconceptions clearly, eloquently, and with great conviction.

I think we in jails owe a debt to Mike O'Toole for all his years of unfailing leadership and service. I am proud to introduce him tonight.

MIKE O'TOOLE, RETIRED CHIEF, NIC JAILS DIVISION

ORIGINS OF THE LARGE JAIL NETWORK

About 12 years ago, Phil Severson in Maricopa County started a newsletter designed to encourage large jails to work together. That newsletter was really what initiated the idea of the Large Jails Network. Barbara Krauth and I went to Maricopa County to meet with a few administrators to discuss the formation of some kind of group focused on the needs of large jail administrators. At that point, approximately 40% of jail inmates were in large jails.

It was not very clear in the beginning what a network for large jail administrators might do, but the first meeting set the framework for subsequent discussions. Jim Gondles warned us against creating another professional association, so we stayed with the idea of a "network" in which members would share information with each other.

LARGE JAILS TODAY

We have now reached the point at which the infrastructure of our facilities is getting away from us and may no longer serve the real role of jails. I am pleased that this meeting will focus on data, as jails have often been victims of data. The use of average daily population figures rather than data on intake has often distorted the work we do. An important question facing us now is "what kind of infrastructure supports the business we are really in"? This group will help provide the answers to that question.

THE USE OF DATA FOR PLANNING, DECISION MAKING, AND MEASURING OUTCOMES, PART 1

DR. TIMOTHY BRENNAN, DIRECTOR, HUMAN SYSTEMS INSTITUTE, AND ASSOCIATE MEMBER, THE CENTER FOR JUDGEMENT AND POLICY, UNIVERSITY OF COLORADO, BOULDER

TYPES OF DECISIONS

Data are used to help make decisions. Although top-of-the head decisions can often be correct, jail administrators need to be sure that they are not making partial or biased decisions. Without data, most decisions fall into one of the following categories:

- 1) The Quick Fix (Band-Aid). Quick-fix solutions fix the symptoms rather than the basic causes.
- 2) Low leverage solutions. Such solutions have a high cost but offer minimal gain.
- 3) Palliative solutions. These solutions last only a short time, so another solution is needed soon.
- 4) Premature decisions. These are half-baked decisions made without taking all information into account.
- 5) Ultra-solutions. These solutions actually grow the problem and can destroy you. They often have disastrous side effects.

DATA-DRIVEN DECISIONS

Examples of data-driven decisions in three categories of jail operations are as follows:

Case Processing Decisions

Staff do not get timely valid information because there is complacency at all levels. Line staff should have offense data available to them on accessible computer screens, but several surveys on correctional institutions' databases have found that the databases do not include offense data. The more difficult it is to get access to data, the more likely staff are to ignore it. The following case processing decisions require that valid information is accessible by staff.

- What custody level should this inmate be assigned to?
- What cell?

- What kind of treatment should he get?
- Should he/she be placed on a suicide watch?
- Should we accept this case into the jail?
- Should this inmate be given trusty status?
- What are the eligibility criteria for all programs?

Operations Management Decisions

Workload data are needed to make operations management decisions. Administrators also need data to justify the need for more staff and to measure performance. One problem with official data is the human error involved in inputting it. Data can also be missing, which is the biggest problem with official data. Following are some examples of operations management questions that can be answered based on data:

- Do I need more staff (determined by workload monitoring, staff stress, etc.)
- Is my unit meeting quality standards?
- Is my unit achieving the desired results/goals/performance?
- What will the workload be next year if present trends continue?

Policy Level Decisions

Policy level decisions require certain kinds of data and they also require the data to be analyzed. Therefore, in addition to the data itself, you need analytical software and staff trained to do the analysis. You also need help in displaying the data effectively to sell your policy decisions. Following are some examples of policy level decisions that are based on data:

- Capital construction (based on population projections, policy changes, etc.)
- How should resources be acquired? (based on projecting demands, forecasting)
- How should resources be allocated? (Where will we get the most for the dollars?)
- Spending and staffing decisions.

- What units get what level of support or resources (based on effectiveness)?

THE CURRENT STATUS OF MIS IN JAILS

A number of forces are converging on jails to make their reliance on MIS increasingly important. At the same time, however, jails confront hardware, software, and staff problems that inhibit their current ability to use data effectively.

External Pressures for Data

External pressures for data are increasing. Externally, data are needed for accountability to courts, legislatures, regulatory and standard-setting agencies, and policymakers. Jails must now document everything from head counts, intake data, and incidents to program success and resource allocation. Competition for resources is also increasing the need for data.

Outdated MIS/Software Systems in Many Jails

Many jails have archaic MIS and software systems. Old mainframe systems are still common. Old systems can track transaction processes but cannot forecast trends or download data. Many have unfriendly interfaces and no statistical capacity. In addition, jails must rely on data processing personnel who often do not understand the kinds of analyses needed.

Untrained Jail Staff

Traditional jail managers are often phobic about number crunching and may avoid using statistical reports. Old jail systems did not rely on data or information; instead, decisions tended to be made through a "might makes right" philosophy. Soon, however, many managers will be "data junkies." The trend toward an increasing reliance on data has increased over the past five years and is still accelerating.

