



# **Proceedings of the Large Jail Network Meeting: March 2012**

**Legal Issues Update**

**Technology Update**

**Inmate Behavior Management**

**Regulatory Investigations  
Affecting Jails**

**Legislative and Association  
Updates**

**Open Forum**

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**Proceedings of the Large Jail Network Meeting  
Aurora, Colorado  
March 18 – 20, 2012**

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## About the Large Jail Network

The National Institute of Corrections (NIC) established the Large Jail Network (LJN) in 1989 as a connection point for administrators of jails and jail systems housing 1,000 or more inmates. The network was launched with 67 member agencies and convened at its first meeting in 1990. Participants meet twice yearly, in the spring and fall.

The contact for information about the Large Jail Network is Mike Jackson, Correctional Program Specialist, NIC Jails Division, Washington, D.C., (800) 995-6423, ext. 69565, or *mpjackson@bop.gov*.

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

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### Purpose

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

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

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### LJN Goals

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

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Appendix B. LJN March 2012 Participant List

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## ABOUT THIS MEETING

The September 2012 Large Jail Network meeting took place at the Doubletree Hotel in Aurora, Colorado. There were 60 jail administrators in attendance.

The meeting began with an informal dinner on Sunday, March 18 that included participant and guest introductions. Two days of presentations and discussion followed.

Guests and speakers at the meeting included:

- William C. Collins, J.D., Olympia, Washington;
- Jim Gondles, Executive Director, American Correctional Association, Alexandria, Virginia;  
and
- Connie Clem, meeting recorder, Clem Information Strategies, Longmont, Colorado.

The agenda for the meeting is provided in Appendix A.

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

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

## PROGRAM SESSION: LEGAL ISSUES UPDATE

### Legal Issues in Jails – 2012

*Presenter: William C. Collins, J.D.*

#### On the docket:

- Civil Rights of Incarcerated Persons Act (CRIPA)
- Strip Search Update
- Mail and Publications
- “Stump the Chump”

### Docket Item 1—Some CRIPA Thoughts

The Civil Rights of Incarcerated Persons Act (CRIPA) grants the U.S. Department of Justice (DOJ) authority to bring civil rights lawsuits on behalf of inmates against state and local corrections agencies. DOJ conducts an investigation, issues a letter with findings and suggestions for a remedial plan, and sees that remedial steps are taken. Use of force, medical and mental health care, and inmate safety are the most common areas of concern.

Steps in the CRIPA process are:

- 1) DOJ submits a request to inspect the facility.
- 2) DOJ conducts the inspection. This includes a review of documentation on relevant policies and operations. The inspection is typically conducted by three or four subject matter experts and can take a few days. An exit conference will give the agency an indication of the areas of concern. The inspectors submit their reports to DOJ.
- 3) DOJ, after internal review, sends the subject agency a letter of findings and recommended steps for remediation. The complete document is typically around 50 pages or more. The interval between the inspection and release of findings can be lengthy.
- 4) DOJ and the subject agency negotiate a plan for remediation. By satisfying DOJ's concerns, the agency can avoid a federal lawsuit.
- 5) DOJ and the subject agency develop a Memorandum of Agreement.



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6) The subject agency undergoes monitoring. The presumptive period of monitoring appears to be 3 years. Monitors may visit the site a few times per year for a 2- to 3-day follow-up. When the agency has been in full compliance for three visits in a row, monitoring may stop.

Generally, it's recommended that agencies maintain a constructive dialogue and cooperate with DOJ. The agency's goal is to come out of the process with the most workable outcome possible and to be cautious about actions that may lead to additional legal costs. The agency should be making a clear, good faith effort to implement modifications as needed to reach compliance.

DOJ typically is unwilling to negotiate around the substantive areas of concern. For example, King County, Washington, agreed to stop using hair holds to restrain inmates though there was no case law basis to do so. DOJ likely would not have backed off on the issue.

Agencies can take some steps to influence the process.

- They can ask when to expect the final report (findings letter). It may arrive in a month or two or be delayed for months or a year or more. A review in Miami-Dade County took 3½ years. Agencies may be able to take advantage of a delayed response.
- They can ask if the documents the agency has already provided suggest what else the review team might want to look at. Will the reviewers actually read all the use of force reports for 3 years, for example?
- They can carefully monitor the DOJ inspection. The agency can do its own inspection to find what may be wrong and begin working on remediation based on the findings of its own experts. The risk is that, until DOJ's letter arrives, the agency can't be sure it's finding the same concerns as DOJ.
- If it looks like there will be a long delay in the release of DOJ's findings, an agency may be able to make considerable progress in remediation. The discussion with DOJ will have a different focus, since its report is based on information that may be a year or more out of date. A new inspection and report of findings may be needed.
- Once the findings letter arrives, an agency can frame a careful response. An agency can identify findings it does not agree with or show evidence that certain problems have been corrected, if the agency's own remediation activities are well advanced. Agencies can acknowledge there were problems and show they've been taken seriously. An agency can offer DOJ the results of recent audits or find other ways to show that the current situation is different from the original findings. As a result, DOJ may accept a shorter monitoring period.
- Agencies can be involved in setting the monitoring conditions. By agreeing to pay costs for monitoring, the agency earns the privilege of helping select the monitors, potentially resulting in less risk to the agency.

Agencies also can choose not to accept the DOJ findings. Ultimately, DOJ has deeper pockets and more resources than a local agency. Undergoing monitoring and working toward compliance are not cheap but are probably less expensive than fighting a DOJ lawsuit.

## Discussion

### Q: Do any CRIPA investigations conclude with no findings?

A: Some investigations have come back with few and/or relatively lesser findings. DOJ's CRIPA website has findings letters, settlements, and other documentation on all past investigations and their outcomes at <http://www.justice.gov/crt/about/spl/findsettle.php>.

### Q: Should agencies advise DOJ of their remediation efforts?

A: This probably is not necessary. The normal process is not likely to conclude any faster.

## Docket Item 2—Strip Searches

A 2011 3rd Circuit Court of Appeals case from New Jersey, *Florence v. Board of Chosen Freeholders of the County of Burlington*, has been argued before the U.S. Supreme Court and a ruling is expected by June 2012.

The outcome will resolve the question of whether jail officials may strip search anyone who comes into the jail or whether they need reasonable suspicion to do so. Collins expects that the Court will uphold the decisions in the 3rd, 9th, and 11th Circuit Courts that permit strip searches without a requirement of reasonable suspicion. In a worst-case scenario, the Court may conclude that people who have come through the jail's sallyport have no Fourth Amendment protections, though there has been some assumption of protection up to the present time.

The Florence case does not have good facts from the jail's perspective. The plaintiff was a passenger in a car driven by his wife and was detained on a warrant for a noncriminal matter that had been cleared, though that fact was not in the county's computer data. He was in jail for a week because of hold-ups moving him from the custody of one county to another.

Collins commented that the case as argued before the Court showed a lack of subject matter expertise, as did the questions raised by the Justices. The oral arguments are online in PDF and audio formats at [http://www.supremecourt.gov/oral\\_arguments/argument\\_audio\\_detail.aspx?argument=10-945](http://www.supremecourt.gov/oral_arguments/argument_audio_detail.aspx?argument=10-945) or at <http://bit.ly/SCtFlorence>.

Given the quality of the oral argument, Collins expects that the rationale for the Court's decision will not give much additional guidance for jail operations.

- Several terms were used interchangeably in the Court's discussions, though they have precise meanings in jail operations. Examples include "defendant," "detainee," "arrestee," and "inmate" or "visual inspection" and "search."
- The attorney for plaintiffs conceded that nudity in the course of a clothing swap and shower at intake is acceptable and does not constitute a strip search.

Most agencies represented at the meeting have a strip search policy based on reasonable suspicion. The general consensus is that strip searching all inmates would be excessive and unreasonable.

## Discussion

### **Q: Are open booking areas considered general population?**

A: This is one of the terms of art that wasn't explained particularly clearly in arguments. The practical clarity of the phrase, "Once a person proceeds through booking and is placed in general population," may not have been fully understood.

### **Q: What does the Supreme Court think a strip search is?**

A: It is likely the Court is focusing on what would be considered a fairly intense, visual body cavity search, with the inmate bent over and with legs and buttocks spread. As noted, the plaintiff's counsel indicated that an intake clothing exchange and a shower with observation from some distance is not a problem.

### **Q: Media coverage demonstrated that the language used to discuss the case has been sloppy.**

A: A glossary of terms would have been useful, to define what specific terms mean to the people who run jails.

### **Q: What should a jail do if its Circuit Court is at odds with the Supreme Court's decision?**

A: The Supreme Court decision will announce general principles. For example, it may say visual body cavity searches are not protected and jails can conduct them at will with general population inmates. The Court will attempt to give guidance, but in doing so it may not have a clear understanding of all the operational issues. There will be future opportunity for more suits that will clarify the interpretation, starting from the proposition in this case. Discussion will continue in professional groups, at the state court level, in the legislatures, and in the court of public opinion.

(Note—The Supreme Court announced its 5-4 decision on April 2, 2012, striking down the requirement for reasonable suspicion. The full text of the Court's decision is available at <http://www.supremecourt.gov/opinions/11pdf/10-945.pdf>.)

## Docket Item 3—Mail and Publications

Inmate correspondence is primarily a First Amendment issue pertaining to the inmate or to people wishing to communicate with the inmate. *Turner v Safley* (1987) affirmed that jails can restrict mail when doing so is rationally related to a legitimate penological interest, such as maintaining security, order, and safety. For example, the jail may read inmate mail in order to hinder escape plans.

Other tests from the *Turner* decision are:

- Does the inmate have other ways to exercise his or her right to free speech? Examples include additional letters, phone calls, and visits.
- Will a given accommodation have an adverse impact on inmates, officers, or agency resources? Impacts related to security are especially convincing.

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- Is there a lack of ready alternatives to the jail's proposed solution (diffusing a potential perception of an exaggerated response by the jail), or are there other ways of accomplishing what the jail wants to do that can have minimal effect on security?

Courts are required to defer substantially to the judgment of correctional officials in this area rather than second-guessing the jail's judgment on potential security problems.

For regular (non-legal) mail, jail officials can read everything that goes into and comes out of the facility. There must be a legitimate penological interest if something is rejected.

- It is harder to justify restrictions on outgoing mail.
- Incoming inmate mail can be restricted or prohibited entirely. It may not be permissible to impose a blanket restriction on items in languages other than English. Due process is necessary under the Fourteenth Amendment: a notice must be provided to the inmate and the sender that gives the reason for the restriction, says the restriction can be appealed, and states the process for doing so.

***Prison Legal News***

*Prison Legal News* (PLN) is a relatively new publishing company, founded by a former inmate, which has been the main plaintiff in 14 federal lawsuits on delivery of inmate mail. The success rate of its cases appears to be substantial. *PLN* frequently partners with state ACLU chapters or the ACLU National Prison Project in bringing suits against correctional agencies.

PLN's content is not such that it can be restricted from inmates on those grounds. Its lawsuits arise from some jails' postcard-only rule, inmates' access to the publication, and due process issues associated with jails' rejection of mail or publications.

Cases typically follow a common sequence:

- First, a jail implements a restrictive mail policy, such as a postcard-only rule.
- PLN mails its journal or advertisement offers to specifically named inmates in the jail.
- PLN's item(s) get rejected by the jail.
- PLN reviews the rejected material to see whether the jail has been consistent in specifying why its items were rejected (size, format, content, etc.), in stating the right of the sender to appeal the decision, and in providing instructions for an appeal. If not, PLN has grounds to file a § 1983 action, and it soon also files a motion for preliminary injunction. In one case, an agency was vulnerable because it had changed its mail policies but its website Frequently Asked Questions page was not updated accordingly.
- The hearing date nears, the defendants blink, and a consent decree is typically entered.

A participant commented that a staff member in a jail's mail room was rejecting PLN material out of line with policy and was not including the disclaimer notice about appeals. Counsel suggested the

agency maintain a library subscription to the publication. Ultimately the jail decided to allow the publication into the jail for the time being.

### ***Crime, Justice and America***

*Crime, Justice and America* is a slick, new magazine with criminal justice articles and advertisements for bail bondsmen and criminal defense attorneys. The publisher makes an offer to jails that it will supply free copies at a volume of 1 copy per 10 inmates, or it will obtain inmate names from the public record and send it to them by direct mail. Two California counties declined both offers on grounds that handling the copies would pose an undue burden on agency resources and that the inmates never requested the material. In the subsequent suit, the 9th Circuit Court of Appeals declined to offer a summary judgment and said the matter should be reviewed using Turner criteria. The U.S. Supreme Court declined to hear the case. (Hrdklicka, 2011.)

Some meeting participants have responded by offering to put a copy of the publication in the jail library, so the information is available if anyone wants to seek a personal subscription. These agencies have not heard further from the publisher.

### **Postcard-Only Mail**

Some correctional facilities have imposed postcard-only rules for inmate mail, primarily to reduce the amount of staff time needed to monitor the contents and control contraband. Though the initial cases on this issue in Arizona and Florida were ruled in favor of the agencies, more recent cases from across the U.S. have been settled with large awards for damages. More cases are pending. To date there have been no appellate court decisions.

Agencies are in a better position for responding to a lawsuit on postcard-only rules if they have data to show that the rule saves staff time and reduces contraband. This comes at the price of a loss of privacy for inmates and their families and friends. Some news and information is not appropriate for a postcard, but there are alternative ways to communicate.

### **Mail Containing Advertisements that Target Inmates**

Mitch Lucas (Charleston County, South Carolina) asked whether a rule that attorneys cannot advertise in jail is grounds to reject PLN or other publications, if such advertising is in their content. Collins noted that bans on attorney and bail bond advertising arise from state law or from jail rules. Participants said that their jails do not allow bail bondsmen to wear logo-branded shirts on jail property because this constitutes soliciting business.

Jails have different ways of providing access to information on bail bonding, such as:

- Alphabetical lists;
- Lists that are rotated monthly so the same company name is not always on the top;
- Lists provided by a local bail bond board;
- Signs posted in inmate areas; and
- Kiosk access.

Collins commented that jails do not want to violate state law, particularly a criminal statute, and are justified in rejecting advertising material. Taken further, this could mean that jails would need to restrict

delivery of newspapers if they contain bail bond advertising. Whatever the decision, it's important that a jail's practices be consistent.

### **Email as an Alternative for Inmate Mail**

A few counties are working toward having email access for inmates. Email could cut down on the volume of letters sent to inmates. But any move toward email-only correspondence would raise access issues and would require development of new policy on, for example, limits of the amount of email to be received or printed.

