Ohio Jail Administrator's

HANDBOOK

2nd Edition

A Handbook for Ohio Jail Administrators Compiled by Ohio Jail Administrators



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Dedication to Susan Beach

On May 8, 2006 our friend and mentor Captain Susan Beach, Jail Administrator of the Hancock County Sheriff's Office lost a two-year battle with cancer. The Findlay – Hancock County community and the State of Ohio lost a driven, compassionate, leader, and defined corrections professional.

Captain Beach began her career with the Hancock County Sheriff's Office in December 1981 serving as a clerical staff member. Throughout her career she was promoted to clerk supervisor in 1986 and Administrative Assistant in 1990 where she served in the Corrections division. In 1995 she was promoted to the rank of Lieutenant and assigned the role of Jail Administrator serving as Hancock County's first female jail administrator. In 2002 Captain Beach was promoted to the rank of Captain where she served until her retirement in January of 2006.

In addition to her duties as Jail Administrator Captain Beach was actively involved in promoting the profession of Corrections through her serving on the Buckeye State Sheriff's Association Community Corrections Board, Hancock County Sheriff's Office Rehabilitation and Opportunity Center Board, member of the American Jail Association and served on the transition team which assisted with the development and opening of the current Hancock County Justice Center in 1989. Susan was also actively involved in corrections through her continual research and initiatives in making corrections a more exposed profession while attempting to play an active role in lessening the inmate recidivism rate.

Captain Beach was instrumental in being the driving force in the development and gathering of administrators with the assistance of the State of Ohio Bureau of Adult Detention in creating the First Edition of what is now know as the Ohio Jail Administrators Handbook serving as a self help manual for Jail Administrators in their daily roles.

Captain Susan Beach was an inspiration to all who knew her. We the committee of the Second Edition of the Ohio Jail Administrators Handbook hereby dedicate the handbook and our efforts in memory of Captain Susan Beach.

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2005 Edition

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Introduction

As a jail administrator, you are seen as a leader in your professional field, community, and in the State of Ohio. You are often faced with new and often difficult challenges, as you carry out your responsibilities of operating a legally efficient and effective jail. This handbook represents a summary of important information that can be helpful to you as a new or existing jail administrator. This handbook was designed as a quick, but brief, reference guide for information into a number of jail topics; and perhaps more importantly, as a portal tool for obtaining more in-depth and thorough information regarding jail topics. This handbook was designed for jail administrators, and their direct reports or management jail staff. County sheriffs, commissioners and administrators may also find this handbook helpful.

Throughout the Handbook there are links to other resources in the document and on the internet. For internet links you can click on the link if you are connected to the internet.

When you see this icon you can click on it and it will take you to the checklist that refers to that particular topic.

LEGAL DISCLAIMER

The Jail Administrator's Handbook is a resource tool to be utilized by jail administrators and their key staff to assist them in becoming familiar with a variety of jail related topics. This handbook is a resource tool for assisting reader's to broaden their awareness and knowledge about a variety of jail related topics and any statements made are not intended to provide any formal, or otherwise, legal advice.

Introduction 1

JAIL MANAGEMENT

Mission Statement

Each organization has a mission which should be clearly stated. The mission statement provides direction from the Sheriff, Chief of Police, or agency head that clarifies the purpose as to why employees must continue to perform their duties on a daily basis. The mission statement should be a short, concise statement reflecting your agency and community's needs and goals.

Jail goals are broad statements that specify how the mission is to be met. Jail's objectives are specific measurable statements that tell how the goals are to be achieved. It is important that you work with your Sheriff, Chief of Police, or agency head to develop and formulate the mission statement, goals, and objectives.

Your employees are a valuable source of information. Your employees will best support these concepts if they are involved in establishing them. The best way for your employees to know the mission, goals, and objectives is for you to ask them, "What they think the mission, goals, and objectives are or should be". A good mission statement gives your organization a singular focus and gives your employees a sense of direction.

Key goals of the Jail are to operate a:

- Humane
- Legal
- Safe, and
- Secure facility.

Code of Ethics

It is important that the jail have its own code of ethics policy because of each jail's unique characteristics, philosophies, and circumstances. The jail's code of ethics should work in conjunction with your agency's overall Code of Ethics.

General topics in a code of ethics policy may include the following concepts:

- Demonstrate the highest standards of integrity and service in all public activities and to promote public confidence, understanding and trust in the corrections field.
- Serve the public, employees, and prisoners with respect, concern, courtesy, and responsiveness.
- Demonstrate loyalty to and support for your agency head.
- Accept nothing for personal profit or gain for performance of official duties other than the compensation that is due you by law.

- Avoid any interest or activity that is in conflict with your official duties of which could prove detrimental to agency relationships with other organizations or the public.
- Support and promote employment and programs that assure affirmative action, equal employment opportunity, and prevent discrimination of any kind.
- Avoid all forms of discrimination, sexual harassment, sexual misconduct, fraud, and mismanagement of public funds.
- Strive for professional excellence and encourage professional development of coworkers.
- Approach their duties with positive attitudes, open communication, creativity, dedication, compassion, and understanding.
- Respect and protect the privileged information to which they have access in the course of official duties.
- Accept the responsibility to be aware of emerging issues and to administer the public's business with competence, fairness, impartiality, efficiency, and effectiveness.
- Support processes which focus on providing quality services and offer continuous improvement.
- Uphold professional appearances, attitudes, camaraderie, and teamwork.

Leadership

Good correctional management is based in one's leadership, management skills, and correctional experience at managing critical correctional issues; i.e. emergencies, personnel, budget, security operations, public relations, being proactive versus reactive and having good policy and procedures.

To lead, you must be concerned with the ethical/moral development of your organization and employees. Your decisions, communications, and behavior must reflect this. It is imperative to know state statutes, federal and state requirements, and board and agency policies in order to know or plan out decisions.

As the Jail Administrator you set the tone for your entire jail. Good leadership leads to strong teamwork. Your role as a leader is to support your staff:

- Provide a safe, secure, and a healthy working environment.
- Provide equitable employee disciplinary procedures, employee grievance procedures, and training opportunities.
- Recruit, maintain, and promote employees in an open, accountable manner regardless of sex, race, age, religion, disability, or sexual orientation.
- Acknowledge each employee as a professional and recognize that each employee contributes to the quality of the agency.

- Provide opportunities for personal and professional growth for all employees to include training or education.
- Ensure job functions and performance expectations are clear and understood.
- Provide employees with information and feedback, and develop systems to ensure these lines of communication stay open.
- Ensure open communication throughout your facility.
- Empower your employees to participate as partners in solving problems, improving services, and developing policies.
- Most importantly, you must convince your employees that you care about them and are concerned about their welfare.