Underutilization of Databases

Vast amounts of data are collected and stored but are not used for management or policy decisions. The data constitute an under-used gold mine, as they are often used only for simple head counts. There is often no aggregation, no trend analysis, and no use of data for evaluation.

Traditional Management Increasingly Inadequate

Traditionally, decisions have been based on intuitive judgment, snap decisions, and political power. However, professional management has now arrived with a vengeance, and a data-based approach to management is emerging.

Variation in Progress Across Jails

Jails differ vastly. There is currently a tremendous amount of interest in using data to make decisions. However, some jails embrace computer technology and advanced management information systems, while others follow slowly.

Increased Pressure to Share Data Among Criminal Justice Agencies

There is strong pressure for agencies to share data to solve system-wide problems such as crowding. There is an interest in avoiding redundancy in data collection and analysis efforts by sharing data among courts, police, jails, district attorneys, public defenders, and probation.

CRIMINAL JUSTICE DATA COLLECTION AND DATA QUALITY PROBLEMS

Sharing data within the entire criminal justice system is characterized by the following problems:

- The criminal justice system is a fragmented system. Because of its decentralized nature, there is a tendency for an individual agency to want to do its own thing.
- No single branch (Executive, Legislative, or Judicial) is responsible for the criminal justice system.
- There is a lack of standard definitions and terms, both within states and between them.
- Data collection resources (including staff and technology) are inadequate. There is a growing improvement in this area, however.
- There is a lack of integrated computer hardware and software. This problem makes it impossible to transfer data among agencies.
- There is a lack of a system-wide perspective. Instead, there tends to be a myopic agency view. There is also no system-wide funding source. As the hub of information, the jail may be the appropriate place for leadership in the system.

MEETING PARTICIPANTS' GOALS IN USING DATA

At the close of the session, meeting participants defined the following general benefits of using data in managing their jails:

- Consistency
- Help in planning
- The ability to respond to critics

- Fiscal efficiency
- Ability to plan rather than react
- Lead time to do projections
- Education of policymakers to inform resource allocation
- Ability to redefine the jail's public safety mission to extend beyond the jail
- Ability to see how the criminal justice system is really working and deal with system-wide problems
- Ability to show successes

THE USE OF DATA FOR PLANNING, DECISION MAKING, AND MEASURING OUTCOMES, PART 2

DR. TIMOTHY BRENNAN

SOME COMMON DEFICIENCIES IN JAIL DATABASES

- Poor data quality--Data may be missing or there may be errors resulting from poor quality control. It is important to think about what data will be needed and to be sure it is in the database rather than lying in a paper file.
- Poor coding--If data are not coded, they are not entered because the system is blind to anything that is not coded. Poor coding prevents data analysis.
- Confusing user interface--The user interface must be easy to use, user-friendly.
- Cumbersome, time-consuming data retrieval processes--These limitations delay inmate processing and completion of important reports.
- Inconsistent definitions across agencies--Such inconsistencies make it impossible to compare like elements. It is important to have a tight, well-defined agreement on definitions.
- Weak analysis capacity--The function of data analysis is to tell a story through data; the analysis summarizes the main themes in that data. Huge computer printouts alone offer only data overload. The analytical capacity of the system is crucial, but it is up to the administrator to design appropriate queries. You must conceptualize clear questions to which the data analysts can find answers.

If your software is smart enough and simple enough and you have a computer on your desk, you should be able to ask questions that will tell you how successful a program is or will analyze some other specific aspect of operations. Using Executive Information Software can make this possible.

Without such software and the ability to use it, a jail administrator who wishes to use data successfully needs the following: 1) the right data, 2) the right software, and 3) the right data processing staff. It is important to be in dialog with data processing staff. Experience suggests that the best data processing people are either on the staff of the jail or they already have a knowledge of jail operations.

To check on the quality of your data, there should be periodic spot checks on data entry procedures. When staff know that this will take place, they are more likely to maintain quality when they enter data. If data are wobbly, decisions based on the data will be faulty. If data are unreliable, they may underestimate or overestimate a problem. Managers must supervise the collection and entry of data.

THE FOUR COMPONENTS OF AUTOMATED JAIL MANAGEMENT INFORMATION SYSTEMS

In developing or choosing management systems, remember that the system design must encompass four major components. These are:

1. ***Content***

Content means the extent of coverage of the information collected in the MIS to support all aspects of inmate, facility, and agency management decisions. This information must be identified in the earliest stages of MIS design.

2. ***Functionality***

Functionality refers to how the MIS system stores, retrieves, organizes, and presents data to the users on a routine basis. If automation is to be fully utilized, the MIS design should assist the user at every possible stage in managing the data in the system to promote timeliness and efficiency.

3. ***User Interface***

User interface is the interaction between the user and the software. The interface is often frustrating, forcing a user to move to two or three different screens to obtain information. Good developers are resolving this problem. It is critical to a well-designed system for the user interface to be easily navigable, easy to understand, easy to learn, and flexible. Using the system should not result in stress for the user.