### **Publications**

Past cases focused on publications usually were about sexually oriented materials, such as a magazine title or an individual item. Issues today mainly relate to how jails attempt to streamline the mail review process. Generally the courts prefer item-by-item review of what will be accepted or rejected. Jails may want to make as many decisions as possible on a categorical basis to speed processing.

The problem with a "checklist" approach is that management by checklist sometimes doesn't fit with constitutional expectations.

- If a jail develops a list of approved publications, it is not likely to be allowed to automatically deny a title that is not on the list.
- Another question is whether jails can deny bulk mail based on its postal category instead of direct review. The 9th Circuit addressed this; bans tend to be suspect, especially if the material is addressed to a named individual.
- One question that has not been tested is a publisher's First Amendment right to send material into the jail with no named addressee, to "occupant," or to specific named inmates.
- Subscription status may be relevant. Very few meeting participants indicated that their inmates typically have subscriptions to magazines. Titles such as *Prison Legal News* are unsolicited and are therefore in a different class.
- The reputation of the distributor is a stronger determinant. Items shipped from well known companies such as Amazon or Barnes & Noble are likely to be free from contraband and generally should be accepted, unless their content poses a genuine threat to security or safety.
- In a settlement in Spokane, Washington, the jail agreed to stop restricting catalogues, brochures, and magazines that were not on a list of approved titles.
- Content rules on sexual content vary. Collins said items might be more likely to be acceptable if they are sold at airports and other mainstream locations, as opposed to specialty shops. A participant mentioned confirming that jail inmates can subscribe to familiar men's magazines, but the inmates who made the request were released and the jail has been keeping the policy quiet. Collins said the U.S. Bureau of Prisons has a workable

policy that restricts sexually focused publications but allows delivery of literary or informational material. (See [http://www.bop.gov/policy/progstat/5266\\_010.pdf](http://www.bop.gov/policy/progstat/5266_010.pdf).)

### **Staples as Contraband**

Some jails ban publications with staples because they can be used to jam locks or do tattooing. Some remove the staples before delivering publications. Most of the jails represented at the meeting do not consider staples a security threat, though a survey of 116 jails conducted by Don Leach found that 60 percent do not allow inmates to have staples and 48 percent prohibit publications with staples. There is no reported case law on this subject.

In some jails, staples also may be available to inmates in the commissary or in printed program materials, etc.

### **Publications and Due Process**

Due process requires that the jail give notice to the inmate and to the sender when an item is rejected. A simple “return to sender” stamp does not meet the legal requirement.

- The notice must include a reasonable description of the cause of the rejection. A generic “rubber stamp” about improper content is insufficient because it does not provide enough information for filing an appeal.
- The notice also must state the process for filing an appeal. The appeal must be reviewed by someone other than person who made the original decision.

Marilyn Chandler Ford (Volusia County, Florida) asked whether directing the sender to a website for details on policy and the appeals process would be acceptable, especially for smaller items. Collins agreed that this sounds practical and might provide speed advantages in online submissions and notifications.

### **Discussion**

**Q. Mitch Lucas (Charleston County, South Carolina) asked about restricting mail between inmates, for example if a state inmate is writing to a county inmate.**

A: The starting proposition is that jails can ban all inmate-to-inmate mail, even when it is between a husband and wife, as in a Missouri case. Inmate-to-inmate mail can be presumptively banned but approved on a case-by-case basis. This also applies to mail between inmates at the same institution.

**Q: Is any notification required to senders that incoming mail is read by jail officials?**

A: Due process notification requirements are relevant only when a restriction is applied. Jail officials can read all, some, or none of an inmate’s mail.

**Q: Is any response needed to inmates who give the jail pushback because mail is opened before it is sent to the pod?**

A: The only issue relates to legal mail, which must be opened only in the presence of the inmate. Legal mail may be shaken out to ensure there is nothing inappropriate in the package; the content

may not be read. If material arrives in a box labeled something like, “Legal Material—Keep Out,” the jail can open the package and go through the contents in order to determine it is in fact legal material. This is not a license to read the material page by page, but staff are allowed to scan it a bit. There have been cases where contraband was sent to an institution in “legal briefs” that had been hollowed out. Or, in a package the first 10 pages could be valid legal material and the later pages could have an escape plan.

**Q. What else can jails do with suspicious mail?**

A. Jails can hold incoming legal mail long enough to verify that the supposed sender really sent it. Especially with public defenders or other attorneys that the jail often works with, it should be possible to create a simple solution for validating the source of legal mail.

**Docket Item 4—“Stump the Chump”**

Collins responded to topics submitted by meeting participants.

**Force-feeding Inmates**

A jail inmate in Utah died recently following a hunger strike, and the Connecticut Supreme Court recently approved force feeding in a case there.

Collins said that forcibly feeding inmates who are on hunger strikes is permissible. The legal questions relate to when a jail can begin to do so and the process to be followed. Getting a court order is the best approach. Prisons’ experience in this area is relevant for jails, even when a situation involves pretrial detainees.

**Religious Observance**

An agency sought to avoid the extra cost of providing kosher meals (approximately \$1 per meal on average) on the suspicion that the requesting inmates simply sought better quality food. The agency consulted a rabbi, who did not recognize any of the inmates involved as being Jewish, and the inmates were denied kosher meals. In another example, a Native American inmate asked to be able to keep a medicine bag with sage and other materials. The jail asked a local religious leader, who said the medicine bag was not a necessary item for religious observance. On that basis, the jail denied the request.

Collins said that neither action was correct. The essential point is the inmate’s belief and conscience, rather than the relationship between the inmate’s request and the formal tenets of an established religion or its authorities. The inmate’s request does not have to be for an accommodation that is central to the faith. The rule is that agencies should provide accommodations on the basis of sincere religious belief, within the least restrictive alternative. The faith representative may be indifferent to the medicine bag, the rabbi may not recognize the requesting inmates as Jewish, but it’s the inmates’ sincere belief that matters. It would be similar if a Catholic inmate felt it important to eat fish on Friday, though this observance is no longer required by the church.



It is difficult to arrive at a hard and fast answer for applying these principles in specific situations, and they need to be considered case by case.

The agency can look for indicators of the sincerity of the inmate's belief:

- Does the person have a prior history of observance in this faith?
- What else does the person do or want in connection with observing the faith?
- What does the person know about the faith?
- Is what this person purchases from the commissary consistent with a faith-observant diet?

Jail leaders can ask their legal counsel for guidance on what factors the attorneys would be comfortable using to determine sincerity of belief.

### **Transgender Inmates**

Case law with respect to transgender inmates, while limited, mainly relates to medical care. Gender dysphoria may be a legitimate mental health need. If a person has been appropriately diagnosed as having a gender disorder and is taking hormone treatments when he or she enters the jail, the medications should be continued. No court case has addressed the question of whether a jail has a duty to provide a sex change operation.

Jails also have a general duty to protect inmates from other inmates. It is up to the jail to determine the best housing placement for a transgender or gender-transitioning inmate. Decisions should consider any danger posed by other inmates and any danger the transgender inmate may pose to others.

### **Monitoring Attorney/Client Communications**

Regarding privileged communications between inmates and legal counsel, the question arose whether there is a legal distinction between recording and monitoring inmate phone calls.

Cases in this area arise in the context of when an inmate and the attorney are talking on a house telephone. At the start of the call, a warning notice is heard that indicates the call is being monitored. Depending on the jail's system, the warning may be heard by only the inmate or by both the inmate and the other party. Because the inmate knows the jail is potentially listening, the inmate waives the attorney-client privilege by continuing the call. This is true even if the warning is only heard on the inmate side of call. However, the jail's legal position is stronger if the attorney hears the same recording. For official scheduled and confidential calls, perhaps a different telephone can be used. Typically attorneys don't want to get a lot of calls from inmates.

### **Warrants for Inmate Evidence**

A participant asked if a warrant is required when the police department wants an item of an inmate's property, such as his shoes, for investigative purposes. Is the answer the same if the department is requesting an inmate's correspondence?

Collins said that probably yes, a warrant should be provided. In an old case, when police asked a jail to provide something that jail wouldn't have had any interest in providing for its own purposes, the court said jail should not be a stocking source for the prosecution. On the other hand, if a jail comes across incriminating evidence, such as a letter, it can turn the evidence over without a warrant.

Discussing this question with the jail's local prosecuting attorney is advised to take into account different states' laws, etc. The point is to avoid having important evidence thrown out of court because it was obtained without a warrant.

### **Releasing Inmate Property**

Andrea Tack (Winnebago County, Illinois) brought up issues around releasing inmate property. Often an inmate's family or girlfriend requests items the inmate brought into the jail, such as keys, credit cards, or a paycheck, and significant staff time is needed to process items out. Can the jail impose a policy that everything will stay in property storage?

Collins said that jails typically have no reason to want to keep inmates' property. On the other hand, he was not sure an inmate has a blanket right to release all the property he or she arrived with. Doing what's most appropriate for families is a good approach. Property release forms usually are used to note specific items that are released.

- Mitch Lucas (Charleston County, South Carolina) said looking into the staff time actually been spent on this might be useful before making policy changes. Jail managers should make sure it's a true issue, not just an annoyance that some employees decided to raise as a problem.
- Michael Gauger (Palm Beach County, Florida) said volunteers might be trained to take on work in this area.
- Tim Ryan (Miami-Dade County, Florida) said inmates often leave their belongings behind when they're freed from jail. A county ordinance requires the jail to store inmate property for 6 months. The time period is being shortened to 30 days, which will reduce the jail's need for storage space.

### **ICE Detainers: Mandatory or Discretionary?**

When a jail inmate is identified as an illegal alien, Immigration and Customs Enforcement (ICE) places a detainer on the inmate. Jail officials discussed mixed signals on whether they must hold these inmates for up to 48 hours for ICE pick-up in cases when the detainees have been cleared of local charges. Many jails believe the detainer is mandatory and the jail must render the inmate, but others understand that rendering the inmate is at the option of the jail. (This subject also was covered in an Open Forum discussion summarized on page 43.)

Collins asked if payment for housing ICE detainees is a factor. Mary Lou McDonough (Prince George's County, Maryland) said that as soon as the detainee would be freed on local charges, the jail is eligible for payment for the additional time held. Collins said this question needs detailed consideration.

- Participants noted that this situation is different from the usual detainer, because a non-ICE detainee would be freed if there are no pending charges.
- A. T. Wall commented that a political stage is being set by elected leaders who are hostile to current U.S. immigration policy. In many locales, residents object to what they regard as overly vigorous or callous ICE deportations.

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- Dick Carberry (Onondaga County, New York) suggested that jails that question ICE policy can let ICE know when the person will be released and leave it up to ICE whether to pick the person up within that time frame.
- Ronaldo Myers (Richland County, South Carolina) said he would not want his agency to release a detainee in this situation who then commits a crime. Being sued in a case like this would be particularly unpleasant.
- Kelly Rowe (Lubbock County, Texas) said he's unaware of any agency having being sued on this issue. Perhaps the reason the issue is coming up in some localities is to give jails the appearance of negotiation space where they never thought they had an option.

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## PROGRAM SESSION: TECHNOLOGY UPDATE

### TECHNOLOGY: WHAT IS OUT THERE?

*Presenter: Major Glenn Kurtz, Sedgwick County Sheriff's Office, Wichita, Kansas*

The presentation by Major Kurtz focused on four areas of operation:

- Inmate tracking inside the facility
- Telephone access
- Less than lethal technology
- Backscatter X-rays for contraband detection

#### **Inmate Tracking**

Accurately tracking inmates' movement through the jail ensures the safety and security of staff, inmates, and the overall facility; provides a record of program attendance; and provides documentation in case of lawsuits filed by inmates or staff. Good data establishes accountability in the jail.

Time clocks and cards, white boards, and other techniques have given way to computer-based systems. There is no feasible way to collect the necessary data, particularly in a large facility, without a jail management system (JMS). Today's systems allow data collection and reporting on the basis of group movements (such as meal times) or individual movements (such as family visits and court dates) and by housing unit, by inmate, by pod, and by date.

At minimum, an inmate tracking system needs to provide a permanent record that is searchable at the inmate level and is accurate at all times. It must be easy to use. Vendors need to provide details about their systems' capability to generate standard and ad hoc reports based on a wide variety of parameters. It should never be necessary to go through the records of individual inmates to locate needed information.

Jails can consider several technologies for verifying inmates' identity for location tracking, such as bar codes, radio frequency ID, iris scanners, and facial recognition systems. Some technologies are also used for staff and volunteer identification.

#### **Bar Codes**

Bar codes worn on a wristband can be used with freestanding computer systems or linked into the JMS. Code scanning can take place via readers at the housing pod door or officer's desk and at designated locations in the facility. Hand-held units can be used.

For inmate movement tracking, the tier officer enters the location where the inmate is going. Once the inmate arrives there, the movement tracking event clears. Bar code systems also allow staff to perform counts and security checks in seconds.

The “pros” of wristband bar code technology include:

- It provides a computerized record;
- It's quick;
- It avoids many human errors; and
- It can be used in many parts of jail operations.

The “cons” include:

- Wristbands can be removed, altered, or exchanged between inmates; and
- The system may get overloaded and run slowly.

Participants commented on their experiences with bar code tracking.

- To deter tampering with or damage to wristbands, jails often charge inmates for a replacement of their wristband.
- Kelly Rowe (Lubbock County, Texas) said that staff often can figure out how to use a system to game it and avoid following procedure. Administrators need to use caution.
- Mark Bolton (Louisville, Kentucky) said bar code identity verification is also useful for medication control.
- A participant mentioned using a card-based ID and tracking system from L-1 Identity Solutions. The agency selected the card ID system because it could not find an affordable, good-quality wristband.
- Staff need training on new technologies and may resist them, feeling that familiar logs and movement sheets are more reliable than a digital system. Later, they appreciate having the inmate's picture on screen for verification. Newer and younger staff members may understand new technology more quickly than veteran staff.
- Marilyn Chandler Ford (Volusia County, Florida) said that the agency purchased its system with the understanding that it could track group movements, but it doesn't. If five inmates are going to the medical clinic, the officer needs to enter five separate movement events. There is a two-step process of selecting the inmate and the location.
- Tony Wilkes (Davidson County, Tennessee) said that the jail's officers can click on multiple names, but there is a cumbersome four-step process for entering the destination. The report data makes the effort worthwhile.

