
JAIL INSPECTION BASICS

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an Introductory Self-Study Course for Jail Inspectors

SUPERVISOR'S GUIDE

prepared by
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for
**The Nebraska Commission on Law Enforcement
and Criminal Justice
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JAIL INSPECTION BASICS
AN INTRODUCTORY SELF-STUDY COURSE FOR JAIL INSPECTORS

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PURPOSE AND USES OF THE SUPERVISOR 'S GUIDE

The purpose of the Supervisor's Guide is to provide the supervisor a shortened companion to the Jail Inspection Basics manual. The companion is designed to facilitate interaction between the supervisor and new inspector about the topics in the program.

In order for the new inspector to benefit the most from the program will require the assistance of his supervisor. Your Supervisor's Guide contains the bare bones of the Jail Inspection Basics manual and assumes that you are a content expert. If there is any question regarding the content, you may refer to the appropriate material in the text.

It is not the intent that this program be the last word in jail inspections. It is fully realized that each state approaches the matter of jail inspections differently. And, to make the training realistic, the supervisor must make it "come alive" through the mentoring of the new inspector. The Supervisor's Guide will assist toward this end.

One limitation of the Jail Inspection Basics manual is that its structure allows only limited learning outcomes. The student responds to concrete questions asking him to **IDENTIFY, LIST** and **DEFINE**. The Supervisor's Guide involves the supervisor and allows him to ask the student questions, discuss peculiarities of his or her state, and allow the new inspector to share in the experience of the supervisor.

The result of this interaction will be the new inspector's ability to **EXPLAIN, DIFFERENTIATE AND DISTINGUISH** and thus demonstrate higher levels of learning.

STRUCTURE OF THE SUPERVISOR'S GUIDE

There are seven chapters in the Supervisor's Guide which follow the same order as the Jail Inspection Basics manual. Each chapter is in the following format:

Chapter Overview
Objectives and Related Test Questions and Answers
Discussion Topics
Resources and Bibliography

The Chapter Overview is an outline of the material covered in the chapter. Each Objective is followed by the test questions in the Jail Inspection Basics manual. However, the Supervisor's Guide has the answer following each question.

The Discussion Topics section is most important. It is intended to focus the learnings of the self-administered text to your agency and state. It is suggested that after the new inspector finishes each chapter, he or she meet with you to discuss the Topics in this section. The Topics in this section are not all inclusive, and you should feel free to add to them depending upon your experience.

The Resources and Bibliography section includes the texts used to develop this training program and suggests some resources within your state to which you can refer the new inspector to add to his learning.

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CHAPTER ONE

LEGAL ISSUES

Since the mid 1960s federal courts have intervened in correctional matters. Prior to that time, the courts' unofficial policy was "Hands Off".

There were many reasons for the courts to adopt this policy. Among those was the assumption that the courts had no expertise in security and control. Further, it was felt that the security interests of a correctional facility precluded one's constitutional rights. And the "separation of powers" doctrine of the U.S. Constitution meant that the courts had no business in correctional matters.

With the advent of the Civil Rights Movement in the early 1960s, the "Hands Off" policy fell to the wayside. Prisons and jails became open to Civil Rights litigation as their deplorable conditions and treatment of prisoners came under closer scrutiny.

The vehicle used to involve the federal courts was Title 42, Section 1983 of the Federal Civil Rights Act of 1871. Once the Courts recognized this avenue to bring suits, there were several areas in which litigation proceeded.

Prisoners sued using the First, Sixth, Eighth and Fourteenth Amendments to the U.S. Constitution. The result of this court intervention was the development of an extensive body of "Case Law" which became the basis for the eventual development of state and national standards.

While civil rights suits are prevalent today, there is a fairly substantial body of case law to guide correctional administrators. Knowledge of this law is central to the inspector's ability to assist the correctional administrator in applying the law to daily facility operations.

This chapter will examine the state and federal judicial structure including the courts' jurisdiction in criminal and civil suits. In addition, the various types of law will be discussed with an emphasis on the derivation of case law. Litigation and liability will be addressed as well as Constitutional rights of prisoners and staff.

OBJECTIVES, TEST QUESTIONS AND ANSWERS

INVOLVEMENT OF COURTS IN CORRECTIONAL MATTERS

OBJECTIVE 1. Identify several factors which led to the involvement of the courts in correctional matters.

OBJECTIVE 10. Identify the Constitutional basis for prisoner suits and trends facing corrections today.

OBJECTIVE 11. Identify basic inmate rights founded in case law.

Test Questions and Answers for Objectives 1, 10 and 11

7. The courts had a “hands off” policy prior to the 1960s because of the doctrine related to the three branches of government called _____
[The Doctrine of Separation of Powers]
19. The three Branches of Government in governmental structures of the United States are _____,
_____ and _____
[Executive, Judicial and Legislative]
11. In citing the Lack of Judicial Expertise the courts were
saying _____
[That they lacked the expertise, knowledge and skill to determine how correctional facilities should be managed.]
22. The issue of _____
relates to the courts’ feeling that their intervention into correctional matters would threaten institutional security,
and the notion that prisoners should be disciplined for their crimes.
[Institutional Security and Discipline]
9. The idea that prisoners should lose their rights because they were convicted of a crime refers to the notion that
they were _____
[Slaves of the State]
15. Two reasons for the intervention of the courts in corrections in the 1960s and 1970s were:
**[a. Police cases arising from the Civil Rights Movement.
b. The Attica riot which exposed the conditions of prisons.]**
24. Indicate which Amendment to the U.S. Constitution each of the following descriptions refers.
a. Cruel and Unusual Punishment
b. Access to the Press
c. Due Process
d. Equal Protection
e. Freedom of Religion
**[a. Eighth
b. First
c. Sixth
d. Fourteenth
e. First]**
5. List seven areas of jail administration and operations which have been affected by court decisions.
**[Staffing; access to courts, media, printed matter, counsel, telephone and libraries; practice of religion; visiting;
recreation and exercise; classification and segregation, food and medical services, discipline; and living
conditions.]**
18. Another title for the Anti Ku Klux Klan Act is _____
[Title 42, Section 1983 of the Federal Civil Rights Act of 1871]
2. The phrase “Any person, who under the Color of Law” refers to any governmental agent of state and local
government.
True or False.
**[True. Interestingly, though Section 1983 applies ONLY to state and local governmental agents and NOT to
federal agents.]**

16. Section 1983 applies equally to state and federal laws and the constitutions of each.

True or False.

[False. It only applies to the Constitution and laws of the United States Government.]

25. The term Plaintiff refers to the _____ and the term Defendant refers to the _____

[Plaintiff is the person or party bringing the suit. Defendant is the one being sued.]

1. Since Section 1983 is a Federal law, suits can only be brought in Federal courts.

True or False.

[False. Section 1983 cases can be brought in both state and federal courts. In most cases Plaintiffs sue in federal courts as there is a notion that federal courts are more sensitive to prisoners' rights.]

13. Section 1988 refers to the law
which _____

[allows the prevailing party in a Section 1983 lawsuit to receive lawyers fees from the losing side.]

STRUCTURE OF STATE AND FEDERAL COURTS

OBJECTIVE 2. Identify the structure of state and federal courts and be able to list their similarities and differences.

Test Questions and Answers for Objective 2.

28. The two court structures in every state are _____ and _____

[State and Federal]

4. Federal crimes and suits alleging violations of Federal laws are heard in which of the Federal courts ?

[Federal District Courts]

10. The courts which hear civil and criminal cases are referred to as _____ and those at a higher level which may review lower court decisions are known

as _____

[Trial Courts, Appellate Courts]

21. At the appellate level, cases are usually retried.

True or False.

[False. Cases are not tried at the appellate level. At that level Matters of Law are considered and judges do not rehear the case. They are most concerned with legal errors regarding admissibility of evidence, jury instructions, etc.]

30. The highest level of appeal in a case originating in a state court is the state's Supreme Court.

True or False.

[False. A state case can be appealed to the United States Supreme Court.]

17. There are thirteen federal District Courts somewhat evenly distributed across the nation according to population and geography.

True or False.

[False. There are thirteen Circuit Courts and ninety-four Districts. Circuit Courts are appellate courts and District Courts are trial courts.]

6. List three different types of state trial courts.

[Small Claims, Landlord/Tenant, Domestic Relations, Civil, Criminal]

PRECEDENCE, CASE LAW AND JURISDICTION

OBJECTIVE 3. Define the terms Precedence and Jurisdiction.

OBJECTIVE 4. Identify the Executive and Judicial Branches' authority to develop law, and the types of law they create.