Positive Community Relations

One of the ways we keep the public's trust is to keep them informed. We do this through press releases, honest and open investigations, open operations, and by keeping local government leaders informed. It is important that you keep the Sheriff, Chief of Police, County Commissioners, City Administrators, etc. informed about the activities in the jail, both positive and negative. If you have something good to share you need to get the "news" out to others; chances are – no one else will.

Be responsive for requests for information. Periodically submit positive articles to your local newspaper and civic organizations. Prepare presentations that are a general overview of operations and provide interesting statistics. This will help promote your organization and inform the public.

Remember that this jail should be seen as an "asset" to the community as a whole and specifically for the community criminal justice system. Plan special events such as annual open houses, personally participate in local cultural and social events, and establish a jail advisory or resource board made up of notable or influential citizens. It is important that the jail becomes a contributing partner to the overall welfare of the community. Create a positive perception about corrections.

Public Procurement and the Bid Process

Public sector refers to all public agencies that receive federal, state, local, or other public funds to operate; including the federal government, state governments, cities and counties. Federal, state, and local laws govern the purchases of goods and services made with public funds, which come from taxes. Additional funds can come in the form of grants from federal, state, and other agencies. Any time funds come from state, federal, or other granting agencies, you must follow the rules that come with the funds, or you may be required to return the funds.

State laws apply to procurements (purchases) made by nearly every public agency and generally codify rules about how public agencies can spend public funds. State procurement regulations (ORC §306.43) are generally broad in scope with the purpose of ensuring purchases with public funds are not made in an arbitrary, impulsive or unfair manner.

In addition to ORC requirements, most agencies have internal procurement policies and procedures. These additional rules are in the form of board rules; administrative policy; or codes, ordinances and resolutions.

An agency's local rules can be more but not less restrictive than the ORC regulations.

The purposes of local procurement policies and procedures include:

- To ensure the procurement process is fair and above reproach;
- To provide local businesses with a fair and equal opportunity to compete for the agency's business; and,
- To create an oversight and award system for the government body.

Typically the public purchaser must award bids and proposals in one of two ways:

- To the lowest responsible and responsive bidder, or
- Award to the most advantageous proposal.

Regarding Responsible and Responsive Bidders:

- A responsive bidder is one that has submitted a bid that substantially conforms in all material respects to the requirements set forth in the solicitation.
- A responsible bidder is one that has the capability and capacity in all respects to deliver the goods or to perform the work specified.

Regarding Advantageous Proposals:

The solicitation must state the award will be made based on specific criteria in addition to price. Most public purchasers have been authorized by local laws to use the "Request for Proposals" (RFP) solicitation method that allows awards to go to the submitting bid having the most advantageous proposals. The RFP method enables the public purchaser to evaluate proposals based on criteria in addition to price, such as:

- Experience of the firm;
- Experience of personnel to be assigned to the project;
- Projects performed of similar size and scope;
- Satisfaction expressed by references; and
- Financial stability.

Such evaluations require careful documentation of subjective criteria.

At a minimum, an Invitation to Bid (ITB) or a Request for Proposal (RFP) should contain the following:

Copy of the legal notice and/or public advertisement

Per ORC Section 306.43:

"When an expenditure, other than for the acquisition of real estate, the discharge of claims, or the acquisition of goods or services under the circumstances described in division (H) of this section, is expected to exceed twenty-five thousand dollars, such expenditure shall be made through full and open competition by the use of competitive procedures. Competitive sealed bidding is the preferred method of procurement."

"... SHALL PUBLISH A NOTICE CALLING FOR BIDS ONCE A WEEK FOR NO LESS THAN TWO CONSECUTIVE WEEKS IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION WITHIN THE TERRITORIAL BOUNDARIES OF THE AUTHORITY"

- Copy of the ITB or RFP
- Copy of the specifications of the ITB or RFP
- Copy of any written addendum(s) to the ITB or RFP
- All questions from prospective bidders should be requested in writing
- Answers to all written questions and all questions regarding clarification of the ITB or RFP should also be included in the bid packet. These written questions and answers should also be made available to all vendors who received bid packets.
- Copy of general conditions of the ITB or RFP
- Copy of affidavit of contractor or supplier of non-delinquency of personal property taxes
- Copy of affidavit of independent contractor status
- List of vendors solicited
- Pre-bid conference sign-in sheet
- Bid opening sign-in sheet
- Bid opening tabulation sheet signed and witnessed
- Copies of bids or proposals received
- Determination of non-responsibility of vendors submitting bids
- Written justification supporting any decision to not award RFP to lowest bidder

- Justification for best value bid
- Justification for fixed price bid
- Copy of each bid bond and/or performance bond (if required)
- Copy of Agreement between Agency and Contractor
- Notice of award to all bidders
- Checks/bid bonds returned to unsuccessful bidders
- Copies of purchase orders and requisitions
- Copies of invoices and checks for payment
- Unresolved findings for recovery verification (available from the State of Ohio Auditor's web site)

Grant Assistance

Ohio Revised Code § 181.52 establishes the Ohio Office of Criminal Justice Services (OCJS) as the lead criminal justice planning agency for the state. The OCJS serves agencies and communities committed to reducing and preventing crime across Ohio. The OCJS is organized into four areas: grants administration; research, planning and development; the Family Violence Prevention Center; and justice technology. For more information access their web site at www.ocjs.state.oh.us.

Ohio Office of Criminal Justice Services

1970 West Broad Street

Columbus, Ohio 43218

Phone #'s: 1-614-466-7782 or 1-888-448-0308

Emergency and Disaster Planning

A manager's initial response in a crisis sets the tone for his/her agency's response to the crisis. Planning for emergencies and their resolution is paramount. <u>All</u> employees must be a part of recognizing, managing, and resolving emergencies. Employees/unit roles should be explicit in policy and then discussed in training. Periodic drills are



important to insure correct responses are taken. Local law enforcement, civil defense, and local emergency response organizations should be included in plans and drills.

All jails in Ohio must have emergency and disaster plans in place and developed so they are available when needed. The term "emergency" as used in a plan means a set of circumstances, which demand immediate actions to protect life, preserve public health or essential management services, and to protect property; a "disaster" means the situation is beyond the capabilities of the responding organization or jurisdiction. An "emergency"

or "disaster" may also be proclaimed by a city, the executive (sheriff or jail administrator), or the governor as authorized by local or state statute.

Your basic plan involving facility "emergencies" or "disasters" should address the following elements. Direction and control, public information, administration, staff training and education, transportation, telecommunications/warning, public works/engineering, fire fighting, information analysis/planning, mass care, resource support, health/medical, search and rescue, hazardous materials, food and water, energy, military support to civil authorities, recovery/restoration, law enforcement, damage assessment, and prisoner evacuation/movement.

