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Jails Division

*Proceedings
of the
Third Meeting
of the
Large Jail Network*

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Large Jail Network

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INTRODUCTION

The Large Jail Network was initiated to provide a forum for the exchange of ideas and information that are relevant to the operation of large jails. There are nearly seventy large jail systems in the United States, and they house approximately half the country's jail inmates.

This conference featured a series of panel presentations on Managing Jail Litigation, Intermediate Sanctions, Linking Jail and Community Programs, Overview of NIC/NASA Program, and Human Resource Issues. Each panel presentation was followed by small group discussion on the general topics and the issues raised by the panel presenters.

PANEL AND GROUP DISCUSSIONS

Topic Session 1: Managing Jail Litigation
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The Managing Jail Litigation panel presented the perspectives of three agencies: the Nassau County Correctional Center, Hicksville, New York, the Alameda County Sheriff's Department, Dublin, California; and the King County Department of Adult Detention, Seattle, Washington. Nassau County has established a legal unit to investigate legal actions brought against the Correctional Center and decide how best to proceed. As part of this process, a board is formed to determine whether the individuals named in the lawsuit should be indemnified. In Alameda County, all staff named as defendants are automatically indemnified, and a county attorney is used as defense counsel. King County exclusively uses private attorneys as defense counsel, contending that the rights of the defendant may not be adequately represented if a county attorney also represents other, conflicting interests. Consent decrees have been found to be beneficial in some cases, especially if specific guidelines are followed in negotiating their terms.

**Ernest Weber
Nassau County Correctional Center
Hicksville, New York**

Nassau County is known by some as the "land of litigation." The Nassau County Correctional Center has been involved in class action lawsuits by both employees and inmates. The class action lawsuits by employees included one filed by female employees regarding promotional opportunities, another filed by correctional officers pertaining to overtime work, and others regarding discriminatory treatment.

The conditions of confinement lawsuits have dealt with a variety of issues, including double bunking, equal treatment of female inmates, wrongful death, suicide, injuries, accidents, and access to law materials. Currently, 200 lawsuits by inmates are pending.

When an individual is named as defendant in a lawsuit, Nassau County has found it valuable to develop a board composed of the sheriff, selected county officials, and the county attorney's office. The board determines whether the defendant should be indemnified from punitive damages or damages sought outside his or her official capacity. If indemnified and subsequently found guilty, the county, not the defendant, also pays the punitive damages and the damages assessed against the defendant individually.

To manage its multitude of lawsuits, the Nassau County Correctional Center has established a legal unit. Investigative staff research legal actions brought against the jail to determine if they are viable, and if so, how best to proceed. The lawsuits are typically settled by consent decrees or by settling before trial and paying damages to the individuals filing the lawsuits. Sometimes the latter solution can actually save money.

Consent decrees are binding legal contracts that can work to the benefit of the jail when approached with caution. It is important to understand which provisions of the decree cannot be controlled by the jail. Nassau County has found it valuable to include in the decree an escape clause, time limits, and procedures to implement and monitor the parameters set forth by the decree.

There are a number of steps that can be taken to “suit-proof” a jail. These include developing adequate policies and procedures, staff training, incident management, and documentation. Policies and procedures should be both written and implemented for all aspects of jail operations. It is critical that new and existing staff be trained in policies and procedures and their compliance be monitored. Training should also cover the legal rights of inmates and courtroom demeanor and procedures.

Unusual incidents should be investigated and documented. Use of video cameras is especially helpful in this area. The best weapon in preventing a lawsuit or having a successful defense is to tape the incident while it is happening. Document inmate and staff actions. It has been said that the three most important elements in managing lawsuits are documentation, documentation, and documentation.

Wayne Tucker Alameda County Sheriff's Department Dublin, California

The Alameda County Sheriff's Department has an average daily inmate population of 3,600 in its facilities. The department manages litigation as Nassau County does, with a few notable differences. Alameda County uses a county attorney for its cases, and a great deal of time is allocated for screening, analyzing, and processing litigation. The county has found it important to bring the attorneys into the jail early on to ensure that they understand the operations of the facility. In their experience, having the jail involved with the attorneys is beneficial and worth any additional cost.

Alameda County indemnifies all staff named as defendants in lawsuits for general and compensatory damages. Punitive damages are considered, as appropriate, on a case-by-case basis.

The facility has never had a lawsuit go before a jury. Their approach to consent decrees is that if they can use them to create a situation that will benefit the facility, they do so. Also, they set “sunset” dates for ending the terms of the consent decree. This ensures that they are not bound forever by terms which, due to changing times and circumstances, they could no longer feasibly meet.