OBJECTIVE 5. Define the term Case Law, how it is developed, and what impact it has on corrections.

Test Questions and Answers for Objectives 3, 4 and 5.

35. Precedent has the full force and effect of law within the jurisdiction of the issuing court.

True or False.

[True]

27. Another term for Precedent is _____

[Case Law]

14. Precedent is established when a judicial opinion is _____

[Written]

31. How are law books or reporters used by lawyers?

[Law Books or Reporters are used by lawyers to research case law either for cases they are litigating or for developing the basis for an appeal.]

3. Precedent is often the basis from which correctional standards are developed.

True or False.

[True]

33. Indicate which of the following statements about Precedent are true or false.

- Precedent established by an appeals court can be reversed by a higher level court.
- A higher level court can establish a new Precedent after reviewing a case.
- Precedent in one federal Circuit may differ from another federal Circuit.
- If there is sufficient differences between federal Circuits the U.S. Supreme Court may decide to settle the issue and establish new Precedent.
- All state and federal laws and standards must conform to Precedent established by the United States Supreme Court.

[All five statements are true]

34. Laws made by the Executive Branch are most commonly referred to as _____ and

[Codes and Regulations]

23. Jail standards which have the effect of law are non-tally published as

[Administrative Rules and Regulations]

8. If the Legislature authorizes the Executive Branch to create law it does so by _____ that authority.

[Delegating]

TYPES OF LIABILITY

OBJECTIVE 6. Identify three types of liability and how each applies to governmental officials.

Test Questions and Answers for Objective 6.

40. Indicate which of the following descriptions are Official, Personal or Vicarious Liability.

- a. This is when a person is found liable as an individual.
- b. This is when a person is found liable as a governmental agent.
- c. This is when a person is found liable because of the acts of his employees.
- d. This type of liability is also known as Administrative Liability.

[a. Personal

b. Official

c. Vicarious

d. Vicarious]

REMEDIES IN A CIVIL SUIT

OBJECTIVE 7. Identify the courts' remedies in a civil rights suit.

Test Questions and Answers for Objective 6.

37. Identify which of the following remedies are Compensatory Damages, Nominal Damages or Punitive Damages.

- a. This is an acknowledgement by the court that there was wrongdoing, and the Defendant is penalized for the willful violation of the Plaintiff's rights.

[Punitive]

- b. In this type of Damages the Plaintiff is awarded money for the actual loss he suffered.

[Compensatory]

- c. This type of Damages refers to when there is no substantial loss to the Plaintiff but the court grants him a trifling sum.

[Nominal]

20. When the court orders that the jail cease operating in a certain manner that order is called a(n)

[Injunction]

ELEMENTS OF LITIGATION AND PROPER COURTROOM DEMEANOR

OBJECTIVE 8. Identify several elements of litigation and courtroom demeanor.

Test Questions and Answers for Objective 8.

53. The process of _____ is that which includes all the elements to pursue or defend a lawsuit.

[Litigation]

12. Arrange the following steps in the Litigation process in the order they usually occur.

- a. Pre-Trial Proceedings
- b. Decision
- c. Plaintiff's Complaint
- d. Enforcement of the Judgement
- e. Trial
- f. Defendant's Response
- g. Judgement

[c,f,a,e,b,g,d]

36. Generally the Attorney General's Office will defend a jail inspector in a civil suit if he acts within the _____ and without

[Scope of his authority; Malice, fraud or corruption]

26. Which of the following is true about the process of Discovery.

- a. It encourages settlement of disputes out of court.
- b. It discourages surprises when a case goes to trial.
- c. It opens both sides' cases to the other.
- d. It relates to the backlog of cases in courts and promotes the efficient use of court time.

[All statements are true]

43. Indicate which of the following statements about Discovery refers to the terms "Interrogatories", "Document Production" and "Deposition".

- a. This is a question and answer session where the witness is sworn.

[Deposition]

- b. One can be discredited at trial if his answers are different than those given at this Discovery phase.

[Deposition]

- c. This may require that the jail inspector submit jail inspection reports.

[Document Production]

- d. This is written answers to questions from the other side in a law suit.

[Interrogatories]

45. If sued the jail inspector, should expect that the litigation process will proceed swiftly and that his lawyer will need to be in continual contact with him.

True or False

[False. The litigation process is most always lengthy. Further the inspector's lawyer may not contact him for great periods of time because of his caseload and the delays in litigation.]

CROSS GENDER SUPERVISION

OBJECTIVE 12. Identify the rights of staff in areas such as EEO and cross-gender supervision.

Test Questions and Answers for Objective 12.

48. The term _____ refers to officers of one sex supervising prisoners of the other.

[Cross Gender Supervision]

39. Cross Gender Supervision is a legal requirement supported by Title VII of the Civil Rights Act of 1964. It is enforced through the _____

[Equal Employment Opportunity Commission]

54. Since Cross Gender Supervision is required by law, it is an issue which has been openly accepted and encouraged by the corrections profession.

True or False

[False. Cross Gender Supervision is an emotional issue which has not been greeted with open arms. Inmates have sued over privacy issues. Male officers have sued over issues related to their safety (assuming that women would not be able to support them in the event of a disturbance). Women have sued for their equal employment opportunity and chances of advancement by being able to work in all areas of the jail.]

42. To successfully implement Cross Gender Supervision management must address the issue through _____ and _____

[Training and Supervision]

PLANS OF ACTION TO CORRECT DEFICIENCIES

OBJECTIVE 13. Identify the Inspector's role in assisting counties in developing Plans of Action to correct deficiencies, and how that role may assist in avoidance of potential liability.

Test Questions and Answers for Objective 13.

47. An _____ means that there is a Recognition and an Acknowledgement by the county that there are serious problems in the jail. Further, it is a Planned Strategy to address the problems _____ a suit is filed.

[Acceptable Beginning, Before]

41. The notion of an Acceptable Beginning recognizes that solutions to jail problems cannot be corrected overnight.

True or False

[True]

50. The assertion of the Acceptable Beginning defense may give counties breathing space in addressing and solving their jail problems.

True or False

[True]

32. The Acceptable Beginning defense allows the county to postpone addressing unsafe jail conditions.

True or False.

[False. Unsafe conditions should be addressed immediately.]

51. What are three basic elements of a Plan of Action or a Master Plan ?

[Detailed list of each violation

Remedies to address each violation

Realistic timetable to address the violations with the most serious violations addressed first]

46. A jail inspector can assist a county in developing a Plan of Action by encouraging them to action before a lawsuit is filed.

True or False

[True]

INSPECTOR LIABILITY

OBJECTIVE 14. Given case studies, be able to identify elements of potential liability for inspectors.

Test Questions and Answers for Objective 14.

49. A jail inspector is subject to a Section 1983 suit because he operates or has authority under

[Color of Law]

29. When an inspector fails in his duty to exercise his authority firmly and fairly, this may become matter over which he can be sued.

True or False

[True]

38. A _____ is an agreement between the parties in a suit when they agree to certain conditions and which is filed with the court.

[Consent Decree]

44. List three requirements of the Florida jail inspection case.

[a. Inspect each jail twice per year.

b. Vigorously enforce the standards by suing non-compliant counties within seven days.

c. Upgrading of certain standards.]

52. List four allegations in the Texas jail inspection suit.

[a. The inspection process was inadequate to detect and record violations of standards.

b. The standards were not adequately enforced.

c. Variances were granted too freely thus weakening the standards.

d. The standards themselves were inadequate and vague.]

AREAS OR QUESTIONS FOR DISCUSSION

1. Discuss any significant lawsuits in your state which have affected standards, methods of inspection or compliance planning.

2. Discuss any cases in which you were sued.

Was it a Section 1983 suit or state tort claim?

Discuss the process of Discovery and any involvement you had in the litigation.

Who represents state employees in your state?

3. Discuss the structure of courts in your state including trial and appellate courts.

Are there city as well as state courts?

How do they relate to each other?

4. Are there any Precedents in your state which are reflected in state standards?

How did they come about?

5. Are there any cases in your state where officials have been found liable and damages have been awarded?

What types of damages were awarded--punitive, compensatory and/or nominal?
Are there any cases where Injunctions were ordered?
What were the circumstances?

6. Describe the Administrative Procedures Act in your state.
7. Discuss how deficiencies with standards are handled in your state.

What is the sanction for non-compliance?

Do you have compliance monitoring authority?

Do you develop compliance plans or plans of action?

Is the jail required to respond to your agency if they are in non-compliance with any standards?

8. Discuss your State court structure using an organizational chart.
9. Discuss any relevant statutes or case law affecting jail operations or inspection programs in your state.