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- Glenn Kurtz would like a system that supports scanning inmates when they leave the unit and when they arrive at their destination (such as the medical clinic). The jail would be able to track the inmates' travel time and monitor anomalies.
- Kurtz said that it was difficult to get inmates to keep their ID cards on their person, despite discipline. Wristbands worked better on that level. But the wristbands were not reliable for verifying identity at release.
- Tim Ryan (Miami-Dade County, Florida) said that Orange County, Florida, went from using wristbands to an ID card. Officers carried a bar code reader. The cards were required for inmates to get mail, meals, and commissary. The ID card could be used in the community as a form of government-issued identification after release.
- In another jail, inmates' IDs stay on the unit. Inmates give the ID to the unit officer whenever they leave.

**RFID**

Radio-frequency ID (RFID) can be deployed in wristbands or ankle bracelets and also can be used to track the location of staff. There are active and passive systems.

- Active systems are battery powered. A home detention ankle bracelet is an example. Its signal is used to record movement in real time. In a facility setting, one advantage is that it allows the agency to instantly determine who was present in an incident. Systems are expensive, and jails' concrete and steel construction may hinder signals.
- Passive systems have a microchip typically worn in a wristband. Its signal is detected by hand-held and other readers. A sensor loop around doorways and in hallways allows the agency to track movement past set locations. Guardian is one provider. Passive systems are common in civilian use in running races and shipping.
- Ankle bracelets are sturdy and reusable, providing a cost-effectiveness advantage. Wristbands will eventually break down.
- Active systems cost around \$700,000 to install in a large jail. Passive systems are priced at around \$170,000 for a 1,100-bed facility. Wristbands for a passive system typically cost from 35 cents to \$1 each.

**Iris Scanners**

Iris scanners capture a detailed image of the iris of a person's eye. The system then verifies a person's identity by comparing a live image to the stored image. A hand-held or fixed capture station stores images to a stand-alone database. Use of iris scans is particularly appealing for positive identity verification at release.

There are some issues to consider before adopting the technology.

- Standards are changing rapidly. Agencies want to avoid buying in to the technology and having to upgrade soon afterward.

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- The image data takes up significant storage space.
- The systems are fairly new in the justice field, so there are fewer iris images stored for detainees or suspects than there are fingerprint records. Currently there is no NCIC interface for iris scans; when there is, the systems will be much more feasible.

Jails may use iris scans in combination with fingerprints and mugshot images.

- A participant said the Noblis automated fingerprint identification system works well, and the system can hold data on 100,000 inmates.
- Mitch Lucas said that Charleston County, South Carolina uses fingerprints for booking and release and has stored 300,000 sets of prints. Data are particularly useful for “frequent flyers” and people who are booked on warrants; prints also properly identify people who have been misidentified by arresting officers.

**Facial Recognition**

Facial recognition is used by the U.S. Border Patrol and is becoming popular with police departments and patrol. System costs are in the vicinity of \$90,000. Surveillance data and quick snapshots capture an adequate image for suspect identification. Lighting in the image capture area can be a limiting factor.

In jails, facial recognition technology can be used several ways:

- For staff physical access control at internal and external doors, typically in combination with a token, smart card, or key pad PIN;
- For surveillance and identification of people in lobbies, hallways, and elevators, with potential tie-ins to alert and alarm systems; and
- At intake and release, for identifying inmates who lack an ID, for detecting aliases, and for ensuring authenticated release.

A participant commented that requiring people who do business in the jail to be photographed or biometrically identified may reduce their interest in visiting.

**Telephone Access**

Some jails are now selling cell phones and service to inmates, running payments through the commissary vendor. MeshDetect is a vendor. Inmates create accounts with a \$50 to \$75 deposit. Phones can make collect calls only, or inmates may pay an access charge of 20 to 25 cents per minute. All calls are recorded, both inbound and outbound. Jails can block in- or outbound calls, limit the hours of use, shut down all lines in an emergency, and limit the telephone numbers inmates can call. No participants were certain whether this type of system can prevent three-way calls.

Signal strength does not seem to be an issue, but this may depend on the vendor. Battery charging is done with chargers in the cell, a multi-unit charger in the dayroom, or wall-mounted charger units. If

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inmates are allowed to carry handheld communication devices, jails can allow inmates to buy music in mp3 and mp4 formats as well as providing access to educational content.

- Tony Wilkes (Davidson County, Tennessee) advocated leasing rather than selling the phones, because the jail couldn't keep ex-inmates from making calls into the jail after they were released. Wilkes said the jail has not seen any assaults to steal the units.
- Tim Ryan (Miami-Dade County, Florida) commented that allowing inmates to have phones may be advantageous for jails. Their use in family connections and communications for the disabled could far outweigh the risks of escape planning or criminal activity. Staff would lose the incentive to bring in contraband phones for inmates.

Jails are not yet allowing inmates to receive email. If this can be monetized by vendors, it may grow rapidly. Email access would cut expenses for district attorneys and public defenders. Kurtz said that inmates in Sedgwick County, Kansas, have a bank of restricted access computers where email can be allowed. Meeting participants discussed the potential value of email for intelligence purposes. No jails are collecting inmates' or families' email addresses at intake, but either email or texting could be practical as a means of making contact.

**Less than Lethal Weaponry**

Kurtz gave updates on less than lethal weaponry options.

- 12-gauge shotgun—A typical unit cost is around \$500.
- Tasers—Tasers have a high unit cost, around \$900, and a high cost per use at \$30 to \$35 per cartridge.
- Grenade launcher—A 37-mm launcher has a purchase price of about \$400 plus usage costs of \$35 per round.
- 12-gauge handgun—Unit costs are around \$650 plus about \$5 per shell. Kurtz cited an article in the January 2012 issue of *Law Enforcement Technology* magazine on the Bruzer, a 12-gauge handgun that can fire standard bean bags and rubber projectiles as well as flash bang ordnance flares, etc. The article can be accessed at <http://bit.ly/LET-Bruzer>.

Don Pinkard (Gwinnett County, Georgia) cautioned that projectiles have caused extreme facial damage to inmates. An inmate was killed several years ago by a bean bag projectile.

**Backscatter X-ray**

X-ray units are becoming more common in jails for use in contraband control. Inmates only or both inmates and staff may be subject to X-ray scanning. Unit pricing may be negotiable, especially when purchasing several units.

- Non-medical use of X-ray machines may require a waiver from the state health department and/or a public notice that the system is being implemented.



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- Radiation levels are a concern. Mitch Lucas (Charleston County, South Carolina) asked the county's medical officer to review radiation exposure and was told the scans involve the same radiation exposure as a CT scan. Another participant was advised that a person would need to go through the jail's scanner 400,000 times to get the equivalent radiation exposure as a CT scan. Jails are choosing not to screen pregnant detainees. Vendors say there is little to no detectable radiation exposure for the officers who run the unit. Talking directly with vendors is advised.
- Several agencies represented at the meeting are using the SecurPASS system and shared positive feedback. A participant commented that the only item that slipped through was a narrow razor blade. Another said that this oversight was probably a training issue.

**B-SCAN Pilot**

Darren Long shared results from Travis County, Texas, in a 6-week beta test of B-SCAN in the jail. The facility had no complaints from inmates. The county's legal and health departments were involved.

The system was installed in the hallway to the pre-classification housing area. Installation was a challenge because of the size of the unit. Doorways, hallways, and elevators may be tight.

People who were booked and released were not scanned. A pat search was conducted before the scan. Each scan takes 3 to 4 seconds. A conveyer belt pulls the subject through the scanning unit. One inmate was too heavy for the conveyer belt, so technicians adjusted the weight capacity. The jail had no difficulty with drunk or disorderly inmates, because scanning was conducted beyond the intake area, when detainees are processed into housing.

Two of the system's intensity settings have been approved for airport security use. Jails may need to use the second level of imaging with heavier subjects, who may be able to hide contraband in folds in their flesh.

The company trained the jail staff and set up the operating procedures. Staff felt proficient after 3 hours of training and use.

**"Pro" findings from the pilot:**

- Officers don't want their peers finding contraband they missed. This turned out to be one of the best benefits.
- Officers can see implants and prosthetics.

**"Con" findings:**

- The system can't be used to screen physically unstable or uncooperative people.
- Multiple staff are needed people to operate the unit across a shift. One person can't stare at the review screen all day.
- The machine takes up a lot of space.

**SecurPASS**

Ed Beckman discussed the Pasco County (Florida) Sheriff's Department's experiences with its new SecurPASS X-ray scanner. The system was brought online in October 2011 at a cost of about \$195,000 and is used to scan all inmates entering the facility for contraband control. The body images allow staff to see anything out of the ordinary, such as concealed weapons, containers, etc.

- A local news media video and interview with Beckman about the scanner can be viewed at [http://www.myfoxtampabay.com/dpp/news/local/nature\\_coast/pasco-jail-scanner-sees-all-03142012](http://www.myfoxtampabay.com/dpp/news/local/nature_coast/pasco-jail-scanner-sees-all-03142012).
- A video of an October 25, 2011, press conference announcing the system is posted on the Pasco Sheriff's YouTube channel (<http://www.youtube.com/user/pascosheriff>).

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## PROGRAM SESSION: INMATE BEHAVIOR MANAGEMENT

### NIC'S INMATE BEHAVIOR MANAGEMENT PROGRAM: THE DEEP STORY

*Presenter: Randy Demory, Captain, Kent County Sheriff's Department, Grand Rapids, Michigan*

Randy Demory described NIC's Inmate Behavior Management (IBM) staff training program as having been 10 years in the making. The program brings together many concepts that have been taught over the years in other NIC programs, such as those on objective jail classification, direct supervision jails, and inmate supervision.

IBM requires a shift in focus by people who work in jails. Instead of seeing their role as primarily about security and containment, all types of staff need to adopt the attitude, "We are in the business of managing the behavior of inmates." Every contact with inmates should reflect that view. In a well run jail, the staff have managed the inmates into behaving in the desired manner. When there's a problem, staff members didn't do their job.

The line staff training program was developed and field tested, and NIC provided follow-up and evaluation with five agencies that had a strong administrative commitment to IBM principles. The project is being led by Scott Hoke, a professor and former warden in Pennsylvania. In addition to covering the training and implementation side, the project is also examining whether IBM improves an agency's performance metrics. The sites involved in the project are Northampton County, Pennsylvania; Franklin County, Ohio; the Western Virginia Regional Jail; Brazos County, Texas; and Giles County, Tennessee. The next step in program development will focus on training for supervisors.

### **Culture Change**

The attitude change that underpins IBM is subtle and not always accepted. Staff members need to manage their own behavior before they can influence inmates. Until then, facility safety may suffer, and agencies will remain unnecessarily expensive to operate because inmates are out of control.

In the same way that a jail can have sergeants who help the housing unit officers grow professionally, officers can be a profound influence on the inmates they supervise. IBM enables a shift from reactive strategies to proactive strategies for working with inmates—to solve problems before they happen.

In the IBM approach, the housing unit officer is the leader who determines the institutional climate. If three fights happen on a unit, the officer can consider his or her role in why they happened. Perhaps the inmates felt unsafe and ended up in disciplinary housing for failure to comply with orders. If the unit is dirty or smells bad, the officer may be able to change it and stop blaming the inmates.

## IBM Elements

NIC's IBM training is framed around six elements:

- Assessing inmates' risk and needs;
- Assigning inmates to housing;
- Meeting inmates' basic needs;
- Setting, conveying, and enforcing expectations for inmate behavior;
- Supervising inmates; and
- Keeping inmates productively occupied.

### Assessing Inmates' Risk and Needs

Jails use screening tools to learn the needs of their inmates, but the usefulness of that information doesn't end there. The catchword is, "Know your inmate." It's not just the classification staff who need to access the data—are officers locked out of the part of the data system where important information resides? This can be corrected so officers can use the information to manage inmate behavior. An officer who knows the inmates can be more effective dealing with them. An inmate is more likely to disclose information on contraband on the unit, for example, when the officer knows his name and relates to him as a person.

### Assigning Inmates to Housing

A facility's housing plan should match the needs of the inmate population. Adjusting the housing plan can solve a variety of problems, including insubordination and suicide attempts. One jail recognized that 90 percent of the officers' time was spent managing 10 percent of the inmates. The facility moved to a decision tree model of classification with an interview and reclassified everybody in the jail. When asked if they would follow instructions, 90 percent of inmates said "yes." Housing separately those who said "no" was the key to a much more orderly facility.

### Meeting Inmates' Basic Needs

Jails are obligated to provide inmates food, physical safety, and information about their legal status. If inmates don't get what they need, they are likely to respond with behavior that is inconsistent with smooth jail management. When officers understand the motivation behind certain types of behavior, they can prevent problematic situations from developing. Many incident reports can be traced back to a basic human need. For example, if an officer refuses to answer a question about an inmate's bond, attitudes can escalate, words may be exchanged, and the jail has an incident to contend with.

### Expectations for Inmate Behavior

Setting and following up on expectations for inmate behavior is a key part of IBM. Once officers realize inmates will do what they ask them, things change.

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- Incentives lead to cleaner and better managed units. Visitation and unit-wide privileges to watch a special sports event are two examples of motivators that matter to inmates.
- In many jails, officers are the masters of the toilet paper. Setting an expectation for normal use is a better plan. If an inmate misuses it, officers can write up the misconduct rather than controlling access for the whole unit.
- Inmates learn expectations from what's around them. If light fixtures stay broken, that conveys that it's OK to have broken lights. If there's graffiti, graffiti is acceptable. Making prompt repairs and painting over graffiti communicates the jail's positive expectations.
- One jail has posters of the Golden Rule as an acrostic of a list of inmate expectations. An officer meets with detainees at intake and presents their choices: you can cooperate and stay in a normalized environment, or take the alternative.

Different expectations also apply to the officers. In one of the participating jails, staff used the control room as a place to gather and talk. Now officers have a desk near the units they manage.

**Keeping Inmates Productively Occupied**

Developing the productive activities available to inmates takes creativity. Cheap and easy things can generate a big response. Inmates have created hundreds of holiday cards for veterans and people in nursing homes. An essay contest was popular. When officers offered popcorn if their dormitories were clean enough to pass on first inspection, all the units in the jail succeeded. Popcorn turned out to be a problem as an incentive, because that volume of popcorn had to be popped at a local theatre.

**Measurable Results**

The evaluation study looked at several types of data:

- Inmate behavioral data, showing decreases in unwanted/disruptive behavior;
- Administrative data, showing improved operational efficiency, reduced use of sick leave, reduced turnover, and improved staff morale; and
- Officer/inmate relationship data, showing reduced conflict and improved communication.

Not all of the jails in the pilot study were able to collect and report out on quantitative data. There were several indicators that IBM made facilities more manageable.