Training is crucial to the Alameda County Sheriff's Department. Twice a year supervisors participate in a two-day seminar. One of the important issues covered in this training is litigation.

It is advisable to analyze whether a facility is getting a disproportionate amount of lawsuits in one area, and if so, to take corrective action. In the past, many of Alameda County's lawsuits were medically oriented. Another area of litigation for the county resulted from moving the jail to a new facility. During this period of staff adjustment, ten lawsuits were filed.

Alameda has found it critical to monitor and manage which court handles lawsuits. In the county's experience, suits filed in the federal district court are not as beneficial as those filed in state or superior courts.

One of Alameda County's inmates is the infamous G. Daniel Walker. He is notorious not only for a series of violent crimes over three decades but also for filing in excess of 1,000 lawsuits over the years he has been imprisoned. Currently, there are thirty-seven viable suits pending that were initiated by Walker. The county has assigned one court person and one jail staff member to try to anticipate

legal needs generated by Walker's suits. Walker has managed singlehandedly to test the competency of the facility's management.

Art Wallenstein
King County Department of Adult Detention
Seattle, Washington

The King County Department of Adult Detention has found litigation to be a diffused, unending process. A litany of people have been named in the litigation, They are represented by outstanding private counsel who develop a personal relationship with the defendants and understand that they work for the defendants, not for other county departments. Both the defendant and the facility staff are made part of the defense process. The system is interested in and an advocate for the defendant. The attorney carries the case from beginning to end.

Some counties have experienced difficulty because county attorneys who represent the jail sometimes have conflicting allegiances or interests that run parallel to those of the defendants. The named defendant in a jail lawsuit may not be the only client represented by a county attorney. If the county attorney also represents the county commissioners, it might be judicious to arrange for a private attorney to represent the jail defendant. In some counties, defendants may fear losing their indemnity if they call too loudly for adequate representation.

The King County Department of Adult Detention believes in the defendant's right to absolute, unencumbered representation by legal counsel. When a financial or budgetary officer says, "We can't afford to bring about the settlement," isn't that in conflict with the American principle of the right to be defended? There can be serious problems when the county lawyer wants to settle for budgetary reasons while the client is not willing to settle.

Government legal bureaucracies are not always inclined to represent jail administrators as individuals. The bureaucracy will be there forever but the jail administrator will not. Perhaps in the future there will be a body of law on jail administrators' rights.

The recent U.S. Supreme Court case of *Wilson v. Seiter* is likely to cause difficulty for jails. The ruling states that the intent of administrators is more important than the reality of jail conditions. While at first glance this appears to be good, it may not prove to be so over time. Funding bodies may say that they do not have to fund certain requests by the jail since the basic intentions of the administrator are good. Overall, jails have benefitted appreciably by conditions of confinement cases. This ruling may well result in lowering the standards of the jails.

Highlights of the Discussion

Following the panel presentation, the participants discussed and commented on the issues presented. Highlights of the feedback follow:

- Litigation has benefitted jails in many cases. There is, however, a fine line between collusion with the plaintiff and working with the defendant when it is clear that the jail will benefit from losing the case.

- The Connecticut Department of Corrections has instituted an arbitration panel to negotiate and monitor settlements.
- Consent decrees can be beneficial, in that they can bring about necessary changes. Be sure to negotiate “sunset” clauses and to allow for changes to be made in the decree.
- Many consent decrees are extremely outdated and reflect a 1970s jail system. Because of the National Institute of Corrections, the National Sheriffs’ Association, and other organizations, jail systems are now more progressive. However, the courts do not credit the jails with this or acknowledge that better systems are in place.
- When there has been a wrongdoing, investigate it thoroughly. This can ferret out important information so that it does not come as a surprise if it is presented by the plaintiff attorney in court.
- Outside private counsel are motivated to perform well so that they can build a body of knowledge and a solid reputation for corrections litigation as well as increase their workload in this area.
- While it is best to be represented by private counsel, this is not always financially feasible.

<p>Topic Session 2: Intermediate Sanctions</p>
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The intermediate sanctions of the Dade County Correction and Rehabilitation Department in Miami, Florida, and the Harris County Sheriff’s Department in Houston, Texas, were presented on the Intermediate Sanctions panel. Dade County’s intermediate sanctions are all alternatives to incarceration and include drug court, house arrest, work furlough, a day reporting center, and a weekender program. In Harris County the courts choose from a continuum of programs ranging from hard to soft. Harris County has found that effective alternative sentencing and intermediate sanctions require that inmates are adequately assessed and screened to ensure appropriate placement in the programs. Coordination among the various agencies involved is also a critical factor.