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CHAPTER TWO

STANDARDS

This chapter addresses the historical backdrop which led to the development of standards and examines the differences between voluntary and mandatory standards. It addresses the importance of standards compliance as a means to demonstrate good faith and it looks at the methods used in states to implement their standards, inspections and compliance program.

Since 1870 when the AMERICAN PRISON ASSOCIATION first promulgated standards, the field has evolved into a complex network of federal, state and local systems. They include parole, probation, jails, community corrections, prisons, and adult and juvenile services.

Not only has the field become complex but unique problems such as crowding have emerged to add to the complexity. Add to this the involvement of the state and federal courts and the requirement to operate constitutional jails. One then gets a picture of a system under stress.

In the mid 1960s, courts became involved in correctional matters and they created varied and sometimes conflicting case law among state and federal courts. In the face of the confusion this created, professionals saw the need for credible standards. The result was the creation of several bodies of correctional standards both on the state and national levels.

OBJECTIVES, TEST QUESTIONS AND ANSWERS

CERTIFICATION, ACCREDITATION, INSURABILITY AND RISK MANAGEMENT

OBJECTIVE 1. Explain the historical development of standards and their basis in law.

OBJECTIVE 2. Distinguish between the terms Certification, Accreditation, Insurability and Risk Management, and explain how standards compliance relates to each.

Test Questions and Answers for Objectives 1 and 2.

15. _____ is a legal recognition of an agency's compliance with state standards.

[Certification]

2. Which of the following actions may result from a finding of non-compliance with state standards.

- a. Imposition of fines.
- b. Closure.
- c. Granting of Certification.
- d. Compelling County Commissioner to correct deficiencies.

[C]

6. Accreditation is a process used in some states to recognize an agency's voluntary compliance with state standards.

True or False.

[False. Accreditation refers to professional recognition and is normally granted by that organization.]

14. The accreditation of hospitals and colleges provided a model for accreditation of correctional facilities.

True or False.

[True]

5. Match the agency with the function.

Commission on Accreditation for Corrections. _____

Commission on Health Care in Corrections. _____

a. It accredits Jail and Prison medical programs.

b. It accredits Jail and Prison medical programs in addition to other programs.

[a. Commission on Health Care in Corrections

b. Commission on Accreditation for Corrections]

1. Accreditation may be an essential element in a Consent Decree and thus become a legal requirement, enforceable through the Courts.

True or Fake.

[True]

20. Terms which describe an agency's attempts to prevent successful litigation are _____ and _____

[Risk Management or Liability Prevention]

13. Risk Management is a notion which arises out of an insurance company's willingness to provide insurance to a correctional agency.

True or False.

[False. Insurability]

22. Insurability is a term related to a state's authority to grant Certification.

True or False

[False. Term relates to an insurance company providing insurance to a correctional agency.]

TYPES OF STANDARDS

OBJECTIVE 3. Distinguish between and define the following terms: Mandatory and Voluntary Standards; Statute and Administrative Rules; Minimum Standards; Constitutional Minima; and Performance versus Prescriptive Standards.

OBJECTIVE 4. Identify the types of standards issued by State and National agencies, and how they apply to the correctional agency.

Test Questions and Answers for Objectives 3 and 4.

Which of the following statements about correctional standards are TRUE ?

10. Correctional standards may refer either to physical plant or operational issues.

[True]

18. Correctional standards, to be effective should be Objective, Measurable, Specific and Directive.

[True]

7. Correctional standards are rarely a legal requirement.

[False. They are often legal requirements as they reflect Constitutional issues addressed in case law. Further the standards may be mandated by state law.]

16. Compliance with correctional standards is a means to demonstrate accountability to the public, AND a means to measure accomplishments.

[True]

21. Which of the following statements refers to PRESCRIPTIVE STANDARDS?

- a. These standards usually dictate the specifics of an operation or the “how to” of that operation.
- b. These standards require a level of activity on the part of correctional personnel.
- c. These standards may require a set number of washbasins per inmate.
- d. These standards may require certain documentable actions in a jail.

[a and c. Answers b and d refer to Performance Standards.]

3. Standards which are essential for the planning and design of a new facility are called _____ standards.

[Physical Plant Standards]

12. Standards carry the Weight of Law ALL of the following EXCEPT.

- a. If agreed to in a Consent Decree.
- b. If required in a Court Order.
- c. In a voluntary state inspection program.
- d. When mandated as state Administrative Rules and Regulations.

[C]

25. When a state Board or Commission has standard-making authority, that authority is _____ by the Legislature.

[Delegated]

4. Match the terms with the descriptions or definitions.

Terms. Mandatory Standards
Voluntary Standards
Grandfathering
Variance
Waiver

- _____ a. These do not generally have the full effect of law.
- _____ b. New standards may not be applicable to existing facilities.
- _____ c. This foregoes application of a standard to an existing facility.
- _____ d. This allows an alternative method to meet the intent of a standard.
- _____ e. These standards must be met by a correctional agency.

[a. Voluntary, b. Grandfathering, c. Waiver, d. Variance, e. Mandatory]

14. Constitutional Minima refers to minimum requirements of care and custody of prisoners which have been articulated by the _____

[Courts]

11. Minimum Standards is a term referring to a state's minimum requirements of jail operations as required in Administrative _____ and _____
[Rules and Regulations]

PHYSICAL PLANT, OPERATIONAL AND ADMINISTRATIVE STANDARDS

OBJECTIVE 5. Distinguish between standards for Physical Plant, Operations and Administration, and those which address Life, Health, Safety and Constitutional issues.

Test Questions and Answers for Objective 5.

9. Which of the following statements refers to Physical Plant, Operational or Administrative Standards.

- _____ a. Square footage of cells.
- _____ b. Testing fire alarms.
- _____ c. Second means of egress from housing units.
- _____ d. Accounting of inmate commissary accounts.
- _____ e. Availability of outdoor exercise area.
- _____ f. Unannounced and irregularly scheduled searches.
- _____ g. Number of commodes.
- _____ h. Fire drills.

[a. Physical, b. Operational, c. Physical, d. Administrative, e. Physical, f. Operational, g. Physical, h. Operational]

23. The term Good Correctional Practice refers to essentials of jail operations as required by the Courts.
True or False.

[False. As identified by the profession.]

19. The phrase "Life, Health, Safety and Constitutional Issues" addresses Constitutional Minima.

True or False.

[True]

LOCK-UPS, JAILS, PRISONS AND COMMUNITY CORRECTIONS

OBJECTIVE 6. Describe similarities and differences between standards for Lockups, Full Service Jails, Prisons and Community Correctional Centers.

Test Questions and Answers for Objective 6.

8. Often states will have differing standards dependent upon jail size and length of confinement.

True or False.

[True]

26. The ACA Small Jail Standards apply to police lock-up operations as well as small jails.

True or False.

[False. Only jails of fifty or less prisoners.]

INTERPRETATIONS, CLARIFICATIONS AND DECLARATORY JUDGEMENTS

OBJECTIVE 7. Describe the role of the inspector in issuing Interpretations, Clarifications and Declaratory Judgements.

Test Questions and Answers for Objective 7.

17. Formal and Legal terms referring to interpretations of standards are known as _____
or _____
[Opinion or Declaratory Judgements]

24. Inspectors are expected to offer Declaratory Judgements in the course of their duties.

True or False.

[False. If the Agency has the authority to issue Declaratory Judgments or Opinions, it is done by an authority higher than the inspector. J

AREAS AND QUESTIONS FOR DISCUSSION

1. Are the standards in your state Mandatory or Voluntary?

What is the history behind the standards program in your state? If the standards are voluntary, did the legislature specifically prohibit mandatory standards? Why?

2. If you have mandatory standards, are they embodied in statute or administrative rules?

If they are rules, who has the authority to develop the standards-a board, commission, Attorney General, Director of Correction? What is the process of developing new standards or changing existing standards?

3. Do your standards cover physical plant issues?

Are they general or particular?

4. Discuss the types of facilities covered by your standards to include prisons, jails, lockups and community correctional facilities.

5. How are requests for clarification of standards handled in your state?

Are the inspectors expected to make such clarifications or are they to refer such requests to their supervisor or to a board/commission/attorney?

Discuss the inspector's latitude in decision making. Also, discuss the need to be consistent.

RESOURCES

1. Relevant statutes.

2. Flow Chart on your state's standards development process.

3. Codified Administrative Rules and Regulations of your agency.

CHAPTER THREE

THE INSPECTION PROCESS

The heart of any standards program is the inspection process. Having a solid set of standards is necessary to establish performance requirements for jails, but it is the inspection process that makes the standards come alive.