4. ***Outputs and Reports***

Outputs and reports are by-products of the information stored in the system. Outputs are various lists and data summaries produced by the system as the user is interacting with it. Reports, both rosters and summaries, are generated by the system, in hard copy form, to support the various information needs of the stakeholders. An administrator is responsible for defining the kinds of reports

needed. It is also important to be able to revise and update the kinds of reports that are generated.

MAJOR CHANGES IN JAIL MANAGEMENT INFORMATION SYSTEMS NATIONALLY

The following trends are apparent in the use of MIS systems in jails throughout the nation:

1. *More comprehensive data coverage.*

Jails are moving toward the data warehousing concept in which all departments provide data to the main MIS, which collects it centrally. Data from outside the jail are linked to jail data through integrated databases that cut across agencies. Driving this change is often the need to make good decisions about which offenders can be put back into the community. There may be two levels of integration, one internal to the jail, the other linking to agencies such as health, mental health, social services, and immigration services.

2. *Staff issues.*

It is difficult for jails to keep good data processing staff because jails face significant competition with better-paying jobs in private industry. Providing in-house training of current staff and working with local universities to seek staff are useful ways of getting and keeping good data processing staff.

3. *More powerful analytic software.*

There is a movement in jails toward using software packages to do the following:

- Forecasting, through dynamic simulations and non-linear modeling. These tools are used to plan for the future and forecast the need for construction, etc.
- Data mining. Tools that include inductive trees, pattern recognition, and stepwise regression can search the data warehouse for answers to specific queries and can also do predictions, e.g., who among those leaving the jail are likely to return.
- Trend analysis and related graphics.

- Executive Information Systems. These enable managers to use decision support software to do their own analysis.

The problem for jails is how to integrate software packages with their existing MIS.

4. ***Better report design and coverage.***

Jails are moving toward developing broader sets of reports. A good idea is to ask staff what kinds of reports would be useful to them.

5. ***Improved data quality in jails.***

It is important to manage for high data quality.

6. ***Open systems architecture.***

Jails frequently work with several vendors rather than a single one. This allows them to purchase the best products and use the best modules for each function. These modules work together through the jail's MIS.

PARTICIPANTS' DISCUSSION OF THEIR MIS SYSTEMS' STRENGTHS AND WEAKNESSES

Participants met in small groups to discuss the positive and negative aspects of the management information systems in their jails.

Strengths identified:

The most commonly mentioned strengths emphasized control of the data and data processing staff by the jail itself rather than the county, the ability to collect many types of information, and the flexibility of the MIS system. Following is a list of some specific comments on system strengths:

- Many kinds of data are being collected.
- The system is fully integrated with other county agencies.
- The jail can control the information being collected
- Once entered, data elements default to the place in the system they need to go.
- The system is user-friendly.
- Inmates have access to relevant information about their own records.

- Information technology people are part of the jail staff rather than being county employees.
- The database can be changed as needed.
- The jail MIS is linked to the Internet.
- The system makes possible tracking of individual inmate information.
- Supplemental programs, such as Access or Excel, can fill in for weaknesses of the mainframe system.
- The jail is committed to spending significant resources on technology.
- Every work station has a computer, and the county is working toward paperless operations.
- Having the inmate information system on the Internet has both positive negative aspects. Although bail bondsmen like this, the ACLU does not, because a great deal of information about inmates is provided.
- The system can predict trends.

Weaknesses identified:

The most commonly mentioned weaknesses were related to inadequate staffing and training as well as to limitations of the MIS systems themselves. Following are some specific comments:

- .Data processing staff tend to hinder operations rather than support them.
- The systems are hard to understand; they are not user-friendly.
- The system is fragmented rather than integrated.
- The entire system needs upgrading.
- A mainframe system is used to collect data, but the information is not available for management purposes.
- Staff need to be trained and retrained, as they do not have much computer experience.
- Some systems are doing reports manually rather than automatically.

- There is a lack of communication between road patrol and corrections staff.
- A good MIS is expensive and must be upgraded frequently.
- Reports are impractical because there is a lack of management control.
- There is a lack of flexibility in reporting.
- Statewide systems have both benefits and disadvantages. They provide integration with other criminal justice agencies, but they limit control by the jail.
- Working with vendors becomes difficult when the company has high staff turnover.
- The jail must compete with the private sector for data processing staff.
- Jails tend to be under-represented on county-wide technology committees.
- Counties tend to ignore, rather than support, the needs of the jail.
- Unified state corrections systems in Hawaii and Alaska have problems because data for jails and prisons are consolidated. Legislators look at the data, but they do not have information specifically on jails.
- Functionality is too complex.
- There are not enough people trained in writing reports to respond to the needs of the administration.
- There is too much downtime for the system, usually a result of hardware problems. A back-up system is needed.
- Data processing staff are county employees rather than jail employees.
- There are too many data entry points in a system that has a direct link from the courts to the jail.