Lonnie Lawrence
Dade County Correction and Rehabilitation Department
Miami, Florida

In 1990, Dade County had an average daily inmate population of 5,500, approximately 500 of whom were misdemeanants with an average stay of seventeen days. This translated into a cost of more than \$400,500 for nonviolent offenders.

No matter how generous communities are regarding money, sooner or later funding is inadequate. If for no other reason, correctional professionals are forced to look to intermediate sanctions. For the

Dade County Correction and Rehabilitation Department, the term “intermediate sanctions” means alternatives to incarceration, although the term can carry other meanings.

One of the intermediate sanctions used by Dade County is a drug court. The drug court was established by the chief judge, who sought avenues for dealing with the system’s drug arrest overload. Sting operations were loading the jails on weekends with drug possession offenders who would subsequently be released from jail.

The chief judge met with treatment people, jail administrators, and others and located a judge willing to work with the drug court. The current drug court judge is a former police officer and defense attorney who has a thorough understanding of the various perspectives of different arms of the criminal justice system. The drug court handles first-time drug offenders for possession charges, not for sale or distribution of drugs. In this way, these offenders are removed from the regular system. They are given the option of entering a supervised drug program, which is approximately 120 days in duration, and subsequently completing a probation program. The treatment program and aftercare are provided by a community college, which has set up special trailers for this purpose. If offenders choose not to participate in the program or fail to complete it satisfactorily, they are sentenced to jail.

To date, 4,000 offenders have undergone drug treatment. The success rate is higher than 95 percent, which means that fewer than 5 percent of the offenders have come up again before the judge. This coming year, the state attorney and public defender are seeking to double program participation. The state attorney has indicated that she might be willing to place second-time offenders in the program as well.

Another intermediate sanction used by Dade County is a house arrest program. It was formerly used only for people after conviction, but it is now used for pretrial offenders as well.

Work furlough is yet another alternative to incarceration used, and the county is interested in increasing participation in the program. Work furlough eliminates the problems caused by offenders losing their jobs. If prisoners are heads of households, the system must then care for the families as well as the prisoners themselves. In addition to allowing offenders to support themselves and their families, work furlough also allows offenders to make restitution, if this is part of their sentences.

State legislators passed a Community Corrections Act, which provides funding to local programs to reduce jail crowding. The Day Reporting Center in Dade County houses several programs under one roof, including drug testing, G.E.D., vocational training, employability skills training, and job placement. The center allows more people to be released from jail and provides a structured environment for those who require it but who don’t necessarily need to be in jail.

The Weekender Program is another intermediate sanction used. Dade County averages 200 people per weekend on the program. They report to jail on Saturday and Sunday and work eight hours per day on county roadways, trash transfers, and Housing and Urban Development contracts. Offenders must pay to participate in the program. This arrangement enables the program to pay for itself.

**Mark Kellar
Harris County Sheriff’s Department
Houston, Texas**

In 1990, the Texas State Legislature passed a law known as HB 2335, which authorized, among other sweeping changes, state funds to compensate counties which participated in various alternative

sentencing and intermediate sanctioning programs. Approximately \$10.5 million was allocated to Harris County for the operation of a variety of programs, which are closely coordinated with the Adult Probation Department. This law has served as a catalyst to encourage a greater degree of cooperation, streamlining, and efficiency among the various components of the local criminal justice system. As a result of the county's initial experience with this restructuring, several principles have evolved that merit consideration as a new era in criminal justice emerges. These principles are:

- The criminal justice system must be coordinated through joint commitment from all involved parties. Harris County has a Criminal Justice Advisory Committee, which is chaired by the county budget officer and composed of representatives from the Sheriff's Department, the Community Supervision and Corrections Department (Adult Probation), Pretrial Services, the district attorney's office, misdemeanor and felony courts, data processing, and the County Clerk's office. The committee openly and cooperatively addresses problems and makes hard policy decisions.
- The development of alternative sentencing and intermediate sanctions can only be effective if there is adequate screening and inmate/client assessment (classification) to ensure appropriate placement of offenders.
- A continuum of programs represents the best model for Harris County. Under this system, each court has a range of options from which to choose, covering the spectrum from hard to soft. This allows the courts to place offenders appropriately. For example, a felony offender might be sentenced by the court to serve jail time and then to participate in the Court Regimented Intensive Probation Program (CRIPP), a boot camp. Upon successful completion of the program, the offender might then be sentenced to a less restrictive alternative such as work release. In this manner, the offender becomes, through his or her behavior, an active partner in the decision process.