- The jail in Giles County, Tennessee, was locked down before the IBM study. Inmates had no access to commissary, no playing cards, and just two meals per day. Two or three suicide attempts occurred per week in a population of 25 inmates. After IBM was introduced, suicide attempts disappeared.
- Brazos County, Texas, became involved in IBM while planning a new direct supervision jail. The old facility had broken lights and graffiti, and inmates tried to get help from jail administrators whenever they walked through the units. With IBM, things are orderly, the inmates make their beds, and inmate grievances have dropped.

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- An officer focus group in Brazos County said the housing units are quieter, even boring; on some days, “nothing happens.” Inmates are calmer and there are fewer fights. Officers said before IBM, the inmates ran the units and officers ran the hallways. After 30 days with IBM, the officers were in charge of the units as well.
- Brazos County supervisors and administrators said that before IBM, inmates ran the place. Afterward, the cleanliness of the facility was impressive.
- Staff morale in Brazos County improved because inmates were easier to handle. Morale ratings initially ranged from 3 to 5 out of a possible 10 points. With IBM, morale is in the 6 to 8 point range, and the jail has “fewer troublemakers.”
- Northampton County data show that rule violations dropped when the facility added objective classification and dropped further with IBM. Formal misconduct reports dropped from an average of five per month to one. Several months had no misconducts at all. Staff in the women’s unit said there was very little bickering and much lower stress, and that it was “really a different housing unit” and a better place to work.
- In Northampton’s male unit, IBM reduced stress, brought incidents down, and contributed to more order and cleanliness. An inmate intervened to personally conduct a unit tour. Posters list the housing unit’s rules and the duties of officers, such as “Officers will treat inmates with dignity and respect,” and “Officers will help inmates meet your basic human needs.”

NIC expects to conduct statewide training sessions on IBM that LJN agency staff can attend. Fran Zandi in the NIC Jails Division is the contact for details and assistance.

**Discussion**

- Mark Bolton (Louisville, Kentucky) asked about changes in assault and grievance rates. Demory said that in Brazos County, grievances dropped from 41 per month before IBM to 29 per month and are now even lower.
- Mitch Lucas said that Charleston County, South Carolina, sent a team to a 2006 IBM class and implemented it in one housing unit. In the first 6 months with IBM, the number of reports from the unit averaged three per month, down from 10 per day. IBM is now part of all new officer training. It changes the way officers look at their jobs. Lucas now can scan reports from 20 units and learn everything that happened in the jail over the past 24 hours. He can also identify officers who need remedial training. Not all officers will buy in to IBM immediately, but the results are clear. IBM makes direct supervision work even better.
- Terry Enoch (Chatham County, Georgia) said that officers have been re-learning their jobs with an IBM slant after years of remote surveillance. Managers are now in training.
- Dan Brown (Cook County, Illinois) said that custody staff, from the line officer level up to top administrators, are receiving IBM training.

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## PROGRAM SESSION: REGULATORY INVESTIGATIONS AFFECTING JAILS

### DOJ ISSUES IN LARGE JAILS

*Presenter: Tim Ryan, Director, Miami-Dade County Department of Corrections & Rehabilitation, Miami, Florida*

Jails are subject to government agency oversight and/or investigations concerning a wide variety of their operations. This session focused mainly on jail inspections related to conditions of confinement.

Federal, state, and local level issues exist.

#### **Federal interests**

Participants identified an extensive list of federal interests in jail operations.

- Constitutional Rights of Incarcerated Persons Act (CRIPA)
- Limited English Proficiency (LEP)
- Americans with Disabilities Act (ADA)
- Religious Land Use and Incarcerated Persons Act (RLUIPA)
- Prison Rape Elimination Act (PREA)
- Civil rights/civil liberties
- Bureau of the Census
- Secure Communities and other Department of Homeland Security and immigration matters
- Congressional matters
- Inmate worker issues
- Marshals Service, Bureau of Prisons, and Immigration and Customs Enforcement housing
- Office of Juvenile Justice and Delinquency Prevention (OJJDP)
- U.S. attorneys
- Federal Bureau of Investigation (FBI)
- Bureau of Justice Statistics (BJS)
- Veterans Administration medical examiners

**State interests**

Interests at the state level include:

- State juvenile justice
- State corrections
- Law enforcement academy
- Public health (sometimes local)
- Firearms control and certification
- State jail standards and inspection processes
- Education
- Inspector general
- Fire marshal
- Continuing legal education
- Environmental management/biohazards
- State grand jury

**Local interests**

Local involvement in jail operations comes from:

- Fire departments
- County ethics commissions
- Board of county commissioners/public safety council
- Audits and investigations
- Grand jury
- Law enforcement

Jail directors can deal proactively with oversight by outside agencies by talking with the jail management team about what these agencies are looking for and what the jail wants them to find. Directors need to be prepared, focused, and comfortable with the jail's policies and procedures, operations, and processes.

Oversight and investigations have provided leverage for many agencies to improve their operations, in ways some agencies come to appreciate after the fact.



## Constitutional Rights of Incarcerated Persons Act (CRIPA)

Meeting participants from Muscogee County (Georgia), Cook County (Illinois), and Miami-Dade County (Florida) described their agencies' experiences moving through the CRIPA process. (This topic was also addressed in the meeting's Legal Issues segment, reported on pp. 2-5.)

### Muscogee County, Georgia

Dane Collins shared remarks on Muscogee County, Georgia's involvement in a CRIPA proceeding over the past 18 years. When Collins joined the agency after a military career, he had little knowledge of jail management. He learned about jails hands-on as a new officer by working in intake and managing crowded housing units. On the night shift, it was normal procedure to do an inmate count then leave the inmates alone until the end of the shift, unless the inmates banged on the cell bars to get an officer's attention.

DOJ launched a CRIPA investigation in 1994. Collins now realized that the jail was badly managed. But the investigation report didn't prompt much change, despite construction of a new jail. Leadership made just enough effort to keep DOJ from taking over operation of the jail under the 1999 consent agreement, which was open-ended with no defined closure date. Meanwhile, the agency found it was meeting only about half of the ACA standards.

A new sheriff took over in 2009 and took a proactive approach to ending the DOJ oversight. Now, the remaining issue is mental health care. DOJ says development of a mental health care unit is a minimum standard and the jail should provide a minimum community level of care, 3 hours of daily out-of-cell time for acute cases, and at least 5 hours per week of group and individual therapy.

Participants discussed their agencies' expansions into the mental health care sphere.

- Mark Adger (Fulton County, Georgia) mentioned that the jail has recently gone from having one to three FTE psychiatrists and also added more social worker positions. Talk therapy is now offered in each housing pod to address a variety of issues, such as addictions and the family dynamics inmates experienced as children. Though Adger was not initially enthused about talk therapy, the therapeutic community approach is proving effective and is a good management tool.
- Mitch Lucas (Charleston County, South Carolina) asked how training of new officers has changed. Collins said officers all receive crisis intervention training and learn to de-escalate situations. It is going far outside the traditional culture of the organization to frame the jail as a place with a focus on treatment.
- Marlin Suell said that the Dallas County jail went under a court order in 2007, before he joined the agency in 2008. When DOJ came, it was the best thing for both employees and inmates. It's taken \$125 million to get the jail functioning at its current level, he said, with some of the best mental health and medical staff anywhere, and a medical/mental health facility is now being built. The local government needs to deal with the community's mental health needs one way or the other, so it makes sense to start them on the best treatment they can get while they're in jail. Homeless people can be kept on medications and in programs and spend less time in the jail for small crimes. All 3,200 officers have gotten mental health training that is paying off in benefits to the agency. Communication is the key.

## Cook County, Illinois

Dan Brown described events after DOJ announced in 2007 that it would investigate the Cook County jail, a month after Brown was appointed as assistant deputy director. The jail holds about 9,200 inmates per day, with a housing capacity around 9,400 beds.

DOJ released its findings in 2010, focusing on four areas.

- **Inappropriate and excessive use of force.** The jail has addressed this by, for example, developing new methods of incident reporting and investigations.
- **Failure to protect inmates from harm by other inmates.** The jail is training staff, improving classification, and doing other work in prevention and inmate behavior management. Staff now engage the inmates, communicate with them, and pay attention to what's going on in housing units.
- **Inadequate medical and mental health care.** A new clinic is under construction in a cooperative project of the county sheriff and county medical department. Medical intake processing has been completely revamped.
- **Inadequate fire safety and sanitation.** Issues are being addressed through new fire plans, key control procedures, and other improvements.

The sheriff acted quickly to form committees, and he placed staff who had never been involved in inspections on project teams to put things right in the jail. The facility is now in substantial compliance with 39 out of 80 identified deficiencies and in partial compliance with another 40. The remaining deficiency is in classification, where progress is connected with MIS issues. Planning for a new classification unit is under way.

The process required systemic change, not just adjusting a few policies. Jails that go through a similar experience may need personnel changes, operational changes, and culture change. Unions were involved in Cook County's solution. Officers, sergeants, and line staff each have their own unions. Though no one embraced the idea of change at first, it became clear that not only would the inmates benefit but so would the staff, because of the improved work environment.

The DOJ's CRIPA investigation was the jail's opportunity to change. It provided leverage for the agency to get what it needed from the county board in terms of funding and resources. DOJ provided two very effective monitors plus plenty of practical support. Assistance from NIC, Susan McCampbell, and other outside experts has been extremely helpful.

The experience changed Brown's perception of the jail director's role; he no longer believes that leading a jail is about putting out fires. Work is continuing on new ways to ensure that information flows from agency leadership to line staff every day. Use of roll call communications and technology are being expanded. Brown is now based in Cook County's training academy, where he can instill in new recruits an understanding of what the jail needs to do and how to do it. In the old culture, many staff never had the opportunity to grow professionally; now they do.

### **Miami-Dade County, Florida**

Tim Ryan said that use of force and inmate suicides were factors that may have precipitated Miami-Dade County's CRIPA investigation. Out of a population of about 5,400 inmates, 15 to 20 suicides were occurring per year. DOJ's investigation in June 2008 took 2 weeks and involved five auditors and two attorneys. The investigation was very thorough. Among other things, the team used a thermometer to measure the interior temperature of refrigerated lettuce.

DOJ's letter of findings arrived more than 3 years later, in August 2011. Ryan commented that the focus of a CRIPA investigation is systemic constitutional violations, and the findings letter is designed to paint a very bad picture. However, there was truth in the letter. Of the 44 pages in the Miami-Dade findings, 29 pages identified specific concerns such as sprinkler system heads that had been painted over, and the remaining 15 pages focused on remedies.

The agency took a proactive approach and was ready for the letter's arrival.

- Ryan's team had reviewed the findings letters from other CRIPA investigations and noted several common themes, so they had a good idea of what to expect. The jail developed a press release in advance so it could respond quickly when the letter arrived.
- Ryan and his team traveled to D.C. to meet with DOJ at its offices and personally present information in response to the letter. Most jails respond in writing. Jails are required to respond within 49 days.
- The jail's attorney has made monthly calls to DOJ with information about every death or other significant event in the jail.
- The jail team did not wait for the findings to arrive before making major changes. Over the past 3 years, the jail has improved its reporting and review of use of force incidents, rebuilt the internal investigation process, and implemented more training on use of force. The jail has had no recent suicides.
- At an October 2011 meeting with DOJ, the jail provided binders with documentation on the steps taken and the results. The goal is to convince DOJ that its original findings from 2008 are no longer relevant and are too outdated to use in court. A private settlement would be preferable to a consent decree.

DOJ will return to Miami-Dade County in December 2012. It's likely DOJ still will find some type of systemic constitutional deficiency despite the agency's work, and the CRIPA process will continue to unfold from there. Mental health services continue to be a challenge. In the meantime, the fact that the jail is under DOJ scrutiny has helped it retain county funding it may otherwise have lost. If DOJ produces a new findings letter, the jail will aim to propose specific remedial actions in its response.

For agencies not already under investigation, Ryan recommended having division chiefs review the Miami-Dade CRIPA findings letter, plus others, and meet to discuss each point. The team should ask how its own jail looks on these issues, how they would respond, and what the jail needs to work on. Even if the jail is never investigated, any agency will be far better off for having conducted this analysis.

DOJ provides findings letters, complaints, federal court briefs, and settlements and court decisions on jail and prison investigations at the website of the Civil Rights Division, Special Investigations section, <http://www.justice.gov/crt/about/spl/jails.php>.

### **Limited English Proficiency**

Jeff Newton said the Douglas County jail in Omaha, Nebraska, had a surprise investigation on provisions for limited-English-speaking inmates. Interest likely was prompted by events involving the Omaha police department. The jail was ACA-accredited. Investigators spent a day and a half at the jail and reviewed policies and other documentation. The team's findings didn't require the agency to make any changes.

Jails need to provide means of communication with inmates who speak languages other than English. Posters, forms, and documents need to be available in the major languages spoken in the community. For back-up, jails can use a "point book" with pictures inmates can use to make requests and communicate with staff.

### **Americans with Disabilities Act**

Jails have been the subject of some disturbing lawsuits in the area of accommodations for people with disabilities. Participants mentioned some ways to head off problems.

- Involve county-level ADA construction coordinators and local advocacy groups.
- Assign a staff member to be the agency's ADA coordinator.
- For hearing-impaired inmates, provide cells equipped with a blinking emergency light in case of fire. Specify in emergency response protocols how officers will ensure notification and safety of inmates with hearing or vision loss. Some jails are using cell phones as a tool for texting to communicate.

### **Prison Rape Elimination Act**

In April 2012, the U.S. Attorney General is expected to release the final standards produced under the Prison Rape Elimination Act (PREA). Once the new standards are released, jails will have a year to implement changes.

#### **Orleans Parish, Louisiana**

Sheriff Marlin Gusman reviewed the jail's experience with PREA's National Inmate Survey. During the site visits, when inmates didn't respond to requests for interviews, the interviewers coaxed them with cookies and doughnuts, which may have influenced their answers. Though grievance records showed just two complaints centered around a building that housed female inmates, the interviews resulted in the agency being identified as the worst women's facility in the U.S. In fact, the team visited only two jails—the second was a jail in California with 20 inmates, compared with Orleans Parish's 200. It has been difficult responding to media coverage that put the jail in a very negative light.

Agency leaders attended a hearing in Washington, D.C. They were not notified of who would testify. A statement was read on behalf of an inmate that was filled with lies. For example, the inmate said the jail had not moved him to a different housing unit when in fact he had been moved. He also said he had been raped, but the hospital found no evidence; the inmate later admitted he made the claim because wanted to get off the tier, but this admission was not included in the testimony.