WHAT ARE THE VITAL STATISTICS OF A JAIL?

The jail needs to monitor constantly the following aspects of operations:

- Workload, including average daily population and admissions. Workload must be monitored for information on staffing and resources. If population doubles, workload doubles. Each departmental unit also needs ways to measure its workload.

- Work burnout and stress levels. This is important because it affects absenteeism, sick days, and retention.
- Public safety.
- Inmate safety.
- Inmate well-being.
- Fairness and due process.

MAJOR DATA TYPES IN MONITORING ANY SERVICE/UNIT/DEPARTMENT OF A JAIL

Following are the categories of data needed to monitor a jail's operation:

- 1) Inputs (resources)--Costs/resources used/per unit time. It is important to track resources going to each jail unit on a monthly basis and then to compile total expenditures of staff and resources.
- 2) Workload--The demand, including population trends, average daily population, and intake data.
- 3) Output--Work done per unit of time. Track the quantity of tasks accomplished and staff activities and procedures for the week to measure the productivity of the jail or unit.
- 4) Efficiency of the Unit or Operation--Track the cost to do a certain unit of work. There are dramatically different rates from jail to jail.
- 5) Quality--There are different ways to determine quality, including timeliness, percentage of errors and mistakes in data, training levels, and the number of successful grievances.
- 6) Results/Outcomes--Track the effectiveness in meeting established goals.

For each of these criteria, it is important to have monitoring data, input data, and output data. The focus should be on determining whether your facility is complying with its mission statement and the goals that follow from that mission.

CONCEPTUALIZING THE 8 DIMENSIONS

Following is a list of the general goals of jails, followed by some data elements or measures that can be used to track whether these goals are being met.

- **Security.**
Measures: security procedures, drug use, significant incidents, amount of contraband, community exposure, freedom of movement, and staffing adequacy.
- **Safety.**
Measures: safety of inmates, safety of staff, dangerousness of inmates, safety of environment, and staffing adequacy.
- **Order.**
Measures: inmate misconduct, staff use of force, perceived control, and strictness of enforcement.
- **Care.**
Measures: inmate stress and illness, health care delivered to those who need it, dental care, counseling, and staffing for programs and services.
- **Activity.**
Measures: involvement in and evaluation of work/industry, education and training, recreation, and religious services.
- **Justice.**
Measures: staff fairness, limited use of force, number and types of grievances, the grievance process, the discipline process, legal resources and access, and justice delays.
- **Conditions.**
Measures: space in living areas, social density and privacy, internal freedom of movement, facilities and maintenance, sanitation, noise, food, commissary, visitation, and community access.
- **Management.**
Measures: staff job satisfaction, stress and burn-out, staff turnover, staff/management relations, staff experience, education, training, salary and overtime, and staffing efficiency.

Administrators need to define the elements they are interested in tracking and then identify the data indicators that will be used to measure them. Whenever you develop a new policy, you should keep tracking data for an extended period of time to determine if the new policy is successful.

A CASE STUDY: DAVID PARRISH, HILLSBOROUGH COUNTY, FLORIDA

Every Florida county has a public safety coordinating council. Hillsborough County's Council has 27 members. Although law enforcement agencies always have a crime management unit, it is hard to get resources in corrections for a

comparable analysis unit. In response to a consultant's recommendation for better management information, the Hillsborough County Sheriff's Department tapped a staff person who was expert at computers to become its population analyst.

The population analyst developed a report that provides information for three purposes: informing the Public Safety Coordinating Council, improving jail management, and marketing and public relations for the jail. The report shows the same data in different ways to accomplish different purposes. Following are examples of the types of information presented in the report:

- **Increasing proportions of felony offenders in jail.** It was important for Hillsborough to show the effect of a change in state law requiring offenders who are going to state prison to serve 85% of their sentences. The result of the law was that fewer felony offenders were being sentenced to state prison. Consequently, more than 50% of those serving time in the county jail at present are felony offenders.
- **How people get out of jail.** The report showed that most offenders get out of jail on bond very early. The jail is now screening for ROR after someone has been in the jail for 48 hours. This approach has implications for classification, which is done after the inmates are released on bond.
- **Total funds generated by the jail for the county.** The report showed that the jail had generated 9.5 million dollars for the county fund. Prior to the report, the jail was not getting adequate credit for the funds it was generating.
- **Basic information for tours.** Key information in the report was also formatted for use in a brochure that provides useful data and information for those who tour the jail.

A CASE STUDY: RANDY DEMORY, KENT COUNTY (MICHIGAN) SHERIFF'S OFFICE

The Kent County, Michigan, Sheriff's Office was exploring ways to make data available to those who make decisions affecting the jail. Staff developed a report, which was loosely based on Hillsborough County's. Titled "Measuring What Matters," the report provides important information for policymakers. The information is in four categories:

- Population data.
- Data on inmate incidents, which was designed to determine if the new classification system was actually effective.

- Data to validate the success of programs. The report found, for example, that only 50% of those in the honor camp were actually completing the program.
- Data related to employee performance.