The success of intermediate sanctions and alternative sentencing necessitates coordination among the various agencies.

Some agencies are better suited than others to perform some operational functions. For example, community colleges are best suited for providing education and Adult Probation is best suited for providing counseling and follow-up for residents in the program.

Alternative sentencing and intermediate sanctions are not necessarily less expensive than warehousing prisoners. However, while the short-term cost of programs such as treatment programs is higher than incarceration, in the long run these programs may well reduce societal costs and be more cost-effective overall.

Alternative sentencing and intermediate sanctions must be given an opportunity to work because the traditional system has eroded to total chaos. It is critical that correctional professionals consider all viable alternatives.

Highlights of the Discussion

Following the panel presentation, the participants discussed and commented on the issues presented. Highlights of the feedback follow:

- Acupuncture has worked successfully in as a method for combating drug addiction It bears looking into.
- Urine testing has revealed that drug programs in local jurisdictions are not always congruent with drug use in the local community.
- Objective classification standards measuring both risk and need should be developed so that inmates are placed appropriately in programs.
- Make sure that pretrial offenders are given credit for time served.
- Intermediate sanctions should be progressive and therapeutic in nature.
- Are jails prepared to do in the 1990s what they have been asked to do? Are they a healing system?
- The trend among judges is to use a hands-on approach instead of letting the jail administrator decide in which intermediate sanction to place the inmate.
- Jail crowding is an opportunity to make much-needed, system-wide changes. Networking with other correctional professionals is extremely beneficial. It allows administrators to take elements from other programs that are tried and tested and likely to work within their own systems.

<p>Topic Session 3: Linking Jail and Community Programs</p>
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The Linking Jail and Community Programs panel presented the programs and philosophies of the Broward County Sheriff’s Office, Fort Lauderdale, Florida; the Orleans Parish Criminal Sheriffs Office, New Orleans, Louisiana; the Ventura County Sheriffs Department, Ventura, California; and the Orange County Corrections Division, Orlando, Florida. Jails are in the position to use free manpower to make their local communities better places to live. In addition to the benefits to the community, the inmates themselves also stand to gain from the arrangement. In performing work, they gain marketable skills and perhaps also a sense of personal accomplishment. Jail-community links also garner public support for the jail.

Harold Wilbur
Broward County Sheriff’s Department
Fort Lauderdale, Florida

Broward County is home to 1.3 million people. The average jail population is 350,000. Seventy percent of the inmates test positive for cocaine, and crack is the drug of choice. Recently 200 beds were added, and sixty-three additional acres have been purchased for facility expansion. The jail staff

currently stands at 1,500 and is growing. The Sheriff's Department is the only department in the county that does not have a hiring freeze.

Broward County has several jail-community links. They include:

- **The Broward County Commission on Substance Abuse** - The commission is composed of key people from the community, including the chief judge, a business leader, a religious leader, and a representative of the Chamber of Commerce.
- **Grants** - The county has secured grants for a number of programs, including DUF (drug use forecasting), a substance abuse hotline, drug court, and a COPE (community-oriented police enforcement) unit which picks up discarded tires. Broward County has found it valuable to assign a staff member as grant specialist.
- **The Work Release Program** - Participants pay a subsistence fee, and delinquent fathers are forced to pay child support payments.
- **The Beta Broward Education and Training Assistance Program** - This educational program assists inmates in gaining marketable skills and in finding jobs.
- **Jail tours** - Tours for the community are held once weekly.
- **AA, NA, CA, etc.** - These twelve-step programs provide the support necessary for motivated inmates to get into recovery from alcohol and other drug addictions.
- **Feeding the poor**-The jail receives donations from the community and prepares food for the poor at the facility.
- **The Police Athletic League (PAL)** - Inmates painted and cleaned a gym for youth ages eight to eighteen. The project was paid for by inmate phone receipts.
- **Clergy** - There are 120 volunteer chaplains who work with the inmates.

Charles Foti Orleans Parish Criminal Sheriff's Office New Orleans, Louisiana

Orleans Parish has 46,000 inmates, which is approximately 1 percent of the community's population. The jail-community link focuses on community service restitution.

Inmates perform a variety of jobs, many of which fall within the jurisdiction of the government. These include manicuring parks, maintaining state highways, cleaning up litter, and cleaning up after fires and hurricanes. Inmates also participate in feeding the elderly, setting up and breaking down church fairs, participating in anti-crime and anti-drug school programs, and demolishing crack houses.