For more information contact the Ohio Emergency Management Agency, 2855 West Dublin-Granville Road, Columbus, Ohio 43235-2206 or call 614-889-7150, Fax 614-889-7183 or e-mail http://ema.ohio.gov. You may also want to contact your local EMA director for your local emergency plan and necessary training that may be required in your area.

JAIL OPERATION ASSESSMENT CHECKLISTS

Checklist 1 Policies and Procedures, Post Orders, and Documentation

Checklist 2 Staffing, Recruitment, Hiring, Retention, and Scheduling

Checklist 3 Planning, Budgeting, and Personnel Management

Checklist 4 Internal and External Inspections

Checklist 5 Monitoring Population Data

Checklist 6 Jail Facilities Assessment

Checklist 7 Emergency Preparedness

Checklist 8 Inmate Behavior Management

Checklist 9 Inmate Discipline

Checklist 10 Facility Security



Each time you see this symbol, you can click on the Checkmark and it will take you to the checklist for this topic area.

CHECKLIST 1: POLICIES AND PROCEDURES, POST ORDERS, AND DOCUMENTATION

Po	olicies & Procedures	Yes	No
1.	Does the jail have a current policies and procedures manual developed specifically for the facility?		
	Comments:		
2.	Is the policies and procedures manual comprehensive (i.e. does it cover all aspects of the jail's operations?)		
	Comments:		
3.	Is the manual reviewed and updated at least annually?		
	Comments:		
4.	Is there a log or some other record of all reviews and updates to the manual?		
	Comments:		
5.	Has the jail's legal counsel reviewed the policies and procedures?		
	Comments:		
6.	Has staff been trained in the policies and procedures? (How is the manual made available to jail staff?)		
	Comments:	_	_
7.	Is a process in place to verify that policies and procedures are being followed on all shifts?		
	Comments:		

8. Does the policy and procedure manual comply with applicable jail standards?		
Comments:		
Post Orders	Yes	No
9. Does the jail have written post orders for key posts and positions within the facility?		
Comments:		
10. Is staff trained in the post orders for the posts to which they are assigned?		
Comments:		
11. Are post orders reviewed and updated as applicable policies and procedures, schedules, or other aspects of the jail's operations are changed?		
Comments:		
Documentation	Yes	No
12. Does the jail have written policies and procedures governing records management?		
Comments:		
13. Does the jail maintain a master log of all forms and records used in the facility?		
Comments:		
14. Does the jail have a system that provides for regular supervisory review of completed records and forms for quality assurance?		
	_	
Comments:		

15. Does the jail have an organized filing system that permits efficient retrieval of needed information?	
Comments:	
16. Is the jail following records retention laws/regulations in the archiving or destruction of inactive records?	
Comments:	
17. Is someone on staff delegated the responsibility of managing the jail's record system?	
Comments:	
18. Are some or all parts of the record system automated?	
Comments:	

Additional Comments:

CHECKLIST 2: STAFFING, RECRUITMENT, HIRING, RETENTION, AND SCHEDULING

St	affing	Yes	No
1.	Does your jail have a current, written staffing plan?		
	Comments:		
2.	If you answered yes to #1, respond to the following:		
	Have jail operations or workload changed significantly since the preparation of the staffing plan or its most recent update?		
	Does the staffing plan address staffing needs for the following categories of employees?		
	Administrative security/custody		
	Programming		
	Support		
	Does the funding authority agree with and support the staffing levels indicated in the plan?		
	Comments:		
3.	Do written job descriptions exist for all positions?		
	Comments:		
4.	Are current staffing levels sufficient to accomplish the following:		
	Provide full coverage of all posts?		

	Actively supervise inmates?		
	Cover all essential jail functions?		
	Comments:		
5.	Are both male and female staff available in the facility when both male and female inmates are housed?		
	Comments:		
6.	Are staff earning excessive amounts of overtime or comp time due to staffing shortages?		
	Comments:		
7.	Have programs or services that require additional staff increased significantly?		
	Comments:		
8.	Are any staff on the payroll currently on extended leave due to military service, leave under the Family and Medical Leave Act, or disability?		
	Review the status of these employees and assess the impact of their absence on jail operations.		
	Comments:		
9.	Is any current litigation related in whole or part to staffing deficiencies?		
	Comments:		
Re	ecruiting, Hiring, and Retention	Yes	No
10	. Given your assessment of jail population, do any staffing deficits or needs require your immediate attention?		

Comments:						
11. Has the jail had a problem in recruiting qualified staff?	11. Has the jail had a problem in recruiting qualified staff?					
Comments:						
12. Does the jail have a recruitment plan?						
Comments:						
13. Are there entrance level requirements for various categorie	s of positions in the jail?					
Comments:						
14. Does the jail have a formal process for screening applicants	14. Does the jail have a formal process for screening applicants for staff positions?					
Comments:						
15. Is there a problem with turnover in the jail?						
If so, what are the reasons for the turnover (low pay, stress/burnout, poor working conditions, other job opportunities, etc) and is anything being done to address the problem?						
Comments:						
16. Has the agency and the jurisdiction's personnel office designal?	nated a contact person on personnel matters for the					
List name(s) and contact information						
Name	Contact Information					
Name	Contact morniation					
Comments:						

Staff Scheduling	Yes	No
17. Does the jail have a written facility activity schedule listing all the activities and functions of the jail?		
Comments:		
18. Have the jail's programs, operations, or physical plant changed since the schedule was last reviewed?		
Comments:		
19. Does the schedule make efficient use of staff resources?		
Comments:		
20. Does the shift configuration and staff work schedule provide adequate coverage at all times and allow for completion of activities in accordance with the facility activity schedule?		
Comments:		_
21. Does agency or union work rules affect the shift configuration and your flexibility in making changes?		
Comments:	_	
22. Is absenteeism a problem?		
If so, assess the reason for the absenteeism (insufficient time off, inequities in scheduling holidays, and vacation, low morale, burnout).		
Comments:		
23. Is staff cross-trained to assure coverage in critical posts or positions?		
Comments:	_	_

Additional Comments

CHECKLIST 3: PLANNING, BUDGETING, AND PERSONNEL MANAGEMENT

Mi	ssion	Yes	No
1.	Does the jail have a written mission statement?		
	When was it written and is it current?		
	Comments:		
2.	Are staff aware of the jails stated mission and do they support it?		
	Comments:		
3.	Are the actual use and operation of the jail consistent with its stated mission?		
	Comments:		
4.	Is the current mission statement compatible with the vision, values, and philosophy of the following parties?		
	Jail Administrator		
	Sheriff		
	County Commissioners		
	Key criminal justice system officials		
	Community		
	Comments:		