What is commonly referred to as the INSPECTION PROCESS is really a continuum of activities designed to determine or assess compliance (or non-compliance) over time.

One element of this process is the actual on-site INSPECTION of the PHYSICAL PLANT and the OPERATIONS of the facility. Another is the AUDIT of the DOCUMENTATION to verify compliance with the standards on an on-going basis.

Documentation is generally divided into PRIMARY and SECONDARY documentation. Primary documentation may include such items as the agency's written policies and procedures, and inspection reports of other agencies such as fire and health. Secondary documentation is verification that the policies and procedures are being implemented. It includes such items as weekly sanitation and fire inspection reports, work orders, incident reports, logs, correspondence, sanitation and pest control contracts, thirty day menus, training records, post orders, etc.

When reference is made to the Inspection Process in this program, it includes the continuum of activities of inspecting and auditing.

The Inspection Process is not something that starts and ends the day an inspection is completed. The process is one which requires preparation, conducting the inspection, issuing a report, and developing some form of compliance monitoring system to ensure that the deficiencies noted are corrected over time.

It is important for the Inspector to coordinate with fire and health inspectors. Such coordination presents an orderly approach to a comprehensive inspection.

Unless such a process exists, it will be difficult to ensure that there is routine compliance with standards.

This Chapter addresses every possible aspect of the inspection process. While not every aspect may apply to your state, the principles address the reasons for inspections, namely to identify deficiencies and work toward their solution.

Included in this Chapter are a discussion of the purposes and types of inspections, the necessity for documentation, the need for data collection, and elements of the inspection process.

OBJECTIVES, TEST QUESTIONS AND ANSWERS

PURPOSES FOR AN INSPECTION

OBJECTIVE 1. List at least four purposes for inspections.

Test Questions and Answers for Objective 1.

7. The term “Governmental Interest” means that there is a need to develop a Compliance Plan to demonstrate Good Faith.
True or False.
[False]
16. Through the development of a Compliance Plan, an inspection can help to demonstrate an agency’s movement toward full compliance.
True or False.
[True]
20. A _____ is an instrument which allows the agency to approach and solve deficiencies over a period of time.
[Compliance Plan]
3. Deficiencies noted in an inspection allow the jail to emphasize where corrective action is necessary.
True or False.
[True]
24. An inspection demonstrating substantial compliance with standards is a recognition of an agency’s _____
[Professionalism]
15. _____ is a term referring to a jail’s intent to meet its constitutional responsibilities to prisoners.
[Good Faith]
13. Inspections conducted by jail staff which can assist in demonstrating compliance with standards are called _____
[Internal Inspections]

TYPES OF INSPECTIONS

OBJECTIVE 2. Describe seven types of inspections and identify why each is used.

Test Questions and Answers for Objective 2.

11. Match the Type of Inspection with the description.
Types.

Physical Plant
Operational Management
Complete
Partial
Complaints/Grievances
Financial

- a. This type examines staff training.
- b. This type may include a check for fire safety equipment or for a second means of egress from a facility.
- c. This type may include an inspection of emergency lighting fixtures.

- d. This type includes an inspection based on all applicable standards.
- e. This type includes discussions with jail staff and inmates as to the general conditions of the facility.
- f. This type examines facility practices in areas such as intake, visiting, etc.
- g. This type is a detailed, exhaustive and extensive review of agency documentation.
- h. This type may include a review in preparation for the on-site inspection.
- i. This type may be necessitated by a request for assistance.

- [a. Management**
- b. Physical Plant**
- c. Physical Plant**
- d. Complete**
- e. Physical Plant**
- f. Operational**
- g. Management**
- h. Operational**
- i. Partial]

DOCUMENTATION

OBJECTIVE 3. Explain the importance of documentation to demonstrate compliance and to list at least six types of documentation used for inspections.

Test Questions and Answers for Objective 3.

10. The development of documentation in corrections was in part due to increasing numbers of court suits.
True or False.

[True]

23. Indicate which of the following are Primary or Secondary types of documentation.

- a. Policies and procedures
- b. Post orders
- c. Incident reports
- d. Emergency plans
- e. Fire Inspections
- f. Work orders
- g. Menus
- h. Directives
- i. Logs

- [a. Primary**
- b. Primary**
- c. Secondary**
- d. Primary**
- e. Primary**
- f. Secondary**
- g. Secondary**
- h. Primary**
- i. Secondary]**

5. The adequacy of documentation may be that the function documented is routinely and substantively accomplished.
True or False.
[True]
22. Verbal documentation is sufficient to prove compliance with standards.
True or False.
[False. Verbal “documentation is not sufficient to prove compliance.”]

DATA COLLECTION

OBJECTIVE 4. Explain the importance of data collection for reporting purposes.

Test Questions and Answers for Objective 4.

8. Data collection is important in which of the following instances.
- To justify and determine staffing needs.
 - To determine the placement of exercise equipment.
 - To assess the proper time for sick call.
 - To develop budget requests.
 - To project future jail capacity.
 - To project renovation or construction needs.
- [a,c,d,e,f]*
12. Collection of data, while not necessarily mandated by statute is a means to develop information which could further the interests of jails.
True or False.
[True]
19. Data is important for the development of public policy issues. True or False.
[True]

THE INSPECTION PROCESS

OBJECTIVE 5. Identify the essential elements of the Inspection Process to include the Pre- and Post- Inspection Process as well as the Facility Inspection and Audit.

Test Questions and Answers for Objective 5.

1. The inspection process is the one process which is uniform across the various states.
True or False.
[False. It varies from state to state depending on the authority of the inspection agency.]
21. The key to a successful Inspection Process is that it be _____ and _____
[Rigorous and Thorough]
14. An element of the Pre-Inspection process is that it is either announced or unannounced.
True or False.
[True]

6. An element of the Pre-Inspection Process is the review of previous inspections and compliance monitoring reports.
True or False.
[True]
25. In the Pre-Inspection Process, a _____ may be a helpful tool in ensuring that all items are covered.
[Checklist]
18. A complete inspection can be made on the basis of a physical plant inspection alone.
True or False.
[False. A Management and Operational Inspection is needed in conjunction with a Physical Plant Inspection.]
2. A _____ is a formalized listing of deficiencies with dates for correction.
[Compliance Plan]
17. _____ is the process whereby the inspector monitors the progress of a jail toward full compliance with standards.
[Compliance Monitoring]
9. Technical Assistance is a role which the inspector may need to fill in advising an agency in the process of compliance with standards.
True or False.
[True]
4. Arrange the following parts of the Inspection Process in the order from first to last.
- Compliance Plan
 - Pre Inspection Process
 - Exit Interview
 - Entrance Interview
 - Physical Plant/Management Inspection
 - Compliance Monitoring
- [b,d,e,c,a,f]*

AREAS AND QUESTIONS FOR DISCUSSION

- Discuss the types of inspections your agency conducts (Physical Plant, Operational, Management).

Does the process include an audit of logs, policies and procedures, training records, etc?
If not, is it because there is not enough time to conduct such an audit?
Do you make allowances for older facilities?
- Does your inspection process allow for Partial and Complete inspections?

Is a Partial inspection conducted only for agencies which have been in substantial compliance with standards?
Are they conducted because there is not enough time to conduct Complete inspections for all jails?
If there are Partial inspections, are there particular standards which are used for the inspection?
Who do you question? Are inmates routinely questioned?
- Is the Inspector required to address prisoner grievances or complaints?

How are they conducted?
Are there any privacy issues or confidentiality issues of which the inspector should be aware?
How do inspections maintain consistency in applying standards to jail operations?

4. Discuss the process of Compliance Monitoring in your agency.

Are agencies required to follow-up on any non-compliances?

5. Discuss the Technical Assistance role of the inspector.

Is he expected to provide technical assistance? To what extent? Are there any precautions you may suggest to him in providing technical assistance?

6. The text of this program could not address specifics of any inspection program. Discuss the inspections process used by your agency.

RESOURCES

1. Relevant inspection agency policy and procedures.

2. Inspection forms.

CHAPTER FOUR

FACILITY DESIGN AND ITS IMPACT ON OPERATIONS

Because of many antiquated facilities in this nation and the overcrowded conditions of most, considerable jail construction is occurring.

Jail inspectors are often the first persons to identify inadequate facility conditions. Reasons for that inadequacy may include deteriorating physical plants or design problems which inhibit staff supervision.