It is important to convert data from raw headcounts to a calculation per 100 inmates, or some other measure. Raw numbers do not tell you what you need to know.

FINAL COMMENTS

Remember to show data in a variety of ways. Data can be magic, but it is important to move from simple data to information. Data can be incomprehensible until it is analyzed and presented to show its import. Remember that graphics have far more impact than tables of numbers. Providing charts that show changes across time can show trends visually.

Providing information in a clear way to policy makers can result in good policy decisions. To do this, jails must upgrade the accuracy of the data they collect, upgrade the skills of data processing staff, and upgrade the ability of managers to request the information needed to make good decisions, both internally and externally.

For additional information, contact Dr. Tim Brennan; 2035 Kohler Drive, Boulder, CO 80303; (303) 499-8880.

THE ROLE OF PROFESSIONAL ASSOCIATIONS AND THEIR RELATIONSHIP WITH LARGE JAILS IN THE 21ST CENTURY

JIM GONDLES, EXECUTIVE DIRECTOR, AMERICAN CORRECTIONAL ASSOCIATION

BACKGROUND

The American Correctional Association (ACA) has been in existence for more than 130 years. Founded as the National Prison Association in 1870 by Rutherford B. Hayes, ACA is one of the oldest associations still active in the United States. The Declaration of Principles that were agreed to at the first meeting became the guidelines for corrections in the U.S. and Europe.

PROGRESS OVER THE PAST 10 YEARS

In the last decade, ACA has accomplished the following:

- For the fifth straight year, ACA has a formal liaison to Congress. ACA is proud to be at the legislative table in Washington, DC.
- Two years ago, ACA acquired *Corrections Compendium*, which the Association hopes will be used by researchers, academicians, and everyone with an interest in corrections.
- ACA's accreditation program has grown and continues to provide an important service.
- ACA has international chapters in the Caribbean and the Philippines and has received inquiries about establishing chapters in China, Japan, South Africa, and other countries. ACA also works regularly with non-governmental organizations throughout the world.
- ACA is publishing more actively than ever before.
- ACA-sponsored conferences continue to grow.
- ACA's Web site at www.corrections/ACA has provided new ways to communicate with members.

PLANS FOR THE FUTURE

ACA's plans for the future include the following:

- ACA is moving to performance-based standards to determine the association's effectiveness and services to taxpayers.

- New standards for medical services in correctional institutions are being developed.
- ACA has begun the Corrections Certification Program to provide a national, voluntary method for corrections professionals to gain recognition as qualified corrections practitioners.
- ACA is moving toward computer-based and distance learning to provide its training programs.
- ACA will work to remain a leader in the field and a voice for corrections professionals.

It is important to respond to changes before they affect the field. Although, ACA, the National Sheriffs' Association, and the American Jail Association will not always agree, they will work together to represent the profession effectively.

For additional information, contact Jim Gondles, Executive Director, ACA; 4380 Forbes Blvd.; Baltimore, MD 20706-4322; (301) 918-1800.

TOM FAUST, EXECUTIVE DIRECTOR, NATIONAL SHERIFFS' ASSOCIATION

BACKGROUND

The National Sheriffs' Association (NSA) was chartered in 1940. NSA offers training, information, and other services. The association also serves as a national advocate for sheriffs' offices and departments. This is Tom Faust's sixth month as NSA's Executive Director. His background includes having been a sheriff and deputy sheriff and serving as a past President of the American Jail Association.

NSA needs to take more leadership in emphasizing the role of corrections within sheriff's offices. Too often in the past, the corrections role has not been adequately acknowledged and has too often been seen as the stepchild of the sheriff's organization. Thirty-four of the participants in this Large Jail Network meeting work for sheriffs.

ACHIEVEMENTS

- Important publications include the *Jail Audit Manual* and the *Jail Officers' Training Program*, both of which were developed under NIC grants, and the *First/Second Line Officers Training Manual*. These training materials may not be especially useful to large jails, most of which already have excellent resources and training within their own organizations.
- NSA is an important advocate for jails. The association has a full-time Government Affairs Manager and is adding an administrative assistant in this area. NSA is useful in providing public relations and garnering public support for jails. The association represents 3100 elected officials, which gives it significant importance in bringing jail issues to the attention of elected officials and the media.

REQUEST FOR INPUT FROM LARGE JAIL NETWORK MEMBERS

NSA's most important role with respect to large jails is serving as a national advocate. NSA can also be useful to large jails by passing national resolutions. Mr. Faust requested that meeting participants contact him with specific suggestions of advocacy activities they would like to see NSA undertake on their behalf.

For additional information, contact Tom Faust, Executive Director, National Sheriffs' Association; 1540 Duke Street, Washington, DC 22314-3490; (800) 424-7827.

STEVE INGLEY, EXECUTIVE DIRECTOR, AMERICAN JAIL ASSOCIATION

BACKGROUND

The American Jail Association (AJA) was the result of a 1981 merger of the National Jail Association and the National Jail Managers' Association. NIC was involved in its formation. The budget for AJA in 1986, when Dick Ford was Executive Director, was \$15,000. The association has grown tremendously since then. It now has a membership of about 5,000, and will be breaking ground for a new building in 2002, moving from its present location in a professional office building in Hagerstown, Maryland.