5. Is the jail meeting the needs of the local criminal justice system and community?					
Is not, describe what criminal justice or societal needs are not being adequately met by the jail.					
Comments:					
Planning	Yes	No			
6. Does the jail currently have a written strategic plan?					
If so, review the plan and assess the extent to which it is being followed.					
Comments:					
7. Have goals and objectives been established for the jail?					
Comments:					
8. Have goals, strategies, and action plans developed for the jail been incorporated into the jail's operational plan and budget?					
Comments:					
9. Are resources (staff, facilities, equipment, training, etc.) adequate to realistically achieve the goals and objectives?					
Comments:					
Budgeting	Yes	No			
10. Does the jail administrator have access to the following?					
Approved facility budget for current fiscal year					
Expenditure plans					

	Monthly expenditure reports							
	Agency/jurisdiction rules governing budget	development/ management						
	Agency/jurisdiction rules governing purcha	sing						
	Budget history information							
	Listing of identified equipment and infrastructure needs							
	List of current issues/priorities affecting budget							
	Personnel information (authorized FTE, vacant positions, turnover rate, etc.)							
	Report from last fiscal year							
	Current contracts, leases, maintenance agreements with vendors							
	Interagency agreements for services provided to the jail							
	Information on revenue sources (grants, fe	es, contracts, aid, sales, etc.)						
С	omments:			_	_			
lo	11. Are designated staff within the agency responsible for the various aspects of budget management? Identify names, titles, and contact information for key budget personnel. Determine the roles and responsibilities of each person.							
	Name, Title	Contact Information	Role & Responsibilities					
С	Comments:							
12. D	12. Does the jurisdiction's budget office have a designated budget officer for the jail?							
С	Comments:							

13. Are there key dates for budget preparation, submission, and reporting?		
Comments:		
14. Has a fiscal audit of the jail been conducted recently?		
Find out when the last audit occurred, the results of the audit, and when the next audit is scheduled.		
Determine what action has been taken, if any, to correct expectations noted in the audit.		
Comments:		
15. Do any outstanding budget issues require your immediate attention?		
Comments:		
Personnel Management	Yes	No
16. Do you have access to the following?		
Agency/jurisdiction personnel policies and procedures		
Employee handbook		
Copies of written job descriptions for each job class		
Employee personnel files		
Comments:		
17. Does a process exist for conducting employee performance appraisals?		
Comments:		

18. Have past personnel actions been properly documented?				
Comments:				
19. Does the agency have a key contact for personnel matters?				
List names and contact information:				
Name Contact Information				
Comments:				
20. Does the jurisdiction's personnel office have a designated personnel officer for the jail?				
Comments:				
21. Do any outstanding personnel actions require your immediate attention?				
Comments:				

Additional Comments

CHECKLIST 4: INTERNAL AND EXTERNAL INSPECTIONS

Internal Inspections and Reviews	Yes	No
 Does the jail have a current policies and procedures manual developed specifically for the facility? Does it include each of the following areas? 		
Security		
Fire and Safety		
Health		
Sanitation		
Comments:	_	
2. If you answered yes to #1, respond to the following:		
Is a staff person designated to coordinate the internal monitoring process?		
Is staff trained in conducting assigned inspections and reviews?		
Is there a process in place to review inspection findings and correct identified deficiencies?		
Comments:		
3. Is documentation of past inspections (along with corrective measures taken) maintained and available for review?		
Comments:		

E	cternal Inspections				Yes	No	
4.	 Besides the Bureau of Adult Detention, do any other outside agencies or organizations currently conduct audits or inspections of the jail? List the name of each inspecting entity, the purpose and authority for inspections, the enforcement authority, and frequency of inspections. 						
	ı	Purpose & Authority for Inspections	Enforcement Authority	Frequency of Inspections			
	Comments:						
5.	Are copies of the most recent inspection reports available? Comments:						
6.	6. Has the jail documented corrective measures taken to resolve any deficiencies identified in these inspections? Comments:						
7.	7. Are technical assistance and/or financial support available from any of the external inspection agencies to assist the jail in complying with regulatory requirements? Comments:						
	Additional Comments						

CHECKLIST 5: MONITORING POPULATION DATA

Mo	onitoring Population Data	Yes	No
1.	Does the jail regularly collect accurate data to monitor the jail population to ensure appropriate use of the facility?		
	Comments:		
2.	Is data reviewed and analyzed on a regular basis to profile characteristics, track trends, or identify issues?		
	Comments:		
3.	Does the jail regularly provide reports describing jail population characteristics and trends to funding authorities and other key decision makers?		
	Characteristics of the jail population		
	Risks and needs of the inmate population		
	Trends in the average daily population and average length of stay for the jail		
	Comments:		
4.	Given your assessment of the jail population, do any deficits or needs require your immediate attention?		
	Comments:		

Additional Comments:

CHECKLIST 6: JAIL FACILITIES ASSESSMENT

General	Yes	No				
1. Does the jail have a reliable security perimeter that forms a barrier between the secure area of the jail and the outside world?						
Comments:						
2. Are there means to manage the movement of staff, inmates, visitors, and service providers in and out secure area of the jail?	of the					
Comments:						
3. Does the jail have a secure control center for monitoring and coordinating communications, life safety security systems?	, and					
Comments:						
4. Are the following types of security equipment and/or systems available and in operable condition in the	ie jail?					
Emergency generator						
Walk-through metal detectors						
Detection/alarm systems						
Closed-Circuit Television (CCTV)						
Public Address System						
Two-way Radio System						
Telephone Systems						
Intercom Systems						

	Locking Systems								
Co	omments:							_	_
5. Ra	te the following environmental co	nditior	ns in the jail:						
	Light Levels		Poor		Fair		Good		
	Noise Levels		Poor		Fair		Good		
	Temperature		Poor		Fair		Good		
	Air Quality		Poor		Fair		Good		
	Plumbing		Poor		Fair		Good		
Co	omments:								
6. Wh	nat is the overall level of sanitation	n in th	e facility?						
	Overall sanitation		Poor		Fair		Good		
Со	omments:								
7. Do	es the jail have a preventive mair	ntenan	ce plan?						
Со	omments:								
8. Are	e there malfunctioning or broken t	oilets,	showers, equipm	ent, o	furnishing in nee	ed of re	epair?		
Co	omments:								

Intake and Release Area	Yes	No
9. Is there a secure sallyport available to receive arrestees into the intake area?		
Comments:		
10. Is the Intake and Release Area located within the security perimeter, but apart from Intake housing?		
Comments:		
11. Does the Intake and Release Area adequately accommodate the following functions?		
Temporary holding/detoxification		
Alcohol Testing		
Booking		
Telephoning (arrestees)		
Fingerprinting / photographing		
Searching		
Property storage		
Clothing issue/dress out		
Medical Screening / Examination		
Confidential Interviewing		
Intake Storage		
Intake housekeeping (janitor's closet)		
Intake Operations		