One of Orleans Parish's strongest jail-community links is the About Face Program. Operated by the Sheriffs Office, this program involves several neighborhood improvement projects and teaches inmates marketable job skills. There are several key elements to the program: commitment from participants, discipline, one-on-one counseling, substance abuse programs, community service work, education, vocational training, and life skills training.

Participants in the program are chosen from sentenced offenders through a rigorous selection process. Most participants are males between seventeen and forty years of age and are serving the last portion of a sentence for a nonviolent offense. Average length of stay in the program is nine months.

Examples of About Face projects include remodeling abandoned houses, assisting in food drives, and painting an elementary school (for which the inmates were the proud recipients of letters of thanks from the school's students). One of the projects was building a senior citizens center from the ground up. The Homebuilders Association of Greater New Orleans provided instruction and helped the inmates to develop the requisite construction skills.

Initial study indicates a recidivism rate of less than 9 percent. The success of the program has generated interest nationally and internationally.

The advantage of the About Face Program is that everyone wins-both the community and the inmates themselves. The program helps the inmates to develop self-worth and a strong work ethic and teaches them that they can accomplish what they set their minds on doing. The community comes to view the inmates in a different way, and inmates come to view themselves more positively. A potential problem is the liability issue: what happens if an inmate is injured on the job?

Community restitution projects build the jail's positive reputation and save the taxpayers money which would have otherwise been spent on community projects. Jails are in the position to use free manpower to make their local communities better places to live.

Richard Bryce
Ventura County Sheriff's Department
Ventura, California

Public support is critical to a corrections facility, It can be gained through both positive press and board member support. The Ventura County Sheriffs Department has developed a number of jail-community linkages that improve community support.

Rose Valley is the county's version of a boot camp program. Rose Valley inmates live in barracks, participate in community projects and skills training programs, and have the opportunity to build self-esteem and change negative behaviors. If an inmate is expelled from Rose Valley, he may not return Recently, the Rose Valley skills training programs have begun to be staffed by inmate instructors. One of the Rose Valley projects is an arrangement with the U.S. Forest Service wherein inmates provide campsite clean-up and have to date planted more than 35,000 trees as part of the Green Earth Project.

Vocational programs are linked with community-based colleges. To develop these programs, the county first surveyed the community to identify fields that offer job opportunities and then developed the appropriate skills training programs. This includes a front-end mechanics program, a machine shop, and a data entry program for women at the Honor Farm. There is a job placement service to assist inmates in securing interviews upon their release. Arrangements have also been made to provide former inmates with ongoing training so that they may continue to improve their job skills.

An adult literacy program addresses the needs of many in the jail population, nearly one-third of whom are illiterate in one form or another. Instructors for the program are volunteers and include retired school teachers and a number of people from RSVP (Retired Seniors Volunteer Program). The program has been very successful.

The substance abuse program is linked with community-based treatment programs and AA programs.

One of the most popular programs at Ventura County is Santa's Workshop, in which inmates build toys from contractors' scrap materials and give them to underprivileged children. Among the other toys made are cradled dolls. The cradles are made at the men's facility and the dolls at the women's facility.

These programs have benefitted the jail through public recognition in newspapers and on television. The public has begun to view the inmates as productive contributors to the community.

Ed Royal Orange County Corrections Division Orlando, Florida

It is the task of correctional professionals to assume responsibility for how inmates are returned to the community and to know whether they are truly integrated into the community. To address this issue, the Orange County Corrections Division created a continuum of care, the Integrated Inmate Management System, in which inmates are held accountable for their behaviors. The Corrections Division established a set of standards that allows any inmate, with the exception of capital offenders, to participate in community programs. Even the "worst of the worst" are given the opportunity to change.

Orange County has found that when inmates know what is expected of them, they generally comply with the rules. People, basically, want to participate and need to have a sense of belonging.

A dual sentencing system is used in Orange County. Before the judge sentences an offender, a complete alternative treatment plan is compiled and presented in court. Inmates voluntarily choose to participate in the treatment plan.

The dual sentencing system of traditional or suspended sentencing holds inmates responsible for their decisions to rehabilitate or not. They are made aware that the jail will respond to both their positive and negative behaviors. The choice is theirs. If they fail to adhere to the tenets set forth in the plan, there are consequences. When an inmate's behavior is appropriate, his or her amenities are increased. These might include color television, contact visitation, or participation in G.E.D. or religious programs.

The continuum of care system provides the exiting inmate with a packet outlining a continued program that will allow him or her to be integrated effectively into the community.