The agency has been doing a lot of work in this area.

- A new PREA coordinator's assistant position has been created. The new person will work directly with inmates and conduct training with them, as well as delivering roll call and other training for officers. A zero tolerance standard is emphasized. Staff are told, "It's up to you as a professional to help us achieve this goal" by reporting incidents or concerns.
- Nearly all officers have taken NIC's online course on PREA, as have the facilities' chaplains. Certificates and documentation are on file.
- The agency has designed new PREA posters and brochures for deputies and for inmates.
- The PREA coordinator is scanning grievance documents for key terms and keywords.

### **St. Lucie County, Florida**

Patrick Tighe said that before the national interest in PREA came along, it already would have been a felony offense if a rape had been reported and the jail did nothing in response. Tighe asserted that everyone knows the St. Lucie County jail is completely transparent on PREA issues. If an inmate makes an allegation, it is absolutely clear that it will be investigated. No incident of rape has ever been substantiated.

He described work completed or under way in St. Lucie County.

- The agency is addressing not only sexual assaults and coercion but sexual harassment, including suggestive remarks, as part of a comprehensive effort to shape facility culture.
- The inmate orientation booklet is now available in three languages. A no tolerance policy is prominent on page 3.
- Posters appear throughout the facility, including the chapel and courtroom space, not just in housing units.
- Inmates now can report incidents "24/7."
- The agency has a new inmate orientation video and training.
- Training is being provided to vendor staff and to 350 chaplains and religious or program volunteers. Distance learning content has been expanded from 20 to 40 hours.

### **Miami-Dade County**

Tim Ryan provided copies of his testimony before a September 2011 review panel on prison rape. He said that his experience with PREA is similar to the consciousness-raising that happened with Mothers Against Drunk Driving and the issue of domestic violence. It takes a change of perspective to realize that society can choose to stop taking certain problems for granted as the “norm.”

Ryan gave additional suggestions.

- Doing an annual report on PREA organizes information on investigations and outcomes. Miami-Dade had 20 reported events in 1 year and four substantiated occurrences.
- Persistence is key when working with community resources. Miami’s rape crisis center did not want to be the reporting site for inmates but is now an ally and attended PREA training.
- Working closely with the state’s attorney is important.
- Classification forms can ask whether a detainee has been assaulted in jail before.
- Jails can form peer review teams of officers and inmates to raise concerns and solutions.
- Jails can educate local police chiefs and police departments about PREA issues. Most police chiefs are not aware of PREA, but as the first point of contact with suspects and detainees, these agencies also must show appropriate conduct and practices. Jail leaders can contact county organizations of police chiefs to start a dialogue and share information.

### **Discussion**

- Dan Brown (Cook County, Illinois) said medical personnel need training on gathering forensic evidence for investigations. A grant has funded a sexual assault response team.
- Agencies need to take fraternization with inmates seriously. Patrick Tighe said telephone vendors can run reports on inmate calls to staff members’ phone numbers.
- Jeff Newton (Riverside Regional Jail, Virginia) said that following PREA guidelines is not necessarily going to prevent all rapes from occurring. Mitch Lucas (Charleston County, South Carolina) said that jails are learning not to place vulnerable inmates with predatory inmates, which is the essence of the solution. Officers take the possibility of abuse seriously because of their training. Easier reporting also may reduce incidence.
- One jail made a major investment in cameras. Inmates quickly learned to call the rape crisis center in order to be transferred to the stockade, which doesn’t have cameras. It soon will.
- A respondent said inmates have placed 3,000 calls to the community rape crisis center. Only two calls were connected with actual events. Calls on actual events were brief, lasting 3 to 4 minutes. Longer calls appear to be made for the entertainment value or some other motive. Calls are confidential, so only limited information is shared with the jail.

## OPEN FORUM

“Hot topic” sessions for the meeting are an opportunity for participants to discuss emerging issues. The sessions were coordinated and presented by Mitch Lucas, Charleston County, South Carolina.

### EMERGENCY PREPAREDNESS

Randy Demory (Kent County, Michigan) reported on an accident that affected not just the jail but fleet services. During work at the jail, a crane and 280-pound wrecking ball fell into the old portion of the building. The fleet services garage was smashed, some workers were nearly hit, and the utilities were disabled. About 180 inmates needed to be evacuated. By the time the move was completed 3 hours later, an inmate was having a medical emergency. Electricity, water, and heat were off on a winter day with 8 inches of snow on the ground, and the jail management system was down because of the power failure. CERT team members conveyed messages.

The agency had planned to put its evacuation plan online, but it wouldn't have been accessible with the power failure. Back-up generators would have been handy. A lot of things went wrong, but it could have been far worse. The best thing was the impressive performance of the line staff. From the jail's perspective, an unexpected issue was that other agency divisions were making decisions that were not necessarily in the best interests of the jail. Another lesson was that existing emergency plans didn't cover where to move inmates when staff lacked information about who they were moving.

Mitch Lucas commented on an incident in the jail in Charleston, South Carolina. The sheriff was driving to work and launched a pursuit of an erratic driver. Patrol officers joined in as backup on a 25-mile chase at high speed. As that situation was concluding, an emergency evacuation was triggered in the jail when the fire suppressant FMa200 was released into the jail's control room. The compound functions by taking up all the oxygen from the air, and the control room staff had to evacuate the area immediately. With the control room down, staff couldn't communicate with the outside except on a few walkie-talkies, and keys were needed for staff and firefighters to move around the 500,000 square foot building. The situation occurred in connection with a fire preparedness test. Before conducting tests, the fire suppressant tanks in the computer room were closed off, but the tank in the ceiling of the control room was overlooked. To test the system, a simulated fire is indicated. When the test was initiated, the system signaled a fire in the control room, causing release of the compound.

### ARE INMATE POPUATIONS DECREASING?

Mitch Lucas asked the U.S. Bureau of Justice Statistics for any insights on why jail inmate populations appear to be decreasing nationwide. The average length of stay across the country is down by about 4 days, but a cause is not known. BJS will select some test sites to look for indicators and trends.

Participants mentioned some possible reasons for jail population drops:

- Formation of criminal justice coordinating councils to shape arrest and detention policies;
- Connections between the U.S. economic recession and crime rates (economic downturns lead to reduced “partying” and more careful use of personal assets);
- Drops in demand for beds by the U.S. Marshals Service;
- Local arrest policy shifts, sometimes influenced by personnel changes;
- Aging of the baby boomer cohort (though demographic data shows arrests are down across all age categories);
- ICE removals of illegal immigrants who do not return to communities;
- Economic pressures that encourage people to enlist in the military, keeping them off the streets and out of crime;
- Effectiveness of reentry programs that connect jail releasees with homeless shelters and other forms of support;
- Fewer charges being filed by states’ attorneys because they are operating on tighter budgets;
- Growth in specialized courts and program alternatives for veterans, drug offenders, etc.;
- A drop in use of crack cocaine (pharmaceutical abuse is increasing but isn’t reflected in arrests); and
- Policy shifts away from incarcerating people for technical violations alone.

## MANAGING EMPLOYEE HEALTH CARE

Meeting participants described ways to contain costs for employee medical care and insurance.

- Some agencies have opened their own clinics for staff. In one agency, prescription medications are provided at no cost, and insurance costs have not increased. Mitch Lucas commented that price advantages are available to nonprofit clinics.
- Another jail with a clinic for sheriff’s staff intends to expand services to include retirees. The clinic is managed by the agency’s risk management division. The cost to the agency is advantageous relative to the cost increases in insurance it would otherwise be paying.
- Scotty Bodiford said the government of Greenville County, South Carolina, is self-insured, and staff have a co-pay for office visits. Emergency room visits have dropped. Following a



change in the annual deductible, overall claims have gone down. Insurance rates have held steady for 8 years.

- Darren Long said that employees of the Travis County Sheriff's Office get a free annual physical. Data show that staff sick leave use has dropped by 15,000 hours. The screenings find medical conditions such as prostate and cholesterol problems before they create adverse, long-term effects on staff health. Mitch Lucas commented that some counties are cutting wellness programs for budget reasons, but this may be short-sighted if insurance costs go up because of health care problems that could be avoided.
- Dan Simovich said that Pinellas County has a wellness program that is open to employees, their families, retirees, and adult children of people in the plan. When an analysis showed that diabetes and hypertension were common problems, the county created a physician-supervised weight loss program. This helped 60 percent of people receiving diabetes care to lose enough weight to control their diabetes. Mandatory preventive care has uncovered cancers and aneurisms, saving lives; staff tell their friends to get check-ups. People who complete an online health assessment get a \$25 bonus, and there is a similar incentive for getting bloodwork done. Costs to employees have held steady for 2 years, and the wellness program is saving the county millions of dollars.

## INMATE MENTAL HEALTH—INNOVATIVE APPROACHES

Meeting participants described ways to contain costs for inmates with mental health care needs.

- Mark Bolton (Louisville, Kentucky) said that the jail's data show that top "frequent flyers" spend an average of 11 days in jail then 5 days on the street before returning to jail. Most are homeless. The aim is to provide long-term supportive housing, "24/7" case management, and medications management to keep people from returning to the jail.
- Mitch Lucas (Charleston County, South Carolina) referred to the work of Community Oriented Correctional Health Services (COCHS.org). COCHS was instrumental as Marion County, Florida, created a medical and mental health nonprofit that emphasizes aftercare after release and is working well.
- Will Brown described how the San Diego Sheriff's Department formed a multi-disciplinary group to examine possible correlations between inmates' mental health status and use of force incidents. The aim is to teach staff how to interact with inmates who have different types of psychological or psychiatric disorders. Mitch Lucas commented that it's important to distinguish between inmates who are truly mentally ill and those with behavioral problems.
- Mark Bolton said that Louisville Metro Corrections has found a high rate of HIV occurrence among inmates receiving psychiatric medications. The jail absorbs all these medication costs because the inmates lack medical insurance coverage and can't get back on Medicaid after they enter the jail and lose eligibility. Mitch Lucas said inmates entering the Charleston County jail are asked if they are HIV-positive and if they are taking HIV medications in the community. If no, the jail won't start them on an HIV regimen.

- Mark Adger said that the Fulton County (Georgia) Sheriff's Office is involved in a health care partnership with Emory University with a component that examines inmates' functional competency. In this approach, inmates can stay in the county jail indefinitely, and Fulton County has held some detainees for as long as 8 years. Grant funding provides for hospital staff to come into the jail to provide care for inmates found to be incompetent. State caregivers can give higher doses of certain medications than jails typically can, and they also provide group therapy. If inmates do not become competent to stand trial, eventually they will be moved to state mental health custody as bed space allows.
- Mitch Lucas noted that Residential Substance Abuse Treatment (RSAT) funding is available through the U.S. Bureau of Justice Assistance. Jails can develop programs that address co-occurring disorders and include a reentry component.

## JAILS AS THE DEFAULT MENTAL HEALTH HOLDING/TREATMENT FACILITY

Localities have different practices on detaining and providing care for mentally ill individuals who commit minor crimes. Most do not pose a danger to themselves or the community. Until fairly recently, jails have not been expected to be the community's primary source for mental health care. In the absence of a local crisis intervention center, it may make sense to provide care in the jail.

Participants discussed whether their agencies are accepting an expanded role, and the implications.

- Steve Kelly (Ada County, Idaho) said the local health department has sometimes declined to hold a mentally ill person on grounds that he's too violent. Attorney Bill Collins said that if mental health agencies won't accept cases, they may be violating a statutory duty. Providers have sometimes claimed they need several days to conduct competency examinations, but the exams can be completed in about 2 hours in the jail, with costs covered by the mental health agency. Collins said a judge in one locality intervened when a mental health agency refused to accept a man because he was too violent.
- Involuntary committal may be appropriate for some people detained on low-level criminal charges, if they are dangerous to themselves or others. Police can present detainees for an emergency evaluation. The National Alliance on Mental Illness (NAMI.org) is following policy developments in this area and is an ally for jails.
- Mitch Lucas mentioned that the sheriff in Summit County, Ohio, will no longer accept violent mentally ill detainees into the jail. (<http://www.ohio.com/news/local-news/local-mental-health-community-responds-to-jail-proposal-1.264794>)
- Kelly Rowe (Lubbock County, Texas) noted that if jails are the default provider of mental health services, a community's cases will all be located in the same place, which gives the jail leverage for budgets and funding. In addition to special mental health units and care, jails need to provide competency evaluations, case management to keep cases moving forward, and oversight to minimize the time mentally ill detainees stay in jail. He recommended taking a comprehensive approach so the jail's issues are addressed without waiting for help from the state.

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- Dan Brown said the Chicago detention system has 1,250 inmates on psychotropic medications. The state of Illinois is closing mental health facilities, and city programs are dwindling. Mentally ill jail releasees seem to come directly back to the jail no matter what. A few months ago, the jail held 32 severely mentally ill inmates who were waiting for state beds. The threat of a lawsuit prompted a resolution of the backlog.
- Ronaldo Myers said the State of South Carolina has fewer than 100 mental health beds in its facilities. The Richland County jail has more mental health care beds than the state.
- Mitch Lucas said that 18 to 22 percent of inmates in Charleston are taking psychotropic medications. He cited experts' estimates that 65 to 70 percent of jail inmates could be diagnosed with a mental illness.
- Patrick Tighe (St. Lucie County, Florida) said a strong orientation toward sharing information is essential. He shared the story of a mentally ill person who turned himself in to a community mental health hospital and said he was hearing voices. He became agitated, and the center called the police to come arrest him. He was taken to the jail, but the jail was not informed he had turned himself in. He was soon released and turned himself in at another hospital, where he became violent, killing a nurse and two patients. The community mental health center should have detained him for evaluation in the first place.
- Mark Bolton (Louisville, Kentucky) commented that jails often have a lot of low-risk, nuisance offenders who are chronically homeless and essentially living their lives in jail. Typically they have few if any family ties, and they do not pose a major safety risk. Analyzing them as a cost center, Bolton found the jail spent \$5 million over 5 years. It costs between \$4,000 and \$6,000 per month to keep them on their medications, and those who have overlapping HIV medication needs drive the total even higher. A community treatment model with long-term supportive housing is needed.

## NOTIFYING CONSULATES REGARDING FOREIGN-BORN INMATES

Agencies represented at the meeting have various methods for complying with standards on consular notification when foreign nationals are detained. Consular requirements for notification vary by country, and some require notification within 24 hours. Some jails are not aware of these requirements. The U.S. State Department provides comprehensive information on consular notification, including a detailed manual and inmate communication pieces in multiple languages, at [http://www.travel.state.gov/law/consular/consular\\_753.html](http://www.travel.state.gov/law/consular/consular_753.html).