Comments:					
12. What is the condition of the follo	owing building elements	in the Intake and Rele	ase Area?		
Exterior Walls	Poor	☐ Fair	Good		
Interior partitions	Poor	Fair	Good		
Doors/Locks	Poor	Fair	Good		
Ceilings	Poor	☐ Fair	Good		
Floors	Poor	Fair	Good		
Electrical / Lighting	Poor	☐ Fair	Good		
Plumbing	Poor	☐ Fair	Good		
Security Equipment	Poor	☐ Fair	Good		
Cabinets / Furniture	Poor	☐ Fair	Good		
Comments:					
Visiting Area				Yes	No
13. Is there adequate secure space	available for Inmate vis	siting?			
Comments:					
14. If visiting is non-contact, are the each scheduled visiting time?	ere sufficient visiting sta	tions available for the e	expected number of visitors at		
Comments:					

15. Do the visiting areas provide suff Comments:	ficient acc	oustic priva	cy, visibility,	and sea	iting?			
16. Are visiting areas designed and	arranged	to prevent	the passage	of contr	aband?			
Comments:								
17. Does the facility include the follo	wing spac	ces or featu	ires to accor	mmodate	e inmate visitin	g?		
Visitor check-in and waiting ar	ea							
Visitor access to seating, toiler	ts, and dri	inking foun	tains					
Appropriate signage to inform	visitors al	bout visitat	ion rules					
Comments:								
18. What is the condition of the follow	wing build	ling elemer	nts in the inm	nate visit	ing areas?			
Exterior Walls		Poor		Fair		Good		
Interior Partitions		Poor		Fair		Good		
Windows/View Panels		Poor		Fair		Good		
Intercom System		Poor		Fair		Good		
Doors / Locks		Poor		Fair		Good		
Ceilings		Poor		Fair		Good		
Floors		Poor		Fair		Good		
Electrical / Lighting		Poor		Fair		Good		
Plumbing		Poor		Fair		Good		

Security Equipment Poor Fair Good		
Furniture Poor Fair Good		
Comments:		
Inmate Housing Areas	Yes	No
19. Does the arrangement of the jail's living units allow adequate visual surveillance?		
Comments:		
20. Does the jail have sufficient separate living areas to provide separate housing for various classifications of		
inmates according to the facility's housing plan?		Ч
Comments:		
21. Are single occupancy cells available to house inmates placed in administrative segregation or disciplinary		
isolation?	_	
Comments:		
22. Does each housing unit have access to natural light?		
Comments:		
23. Does each housing unit include dayroom space?		
	_	
Comments:		
24. Are the following fixtures and equipment available in each housing unit?		
Bunk or bed for each occupant		
Toilet and shower facilities		
	_	_

Lavatory facilities with ho	ot and cold water			
Tables and seating suffic	cient for the capacity of	the unit		
Adequate Lighting				
Storage for inmate perso	nal items / clothing			
Comments:				
25. What is the condition of the	following building eler	ments in inmate housin	g areas?	
Exterior Walls	Poor	Fair	Good	
Interior Partitions	Poor	☐ Fair	Good	
Windows/View Panels	Poor	☐ Fair	Good	
Intercom System	Poor	Fair	Good	
Doors / Locks	Poor	☐ Fair	Good	
Ceilings	Poor	☐ Fair	Good	
Floors	Poor	☐ Fair	Good	
Electrical / Lighting	Poor	☐ Fair	Good	
Plumbing	Poor	☐ Fair	Good	
Security Equipment	Poor	☐ Fair	Good	
Furniture Comments:	Poor	☐ Fair	Good	

Additional Comments

CHECKLIST 7: EMERGENCY PREPAREDNESS

Emergency Response Management	Yes	No
1. Does the jail have a written, comprehensive emergency response plan that includes the following components?		
Risk assessment and control strategies		
Organizational structure for emergency response		
Interagency Coordination		
Written emergency plans for a range of predefined emergencies		
Evacuation Plans		
Appropriate equipment and resources		
Training and drills		
Recovery steps after emergencies		
Reporting and documentation of emergency information		
Critical incident review process		
Comments:		
2. Has the jail established agreements with outside agencies that may provide assistance during emergencies?		
Comments:		
Does the jail have an emergency response team?		
Comments:	_	

4. Is the jail in compliance with applicable standards relating to emergency preparedness?		
Comments:		
5. Do any issues or concerns relating to emergency preparedness require immediate attention?		
Comments:		
Training and Skills	Yes	No
6. Has staff been given adequate training in the handling of emergencies?		
Comments:		
7. Are emergency drills conducted periodically to test the effectiveness of the emergency respons	se plans?	
Comments:		
Equipment and Resources	Yes	No
Equipment and Resources 8. Are the following types of emergency systems, equipment, and resources in place and operations.		No
		No
8. Are the following types of emergency systems, equipment, and resources in place and operation		No
Are the following types of emergency systems, equipment, and resources in place and operation Communication system (internal and external)		No
Are the following types of emergency systems, equipment, and resources in place and operation Communication system (internal and external) Alarm System		No
8. Are the following types of emergency systems, equipment, and resources in place and operation Communication system (internal and external) Alarm System Fire detection and suppression system		No
8. Are the following types of emergency systems, equipment, and resources in place and operation Communication system (internal and external) Alarm System Fire detection and suppression system Emergency Generators		No
8. Are the following types of emergency systems, equipment, and resources in place and operation Communication system (internal and external) Alarm System Fire detection and suppression system Emergency Generators Emergency Keys		No O

Recovery and Review	Yes	No
9. Does the jail have arrangements for housing inmates temporarily in other facilities if it cannot be occupied following an emergency?		
Comments:		
10. Does the jail have the means to ensure that all information about an emergency is complied and documented?		
Comments:		
11. Does the jail have a process for critical review of emergencies that provides for the following:		
Assessment of the appropriateness of training		
Assessment of the appropriateness of policy and procedure		
Assessment of the adequacy of systems, equipment, and coordination		
Determination of any policy violations		
Comments:	_	_

Additional Comments

CHECKLIST 8: INMATE BEHAVIOR MANAGEMENT

Screening	Yes	No
1. Does the jail have a process for systematically screening inmates at admission risks and the need for special services or supervision?	on to assess security and safety	
Comments:		
2. Is the initial screening and assessment information collected at intake docum	ented on a standard form(s)?	
Comments:		
3. Is the screening information gathered at intake reviewed in a timely manner be respond to the issues presented?	y appropriate personnel who can	
Comments:		
4. Has the intake staff received training in the screening process and use of the	screening instrument?	
Comments:		
Classification	Yes	No
Does the jail have a formal, written classification process for determine housing requirements, and program eligibility?	ng assignments, supervision	
Comments:		
6. If you answered yes to #5, does the classification system include the use of opoint-additive or decision-tree instruments?	bjective screening tools such as	
Comments:		