Often inspectors are asked to provide information and advice on design of new facilities. In some states, the jail inspection office has review authority on jail design since the state provides funds for construction or renovation, or it has jail construction standards. It is important for the jail inspector to be knowledgeable about the latest concepts of design and its impact on correctional operations.

There are too many stories where counties have made tragic mistakes in the design and construction of their new facilities. In some jurisdictions, poor planning has led to the need for further construction shortly after the new facility opened. In others, the new facility has been declared unconstitutional before it evened opened.

Fortunately, these stories are fewer today, perhaps due in part to jail inspectors who have advised counties on the reasonable steps to take in planning their new facilities.

The inspector does not have to be a jail planner, architect, or construction manager. However, knowledge of the latest principles of jail design, and the availability of resources, will enable the inspector to serve as a consultant to the local jurisdiction.

This Chapter addresses the important marriage between design and its impact on providing supervision which meets constitutional standards. Further, the necessary components of jail functioning such as housing, support, intake, program and administration are addressed. Discussion regarding separations and custody levels are followed by the notion of capacity setting.

OBJECTIVES, TEST QUESTIONS AND ANSWERS

MAJOR JAIL DESIGN CONCEPTS

OBJECTIVE 1. Identify correctional design concepts including Linear, Podular (Direct and Indirect), and Centralized versus Decentralized spaces.

Test Questions and Answers for objective 1.

10. Another term for a Linear Design is _____
[Intermittent Surveillance]

6. The term Linear Design comes from the fact that such jails are designed with cells in “line”, with a security corridor around them.
True or False.
[True]
19. Effective supervision is possible in a Linear jail because the officer is able to observe all inmates simultaneously.
True or False.
[False. The officer can only observe inmates when he tours the catwalk and cannot observe all the inmates at the same time.]
12. In a Podular Remote housing unit, the officer observes the inmates from _____
[A secure control booth]
8. One advantage of Podular Remote over the Linear design is that the officer _____
[Has continuous observation of the prisoners.]
2. The Podular Remote housing design facilitates interpersonal contact between the officer and the prisoners.
True or False.
[False. The officer has minimal contact as he is “remote” and in a secure control booth.]
17. The Podular Remote housing unit will be made effective through proper prisoner classification.
True or False.
[True]
16. Podular Direct differs from Podular Indirect in that the officer assigned to a Podular Direct unit _____
[Located within the housing unit. J]
5. The Podular Indirect and Podular Direct housing units share the common design principle which allows for constant supervision of prisoners.
True or False.
[True]
18. Which of the following is not a responsibility of the officer in a Podular Direct housing unit.
- Reducing tension.
 - Keeping negative behavior to a minimum.
 - Conducting disciplinary hearings.
 - Encouraging positive behavior.
- [c. This would generally be done by a higher authority after being referred or reported by the correctional officer.]**
11. One reason for choosing Decentralized services is the efficiency of _____
[Limiting inmate movement. J]
21. Facility and manpower costs are two important considerations in choosing either Centralized or Decentralized services or programs.
True or False.
[True]

1. In most cases, the design for Decentralized spaces is preferred over Centralized spaces.
True or False.

[False. It is a decision which must be made by managers who must decide HOW the facility is to be operated.]

PRINCIPLES OF DIRECT SUPERVISION

OBJECTIVE 2. List Eight Principles of the Direct Supervision Concept of jail design.

Test Questions and Answers for Objective 2.

13. Match the Principle with the description.

- a. Principle_____. This relates to the need for communications between staff and inmates.
- b. Principle_____. This relates to the need to provide for an environment where staff and inmates are not fearful.
- c. Principle_____. This relates to the need to prepare prisoners for assignment to Direct Supervision units and the need to ensure that they are assigned to them appropriately.
- d. Principle_____. This requires the staff to always be in charge of a unit and to never let the prisoners exert authority over other prisoners.
- e. Principle_____. This relates to the need for staff which are recruited for their ability to work well in a Direct Supervision unit and the need to train them in the principles of Direct Supervision.
- f. Principle_____. This relates to the notion that a Direct Supervision jail experiences less vandalism if operated in accordance with the Principles of Direct Supervision.
- g. Principle_____. This relates to the need to operate a jail in **accordance** with Constitutional guarantees of due process and freedom from cruel and unusual punishment.
- h. Principle_____. This relates to the benefits of having “team” operations to better coordinate the operation of a unit.
- i. Principle_____. This relates to the unit being the officer’s “space” and not having to contend with a prisoner who will not obey all lawful orders.
- j. Principle_____. This relates to recognizing that existing staff may resist Direct Supervision as they may be more comfortable distancing themselves from prisoners.

[a. Principle Six: Effective Communication

b. Principle Four: Safety of Staff and Inmates

c. Principle Seven: Classification and Orientation

d. Principle One: Effective Control

e. Principle Three: Need for Competent Staff

f. Principle Five: Manageable and Cost Effective Operations

g. Principle Eight: Justice and Fairness

i. Principle Two: Effective Supervision

j. Principle Three: Need for Competent Staff]

COMPONENTS OF A CORRECTIONAL FACILITY

OBJECTIVE 3. Identify nine components of a facility and explain their importance to the correctional operation.

Test Questions and Answers for Objective 3.

7. Many court decisions have facility design implications. Older jails often lack space for these requirements or the space they have is inadequate. List four typical problems which older jails have in this regard.

- a. _____
- b. _____
- c. _____
- d. _____

*[Lack of separation for males/females
A lack of separation for juveniles
Inadequate professional visitation
Lack of or inadequate intake space
Lack of health care space
Inadequate indoor/outdoor exercise space
Life-safety conditions
Lack of program space]*

22. The _____ of the National Institute of Corrections began an initiative in the 1970s which attempted to address the problem of new jail planning.

[Jail Center]

SEPARATE HOUSING ISSUES

OBJECTIVE 4. Explain the necessity for the separate housing of males and females, and adults and juveniles, in terms of legal requirements and practical correctional operations.

Test Questions and Answers for Objective 4.

20. What is meant by the phrase: THE MATTER OF SEPARATION OF JUVENILES IS AN ABSOLUTE ONE ?

[It means if juveniles are housed in a jail they must be housed separated by sight and sound and cannot participate in programs with adults.]

4. Juveniles are being kept in jails less due to _____ and _____ initiatives.

[Federal and State]

9. Since men and women must be housed separately from each other, they may not participate in programs together.

True or False.

[False]

23. Often the result of separation of juveniles from adults results in the juvenile being isolated.

True or False.

[True]

26. List four variables or factors which the National Institute of Corrections suggests can be studied in arriving at jail population projections.

- a. _____
- b. _____
- c. _____
- d. _____

*[Days served
Admissions to the facility
Total inmates held monthly
County population projections
Forecast assumptions
Data samples of the current jail population]*

AREAS AND QUESTIONS FOR DISCUSSION

1. Discuss a number of facilities in your state which are designed as linear, remote and direct supervision.
Are there any significant differences in their abilities to meet state standards?
2. Of new facilities in your state, are there any examples of centralized or decentralized spaces.
What are the advantages and disadvantages?
3. Discuss the operational problems of older facilities which were not designed as full service jails. Of special note, these facilities generally have problems with intake, release, separations for prisoners, storage, etc.
4. Discuss housing of juveniles in your state.
What are the statutory limitations if any?
What internal resources are available to the inspector which will assist in: determining capacities, site analysis, mission statement development, staffing plans, cost projections (operational and physical plant), financing, staff training, and methods of supervision?
5. Discuss the role of the inspector in providing technical assistance in jail planing and construction.

RESOURCES AND BIBLIOGRAPHY

RESOURCES

1. Provide the inspector with diagrams of various design concepts.
2. Identify key planning documents which are available especially from the NIC PONI and HONI programs.

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CHAPTER FIVE

COMMUNICATIONS OVERVIEW

The jail inspector must develop or expand his capacity to communicate with a variety of persons under a variety of situations.

It is necessary to develop an ability to communicate verbally with the sheriff, jail administrator, correctional officers, prisoners, county officials or the like. Often a different style is needed depending on the type of or reason for the communication, ie. investigations, testimony, negotiating, media interviews, conflict resolution, etc.

Much of the inspector's legacy is what is written, be they letters, reports, or suggested policies and procedures. The importance of these historical documents is underscored by their potential use many years later in litigation or as the basis of planning for a new facility. The inspector needs to develop skills of clarity and conciseness, and the use of objective language.

The inspector uses consulting skills almost daily. However, his role as a problem identifier does not stop them. It is necessary to have the ability to advise jail staff on what needs to be done to correct an identified deficiency.