- Tim Ryan said that Miami-Dade County runs a monthly report of foreign-born detainees and sends letters to local consular offices. Either the arresting police department or the jail can provide reports to consular representatives.
- Mitch Lucas said that Charleston County informs inmates of their right to consular intervention but leaves it up to the inmates whether to contact their embassies.
- Mary Lou McDonough said embassies in the District of Columbia are sending representatives to the jail in Prince George's County, Maryland, to assist detainees.

- Patrick Tighe (St. Lucie County, Florida) recommended that agencies keep records to document that consular notification contacts are being made.

## INMATE TRANSFERS TO AND FROM STATE CUSTODY

Local jails typically are responsible for transporting inmates from state custody to the jail (e.g., for court appearances). Sometimes there are difficulties. Participants discussed ways to streamline transport.

- Video arraignment is available in about half of the agencies represented at the meeting, but public defenders do not always welcome it. Mitch Lucas said a guilty plea court is working very well in Charleston County, South Carolina and is used in 15 to 20 cases per week.
- Under an arrangement with St. Louis County, the Missouri Department of Corrections (DOC) brings its inmates from about 20 facilities within the state system to one facility where the jail can collect them. The two agencies also are sharing information on disciplinary issues, behavior, and medical records. Getting this information at or before the date of transfer is ideal.
- Mary Lou McDonough (Prince George's County, Maryland) said that the state DOC and Maryland jails all use the same transfer form, with information on institutional behavior and other factors. Because local agencies are providing such high-quality information, the Maryland DOC is considering closing its intake diagnostic center.
- Glenn Kurtz (Sedgwick County, Kansas) echoed the benefits of open communication with the state. Sedgwick County provides about 50 percent of the state's inmates. The agencies' medical providers exchange electronic medical records in advance of transfers so they are ready at intake. DOC medical personnel are on-site at the jail twice per week. Also, state inmates sometimes are at the jail within 2 days of their eligibility for release on earned good time. When this happens they can be released directly from the jail and connected with the supervising agency and community services.
- Jim Coleman (Shelby County, Tennessee) agreed that jails have done their part when they pass along medical and disciplinary information. It's helpful to develop close working relationships with state DOC staff.

## TRANSGENDER INMATES

Participants discussed questions about housing and managing transgender inmates, or inmates in gender transition, as men or women. Marilyn Chandler Ford raised the question, once a jail establishes a practice of asking transgendered or intersex inmates if they want to be pat searched by male or female staff, should the jail also offer a choice for a strip search? If so, can policy require female officers to perform such a strip search in a non-emergency situation?

- Gary Wilson said the City and County of Denver has been through a lawsuit on this issue. Denver worked with the community to draft new policies. Inmates are asked to indicate their gender choice for pat and strip searches and must sign a form to verify it. Transgender inmates are held in lockdown for the first 72 hours of their jail stay. Within that time frame, they meet with a transgender review board comprising psychologists, psychiatrists, and others. So far, the jail hasn't housed anyone who is in active medical transition between genders. Transgender inmates may eventually be housed in their own unit. Denver has had no problems with officers on searching transgender inmates.
- Steve Kelly said jail leaders in Ada County, Idaho, met with the local transgender community regarding policy and will be establishing a formal board for dialogue. The medical staff participated in policy discussions. One medical staff member asked why the jail needs to know the gender of detainees, since that knowledge is not necessary for medical purposes. It's important that people understand this is about good decision-making, not curiosity.
- Mitch Lucas said that the courts have confirmed that if an inmate is on gender transition medications, the jail is required to continue providing it. Medical staff can determine the gender of detainees without issue. Charleston County generally houses people according to the gender they present themselves.
- Other participants also have or are forming transgender committees and agreed this continues to emerge as an issue of importance, particularly with the new PREA standards on the horizon.

## TRANSGENDER EMPLOYEES

Transgender people are among the applicants for correctional jobs.

- Mitch Lucas said some Charleston County staff recently were hesitant to hire an officer applicant who was transitioning from female to male. Lucas compared these views to objections to hiring women or minorities. He said that if concerns about an applicant's gender transition are the only reason not to hire him or her, the decision will not hold up in court.
- Training academy housing for staff who are in the process of gender transition is another question to contend with. Martha Karr said that the jail in Pierce County, Washington,

encountered a similar issue in providing locker room accommodations for a gender-transitioning maintenance worker.

- The Cincinnati Police Department became involved in a lawsuit to make sure any facility a transgendering officer might work in would have suitable toilet facilities. Miami University has been involved in a federal lawsuit in which a female student transitioning to a male identity wants to be housed with males.

## CELEBRATE RECOVERY PROGRAM

Ed Beckman (Pasco County, Florida) described Celebrate Recovery, a faith-based program that provides a path for churches to connect with inmates and jail releasees. Church volunteer groups are available to former inmates “24/7” and work with inmates to get them the help they need. About 45 Pasco County inmates have participated in the program so far in 2012, and 300 people attended a recent meeting at a church. Some churches have purchased homes or apartment complexes to provide residences for people in transition.

Participants commented on experiences with similar programming.

- A study of program outcomes found a return-to-jail rate of 15 percent for participants in substance abuse groups.
- Another participant said that volunteers don’t always like complying with the jail’s rules.
- Mike Gauger said Palm Beach County, Florida, was operating a drug treatment farm but found it too expensive. Now the jail has a 1-year work program for presentence drug court inmates that is run out of a dedicated pod. Judges like the program and weigh successful program completion when they impose sentence.
- Mitch Lucas (Charleston County, South Carolina) remarked that when two different drug court evaluations were released in a 2-week period, he made sure that legislators heard about the later report, which was much more favorable.

Veterans’ services were also discussed.

- It’s been a sticking point that Veterans Administration (VA) benefits have been lost when military veterans find themselves in jail. Policies are changing. Veterans now can keep their VA benefits when they are placed in halfway houses. VA eligibility is especially important for covering medical care and medication costs.
- Jails can give local VA officials information about veterans in the jail. Mitch Lucas said that the VA’s Veteran Justice Outreach program has found housing for 50 homeless veterans in his area.
- Jim Coleman said that Shelby County, Tennessee, has created a housing unit for veterans. VA staff members come into the unit to provide services.

- Another participant said her agency is booking more than 200 former soldiers per month. The local veterans' bureau works with jail inmates.
- Mitch Lucas commented that Charleston County has been spending \$140,000 per year on dialysis for inmates who are veterans. VA benefits aren't available to veterans in jail.

## DEALING WITH FOIA

Participants discussed issues related to Freedom of Information Act (FOIA) access to jail records and media relations.

- Marilyn Chandler Ford (Volusia County, Florida) said FOIA requests place a problematic demand on staff time. The county wants an "ASAP" response, so staff need to be pulled off of other tasks.
- Dan Brown said the jail in Cook County receives a huge number of FOIA requests and is required to respond within 7 days. He added that if staff use their personal cell phones for any agency business use at all, their phone records are subject to FOIA requests.
- Mark Bolton (Louisville, Kentucky) said that half of the agency's FOIA requests are for video recordings. Retention practices are relevant.
- Tim Ryan (Miami-Dade County, Florida) said that some media requests are rather naïve. A requestor once asked for records on any complaints against the jail, as long as the report costs would be under \$50.
- Jerry Gutiérrez said the jail in Riverside County, California, has been asked for records from its nursing division.
- Kelly Rowe (Lubbock County, Texas) said that service fees can discourage some requestors from excessive "fishing" for information.
- Mitch Lucas (Charleston County, South Carolina) suggested asking FOIA requestors what they're actually looking for, because there may be a more efficient way to get them the information. This approach helps Charleston County maintain a good working relationship with local media. Jails will always lose arguments with the media. They will get the story they need from someone, and the outcome is best if the jail shares correct and complete information.
- Patrick Tighe (St. Lucie County, Florida) also commented on the jail's media relationship. When a hot story emerges in the jail, the jail should proactively let the media know and should be transparent with its information. Otherwise the media are likely to take a hard-nosed attitude.
- In another jail, a reporter was admitted to the jail as an inmate for an undercover investigation. The resulting profile of the jail experience is available online. The piece was informative and triggered no letters to editor or other adverse results.

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- Mark Adger (Fulton County, Georgia) said media transparency worked to the jail's advantage as it sought funding for new locks when budgets were being cut. The jail installed a demonstration door using inmate welfare funds. Local media did a story on the need for new locks, and soon the county manager approved funds to replace every lock in the jail.
- Jim Coleman (Shelby County, Tennessee) said that NIC is again offering its Media Relations class. It includes practice interviews with an actual reporter.
- A participant identified FEMA's Emergency Management Institute as another source for free classes on media relations. Agencies need to go through the county's emergency preparedness department to register for a seat.
- Mark Bolton said Louisville Metro Corrections holds an annual Media Day in which jail leaders review the jail's programs, security provisions, and nuances about the agency and facility operation. This contributes to better media relationships and journalists' understanding of jail issues.
- Mitch Lucas (Charleston County, South Carolina) said agencies need to make the case for security concerns as a valid reason for not sharing videos. He gave the example of a recording of an incident involving an officer who is a former professional basketball player.
- Marilyn Chandler Ford (Volusia County, Florida) commented that beyond media interest, FOIA requests often come from dissatisfied customers or relatives of jail inmates. Jails need to run FOIA requests by the legal staff, not to forestall delivery but to ensure the legal department is aware of the outside interest in case of legal action.

## DELIRIUM TREMENS IN NEWLY ADMITTED INMATES

Jails frequently admit inmates who enter a state of delirium tremens ("the DTs") after they lose access to alcohol. Immediately starting inmates on medications can make their condition less severe and even prevent death. Participants talked about safety and treatment strategies.

- Tim Ryan (Miami-Dade County, Florida) recommended identifying alcohol-dependent detainees at intake. Miami-Dade follows a defined protocol of 10 or 12 medical interventions for inmates on alcohol withdrawal.
- Jim Coleman said that police in Shelby County, Tennessee, take detainees to the hospital for detox treatment.
- Mary Lou McDonough (Prince George's County, Maryland) said an inmate in DTs died after ramming his head against a concrete wall. There was no blood or evidence of an injury, and the inmate was ambulatory, but he went to sleep later and never woke up. McDonough found research showing that up to 30 percent of people with untreated DT's may die. In her area, Spanish-speaking inmates make up a disproportionate share of inmates with DTs.



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- Patrick Tighe (St. Lucie County, Florida) recommended keeping data on the number of inmates who are detoxing from pills, methamphetamine, alcohol, and other substances. The local criminal justice coordinating council is aware this is a major expense for the jail, but no one anticipated the number of cases would be so high. Detox in the jail costs around \$3,500 per case, compared with \$10,000 for treatment in a hospital. Tighe made sure county officials are aware of the liability that the sheriff is taking on by providing this care.
- A participant observed that the highest rates of death occur in inmates who are detoxing from benzodiazepines and alcohol. Withdrawal from benzodiazepines causes seizures that are of added risk to inmates with heart disease or other health problems. Inmates typically are unlikely to self-report these conditions, so the medical staff want the inmates' medical records if available. Careful monitoring is essential. Staff may first notice a small increase in the patient's pulse rate, for example, from 90 up to 110 beats per minute. The next day brings the onset of seizures.
- Another participant from an agency that emerged from a lawsuit said the agency set up new care protocols. Among the provisions are that detoxing inmates will have a minimum of three clinic visits per day. Medical personnel watch them drink Gatorade to be sure they are hydrated and getting needed electrolytes.
- Another participant commented that one problem with detoxing inmates is their tendency to fall and hurt themselves. The jail is educating its officers to recognize potential symptoms of detox, such as a different type of snoring and compulsive picking at the walls.

## EMPLOYEE ABUSE OF FAMILY, MEDICAL, AND DISABILITY LEAVE

A participant asked for ideas on managing staff who take time off under the Family and Medical Leave Act (FMLA) and later request accommodation under the Americans with Disabilities Act (ADA).

- Mitch Lucas (Charleston County, South Carolina) said he's had staff who won't take their medications, who say they can't tolerate the paint job in the facility, and who can't tolerate the threat of violence in the jail environment. In another agency, a deputy got his doctor to write that the officer can't manage more than 15 inmates. Staff who are not performing their duties are basically terminating themselves.
- Jim Coleman (Shelby County, Tennessee) said jails can prepare a list of essential functions of the job to share with physicians. Pregnancy per se is not an exception. A list of light duty temporary posts is also useful. Policies can state defined lengths of time for staff to have light duty after they sustain work-related injuries.
- Tim Ryan (Miami-Dade County, Florida) emphasized training for line supervisors on recognizing leave abuse and understanding FMLA rules. Staff who call in sick 3 days in a row are entitled to FMLA leave. Accountability is slippery for staff who are on leave without pay. One staff member has been on FMLA leave 12 years, each year on a different medical issue. He always provides the correct forms for authorization.

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- Mark Bolton (Louisville, Kentucky) said that intermittent FMLA leave and leave to care for family members are even slipperier. His agency could not get the county human resources division to understand the corrections work environment. For example, a staff member was using intermittent FMLA leave to take his father to medical appointments during his day shift. Then the staff member got on the graveyard shift and continued to claim FMLA leave even though he was no longer working regular business hours.
- Several participants said they reduced abuse by getting lists of staff on FMLA leave and driving around town knocking on their doors.
- Jim Coleman added that he keeps an eye on repeated, preventable on-the-job injuries (OJI). He tells staff with a pattern of OJIs that if they have another preventable OJI, they will no longer be qualified to work in the jail. The county can find them another job at the same rate of pay.

## ISSUES WITH U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

Communities across the U.S. have taken different stands on whether to support or oppose the federal government's accelerated efforts to remove illegal aliens. Jails are affected by local views. Some communities have become sanctuary cities and are pushing their jails to stop cooperating in any way with U.S. Immigration and Customs Enforcement (ICE). In other locales, residents strongly support more funding for more officers to detect and deport aliens, particularly criminal aliens. Mitch Lucas said states' law enforcement commissions are dealing with the issue of whether participation is in fact mandatory. (This subject was also discussed in the Legal Issues segment of the meeting, reported on page 12.)