7.	Does the classification process provide for reassessment at scheduled intervals and in response to new information?		
	Comments:		
8.	Does the jail have a system of information sharing so that program, support, and custody staff all have the information they need to manage each inmate's behavior?		
	Comments:		
9.	Is responsibility for managing the classification process assigned to a specific staff position?		
	Identify the staff person responsible for managing the classification process and determine what direction and authority this person has had in managing the process. Comments:		
Но	ousing Plan	Yes	No
10.	Does the jail have a housing plan that provides for housing assignments and management of inmates based on behavior, compatibility, and legal mandates or standards?		
	Comments:		
11.	Does the jail provide housing apart from the general population for inmates who require protective custody, those who demonstrate chronic behavior problems, and those who are violent or who present an escape risk?		
	Comments:		
12.	Does the jail provide housing apart from the general population for inmate workers and those on work release?		
	Comments:		

Orientation	Yes	No
13. Are inmates given a formal orientation to the jail at admission? Comments:		
14. Does the jail have an inmate handbook that outlines rules, expectations for inmate behavior, and consequences for rule violations?		
Comments:		
15. Do the inmate handbook and orientation process make accommodations for inmates who are not literate, who are non-English speaking, or who have disabilities that interfere with receiving and understanding the information provided?		
Review the characteristics of the inmate population and the types of accommodations currently available.		
Comments:		
Staff Placement and Interaction	Yes	No
16. Does the jail have enough staff to supervise inmates adequately on all shifts?		
Comments:		_
17. Is the staff positioned within the jail so they can see, hear, and promptly respond to what is happening in inmate-occupied areas?		
Comments:		
18. Does staff conduct (and document) frequent well-being checks as required by minimum jail standards?		
Comments:		

19. Is the staff's level of interaction with the inmates sufficient for staff to supervise the inmates effectively and manage their behavior? Comments:		
20. Does the jail offer incentives to encourage inmates to behave well and comply with the rules? Comments:		
21. Does the jail have a formal disciplinary process for inmates who break the rules? Comments:		
Productive Activities	Yes	No
22. Are inmates kept productively engaged in activities throughout the day to avoid extended periods of idleness? Review the daily schedule to determine the amount of planned activity and tour the housing units at various times to see the level of inmate participation in activities. Comments:		

Additional Comments

CHECKLIST 9: INMATE DISCIPLINE

Inmate Discipline			No
1. Does	1. Does the jail have written policies and procedures governing the inmate disciplinary process?		
Com	ments:		
2. Does	the inmate disciplinary process include the following components?		
W	ritten rules governing inmate conduct		
W	ritten description of sanctions for rule violations		
W	ritten description of the disciplinary process		
lnı	mate orientation/access to rules, sanctions and the disciplinary process		
Pr	ovisions for resolving minor infractions		
No	otice of rule violation		
Pr	ocedures for a fair hearing on rule violations		
Do	ocumentation of disciplinary actions		
Re	eview of disciplinary decisions by a higher authority		
Ri	ght to appeal		
Com	ments:		
3. Is sta	Iff adequately trained in the rules and disciplinary procedures?		
Com	ments:		

4. Do any problems or issues relating to inmate discipline require immediate attention?		
Comments:		
Inmate Grievances	Yes	No
5. Does the jail have a formal grievance process?		
Comments:		
6. Is a staff person responsible for administering the grievance system?		
Comments:		
7. Do the inmate handbook and inmate orientation provide information about the grievance process?		
Comments:		
8. Does the jail's grievance system provide for the following?		
Access by all inmates without reprisal		
Availability of grievance forms		
Staff assistance to inmates desiring help in preparing grievances		
Written responses to grievances		
Reasonable timeframes for reviewing and responding to grievances		
Supervisory review of all grievances		
Process appeal to a higher authority		
Comments:	_	_

	Do any much lamp or increase relating to the grip rape much and improving improving a stantian?		
9.	Do any problems or issues relating to the grievance process require immediate attention?		
	Comments:		
2			
∪HE	ECKLIST 10: FACILITY SECURITY		
_			
Pe	erimeter Security	Yes	No
1.	Does the jail have a physically secure perimeter that provides an overall barrier between inmate occupied areas		
	and the outside world?		
	Comments:		
2.	Is access into and out of the secure area of the jail controlled at all times?	П	
	Comments:		_
	Confinence.		
3.	Are all security features and devices operable and in good repair?		
		ш	
	Comments:		
4	Are all monitoring and communication systems adequate and maintained in good working order?		
··	The air membering and commanication systems adoquate and maintained in good working order.	Ш	Ш
	Comments:		
	Are control contains account and in account limited to control contain an enterior		
5.	Are control centers secure and is access limited to control center operators?		
	Comments:		
lnı	mate Accountability	Yes	No
6.	Is a sufficient number of staff on duty at all times to respond to emergency situations and adequately supervise		
	the anticipated level of activity?	Ц	

	Comments:		
7.	Do the locations of staff posts throughout the jail allow staff to observe and manage inmate behavior effectively?		
	Comments:		
8.	Does the jail have a system for physically counting inmates to verify that all inmates in custody are present or otherwise accounted for?		
	Comments:		
9.	Is jail staff required to conduct and document frequent well-being checks of inmates?		
	Comments:		
10). Have any recent, serious, security-related incidents such as fire, escape, assault, or suicide occurred?		
	Comments:		
11	. If you answered yes to #10, have investigations been conducted to determine whether policies and procedures were followed or need to be changed or whether additional staff training is required?		
	Comments:		
Se	earches and Contraband Control	Yes	No
12	2. Does the jail have written policies and procedures governing the following types of searches?		
	Inmate searchers (pat, strip, body cavity)		
	Property searches		
	Visitor searches		

Facility searches		
Vehicle searches		
Comments:		
13. Does the jail have adequate provisions for the control of contraband?		
Comments:		
14. Does the jail have adequate provisions for the proper storage and controlled use of the following types of equipment and supplies?		
Keys		
Weapons		
Tools		
Equipment		
Supplies and hazardous materials		
Comments:	_	_
15. Have any incidents involving the introduction of contraband or misuse of facility equipment or supplies occurred?		
Comments:		
Use of Force and Restraints	Yes	No
16. Does the jail have adequate written policies and procedures governing the use of force and restraints?		
Comments:		
17. Is staff adequately trained in the use of force and the use of restraints?		