FUTURE TRENDS IN CORRECTIONS

Steve Ingley predicted the following trends over the next few years. He pointed out that corrections issues emerge cyclically. For example, neither pay-for-stay programs nor privatized corrections are far from new. Corrections philosophy has cycled back from rehabilitation and inmate rights in the early '90s to a "tough on crime" approach at present, and super max prisons are direct descendants of the Walnut Street Jail. For the coming years he predicted the following:

- Offender populations will continue to increase, but more slowly.
- Lengths of stay will increase.
- Women will increase as a percentage of inmates, possibly resulting in more parenting programs in facilities.
- Minorities will continue to make up the largest proportion of inmate populations.
- Mental health issues are seeing a bit of light, as Congressman Ted Strickland of Ohio garnered support from others and passed a bill to establish 125 mental health courts. Although these courts are not the answer, it is time to give something new a try as we have failed on a number of fronts with other approaches.
- Juvenile offenders will increasingly be treated as adults. Those in the system will be treated more harshly.
- There will be very little growth in privatization at the county jail level. Most private operators will run facilities for minimum classification offenders.
- Incarcerated populations will be aging. The result will be rising health care costs and an increase in palliative programs.

- There will be a decrease in the total number of jails in the country, but an increase in the number being built. The reason for this is a growing trend toward regional jails.
- Direct supervision will continue. Most new regional facilities use direct supervision.
- There will be an increased focus on data collection and management. The impetus will, in part, be the federal government seeking more accountability at the local level. A new federal mandate for collecting data from jails will give money to states, which will force jails to collect the data on a quarterly basis. State reporting requirements also continue, and jails will need to use outcome measurements.
- The Immigration and Naturalization Service (INS) is coming out with its own set of standards for jails. Most of the standards mirror ACA's but there are exceptions, for example, in the areas of phone, visitation, and access to defense attorneys.
- Technology is changing rapidly, making it hard to know what the trends will be.

NEW DIRECTIONS FOR AJA

There are unlikely to be big changes in direction for AJA. Current programs are successful and contribute to AJA's stability.

- Training will continue regionally and nationally. There will be increased opportunities for downloadable training from ACA's Web site, CD ROMs, and perhaps distance learning. There is also ongoing discussion of a national jail academy.
- The Jail Managers Certification Program has been well received and will continue.
- AJA will continue to be very involved in public advocacy, public awareness, and education. The Association has no full-time legislative staff but it continues to be involved with major issues. AJA's influence with the media has also increased.
- Cooperative efforts among the three professional associations--NSA, AJA, ACA-- NIC are very important. There is currently work going on to improve jail standards and to move toward performance-based standards.

TWO ISSUES

1. *Draft position paper on restraint asphyxia on AJA's Web site.* Ingley asked meeting participants to read the draft on the Web and give any comments on it to him.
2. *Issue of private transportation companies.* AJA for many years has been staunchly opposed to the private operation of jails. The association will not accept any contributions from private operators of jails. Recently, AJA Board members have asked if private transportation companies come under the same category. They are specifically concerned about care and control while inmates are being transported and about the use of force issue. Any input on this issue would be appreciated.

For additional information, contact Steve Ingley, Executive Director, American Jail Association; 2053 Day Road, Suite 100; Baltimore, MD 21740-9795; (301) 790-3930.

ROUNDTABLE DISCUSSION

Meeting participants held an open discussion with representatives of the American Correctional Association, National Sheriffs' Association, and the American Jails Association. Among the central issues raised were the following:

- *Need for legislation to support efforts at staff recruitment.*

A national effort is needed to draw people into the field of corrections. Jail staff are often seen as second-class citizens, and many new recruits are interested in positions only as a stepping-stone to a law enforcement job. Federal legislation similar to the COPS program, which provides funds to local jurisdictions for new police recruits' salaries for a period of time, could help corrections agencies recruit strong staff. The national associations could be of assistance by promoting legislation that would support a program for corrections staff similar to COPS.

- *Need for funding to allow staff to attend professional associations' conferences.*

It is often too expensive to send jail staff to national conventions. The associations need to find ways to let staff participate at lower rates, as attendance has real value. Representatives of the associations responded that their groups already make certain provisions, such as offering block registrations for those in states where conferences are being held and allowing students to attend free.

- *The conflict between ACA accreditation for jails and accreditation from the National Commission on Correctional Health Care (NCCHC).*

Participants noted that because the health care standards of these two groups are not the same, jails must meet two sets of standards in order to be accredited by both. Jim Gondles noted that ACA developed its medical standards in response to requests from the field to improve that section of the standards. Asked if accreditation by NCCHC will mean a waiver of ACA standards on medical care, Gondles indicated that administrators might write a letter urging a waiver of ACA medical standards on the grounds of NCCHC standards. Participants encouraged a reconciliation between ACA and NCCHC on the issue health care standards.