- At minimum, most jails are continuing to honor the 48-hour ICE notification requirement.
- One county passed a law that would prohibit local agencies from participating in ICE programs and was notified by letter that it had no choice in the matter.
- Kim Moule said the sheriff in San Joaquin County, California, met with a lead judge to convey that the jail will not cooperate with ICE.
- Mitch Lucas said that participation is automatic for jails in South Carolina.
- Mary Lou McDonough (Prince George's County, Maryland) said a review of the language clearly says that local agencies "shall" participate. Legal counsel have advised her that this is mandatory phrasing.
- A.T. Wall was told that a change in the law means that jails can accept or decline a detainer—it is the jail's choice whether to render an inmate. Different agencies' legal counsel have come to differing conclusions on this point. Wall would prefer not to decline 287-g involvement and does not want the jail to be stuck in the middle of an ambiguous situation.

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- Ed Beckman said officials in Pasco County, Florida, passed an ordinance under which the elected sheriff can set policy.
- Kelly Rowe (Lubbock County, Texas) observed that sanctuary city or not, county law cannot inhibit enforcement of federal law. He said there seems to be a new memo every day.
- Don Pinkard (Gwinnett County, Georgia) said the local system is ranked second in the nation on processing foreign nationals for deportation; 4,142 illegal aliens have been removed.
- Mitch Lucas said the Charleston County jail has participated in ICE's 287-g program. Removals have dropped this year. Under the program, the Charleston Sheriff's Office receives access to LexisNexis in return for assisting ICE.

Most jails represented at the meeting are participating in ICE's Secure Communities program. Jails upload fingerprints for comparison with federal data. The NCIC system doesn't have information on illegal aliens, and ICE doesn't have the FBI's criminal history information. Identification findings are turned around very quickly.

## RUNNING NCIC CHECKS ON INMATES BEFORE RELEASE

Bobby Wyche (Caddo Parish, Louisiana) described an incident in which an inmate was brought to the jail on a charge of aggravated rape. After the district attorney decided not to prosecute, the inmate was released. He then went to Arkansas and took his ex-wife and children hostage, after killing her husband, and was shot and killed by sheriff's deputies. Local news media asked whether the jail had run an NCIC check on the inmate. Staff had checked only for local warrants in NCIC and had run a criminal history check in the FBI's Interstate Identification Index. These checks found a history of misdemeanor warrants for harassment. As it turned out, officials in Union County, Arkansas, knew about the perpetrator and would not have extradited him because Caddo Parish is outside their defined travel radius for extraditions. After the incident, the Caddo Parish sheriff had all inmates run through the systems for a month, which resulted in 14 hits on misdemeanor offenses.

Participants discussed current practice on running National Crime Information Center (NCIC) checks on detainees in their custody

- More than half of meeting participants indicated their agencies run NCIC checks on inmates at intake. Among other reasons, the information is useful for judges in setting bond. Some agencies run these checks on both the front and back end of a jail stay.
- Dale Menkhaus (Hamilton County, Ohio) said it's necessary to check all possible personal identifiers—name, Social Security number, and other control numbers—when running checks in the Interstate Identification Index, or the system won't find all relevant warrants.
- Mitch Lucas added that officials should check for both wants and warrants.

## E-FILING COURT DOCUMENTS

Marilyn Chandler Ford (Volusia County, Florida) pointed out that as of July 1, 2012, all civil lawsuits will need to be filed online, and the same will be true for criminal cases as of the end of the year. She asked if other agencies have considered how this will affect petitions and appeals filed by inmates who are representing themselves in court. Often, their submissions to the courts are handwritten.

- Jeffery Newton (Riverside Regional Jail, Virginia) said this is similar to when jails realized they needed Internet access for inmates to submit employment applications. Jails can install an application that limits where the inmate workstation's Internet browser can go.
- Bill Collins said the new regulations may include an exception or alternative mechanism for *pro per* filing, such as in inmates' self-representation.
- Mitch Lucas (Charleston County, South Carolina) said inmates in Charleston figured out how to get online via a kiosk computer in the housing unit. The commissary company needed to hire a specialist to correct the vulnerability.

## ADA COMPLIANCE

Meeting participants shared notes on inquiries being posed by the ACLU.

Recent topics of inquiries have included:

- Use of restraints with pregnant inmates during childbirth;
- Wheelchair accessibility for officer restrooms in housing units;
- ADA accessibility in staff locker rooms; and
- Handicapped parking spots in the jail's sallyport area.

## FORCE FEEDING INMATES

The question was raised of the ability of jail officials to prevent inmates from starving themselves in hunger strikes. (This topic also was raised in the Legal Issues segment, reported on page 10.)

- A Salt Lake City inmate recently died following a hunger strike. Jail officials did not believe the jail had the ability to intervene.
- Near the same time, a court in Connecticut validated a jail's authority to impose nutrition on a hunger-striking inmate.

- Mary Lou McDonough mentioned that the Prince George's County jail obtained a court order to cut an inmate's hair to control lice. The officers who were present for the haircut wore hazardous materials (hazmat) suits.

## DISTANCE VIDEO VISITATION

About a third of the jails represented at the meeting move inmates out of their housing units for visits. Providing remote visitation in the housing units or another secure location reduces inmate movement and the possibility of passing contraband.

- Mitch Lucas said the Charleston County jail has 35 visitation monitors in the lobby and three monitors in each housing unit. Capacity has never been overloaded. The agency is adding web-based visitation that will cost families \$11 per visit. The jail received funding to cover public defenders' access and will open the system first for private attorneys.
- A participant said his agency's web-based video visitation system is working well for visits from all across the U.S., except if people have cheaper Internet connections with low bandwidth.
- Dan Simovich described a laptop-equipped inmate visitation bus operated by Pinellas County, Florida. It is available in a different neighborhood each day. Visitors call in advance to get a spot on the schedule and check in with their ID.
- Some communities enable jail visitation through public computer workstations at the library. Sometimes this attracts different people to the library than the usual clientele.

Mitch Lucas framed technology-supported visitation as part of the jail's support to inmates' families.

- A team in Charleston County recommended letting people visit without an appointment, removing a potential barrier for families. The agency made the change, and there have been no problems.
- Most families appear to prefer having two 30-minute visits per week. On hour-long visits, people sometimes run out of things to talk about.

## JAIL ACCREDITATION

A participant asked for input on accreditation options that are helpful to jails besides the "big three" of the adult detention standards from the American Correctional Association (ACA), health services standards from the National Commission on Correctional Health Care (NCCHC), and Commission on Accreditation for Law Enforcement Agencies (CALEA) standards.

- Some states have their own jail standards. Among these states, some but not all conduct inspections and/or offer accreditation.

- Attorneys for ACA ruled that the association's new Core Jail Standards are valid as the basis for jail accreditation, not a lesser status of "certification."
- Jim Kimble said that Pinal County, Arizona, was a beta test site in the National Sheriffs' Association jail accreditation pilot program and received accreditation in 2011. Meeting the standards was challenging. He believes these are the right standards for jails to follow.

## SOCIAL MEDIA FOR INTELLIGENCE OR HIRING

Participants discussed their agencies' experiences using online social media (such as Facebook) for law enforcement intelligence and/or screening job applicants.

- Mitch Lucas said Charleston County has been able to gather extremely useful intelligence information from social media sites.
- Some agencies require candidates to give the agency access to their Facebook pages for hiring. Or, candidates are asked to log into their social media sites with an agency official present.
- Tim Ryan (Miami-Dade County, Florida) said agencies need to develop their social media policies carefully. Restrictive policies can be defensible, but they need to be written with sensitivity toward potential litigation on freedom of speech. The Society of Human Resources Management (SHRM.org) has released guidance on the use of social media sites in hiring practice. One principle is that if an employer cannot ask a particular question in an interview, it cannot use information on that topic if it is gained from a social media site. For example, if an agency learns via Facebook that a job applicant is pregnant, the agency cannot consider that information in the hiring decision.
- One agency recently arrested an investigator who shared information on a social media site that compromised the effectiveness of other special investigators. The agency now requires all internal affairs staff to sign a confidentiality agreement.
- Agencies' social media policies typically prohibit staff from identifying themselves as employees of the sheriff's office or posting photographs with uniforms or agency vehicles. Tony Wilkes raised the point that when an agency has a social media presence, staff may "like" or "friend" the agency. If the staff members respond to a post or mention that they work for the agency, is that acceptable or a violation of policy?

## INMATES WHO ARE BREAST FEEDING AT ARREST

Jails represented at the meeting typically assist inmate mothers in continuing to breastfeed after they are arrested.

- Several agencies represented at the meeting allow inmates to use breast pumps.
- One participant's agency allows mothers to keep their infants with them in jail.

## OUTSOURCING EMPLOYEE BACKGROUND INVESTIGATIONS

Participants shared notes on use of contractors to conduct investigations at hiring.

- Companies that specialize in this service may be able to provide a quicker turn-around than an in-house bureau.
- Patrick Tighe (St. Lucie County, Florida) said at about \$100 per report, outsourcing is cheaper.

## INMATE MARRIAGES WHILE INCARCERATED

Legal precedent provides that inmates may marry while they are incarcerated, barring a legitimate reason for denial (*Turner v Safley*, 482 U.S. 78 [1987]). Officials “may regulate the time and circumstances under which a marriage takes place, and may require prior approval by the warden.”

Participants discussed some barriers and complications involving inmate marriages.

- One jail was taken to court because the county clerk wouldn't issue a marriage license without the inmate being present. If the wedding party already has a license, that barrier is removed.
- Jim Coleman said that Shelby County (Tennessee) has allowed inmates to be married in ceremonies in their cells.
- Bobby Wyche reported that Caddo Parish, Louisiana, allows inmate marriages only by proxy, which are formalized by mail. Another person stands in for the inmate at the wedding ceremony. Jail officials can consider the specifics of an inmate's situation, for example, if circumstances have prevented the couple from marrying. Jail officials also may require the inmate to demonstrate 90 days of good behavior before allowing the marriage to proceed.
- Special review is required for marriages involving an ICE detainee. There may be concerns that the marriage is intended to make the inmate eligible for continued U.S. residency. Some jails have developed specific policy on this issue.
- In some instances, a district attorney may object to a marriage that would enable the spouse to avoid testifying in court proceedings.

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## LEGISLATIVE AND ASSOCIATION UPDATES

### NATIONAL POLICY & LEGISLATION

#### **PREA Standards and Resource Center**

Mitch Lucas (Charleston County, South Carolina) announced that the online PREA Resource Center is under construction at <http://prearesourcecenter.org>. Agencies can sign up on the site to receive news by email. The final PREA standards are scheduled for release by the U.S. Attorney General in April 2012. Most of the original provisions that conflicted with case law and existing professional practice will be gone from the final standards.

PREA's enabling legislation said that compliance could not impose a substantial cost burden on agencies. The primary areas that need attention in most agencies are training for officers and educating inmates on how to report incidents. Posters and orientation sessions are two tools for getting the message to inmates.

The plan for facility audits and certification on the PREA standards is not yet known. Lucas said the U.S. Attorney General does not want the federal government to have a direct role in certifying auditors.

Lucas said the American Correctional Association (ACA) is likely to formally adopt the standards with some adjustments. There were about 450 standards as originally proposed by the PREA commission. There will not be separate standards for ICE inmates.

#### **Second Chance Act**

There are updates in specifications for Second Chance Act funding through the Bureau of Justice Assistance, but nothing specific to jails. The FY 2012 funding announcement was posted March 21. Applications are due May 21, 2012. Current BJA opportunities are listed at <https://www.bja.gov>.

### AMERICAN CORRECTIONAL ASSOCIATION NEWS

Tony Wilkes (Davidson County, Tennessee) shared ACA news briefs on behalf of Jim Gondles, ACA's Executive Director, who could not attend the full meeting.

- ACA has hired Rick Frey, retired from the Broward County Sheriff's Office and a former LJN meeting participant, to provide expertise related to jail standards.
- This summer's Congress of Correction will be held July 20-25, 2012, in Denver, Colorado. The keynote speaker is a former Miss America whose father has served prison time.



- ACA is now accrediting correctional institutions outside the United States. Facilities in Mexico and the United Arab Emirates have recently received accreditation. ACA is also providing training for the government of Saudi Arabia.

## AMERICAN JAIL ASSOCIATION NEWS

Mitch Lucas shared several AJA updates. LJN meeting participants who are on the AJA board of directors were recognized.

- The AJA annual conference will take place April 22-26 in Reno, Nevada. One session will be a PREA panel including Andie Moss from The Moss Group.
- Gwen Smith Ingley has left the AJA Executive Director post. The new Executive Director will be announced at the annual conference.
- Mitch Lucas (Charleston County, South Carolina) mentioned that AJA has been working with the Bureau of Indian Affairs on issues in tribal jails. Until this assistance began, Indian Country jails had never received training from people with jail experience. Lucas has been an instructor and is impressed with the quality of service these jails have developed. He suggested that LJN participants reach out to Native American jails in their areas and get to know the people who run them. Jim Coleman (Shelby County, Tennessee) added that Native American jurisdictions often need jail beds, another reason to be in contact.
- The National Corrections Command Academy program is well received and provides a challenging learning experience. Lucas sends a sergeant and a lieutenant each year.

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## LARGE JAIL NETWORK BUSINESS

### NIC NEWS

Mike Jackson reviewed several programs offered by NIC.

- A training program for crisis response teams will be held in July 2012.
- NIC's next Planning of New Institutions (PONI) class will be offered in August 2012 and will cover site selection, architect selection, architect collaboration, staffing, and selling the jail and the finance plan to the voters. Most jurisdictions don't have the expertise to take on a project of this scope. Following the NIC process enables agencies to manage the planning and construction to ensure quality design, quality construction, and a low rate of costly change orders. NIC recently developed a short video that highlights NIC's assistance, "New Jail Planning: Getting It Right," which can be viewed at <http://nicic.gov/Library/024347>.
- NIC's Justice System Assessment process may be appropriate before PONI. It enables officials to be sure a new jail is what a jurisdiction really needs, before they commit to an expensive building project. Public awareness and education are an important element. NIC's "Beyond the Myths" video is appropriate for a variety of civic audiences and explains the purpose of a local jail. "Beyond the Myths" is online at <http://nicic.gov/Library/018696>.
- NIC's Managing Jail Design and Construction program teaches officials to get their design and functional plans on paper, work with blueprints, monitor on-site progress, and staff a transition team. Officials learn that the architect needs to design to the jail's intended function, otherwise the jail staff will need to learn how to function in the building after it's designed and built.
- How to Open a New Institution (HONI) focuses in-depth on construction site issues, transition team roles, and updating policies and procedures to match the new facility. An example of an issue in construction is one transition team's discovery that roof-mounted chillers were slated to be installed directly above a jail's electronic security systems.
- Programs on direct supervision and Inmate Behavior Management (discussed in a program session and reported at page 20) focus on facility atmosphere and communication.
- In FY 2013, NIC will offer another class on administering large jails. Some LJN participants have been in pilot programs for this new class.
- NIC's emergency preparedness class will be broadened to cover more content related to natural disasters and jail-relevant scenarios.