This Chapter focuses upon these important interpersonal and written communication skills. Its purpose is not to preclude the new inspector's need to attend professional development seminars in this area. Its intent is to bring to mind that much of his skills are based around his ability to communicate clearly with all those with whom he comes in contact.

OBJECTIVES, TEST QUESTIONS AND ANSWERS

DEFICIENCIES IN WRITTEN COMMUNICATIONS

OBJECTIVE 1. Identify deficiencies in various types of written communications to include reports, letters, and policies and procedures.

OBJECTIVE 2. Describe the need for and demonstrate the ability to write with clarity and conciseness.

Test Questions and Answers for Objectives 1 and 2.

7. Make the following sets of words or phrases simpler. Note that for each grouping, one word should suffice as shown in a.

INSTEAD OF THESE

USE THIS

a. make an effort
make an attempt
endeavor
attempt

[try]

b. maintain surveillance over
visually monitor

[watch]

c. relate
state
verbalize
articulate

[say/tell]

d. inform
advise
indicate
communicate verbally

[tell/speak]

e. initiate
instigate
commence
inaugurate
originate

[begin/start]

f. telephonically contact
contact by telephone

[call/phone]

g. respond
proceed

[go]

h. at which time
at which point in time

[then/when]

i. request
inquire
query

[ask]

j. presently
currently
at the present
at the present time
at this time
at this point

[now]

k. prior to
previous to
in advance of

[before]

10. Eliminate the redundancies in the following sentences.

- a. As he entered the school building.
- b. Later on the officer subsequently secured the area.
- c. His policies and procedures have been kept up to date with the times.
- d. The inmate insisted with emphasis that he had no contraband.
- e. That event occurs frequently and happens over and over again.
- f. His writing is redundant as he repeats himself over and over, as well as iterating the same thing twice.

[More than one answer may be correct. Those found below are suggested answers.]

- a. As he entered the school.***
- b. The officer subsequently secured the area.***
- c. His policies and procedures have been kept up to date.***
- d. The inmate insisted that he had no contraband.***
- e. That event occurs frequently.***
- f. His writing is redundant.]***

3. Rewrite the following sentences or phrases making them more clear and concise.

- a. Telephonically contact the Sheriff at his place of residence.
- b. I proceeded to make a visual examination of the cell block area.
- c. Proceed to the upstairs area.
- d. Attempt to ascertain his precise direction of travel.
- e. In the near future I propose a staff visit of your facility.

[More than one answer may be correct. Those found below are suggested answers.]

- a. Call the Sheriff at home.***
- b. I examined the cell block area.***
- c. Go upstairs.***
- d. Try to find out which way he went.***
- e. I will visit the facility soon.]***

12. Rewrite the following sentences observing the Rule of Twenty.

Note that you will need more than one sentence to adequately rewrite the sentences.

- a. Some juveniles should be transferred to a close security facility especially those who pose serious threat to self and others, those who have established a pattern of absconding and those youths who have a need for protection.
- b. Written procedures for releasing residents include verification of identity, verifying release papers, names of person or agency to who the juvenile is to be released, giving back personal effects, check to see that no facility property leaves the facility, instructions on forwarding mail.
- c. A clean facility has a positive effect on morale, and it is essential that sufficient receptacles are provided for those who reside in the facility not only for sanitation but also for control of combustibles.
- d. Orientation is important as new prisoners should be provided with an understanding of what is expected of them and they should also be provided with information which may set their programmatic and personal expectations.

[More than one answer may be correct. Those found below are suggested answers.]

- a. *Some juveniles should be transferred to a close security facility. They should include those who pose serious threat to self and others. it should also include those who have established a pattern of absconding and who have a need for protection.*
- b. *Another way to write this and be consistent with the Rule of Twenty would be to use colons (:) and semi-colons (;).
Written procedures for releasing residents include: verifying identity and release papers; including names of person(s) or agency to whom the juvenile is to be released; returning personal effects; checking to see that no facility property leaves the facility; and, receiving instructions on forwarding mail.*
- c. *A clean facility has a positive effect on morale. It is essential that enough receptacles are provided for residents for sanitation and control of combustibles.*
- d. *Orientation is important as new prisoners should be told what is expected of them. They should also be given information which may set their programmatic and personal expectations.]*

14. The following sentences can be arranged into a well-ordered paragraph. Fit them into the outline below, entering the sentence numbers in the appropriate places.

- a. Unity involves sticking to the subject and to the purpose, plus presenting the ideas as a consistent whole.
- b. Similarly, coherence involves orderly arrangement, and at the same time requires a clear indication of the relationship between the ideas.
- c. Unity implies balance without excess in one part or lack in another.
- d. This relationship is indicated by transitional words and phrases.
- e. Unity and coherence are essential to good writing.
- f. Unity and coherence therefore help to make writing clear and easy to read.

[Topic Sentence e.

**Sentences that Develop the Topic # a,c,b,d or c,a, b,d
(arranged in logical sequence)**

Concluding Sentence # f]

OBJECTIVE AND SUBJECTIVE LANGUAGE IN WRITTEN REPORTS

OBJECTIVE 3. Distinguish between objective and subjective language in written reports.

Test Questions and Answers for Objective 3.

18. Rewrite the excerpt from the inspector's letter cited below.

“And in conclusion Sheriff, I have never seen a filthier jail than yours nor a more slovenly staff. What you need to do is have a heart to heart talk with that group or hire some professionals. By the way, If you want, I will be happy to talk to the County Commissioners about the incredible goings-on there.”

Suggested Answer

["Finally Sheriff, the jail needs cleaning as there was evidence of vermin, and considerable trash and dirt on the floor. Further, the toilets, washbasins and showers have not been cleaned for some time.

"In order to comply with the sanitation standards, Staff will be required to supervise prisoners more closely. Also, more frequent and effective sanitation inspections are needed."

(The point made in this rewrite is to make the language more objective by tying the deficiencies to standards and objective evidence of the filth. The inspector need not become emotional. A straight forward citation of deficiencies will make the point well.)

11. The use of Objective Language in a report results in a tone which is _____
[Constructive]
8. List three reasons why Subjective language should not be used in a report.
***[it cites nothing constructive;
it labels the writer as intemperate;
it indicates that he may have scores to settle;
it gives the author AND the sheriff little maneuvering space;
it creates enemies;
credibility is lost; and,
battle lines are drawn over present and future issues.]***

ELEMENTS OF INTERVIEWS AND INVESTIGATIONS

OBJECTIVE 4. List (several) important elements of an interview and an investigation.

Test Questions and Answers for Objective 4.

20. The following statements refer to Considerations for Conducting an Interview. Indicate which Consideration best matches each statement.
- a. The interview should be conducted out of "ear shot" of others.
 - b. Get the cooperation of the interviewee by having him involved in the interview.
 - c. Develop a list or checklist of questions for the interview.
 - d. Have an agenda for the meeting.
***[a. Provide for Privacy
b. Encourage Participation
c. Be Prepared
d. Allow Enough Time or Be Prepared]***
9. When conducting an interview or investigation the jail inspector must make best use of his _____
[Interpersonal Skills]

13. Of the interpersonal skills listed in the text, indicate which matches the following description.
- This relates to the interviewer' ability to hold and use his body in a manner which shows confidence.
 - This is another term for Distancing.
 - This refers to the interviewer's ability to seek out hidden messages.
 - One is practicing this skill if he is attentive to signs of nervousness on the part of the interviewee.
 - Posturing
 - Positioning
 - Listening
 - Observing]
6. _____ refers to the need to begin the investigation as soon a possible after learning of the incident.
[Timeliness]
26. _____ refers to the person's un-cooperativeness in the interview.
[Refusal to Cooperate]
25. _____ refers to when the interview is lengthy and there is a need for frequent breaks.
[Reasonable Time]
2. _____ refers to the interviewee being able to present his version of the incident.
[Challenge Facts]

CONFLICT RESOLUTION

OBJECTIVE 5. Identify five negotiation tactics (conflict resolution strategies) and the appropriate situation in which to use each.

Test Questions and Answers for Objective 5.

5. This style of conflict resolution may not satisfactorily address everyone's concerns but it arrives at a solution to the problem which is the best possible one. _____
[Compromising]
22. This conflict resolution style is appropriate when the issues are non-negotiable. However, it should be used as a last resort because it either is or may be perceived as a use of power.

[Competing]
17. This style of conflict resolution confronts issues in a positive way, attempts to explore all sides of an issue, and is exemplified by respecting the other side's right to disagree.