Comments:		
18. Have any incidents involved excessive force or inappropriate use of restraints?		
Comments:		
19. Are all use-of-force incidents investigated for appropriateness of use of force or need for additional training and/or policy revision?		
Comments:		
Internal Movement and Transportation	Yes	No
20. Does the jail have policy and procedures governing the internal movement of inmates within the jail (maintaining accountability, use of escorts, use of restraints, searches, etc.)?		
Comments:		
21. Does the jail have policy and procedures governing the transport of inmates outside the jail (search of vehicle, searches of inmates, restraints, travel routes, etc.)?		
Comments:		
22. Has staff assigned to transport inmates received adequate training in transport procedures and use of equipment?		
Comments:		
23. Have any recent issues or incidents involving inmate movements or transport occurred?		
Comments:		

Security Inspections	Yes	No
24. Are security inspections conducted on a regular basis?		
Comments:		
25. Does the process provide for the inspection of all areas of the facility?		
Comments:		
26. Are checklists used that include the items to be inspected in each area?		
Comments:		
27. Do procedures provide for a supervisory review of inspection results and initiation of appropriate actions to correct any identified concerns?		
Comments:		
28. Do any security concerns require immediate attention?		
Comments:		
29. Does the jail staff include a position that holds primary responsibility for overseeing jail security?		
Comments:		

Additional Comments

LIABILITY AND LEGAL ISSUES

Administrators are encouraged to subscribe to available newsletters, periodicals, etc. that review current case law and liability issues.

Ohio Minimum Jail Standards (OAC)

Refer to the Bureau of Adult Detention's website (www.drc.state.oh.us/web/bad.htm) for a copy of the Ohio Minimum Jail Standards which begin in the Ohio Administrative Code Section 5120:1-7.

Policy and Procedures

Definitions as stated in the Minimum Standards for Jails in Ohio:

<u>POLICY</u>: A statement that reflects the philosophy of the organization, and defines the purpose for which the action is taken.

<u>PROCEDURE</u>: Provides a detailed description of how a policy is to be accomplished detailing the steps to be taken, the order in which they will be carried out, and by whom.

The jail's policy and procedure manual is a guide that demonstrates the correct and lawful procedures for jail staff to perform his/her everyday duties. The manual is to be used to follow established practices consistently to protect the officer, as well as, the facility against lawsuits.

It is recommended you consult with your Sheriff, Chief of Police, Prosecutor, or Common Pleas Judge as to who will be the approving authority for any and all new policy and procedures.

Documentation/Record Keeping

Having a sound records management system helps to protect a jail from litigation and ensures regulation compliance. Records management involves a variety of record types such as paper, computer, email, magnetic tape, microfilm, and imaging, just to name a few.



Chapter 149 of the Ohio Revised Code is the law that sets forth requirements affecting the management of records maintained by public agencies. The Ohio Historical Society acts as the archives administrator for the state and its political subdivisions.

Jail Administrators should set up a records retention policy and appoint a staff member as their records management person. The policy developed should be in compliance with Chapter 149 of the Ohio Revised Code and the Ohio Sunshine Laws.

A manual called "An Ohio Sunshine Laws Update" is made available in March of each year from the State Attorney General's office. This is a valuable resource as it discusses what is considered a public record. The manual can be accessed from the internet at www.ag.state.oh.us/site_map/sunshine_laws.htm.

The Ohio Historical Society has a manual that has forms in it that are very helpful in setting up a record system. The forms can also be accessed at www.ohiohistory.org/resource/lgr/forms.html. The State Auditor's Office also has AOS Technical Bulletins available that date back to 1995.

Prisoner records are a valuable source of information; therefore, a case record should be maintained for every prisoner taken into the custody of your facility.

Prisoner Rights and Privileges

Every effort should be made to provide prisoners with a clean, safe, assault free, and harassment free environment. Prisoner civil rights must be guarded. Corporal punishment is never acceptable.

Prisoners' rights are generally divided into two categories Fundamental rights and Qualified rights. Fundamental rights include Constitutional rights which must be provided. Fundamental rights typically include visits by attorney or clergy, telephone calls to attorney or clergy, adequate food/nutrition. adequate lighting, ventilation. temperature control, sanitation, medical care and access to a grievance mechanism. Qualified Rights are rights that are guaranteed to prisoners as long as they are behaving (ex. Recreation). Qualified rights can be created through a jail's policies and procedures. Prisoners also have the right to fair disciplinary procedures. Fundamental rights cannot be suspended for disciplinary action. Qualified Rights or privileges may be suspended as a part of disciplinary action however the established guidelines of the Ohio Minimum Standards must be followed. See the Ohio Minimum Standards 5120: 1-8-12 &14 Discipline. See the Ohio Minimum Standards glossary for a definition of fundamental rights and privileges. 5120: 1-7-02 Glossary of Terms (16) (35).

Fundamental Rights

Description:

Those rights which must be provided to all prisoners.

Examples:

Food, Lights, Attorney / Clergy Visits or calls

Qualified Rights

Description:

Those rights guaranteed to prisoners as long as they are behaving

Examples:

Recreation, Dayroom Access, visits by family and friends

Privileges

Examples:

TV on/off time, extra food, snacks, extra TV channels

Lawsuits

We live in a litigious or lawsuit prone society. The sheriff, board of commissioners or regional board, you, or your employees may get sued. When this occurs typically you will want to, notify the person you report to and your agency's legal representative (attorney) and any jail employees listed as defendants. The Sheriff or Commissioners will likely contact the jail's insurance carrier or direct you to act as their designee.

Many Ohio counties are insured by CORSA (For CORSA information contact your commissioner's office). Prepare a summary of the event(s) according to your records, recollections, and or any investigations, for your attorney and possibly insurance carrier. Your insurance carrier will likely select an attorney to represent the agency's defendants.

Local courts and federal courts have specific steps or protocols for lawsuit actions that must be followed. Perceived frivolous lawsuits must also go through these time consuming steps. These steps usually include depositions and discovery. Discovery rules will require you to produce documentation for the complaining party. Be diligent and review everything you produce. If you see things that exonerate the defendants or puts the defendants in a bad light, bring the matter to the attention of your attorney.

At this stage you may identify documents that support the defendants, but may not have been requested in discovery. These documents should also be brought to your attorney's attention.

Depositions are like testifying in court, but more informal. Reminder, you are always "on the record", and be cautious of what information or remarks you make.

Your attorney may ask you or your staff to sign affidavits. These are sworn statements. Assure the documents are accurate and true before signing. Discuss changes if necessary. Affidavits must be truthful and accurate. Ask your attorney to fully explain anything you do not fully understand.

Unfortunately, lawsuits are a reality of corrections. It would be wise to be somewhat familiar with Ohio corrections case law and the case law of the Federal courts, especially rulings from the Sixth Federal District which includes Michigan, Ohio, Tennessee, and Kentucky.