- *ACA Standards for jails.*

Participants had a long discussion of jail standards. They noted that few jails are currently accredited, and that the standards need to be clearer, cleaner, and appropriate to any size jail. There was general agreement by

Jim Gondles and Steve Ingley on the limitations of current jail standards. According to the panel, a committee with cross-association representation is currently working to do this. Steve Ingley cited AJA's involvement in this effort and indicated that the associations had concluded that it is time to look at both the standards and the accreditation process itself. The group is hoping to come up with two different products: 1) a rewrite of the standards and 2) a pull-out of the section on life safety issues for use by small jails. Next, the group will look at the accreditation process itself. Participants are welcome to provide public testimony at hearings on standards.

LEGAL ISSUES UPDATE

WILLIAM COLLINS, ATTORNEY AT LAW, OLYMPIA, WASHINGTON

INTRODUCTION

Bill Collins provided an update on recent court rulings and legislative developments related to the following:

- Religious issues
- Medical issues--post-release care and delayed treatment
- Americans With Disabilities Act (ADA)
- A management scenario: Conflicts between policy and practice
- The district attorney and jail searches
- Death in custody reporting requirements
- Due process protection (*Sandin v. Conner*)

RELIGIOUS ISSUES

The "Religious Land Use and Institutionalized Persons Act of 2000" (RLUIPA) is a new statute. It is essentially a replay of the "Religious Freedom Restoration Act" (RFRA), which was enacted in 1993 and declared unconstitutional in 1997. A copy of the RLUIPA is provided in Appendix 3.

- RLUIPA prohibits state or local governments from placing "substantial burdens" on the exercise of religion by any inmate unless the burden furthers a "compelling government interest." The usual compelling interest for restricting the exercise of religion is security.
- Under RLUIPA, the court will look at what the jail has done, its reason for doing so, and then will determine if there is a less restrictive means to achieve the same goal, e.g., security.
- The purely legal question is whether Congress has the power to enact such an act. The RFRA was enacted under Congress's powers under the Fourteenth Amendment. In response to the Supreme Court's finding the RFRA unconstitutional, Congress enacted this law under the Commerce Clause. The new law is linked to federal funding, to which Congress is

entitled to attach conditions if they are reasonably related to the purpose of spending federal dollars. In all other respects, the RLUIPA is identical to RFRA. The question here is whether the issue of religious restriction is sufficiently related. The Court has not been an advocate of broadening Congressional powers and may therefore rule again that Congress does not have power in this area.

- ***Suggestions for responding to the RLUIPA:*** If your jail is sued, review the status of litigation from other jurisdictions, especially states. In the meantime, be conservative about changing policies and procedures; make any such changes conditional on the Supreme Court's upholding of the RLUIPA as constitutional.

JAILS AND DELAYED MEDICAL CARE

Jails sometimes choose not to provide medical care for inmates who are headed to state prison, even if they have serious medical needs. Concerned about spending a lot of money to treat the inmate, they may pass the buck to the state correctional system. This practice may expose the jail to liability. Issues:

- The first question is whether the delay caused harm of any kind (including pain, worry, worsening of the condition) to the inmate.
- The reason for the delay is also important. If the reason was simply to save money, the jail is potentially liable.
- ***Suggestions for preventing legal exposure:*** Establish a protocol for reviewing care to determine how to handle possible postponement of care. One approach is to set up a way to monitor the inmate's condition, e.g., by having medical staff see the inmate at specified intervals.

JAILS AND A RIGHT TO AFTERCARE

Releasing an inmate early when he/she has been diagnosed with a medical problem does not relieve the jail of the duty to provide medical care. Such an early release can be considered "deliberate indifference to a serious medical need," creating exposure of the administrator to liability. This is especially true if the release was done specifically to avoid large medical bills.

- Releasing a physically or mentally ill inmate without establishing aftercare in the community may make the jail "deliberately indifferent."
- Releasing a terminally ill offender to friends or family is not the same as releasing an inmate to no care.

- There is no indifference to medical needs if two qualified physicians differ in their diagnosis of the inmate's condition.
- ***Suggestions for handling this issue:*** Do a discharge plan for the inmate. Plan for short-term post release medical needs and develop ways to link to aftercare through community resources, including community mental health agencies.

A MANAGEMENT SCENARIO: CONFLICTS BETWEEN POLICY AND PRACTICE

The case involved a small rural jail that, more than 15 years ago, had adopted a policy and procedure limiting the circumstances under which arrestees could be strip-searched. The policy included strict documentation requirements and incorporated a state statute governing the practice as well as requirements from a consent decree in another county. In response to an incident involving contraband drugs in the jail, the Sheriff issued a contrary order to the effect that all persons brought into the jail would be strip-searched. This practice was brought to light in a civil rights lawsuit brought by a young woman who was strip-searched after being arrested for a minor offense. When her lawyer realized that the strip search practice ignored an existing agency policy and a state law, he announced that he was converting the case to a class action and would seek compensatory and punitive damages in the millions of dollars.