Highlights of the Discussion

Following the panel presentation, the participants discussed and commented on the issues presented. Highlights of the feedback follow:

- Indeterminate sentencing encourages inmates to participate in programs.
- It is important for jails to "make deposits in the community bank." The results of this are diminished antagonism, development of trust, increased teamwork, an increase in the

number of agencies willing to be involved, and a shift in perception from “your problem” to “our problem.”

- Jails are seen as a drain on the community. It is thus important for them to give back to the community. Communities tend to view jails as necessary evils. Staff don’t get the kind of recognition that fire fighters and police officers receive.
- The sheriff can elicit better PR from having inmates clean up litter than from making drug busts.
- There appears to be more of a need for adult basic education than there is for G.E.D.s.

<p>Topic Session 4: Overview of NIC/NASA Program on Corrections Technology</p>

**Kevin Jackson
National Institute of Corrections**

In May 1989, the National Aeronautics and Space Administration, Technology Utilization Division, and the U.S. Department of Justice, National Institute of Corrections initiated a two-year project, the goal of which was the transfer of NASA technology to corrections. The project has since been extended and expanded.

The transfer process entails looking at the missions and needs of the corrections community, researching corrections concerns through the NASA network, and generating real-life applications for future solutions. NASA helps to develop the technology then hands it over to corrections for commercialization and implementation.

The NIC/NASA project priorities are drug detection, contraband detection, drug use detection, computerized literacy tutoring, perimeter security, and electronic monitoring. Each of these is described below.

- **Drug Use Detection.** Target groups include inmates, parolees/probationers, visitors, and staff. Current methods of detection include urinalysis, which is the most common, hair analysis; visual examination of involuntary eye responses; and physical signs. Detection methods need to be fast, unobtrusive, simple, and safe. Methods being researched include analyzing saliva, respiration, and perspiration, and measuring eye movement and analyzing voice through computers.
- **Contraband Detection In Correctional Institutions.** Drugs enter jails via visitors, contractors, inmate work crews, staff, and mail. The most common drugs found in jails are alcohol, marijuana, cocaine, heroin, and PCP. Current detection methods include searches, intelligence (informants), x-ray machines, drug-sniffing dogs, and air analyzers. Corrections needs methods that are simple to use, reliable, robust, fast, nonintrusive, safe,

and portable. Methods NIC and NASA are considering are magnetic resonance imaging (MRI), nuclear magnetic resonance (NMR), ultrasound, microsound, and vapor/particle detection.

- **Computerized Literacy Tutor Project.** This project combines an interactive video disk with a “smart” computer that understands and critiques sentences.
- **Perimeter Security.** Methods under consideration include microwave detectors and directionalized microphones that pick up sound variations.
- **Electronic Monitoring.** An electronic monitoring system that tracks an individual’s movements is currently under consideration.

Participants at the meeting provided input into additional areas of research they would like NASA to undertake on behalf of the corrections industry. These areas are:

- Food preparation and serving techniques.
- Ultrasound methods to clean clothes.
- Pest and rodent control.
- Efficient systems for tracking people within the jail.
- Enhancement of communications systems (as in the case where a facility is due west of an airport and the courthouse is southeast of the airport, and their communications cut across airport communications).
- A practical, easy-to-use, reusable, and unbreakable locking mechanism that is not key-driven.
- Biomedical research on sanitization of cells, mattresses, walls, and AIDS-infected areas.
- Maximum security locks that work.
- Durable paint

Topic Session 5: Human Resource Issues

The Human Resource Issues panel presented the perspectives of the Fulton County Jail, Atlanta, Georgia; the Fairfax County Sheriff’s Office, Fairfax, Virginia; and the Prince George’s County Department of Corrections, Upper Marlboro, Maryland. Most jails are facing budget reductions which require them to manage a burgeoning inmate population with fewer personnel. Methods of coping with this are varied and include improving the professional image of correctional officers, hiring people in unsworn capacities, improving employee training and retention rates, implementing employee

assistance programs, and establishing labor management committees to address problems before they reach a critical point.

**Levi Dawson
Fulton County Jail
Atlanta, Georgia**

Given the state of most corrections budgets, human resources will become a scarce commodity. Budget cuts generally entail personnel cuts, certainly not reductions in the number of prisoners. In the future, most correctional facilities are likely to have fewer personnel with which to manage a larger inmate population.

The basic components of human resource management are recruiting, employing, training, retaining, and overseeing. The employee pool in the year 2000 will be composed of more women, more minorities, and more immigrant laborers.

Virtually all correctional professionals believe their facilities are understaffed. Many corrections professionals complain that they lack the necessary employees to manage the jail effectively. They feel they are unable to accomplish what they are mandated to do without a full complement of employees.