[Collaborating]
1. Sometimes the use of this conflict resolution style is best used if the issue is relatively minor or the time does not seem right to address the issue. _____
[Avoiding]
19. This style is typified by not addressing the basic concerns of the conflict, and it may create hard feelings on the part of the person giving in to the other_____
[Accomodating]

MEDIA RELATIONS

OBJECTIVE 6. List (several) principles and practices to use in dealing with the media.

Test Questions and Answers for Objective 6.

23. When interviewed by the media, it is important to address issues from the _____ by avoiding jargon.

[Public's Perspective]

4. One can buy time in dealing with the media by using statements such as (list three).

[If a question is asked and the answer is not known or not understood BUY TIME using statements such as:

"Let me think for a moment".

"I've never been asked that question before."

"I'll need further information before I can respond."

15. List five instances when an inspector does not have to respond to a media question.

[Legal case pending

Speaking for a third party

Personal information

Irrelevant questions

On-going investigations

Personnel action pending

Jeopardy of the security or safety of the institution

Hypothetical situations]

THE INSPECTOR AS A CONSULTANT

OBJECTIVE 7. List and explain the role of the inspector as a consultant.

Test Questions and Answers for Objective 7.

24. Two terms which describe the inspector's role as a consultant are _____ and

[Problem Identifier and Problem Solver]

16. It is important for the inspector in his role as consultant to assist an agency by actually writing policies and procedures if they are needed to comply with standards.

True or False.

[False. He may teach them how to write a policy and procedure, refer them to another jail, or provide them information which they need to write a policy and procedure.]

21. Even though he accepts a role as consultant, it is important for the inspector to not compromise his main responsibility of determining compliance or non-compliance with standards.

True or False.

[True. Even though he accepts a role as consultant, it is important for the inspector to not compromise his main responsibility of determining compliance or non-compliance with standards.]

AREAS AND QUESTIONS FOR DISCUSSION

1. It may be helpful for you to examine examples of the inspector's writing and critique it using the principles and practices shown in this section.
2. Does your agency conduct investigations?

If so, discuss the kinds of investigations typically conducted. Also, discuss methods used as well as the suggestions included in this chapter.

3. Describe some typical and atypical examples of how you have resolved conflict in dealing with:

County Commissioners
Sheriffs
Jail Administrators
Jail Staff
Inmates

Were the methods you used successful? What worked for you?

Did you use any of the methods suggested in this Chapter (Avoiding, Competing, Accommodating, Compromising, Collaborating)?

4. Do you have a policy regarding dealing with the media?

If so, discuss it with the inspector.

How do you handle requests for public information?

Discuss examples of when you have dealt with the media and offer suggestions.

5. Discuss whether or not your inspectors are expected to act as consultants.

To what degree?

You may wish to discuss limitations on that role based upon your experience.

Also, discuss some instances where you have provided consulting services to a county in areas such as problem solving, staffing analysis or the like.

RESOURCES AND BIBLIOGRAPHY

Resources

1. Sample letters prepared by other staff (good and poor).
2. Inspection agency policies and procedures relevant to this chapter.

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CHAPTER SIX

ORGANIZATIONAL STRUCTURES OVERVIEW

The inspector deals with a variety of governmental agencies. In some states, inspectors have authority over state prisons, county jails and city police lockups. Some even have authority over community corrections programs (halfway houses) and privately-operated facilities.

This myriad of political subdivisions requires the inspector to be sensitive to the peculiarities of each level of government and the variety of officials with whom he comes into contact daily. While each level of government exercises EXECUTIVE, JUDICIAL and LEGISLATIVE powers, the actors in the varying systems differ, and some officials exercise all three powers.

All governments exercise management control over their agencies utilizing the basic principles of PLANNING, ORGANIZING, DIRECTING and CONTROLLING. A basic knowledge of these processes is important for the inspector, especially if he is called upon to assist a particular jurisdiction in the solution of jail problems.

This Chapter addresses these issues by examining the structures of differing levels of government, funding mechanisms and the necessity to understand formal and informal organizational structures.

OBJECTIVES, TEST QUESTIONS AND ANSWERS

MANAGEMENT IN CORRECTIONAL ORGANIZATIONS

OBJECTIVE 1. Define the terms Planning, Organizing, Directing and Control in the context of government operations.

Test Questions and Answers for Objective 1.

7. It is important for the inspector to be aware of the functions of management as they affect the agency's ability to respond to non-compliance with standards.

True or False.

[True]

15. Identify which of the following statements relate to Planning, Organizing, Directing or Controlling.

- a. In this function necessary resources such as personnel are identified.
- b. This relates to identification and solution of problems.
- c. This relates to developing goals and objectives.
- d. This refers to the agency's need to implement evaluation strategies.
- e. This relates to the agency's need to communicate through written policies and procedures.
- f. This function ensures that what is planned is carried through as planned. If not, it assists management in identifying the need for program adjustment.

- [a. Organizing***
- b. Planning***
- c. Planning***
- d. Controlling***
- e. Directing***
- f. Controlling]***

28. Regardless of the problem to be solved the functions of management, (Planning, Organizing, Directing and Controlling) are involved in its solution.

True or False.

[True]

2. If a jail required a new policy and procedure, the process of evaluating it would be the _____ function of management.

[Controlling]

8. Training of staff would involve the _____ function of management.

[Directing]

17. Developing strategies to address non-compliance with standards would involve the _____ function of management.

[Planning]

CITY, COUNTY, STATE AND FEDERAL GOVERNMENTAL STRUCTURES

OBJECTIVE 2. Identify the similarities and differences between city, county, state and federal government structures.

Test Questions and Answers for Objective 2.

13. Indicate which of the following statements refer to the Executive, Legislative or Judicial branches or functions of government.

- a. This refers to the enactment of laws and ordinances.
- b. This refers to the day to day administration of government.
- c. This relates to the enforcement of jail standards.
- d. This refers government's authority in the solution of disputes.
- e. Jails are a part of this function of government.
- f. Jail inspection programs which are established by statute receive their authority from which function of government.

- [a. Legislative***
- b. Executive***
- c. Executive***
- d. Judicial***
- e. Executive***
- f. Legislative]***

19. Generally, every level of government has Executive, Judicial and Legislative powers.

True or False.

[True]

6. Indicate in which level of government (City, County, State or Federal) each of the following officials may be found.

- a. Sheriff
- b. Mayor
- c. Congressman
- d. Commissioner
- e. Executive
- f. Governor
- g. Judge
- h. Manager

[a. County,

b. City,

c. Federal,

d. County (It can also be a state official such as the Commissioner of Corrections.)

e. County,

f. State,

g. City, State, County or Federal

h. City or County]

4. Of all the levels of government the _____ and _____ levels are constituted much the same.

[State and Federal]

JAIL FUNDING MECHANISMS

OBJECTIVE 3. Describe various methods of funding for improving jail facilities or for financing new facilities.

Test Questions and Answers for Objective 3.

9. An _____ Budget is that which funds day to day jail functions, while a _____ Budget funds renovations.

[Operating, Capital]

1. A jail budget may be referred to as a _____ proposed by the Executive branch of government and authorized by the Legislative branch.

[Funding Plan]

14. Which of the following statements about a Bond Issue are True.

- a. This requires voter approval to issue Bonds.
- b. Regular payments are made until the debt is paid off.
- c. It is a Debt owed to the state for funding jail construction.

[a. True

b. True

c. False. It is a debt to the those who purchase the bonds.]

11. Assessed Valuation is

[It is set by the state assessor based upon estimates of the county's worth.]

5. Which of the following statements about Lease Purchase are False.
- a. It requires voter approval.
 - b. An "authority" is established by the jurisdiction.
 - c. It is counted against the county's assessed valuation.
 - d. It is an agreement to fund capital improvements through the operating budget.
- [a. False. It does not since it is not indebtedness.
b. True
c. False. It is not counted against assessed valuation since it is not a debt.
d. True]***

20. "Blending" means _____

[Using a variety of funding schemes to fund capital improvements.]

27. Some states allow counties to increase the sales tax to fund jail improvements. If voter approval is not necessary, what means are open to voters to repeal the increase?

[Referendum or Election to Repeal]

24. When a county increases a sales tax for jail renovations or construction, it will purchase general obligation bonds and pay them off through the use of sales tax revenues.

True or False.

[True]

FISCAL YEAR: GOVERNMENTS' BUDGETING YEAR

OBJECTIVE 4. Define the term Fiscal Year and explain how the Fiscal Year for one jurisdiction may differ from others.

Test Questions and Answers for Objective 4.

3. Identify the Fiscal Year from the following dates.

a. October 1, 1956-September 30, 1957

b. July 1, 1993- June 30, 1994

c. January 1, 1997-December 31, 1997

[a. FY 57

b. FY 94

c. FY 97]

12. Generally, the Fiscal Year for state and federal governments are coordinated and thus the same.

True or False.