The question posed by Bill Collins was whether this could happen in any of the jurisdictions represented at the meeting. He noted that jurisdictions often start out with a sound policy, but actual practice begins to deviate from the policy, which can be ignored by a new sheriff or administrator. Staff turnover can also create conflicts between written policies and procedures and practice.

Collins pointed out that having a policy is not sufficient by itself. It is also important to establish checks and balances to ensure that policies and procedures are actually being followed. All procedures need to be audited, and staff need to recognize the importance of following written policies.

UPDATE ON AMERICANS WITH DISABILITIES ACT (ADA)

The Supreme Court is deciding if the ADA violates the sovereign immunity of states. Whatever the Court decides, it is not clear what the impact on counties will be. Most cases say that sovereign immunity protection applies only to states, but some say it also applies to counties and municipalities.

Employee questions include:

- An employee's impairment creates an inability to work as a correctional officer but does not necessarily impair the major life

activity of "working." The person may be able to work in a range of other jobs.

- The expectation is that a correctional officer needs to be able to perform all tasks related to the post. Although there may be legitimate cases in which an officer has no contact with inmates for short periods of time, this will not be true on a permanent basis. The jail is not required to create a permanent light duty post.
- There are no new questions under the ADA that apply to inmates

DEATH IN CUSTODY REPORTING ACT

The Death in Custody Reporting Act, Public Law 106-297, was passed in 2000. The U.S. Attorney General will issue guidelines for reporting. Under the Act, state and local correctional entities will be required to report at least:

- Name, gender, race, ethnicity, and age of the deceased;
- Date, time, and location of death; and
- A brief description of the circumstances surrounding the death.

After collecting exhaustive data on in-custody deaths, the Bureau of Justice Statistics may issue a report. There may be a legal challenge on the grounds that the federal government has no authority to impose this burden on state and local correctional facilities.

Suggestion: In any case, it is important to look for the impending guidelines.

LAW ENFORCEMENT SEARCHES

Collins pointed out the differences between jail-initiated searches and those undertaken at the request of a district attorney.

- In the case of a jail-initiated search, the inmate has no expectation of privacy with respect to personal belongings.
- In the case of a DA-initiated search, the inmate has some expectation of privacy. In some cases, evidence found in such a search may be excluded at trial. It may also constitute a §1983 liability for the jail.
- **Suggestion:** If your jail receives a request from the district attorney to read mail or conduct some other type of search for reasons not related to jail security, ask if the prosecutor really wants to pursue such a search. Suggest that searching for evidence of crime with

no impact on jail security may mean that evidence uncovered may be excluded at trial.

JAIL INMATES, DUE PROCESS, AND *SANDIN V. CONNER*

- **Due Process:** In the *Sandin* case, the U.S. Supreme Court ruled that there were no due protections for inmates in segregation. Lower courts have limited the application of *Sandin* to sentenced offenders. Theoretically, this could set up two parallel systems, for sentenced and pretrial offenders.
- **Suggestion:** Jails should continue to follow the traditional Wolff disciplinary procedures for pretrial offenders.
- **Termination of Release Programs:** Courts are split on whether the decision to terminate a sentenced offender from work release is protected by due process. Although Federal Courts of Appeal are currently split on the issue, the majority position is that the Fourteenth Amendment no longer protects the decision to terminate an inmate from work release. *Friedl v. City of New York*, 210 F.3d 79 (2d Cir., 2000) says due process is required; *Asquith v. DOC*, 186 F.3d 407 (3rd Cir., 1999) and *Callender v. Sioux City Residential Treatment Facility*, 88 F.3d 666 (8th Cir., 1996) say that no due process is required.
- **Suggestion:** Review the case law in your jurisdiction on termination procedures.

For additional information, contact William Collins, Attorney at Law; P.O. Box 2316; Olympia, WA 98507-2316; (360) 754-9205.

FUTURE MEETING ISSUES

RICHARD GEAITHER, NIC JAILS DIVISION

Richard Geaither led the group in a discussion of potential topics for the next meeting, which is scheduled for July 8-10, 2001.

The following topics were proposed for the July meeting:

- Inmate medical issues
- Mental health, including suicide
- Legal issues
- *Personnel issues: sexual misconduct with inmates
- *Personnel issues: staff relationships, fraternization
- *Personnel issues: staff with mental health problems
- Staff utilization
- *Personnel issues: a need for teamwork, employee relationships
- Collective bargaining; how to deal with unions
- Internal investigations
- Hiring and retention: pre-employment screening

The group agreed that the general topic for the next meeting will be "Staff Issues." Subtopics to be covered include those identified above with an *. There was some interest expressed in perhaps bringing in a lawyer with an expertise in personnel issues. The group also agreed that panel discussions and roundtable discussions should be incorporated.

APPENDIX 1: MEETING AGENDA

APPENDIX 2: PARTICIPANT LIST

**APPENDIX 3: "RELIGIOUS LAND USE AND
INSTITUTIONALIZED PERSONS ACT OF 2000" (RLUIPA)**