The Fulton County Jail was built for 1,400 inmates and currently houses 2,700. The staff capacity is 565, but there are only 530 employees. The jail is not under a hiring freeze, but police, fire fighters, and emergency medical technicians are.

Fulton County has a training program for jail officers in which deputies working in the jail are paired with new employees. This system has improved employee retention rates.

Budgetary constraints may result in facilities having to hire more people in unsworn capacities because their salaries are lower. Hiring unsworn personnel for positions such as data entry and commissary can result in money savings and can also be a signal to funding sources that jails are working to conserve funds. Funding sources tire of requests from jails for more and more money.

Not everyone agrees that employees should be retained because employees move up the salary scale as they are promoted. To the budget officer, everything is a matter of money, and employee retention may not be a priority.

The Fulton County Jail's budget for 1992 is the same as it was for 1991, but the number of prisoners has increased. Among the factors that will further increase the financial needs of the jail is population growth in the southeastern United States. The region is experiencing low unemployment rates, and because drug dealers would just as soon operate in an affluent area, they too will be relocating to the southeast. In addition, the 1996 Olympics in Atlanta will necessitate budget increases. The Assistant District Attorney will likely need to increase travel funds dramatically to fly in prosecution witnesses from overseas.

**Carl Peed
Fairfax County Sheriff's Office
Fairfax, Virginia**

Fairfax County is an affluent area with a population of 840,000. Home to many “yuppies,” it has the lowest incarceration rate for all jurisdictions nationwide. However, it still has problems with jail crowding, and the county is now building two new facilities.

Among the national work force, 20 percent have problems that affect their work performance. These can include alcoholism, drug addictions, phobias, weight problems, depression, stress, anxiety, marital problems, grief, family dysfunctions, financial/legal problems, and medical problems.

Many employers nationwide, including some jails, have developed and implemented Employee Assistance Programs (EARS). EARS provide assistance to employees on personal issues that adversely affect job performance. These programs were developed more than twenty years ago and have been widely recognized in both the public and private sectors as an effective means to maximize employee productivity and human potential. EARS are strictly confidential, professional, short-term counseling and referral services for employees and their families. They are staffed by professionally trained counselors and available free of charge to the employee.

Fairfax County created an EAR in 1986. There are three types of referrals to the program: self-referral, supervisory referral (the only information divulged to the supervisor is that the employee went to the EAR), and disciplinary diversion. During the EAR's first year of operation, 5 percent of the work force took advantage of its services. Over the next four years, the percentages were 10 percent, 13 percent, 15 percent, and 18 percent, all of which are on target with the national averages.

A number of factors help to make an EAP effective:

- The EAR can be an internal or outside program. The advantage of housing the EAR off-premises is that employees will be able to keep confidential their comings and goings to and from the EAR. Most employees would rather not be seen going into the EAR office.
- Employees need to have trust and confidence in the EAR. It must be a credible program with a reputation for confidentiality and success.
- To inform employees about the EAR, agencies might consider sending a letter home to families with the payroll check.
- Agencies should train all levels of employees to recognize the symptoms exhibited by an employee experiencing problems. These include high rates of absenteeism, tardiness, reduced efficiency, conflicts, accidents, legal involvements, personal neglect, and attending work in an abnormal condition.

Employers owe it to their employees to help them deal with difficult issues. In turn, the employer will likely be rewarded by the improved productivity and performance of the employee who has received help. Employees who are both mentally and physically healthy have a more positive view of themselves and their jobs and become assets to themselves, their employer, and the community. In economic terms, there will be reduced manpower costs associated with personnel turnover due to terminations and resignations. Retention of trained, experienced employees will also reduce the high cost of recruitment, selection, and training. Other benefits will include reduced sick leave, injury/accident leave, and insurance claims.

Milton Crump
Prince George's County Department of Corrections
Upper Marlboro, Maryland

Human resources that have been valuable to the Prince George's County Department of Corrections are advisory groups, volunteers, other government agencies, and the inmate labor force. Each is described briefly below.

- The Department of Corrections uses citizen advisory groups for virtually every major area of operations. In this way, citizens provide input and become part of the solution to jail problems.
- There are currently approximately 350 registered volunteers working with the jail. They provide a phenomenal level of support, and some of them work up to twenty hours per Week.
- Prince George's County is in the process of working with the county Board of Education to provide educational and vocational training.
- The inmate labor force performs duties such as kitchen work, laundry, facility maintenance and cleaning, landscaping, and temporary building construction, as well as services for other government agencies. The labor cost savings is approximately \$3400,000 per year.