## FUTURE MEETING TOPICS

The fall 2012 meeting is currently scheduled for September 16-18 in Aurora. The location and date were not yet confirmed.

Meeting participants selected the following topics for discussion:

- Factors in the recent drop in jail populations;
- Mental health units in jails;
- Jail reentry programs that reduce recidivism;
- Civilianization of officer posts—experiences and lessons learned; and
- Media relations.

## **Appendix A**

### **Large Jail Network March 2012 Final Meeting Agenda**

U.S. Department of Justice

National Institute of Corrections

12J2401

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## LARGE JAIL NETWORK MEETING

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March 18-20, 2012

National Corrections Academy

Aurora, CO

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### Agenda

#### Sunday, March 18

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

6:30 p.m. INFORMAL DINNER

7:30 p.m. Orientation for New Members ..... Mike Jackson

8:00 p.m. ADJOURN

**Monday, March 19**

8:00 a.m. Open Forum: Hot Topics ..... Mitch Lucas  
Charleston Co., SC

10:00 a.m.

12:00 noon LUNCH

1:00 p.m. Technology Update ..... Glen Kurtz  
Sedgwick Co., KS  
Darren Long  
Travis Co., TX

3:00 p.m. Inmate Behavior Management Plan and Pilot Data ..... Randy Demory  
Kent Co., MI

5:00 p.m. ADJOURN

**Tuesday, March 20**

8:00 a.m. Legal Updates .....Bill Collins

11:30 noon LUNCH

12:30 p.m. Association Updates .....ACA & AJA

1:30 p.m. DOJ Issues in Large Jails .....Tim Ryan

Miami-Dade Co., FL

Dane Collins

Muscogee Co., GA

Dan Brown

Cook Co., IL

4:30 p.m. Future Meeting Topics ..... Mike Jackson

Correctional Program Specialist

5:00 p.m. ADJOURN

**Appendix B**

**Large Jail Network  
March 2012 Participant List**



Mark	Adger	Chief Jail Administrator	Fulton County Sheriff's Office	Atlanta	GA
Carolyn	Atkins	Director for Detention	Department of Public Safety and Correctional Services	Baltimore	MD
Mark	Baird	Bureau Chief	Snohomish County Sheriff's Office	Everett	WA
Mark	Bandy	Captain	Hall County Sheriff's Office	Gainesville	GA
Edward	Beckman	Major	Pasco County Sheriff's Office	Land O' Lakes	FL
Herbert	Bernsen	Director	St. Louis County Department of Justice Services	Clayton	MO
Robert	Bigott	Warden	Bergen County Sheriff's Office	Hackensack	NJ
Scotty	Bodiford	Jail Administrator	Greenville County Department of Public Safety	Greenville	SC
Mark	Bolton	Director	Louisville Metro Corrections	Louisville	KY
Will	Brown	Commander	San Diego County Sheriff's Office	San Diego	CA
Daniel	Brown	Asst Executive Director	Cook County Department of Corrections	Chicago	IL
Richard	Carbery	Chief Deputy	Onondaga County Sheriff's Office	Syracuse	NY
Marilyn	Chandler Ford	Corrections Director	Volusia County Department of Corrections	Daytona Beach	FL
James	Coleman	Director	Shelby County Division of Corrections	Memphis	TN
Dane	Collins	Jail Commander	Muscogee County Sheriff's Office	Columbus	GA
Randy	Demory	Captain	Kent County Sheriff's Office	Grand Rapids	MI
Wayne	Dicky	Jail Administrator	Brazos County Sheriff's Office	Bryan	TX
John	Donahue	Deputy Chief	Las Vegas Metro Police Dept.	Las Vegas	NV
Roger	Dovalina	Jail Administrator	Bexar County Sheriff's Office	San Antonio	TX
Ron	Eddings	Captain	Jefferson County Sheriff's Office	Birmingham	AL
Terry	Enoch	Colonel	Chatham County Sheriff's Office	Savannah	GA

Kurt	Ester	Captain	Adams County Sheriff's Office	Brighton	CO
Michael	Frost	Asst. Superintendent	Essex County Sheriff's Department	Middleton	MA
Michael	Gauger	Chief Deputy	Palm Beach County Sheriff's Office	West Palm Beach	FL
Marlin	Gusman	Sheriff	Orleans Parish Sheriff's Office	New Orleans	LA
Jerry	Gutierrez	Chief Deputy	Riverside County Sheriff's Department	Riverside	CA
Martha	Karr	Chief	Pierce County Sheriff's Office	Tacoma	WA
Steven	Kelly	Jail Director	Ada County Sheriff's Office	Boise	ID
Brett	Keteles	Assistant Sheriff	Alameda County Sheriff's Office	Oakland	CA
James	Kimble	Chief Deputy	Pinal County Sherriff's Office	Florence	AZ
Glenn	Kurtz	Major	Sedgwick County Sheriff's Office	Wichita	KS
Darren	Long	Major	Travis County Sheriff's Office	Austin	TX
Mitch	Lucas	Chief Deputy	Charleston County Sheriff's Office	North Charleston	SC
Mary Lou	McDonough	Director	Prince George's County Department of Corrections	Upper Marlboro	MD
Dale	Menkhaus	Director of Corrections	Hamilton County Sheriff's Department	Cincinnati	OH
Thomas	Merkel	Director	Hennepin County Department of Corrections	Minneapolis	MN
Kimberly	Moule	Captain	San Joaquin County Sheriff's Office	French Camp	CA
Patrica	Mundell	Jail Commander	Jefferson County Sheriff's Office	Golden	CO
Ronaldo	Myers	Director	Richland County Department of Corrections	Columbia	SC
Jeffery	Newton	Superintendent	Riverside Regional Jail	Hopewell	VA
Amadeo	Ortiz	Sheriff	Bexar County Sheriff's Office	San Antonio	TX
Don	Pinkard	Jail Administrator	Gwinnett County Sheriff's Department	Dacula	GA

Brian	Riordan	Director	Union County Department of Corrections	Elizabeth	NJ
Kelly	Rowe	Sheriff	Lubbock County Sheriff's Office	Lubbock	TX
Timothy	Ryan	Department Director	Miami-Dade County Corrections & Rehabilitation Dept.	Miami	FL
Cody	Scott	Chief Deputy	Lubbock County Sheriff's Office	Lubbock	TX
David	Simons	Superintendent	Hampton Roads Regional Jail	Portsmouth	VA
Dan	Simovich	Major	Pinellas County Sheriff's Office	Clearwater	FL
Timothy	Slaughter	Division Commander	Pinellas County Sheriff's Office	Clearwater	FL
Robert	Sowell	Jail Administrator	Clayton County Sheriff's Office	Jonesboro	GA
Kim	Spadaro	Lieutenant Colonel	Broward County Sheriff's Office	Ft. Lauderdale	FL
Marshall	Stowers	Captain	Greenville County Department of Public Safety	Greenville	SC
Marlin	Suell	Chief Deputy	Dallas County Sheriff's Department	Dallas, TX	TX
Andrea	Tack	Jail Superintendent	Winnebago County Sheriff's Department	Rockford	IL
Eric	Taylor	Director	Camden County Department of Corrections	Camden	NJ
Patrick	Tighe	Director	St. Lucie County Sheriff's Office	Fort Pierce	FL
Michael	Tolerico	Warden	Passaic County Sheriff's Department	Paterson	NJ
A.T.	Wall	Director	Rhode Island Department of Corrections	Cranston	RI
Richard	Weigel	Captain	Tulsa County Sheriff's Office	Tulsa	OK
Tony	Wilkes	Chief of Corrections	Davidson County Sheriff's Office	Nashville	TN
Gary	Wilson	Director of Corrections	Denver Sheriff Department	Denver	CO
Robert	Wyche	Commander	Caddo Parish Sheriff's Office	Shreveport	LA

## **Appendix C**

### **Index of Past LJN Meeting Topics**

**LARGE JAIL NETWORK MEETING TOPICS  
JUNE 1990 – MARCH 2012**

<b>1990</b>	June	System Approaches to Jail Crowding and Population Management
<b>1991</b>	January	Crowding Strategies and the Impact of Court Decisions
	July	Managing Jail Litigation Linking Jail and Community Programs
<b>1992</b>	January	Fair Labor Standards Act Writing and Negotiating Contracts
	July	Americans With Disabilities Act
<b>1993</b>	January	Blood-Borne and Airborne Pathogens Health Care Costs in Jails
	July	Privatization Programs for Women Offenders
<b>1994</b>	January	Public Policy and Intergovernmental Dimensions of the Role of Jails, Professional Associations in Corrections: Their Influence on National Perspectives of the Role of Jails
	July	Using Data and the Resources of the Bureau of Justice Statistics Developing Resources to Provide Inmate Programs
<b>1995</b>	January	Gangs, Jails and Criminal Justice
	July	Trends in Employee Relations Sexual Harassment
<b>1996</b>	January	The Dilemma of In-Custody Deaths The Crime Bill and Its Impact on Jails
	July	Juveniles in Adult Jails
<b>1997</b>	January	Meeting the Competition of Privatization
	July	21st Century Technology and its Application to Local Jail Information and Operational Needs.
<b>1998</b>	January	The Future of Our Workforce: Pre-employment Testing, Recruiting, Hiring, Training and Evaluating 'New Age' Employees {Generation X} Legal Issues Update - Update of PLRA {Prison Litigation Reform Act}
	July	Taking A Proactive Approach to the Prevention of Employee Lawsuits.
<b>1999</b>	January	Post-Traumatic Stress Syndrome and Critical Incidents: Preparation, Response, and Review Legal Issues Update
	July	Improving Opportunities for Successful Recruitment, Selection, and Retention of Staff.
<b>2000</b>	January	Criminal Justice System Coordination and Cooperation: How the Jail Benefits and the System Is Improved. Legal Issues Update.
	July	Exploring Issues and Strategies for Marketing, Funding, and Auditing Large Jail Systems.
<b>2001</b>	January	The Use of Data for Planning, Decision Making, and Measuring Outcomes.

**LARGE JAIL NETWORK MEETING TOPICS  
JUNE 1990 – MARCH 2012**

	July	Understanding and Using the Data & Resources of the Bureau of Justice Statistics Staff Issues in Large Jails: Staff Utilization, Relationships, Conduct & Misconduct
<b>2002</b>	January	The Future of Jails, Corrections and Criminal Justice Legal Issues Update
	July	Inmate Medical Care Cost Containment Succession Planning for Future Jail Leaders
<b>2003</b>	January	Addressing the Future of Jail Legislation, Resources and Improving Funding Legislation, Resources and Funding: A Perspective from our Professional Associations The Role and Use of Professional Standards and Internal Affairs Large Jail Network Listserv and Web Technology Legal Issues Update - Health Insurance Portability and Accountability Act of 1996 (HIPAA), Admission Screening
	July	Defining the Future & Exploring Organizational Strategies Impact of Jail Population Changes on Jail Management Jail Standards & Accreditation Use of Technology for Jail Administration & Operation
<b>2004</b>	February	Emergency Preparedness: Planning and Implementation Contagious Disease Identification and Prevention Legal Issues Update - Inmate Medical Confidentiality, Involuntary Mental Health Treatment, Contract Provider Litigation, Arrestee Clothing Searches
	July	Effectively Managing Inmate Gangs in Jails Identifying Problems/Managing Inmate Mental Health
<b>2005</b>	January	Preparing Leaders in Corrections for the Future – NIC's Core Competency Project Training as a Strategic Management Tool Inmate Mental Health: Legal Issues, Management, Diversion Justice and the Revolving Door and Corrections Into the Next Decade
	July	Examining Federal and Local Benefits for Jail Detainees Ethics in the Administration of the Jail Human Resource Issues: Employee Recognition, Attendance, Restricted Duty
<b>2006</b>	January	Implementing PREA: The BJS Report Statistical Analysis: Crowding, Life Safety, Managing Staff Succession Planning The Question of TASERS Legal Issues Update
	July	Diagnosing, Analyzing and Improving the Jails Organizational Culture Planning for Catastrophes and Other Crises Prison Rape Elimination Act (PREA) and Jails Criminal Registration Unit: Hillsborough County, FL

**LARGE JAIL NETWORK MEETING TOPICS  
JUNE 1990 – MARCH 2012**

<b>2007</b>	January	15th Anniversary Meeting Large Jail Systems Assessment Research Project Changing Organizational Culture Improving Collaboration Between Jails and Mental Health Systems Legal Issues Update
	September	Jail Inmate Re-Entry Programs: Public, Private, Non-Profit Involvement Jail Inmate Re-Entry Issues on a County Level Responding to Women Offenders in Large Jails Excited Delirium: A Problem to be Eliminated or Managed Recruiting, Hiring and Retention of Staff
<b>2008</b>	March	Immigration and Customs Enforcement 287(g) Program Contract Services Media Relations Workforce Development Legal Issues Update
	September	Faith Based Programs Human Resource Management Emerging Technologies Proactive Discipline
<b>2009</b>	March	Illegal Alien Programs Transgender, Lesbian, Gay and Intersex Inmates Proactive Discipline Part 2 PREA Update Legal Issues Update
	September	PREA Commission Presentation Legislative Updates Successful Pre-Trial and Criminal Justice System Collaborations USDOJ - ADA, CRIPA, LEP Presentation Middle Management Training Programs
<b>2010</b>	March	The Trend of Medical Issues in the Future Creating a Culture of Leadership Creating Efficiencies in the Booking Area R.I.S.E. Program (Henrico County, VA) Coping Skills with and for Staff in Fiscally Tight Times Legal Updates with Bill Collins
	September	ACA Core Jail Standards Comstat Approaches to Accountability and Leadership Battling Complacency in Line Staff and 1st Line Supervisors Return to Work/Terminating the Legitimately Ill Employee Addressing Staff Inmate Fraternization

**LARGE JAIL NETWORK MEETING TOPICS  
JUNE 1990 – MARCH 2012**

<b>2011</b>	March	Legal Updates with Bill Collins Jail Suicide Update PREA Effective Use of Data with Policy Makers
	September	Recovering Jails Staff Issues – Applicants, Discipline and Rumor Control Technology Updates Dealing with FMLA Abuses Prescription Drug Epidemic and the Impact on Jails
<b>2012</b>	March	Technology Update Inmate Behavior Management Plan and Pilot Data DOJ Issues in Large Jails Legal Updates with Bill Collins