[False. They are not coordinated. Most state Fiscal Years are July 1 -June 30. This difference can sometime create problems for local jurisdictions attempting to coordinate state and federal grants.]

22. A _____ is part of a budget process which may take place months before the final budget is authorized.

[Preliminary Budget]

CORRECTIONAL ORGANIZATIONAL STRUCTURES

OBJECTIVE 5. Identify the variety of Chains of Command for managers of correctional facilities.

Test Questions and Answers for Objective 5.

23. In a Sheriffs Department the jail administrator may report directly either to the _____ or

[Sheriff or Chief Deputy]

26. Jail administrators are likely to report to any of the following officials except.

- a. County Commissioners
- b. County Executive
- c. Director of Public Safety
- d. Jail Inspector

[d]

21. While the jail administrator may be genuinely interested in improving jail conditions, other county administrators might need to be informed of jail problems in order to effect change.

True or False.

[True]

16. As a matter of protocol, originals of inspection reports should be forwarded to the jail administrator.

True or False.

[False. In some states the jail inspection law indicates who will get the report. But if it is not indicated in the law, the inspector should be sensitive to the county power structure and ascertain who should get the original and who should get copies.]

DIFFERENCES BETWEEN STATE AND LOCAL FACILITIES AND PROGRAMS

OBJECTIVE 6. Compare and contrast the similarities and differences between state and local facilities and programs.

Test Questions and Answers for Objective 6.

25. Jails have a greater mix of types of prisoners than prisons. List three.

a. _____

b. _____

***[Males/Females
Pre-trial/sentenced
Misdemeanants/Felons]***

10. Programming in prisons is different than in jails mainly due to

[The anticipated length of stay]

18. Generally, prisons have greater options in classifying prisoners.

True or False.

[True]

AREAS AND QUESTIONS FOR DISCUSSION

1. Discuss the structure of county government in your state.

Do counties have home rule?

What is the structure of Boards of County Commissioners?

Do Boards have three or five members?

Do most counties have county managers?

Do they meet on certain days?

Do they have open meetings?

Does the sheriff operate the jail or are there separate county departments of corrections?

2. Does your agency have standards for police lock-ups or city jails?

Discuss the structure of the city governments?

Are the city jails operated by police departments or are they separate departments? Who is responsible?

Are there any protocols which the new inspector must know in dealing with city jails?

3. Discuss jail funding in your state.

What are the means by which jail construction or renovation funds can be generated?

Are there any examples where lease purchase have been used?

Is there any state money for jail funding?

How can a county/city apply for those funds?

4. What is the typical Fiscal Year in your state for both state and local jurisdictions?

What are key months for budget preparation?

Is there a link between budget cycles and action plans to correct deficiencies with state standards?

5. Discuss the differences between state and local corrections in your state.

What are the minimums for sentencing to the state and what are the maximums for local sentences?

Are there any private correctional operations in your state?

How is a state prison different from a county jail?

What standards cover the state prisons?

RESOURCES

1. Organizational diagram of state government, and typical county and city governments.
2. Materials related to jail funding to include relevant statutes, application criteria, approval process, etc.

CHAPTER SEVEN

RESOURCES OVERVIEW

A wise person once said the intelligent person is not one who knows everything, but one who knows where to find it.

This is an apt comment for the inspector who needs to develop and tap resources in providing advice to jailers. He need not be knowledgeable in all things, but must be aware of the existence of resources and where to refer those needing information.

Unlike the days when corrections did not have standards or even training, today there is an abundance of information and resources. Also, professionals in the field are quick to assist their colleagues. To that end there are clearinghouses, information centers, college libraries, and formal and informal networks on the local, state and national levels.

There are materials in every form which can assist the correctional administrator. Such forms include printed matter, video tapes, films, filmstrips and audio tapes.

The intent of this Chapter is not to duplicate the variety of resource banks which already exist. Its intent is to highlight some of the major state and national resources from which the inspector can begin to expand his repertoire of resources. The Chapter addresses major national resources, prominent resources in the states, professional standards setting bodies, and major special interest groups.

OBJECTIVES, TEST QUESTIONS AND ANSWERS

NATIONAL RESOURCES

OBJECTIVE 1. Identify at least seven national resource agencies and define the nature of those resources.

Test Question and Answers for **Objective 1.**

7. **The** _____ is a Federal agency which produces a jail resource directory.

[National Institute of Corrections]

13. List the five major resource sections of the National Institute of Corrections.

[Prisons Division

Jails Division

Community Corrections Division

National Academy of Corrections

National Information Center]

18. The _____ is the major NIC resource addressing programs, activities and technology related to jails.
[Jail Center]
1. The NIC Jail Center provides all of the following services EXCEPT
- Technical assistance
 - Reviews of written policies and procedures.
 - Jail construction
 - Planning of new facilities
 - Transition to new facilities
- [c]**
10. If a jail administrator needed training in jail management he would apply to the NIC

[National Academy of Corrections]
15. The NIC _____ is an invaluable source for materials on policies and procedures, lesson plans and other correctional information.
[National information Center]
5. The _____ is an information clearinghouse operated by the National Institute of Justice.
[National Criminal Justice Reference Service]
16. List three national professional agencies providing resource services in corrections.
**[ACA American Correctional Association
AJA American Jail Association
NSA National Sheriffs Association]**

STANDARDS OF NATIONAL AGENCIES

OBJECTIVE 2. List at least three national professional agencies which promulgate standards for corrections.

Test Questions and Answers for Objective 2.

12. List three reasons why professional organizations which promulgate standards can be a resource to the jail inspector.
**[Development of new standards
Providing a rationale as to why a standard is needed
Technical assistance on a standard]**
9. When citing standards of the American Correctional Association, one should be careful to cite the correct _____ and _____
[Editions and Supplements]
3. What are the titles of the four manuals of standards of the American Correctional Association standards having particular relevance to the jail inspector.
**[Standards for Adult Local Detention Facilities
Standards for Adult Community Residential Facilities
Standards for Juvenile Residential Facilities
Standards for Small Jail Facilities]**

14. The title of the standards manual published by the Commission on Correctional Health Care is

[Standards for Health Care in Corrections]

4. The title of the publication containing the National Fire Prevention Association standards for jails is

[Life Safety Codes]

11. The major accrediting agency for corrections is

the

[Commission on Accreditation for Corrections]

STATE AGENCIES PROVIDING RESOURCES TO JAILS

OBJECTIVE 3. List at least six agencies in their state which may provide resources to their jails.

Test Questions and Answers for Objective 3.

8. The documentation provided as a result of the involvement of local resource agencies can demonstrate the _____ of the county to improve conditions at the jail.

[Good Faith]

2. List three services the local health department can provide to a jail.

[Medical, Dietician, Sanitation]

SPECIAL INTEREST GROUPS

OBJECTIVE 4. Identify at least six special interest groups on the state and national level which can provide resources to states.

Test Questions and Answers for Objective 4.

6. List three ways the state sheriffs or jail association can assist toward jail improvements.

[Passage of legislation

Networks for information

Accessibility of meetings]

17. The _____ is a national organization which is dedicated to addressing issues critical to local jurisdictions.

[National Association of Counties]

19. Identify the organizations listed below by writing the name of the organization.

NACO

NSA

NIC

NFPA

ACA

NCCHC

AJA

NCJRS

CAC
ACLU
OSHA
*[National Association of Counties
National Sheriffs Association
National Institute of Corrections
National Fire Prevention Association
American Correctional Association
National Commission on Correctional Health Care
American Jail Association
National Criminal Justice Reference Service
Commission on Accreditation for Corrections
American Civil Liberties Union
Occupational Safety and Health Administration]*

AREAS AND QUESTIONS FOR DISCUSSION

1. Discuss if and how the services of national correctional agencies have been utilized by your agency.

Which agencies have been used?

Have any counties in your state used NIC services such as technical assistance for staffing analyses, security audits, overcrowding studies, PONI, HONI, etc?

Were the services of NIC's Information Center or the NCJRS used in the development of standards?

Have you suggested any of the NIC, ACA, AJA, or NSA training programs to jail staff?

2. Were the standards of any national agencies consulted and used in the development of your state standards?

3. What state and local agencies have been helpful as resources for jails in your state?

Discuss the necessity of using the services of other agencies to assist in compliance with standards.

4. What special interest groups have assisted jails in meeting standards, or at least advocated for the improvement of jails in your state?

Have any of these agencies assisted your agency?