Correctional professionals are not typically viewed as professionals among themselves or by their peers in other public safety agencies. Furthering their professionalism requires focusing not only on tangibles such as recruitment and training, but also on other areas that are not as easily defined: developing self-esteem, providing a role in the decision-making process, playing a part in departmental planning, and having input into their future professional roles. It is generally when administrators are confronted with these "demands" that they fear the loss of management rights.

One way to address these problems is to involve the correctional staff in resolving problems through forming a labor management committee. This committee, if used properly, can:

- Eliminate or avoid labor problems.
- Have a positive impact on morale of officers.
- Allow officers to be part of the solution.
- Eliminate frustration about having no input into departmental operations.

The Labor Management Committee at Prince George's County Department of Corrections is a workable size of eight, with four representatives from labor and four from management. The committee meets once monthly. The agenda is unrestricted, and the minutes of each meeting are kept and published. The committee makes recommendations to the directors on a variety of issues, including policies and procedures and contracts. Due to the committee's involvement, the Department of Corrections has not experienced any contract problems for the last several years. Every major management decision, excluding some budgetary issues, has gone before the committee for review prior to implementation. As a result, the decisions are put in place with relative ease.

Labor management committees are valuable because they address problems before they become major and give employees a sense of ownership in the decision-making process. In some cases, these committees can eliminate problems that might cause a nonunion shop to unionize.

Highlights of the Discussion

Following the panel presentation, the participants briefly discussed and commented on the issues presented. Highlights of the feedback follow:

- We all know what a jail is for. However, we all understand its function differently. We often fail to communicate with judges, the city attorney and other players in the criminal justice system.
- Before signing off on schematic drawings for a new facility, draw up a staffing plan and a projected budget. If you can't afford to run the proposed facility within your budget, then change the facility design Don't build a facility you can't afford to run.
- Staffing is not a numbers game. Sometimes it takes more new or untrained staff longer to do what two well-trained staff can do better in a shorter time.

Suggested Topics for Future Meetings

Participants noted the following subjects as possible topics for discussion at future meetings of the Large Jail Network.

- Random drug testing.
- Employee disciplinary processes.
- Peer counseling programs.
- Labor management/labor relations.
- Legal issues/human resource issues.
- Writing and negotiating contracts for food service and medical care.
- Coverages of the Fair Labor Standards Act.
- Use of force.

Further suggestions of meeting participants included extending the meeting to include a half-day tour of local facilities and inviting an outside legal panel to discuss labor law.

**NATIONAL INSTITUTE OF CORRECTIONS
JAIL CENTER**

LARGE JAIL NETWORK MEETING

STAPLETON PLAZA HOTEL
DENVER, COLORADO

JULY 21-23, 1991

AGENDA

SUNDAY

JULY 27, 1991

6:00 PM - 8:00 PM

INFORMAL DINNER

*Welcome, Introductions and
Program Overview*

Michael O'Toole

MONDAY

JULY 22, 1991

7:30 AM - 8:30 AM

BREAKFAST

8:30 AM - 10:15 AM

Managing Jail Litigation

*o Alameda County, CA
o King County, WA
o Nassau County, NY*

*Wayne Tucker
Art Wallenstein
Ernest Weber*

Group Discussion

10:15 AM - 10:30 AM

BREAK

10:30 AM - 12:00

Intermediate Sanctions

*o Dade County, FL
o Harris County, TX*

*Lonnie Lawrence
Mark Kellar*

Group Discussion

12:00 PM - 1:30 PM

LUNCH

MONDAY

JULY 22, 1991

CONTINUED

1:30 PM - 3:15 PM

Linking Jail and Community Programs

- o Orleans Parish, LA*
- o Ventura County, CA*
- o Broward County, FL*

*Charles Foti
Richard Bryce
Harold Wilbur*

Group Discussion

3:15 PM - 3:30 PM

BREAK

3:30 PM - 4:30 PM

Overview of NIC/NASA Program

Kevin Jackson (NIC)

6:00 PM - 7:00 PM

DINNER

TUESDAY

JULY 23, 1991

7:30 AM - 8:30 AM

BREAKFAST

8:30 AM - 10:15 AM

Human Resource Issues

- o Fairfax County, VA*
- o Fulton County, GA*
- o Prince George's County, MD*

*Carl Peed
Levi Dawson
Milton Crump*

10:15 AM - 10:30 AM

BREAK

10:30 AM - 11:00 AM

RECAP AND CLOSEOUT

Michael O'Toole



**NATIONAL INSTITUTE OF CORRECTIONS
JAIL CENTER**

Large Jail Network Meeting

Denver, Colorado

July 21-23, 1991

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