Civil Rights Act of 1871 – 42 USC 1983

Civil action for deprivation of rights

"EVERY PERSON WHO, UNDER COLOR OF ANY STATUTE, ORDINANCE, REGULATION, CUSTOM, OR USAGE, OF ANY STATE OR TERRITORY OR THE DISTRICT OF COLUMBIA, SUBJECTS, OR CAUSES TO BE SUBJECTED, ANY CITIZEN OF THE UNITED STATES OR OTHER PERSON WITHIN THE JURISDICTION THEREOF TO THE DEPRIVATION OF ANY RIGHTS, PRIVILEGES, OR IMMUNITIES SECURED BY THE CONSTITUTION AND LAWS, SHALL BE LIABLE TO THE PARTY INJURED IN AN ACTION OR LAW, SUIT IN EQUITY, OR OTHER PROPER PROCEEDING FOR REDRESS, EXCEPT THAT IN ANY ACTION BROUGHT AGAINST A JUDICIAL CAPACITY, INJUNCTIVE RELIEF SHALL NOT BE GRANTED UNLESS A DECLARATORY DECREE WAS VIOLATED OR DECLARATORY RELIEF WAS UNAVAILABLE. FOR THE PURPOSES OF THIS SECTION, ANY ACT OF CONGRESS APPLICABLE EXCLUSIVELY TO THE DISTRICT OF COLUMBIA SHALL BE CONSIDERED TO BE A STATUE OF THE DISTRICT OF COLUMBIA."

FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION

THIS AMENDMENT IS PART OF THE BILL OF RIGHTS. IT PROHIBITS THE FEDERAL LEGISLATURE FROM MAKING LAWS THAT ESTABLISH A STATE RELIGION OR PREFER A CERTAIN RELIGION, PROHIBIT FREE EXERCISE OF RELIGION, INFRINGE THE FREEDOM OF SPEECH, INFRINGE THE FREEDOM OF THE PRESS, THE RIGHT TO

ASSEMBLE PEACEABLY, OR LIMIT THE RIGHT TO PETITION THE GOVERNMENT FOR A REDRESS OF GRIEVANCES.

PUBLICATIONS/ FREE SPEECH - FIRST AMENDMENT

SMITH V. MILLER, 423 F.SUPP.2D 859 (N.D.IND. 2006): A state inmate filed a § 1983 action challenging prison officials' decision to confiscate his anarchist materials. The officials moved for summary judgment. The district court held that fact issues remained as to whether mere possession of anarchist literature presented a clear and present danger to prison security. The court opened its opinion by stating: "The issue of anarchism has raised its ugly face again, this time in a prison context... The question here focuses on whether or not prison officials at the Indiana State Prison are authorized to confiscate anarchist materials from inmates incarcerated there... While the question presented here is a very close one, and it may be one on which the prison authorities will later prevail... there needs to be a more extensive factual record." The court noted that if a trial were to be held, the court would attempt to appoint counsel for the plaintiff and make every effort to keep the case as narrowly confined as possible. According to the court, "Although it is a closed case, there is enough here, if only barely enough, to keep the courthouse doors open for this claim which necessarily involves overruling and denying the defendants' motion." (Indiana State Prison)

FOURTH AMENDMENT TO THE UNITED STATES CONSTITUTION

THIS AMENDMENT GUARDS AGAINST UNREASONABLE SEARCHES AND SEIZURES

CALVIN V. SHERIFF OF WILL COUNTY, 405 F. SUPP.2D 933 (N.D. ILL. 2005). County inmates sued a sheriff under § 1983 alleging that a strip search policy violated the Fourth Amendment. The court granted summary judgment in favor of the inmates. The court held that the blanket policy of strip-searching persons arrested on failure-to-appear (FTA) warrants in misdemeanor traffic cases violated the Fourth Amendment. The court also found a Fourth Amendment violation in the blanket policy of strip-searching persons who were returned to jail for processing after being ordered released on traffic or misdemeanor charges, absent individualized suspicion or probable cause that a person was concealing contraband or weapons. The court noted that the searches were unconstitutional, even though arrestees had been given an opportunity to post bond before the searches, and notwithstanding that persons arrested on FTA warrants were intermingled with the general population. (Will County Adult Detention Facility, Illinois)

EIGHTH AMENDMENT TO THE UNITED STATES CONSTITUTION

THIS AMENDMENT PROHIBITS EXCESSIVE BAIL OR FINES, AS WELL AS CRUEL AND UNUSUAL PUNISHMENT.

<u>LINDELL V. HOUSER, 442 F. 3D 1033 (7TH CIR. 2006).</u> [A Classification Issue] A white-supremacist inmate brought an action alleging that prison official violated the Eighth Amendment by housing him with a black inmate. The district court entered summary judgment in favor of the official and the inmate appealed. The court of appeals held that the official did not violate the inmate's Eighth Amendment rights by placing him in a cell with a black inmate, even though the

official knew of the black inmate's involvement with a gang and the white inmate's expression of fear. The court found that the official did not have reason to believe that the white inmate was at serious risk since eighteen months had passed without incident after the cellmates' initial fight and nothing indicated specific threats had been made by the black inmate or other members of the gang. The court noted that the inmate had no constitutional right to be housed with members of his own race, culture, or temperament. The court held that the inmate was not entitled to a court-appointed lawyer to help him prosecute his case against prison officials, noting that the inmate was experienced in litigation, and that any difficulty prosecuting his case was largely caused by the inmate's choice to pursue other cases at the same time. (Waupun Correctional Institute, Wisconsin)

FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION

IS ONE OF THE POST-CIVIL WAR AMENDMENTS AND IT INCLUDES THE DUE PROCESS AND EQUAL PROTECTION CLAUSES.

HOLLY V. WOOLFOLK, 415 F.3D678 (7TH CIR. 2005). A pretrial detainee placed in segregation for two days without a prior hearing brought a § 1983 action for damages against correctional officers. The district court dismissed the case and the detainee appealed. The appeals court affirmed. The appeals court held that the placement of the detainee did not violate his due process rights, where the officers had reason to believe that the detainee was disrupting a jail headcount, which would interfere with jail security and discipline. The court noted that the detainee was given a hearing upon his release from segregation and that he was returned to the general population. The court expressed confusion about "what damages he could prove for being confined to a cell for two days rather than being free to roam the dangerous general-population area of the jail—and dangerous it is." (Cook County Jail, Illinois)

Prison Rape Elimination Act (PREA)

See: Bureau of Justice Statistics Status Report (February 5, 2004): "Implementing the Prison Rape Elimination Act of 2003".

Don't let the word "Prison" confuse you.

This act includes ALL federal, state, and local prisons, jails and lockups.

President George W. Bush signed into law the Prison Rape Elimination Act of 2003 (P.L. 108-79), on September 4, 2003. Both the US House of Representatives and the US Senate had earlier unanimously passed the bill leading to this law.

PREA establishes as a goal, "zero tolerance" for any prisoner being sexually assaulted by any other prisoner, or by any facility staff person. PREA can be broken down into the following:

PRISON: Any structural confinement arrangement. This includes prisons, jails, lockups, and probably includes prisoners being transported in cruisers, vans, buses, etc.

RAPE: The definition of "rape" for PREA has hinted at being more than the typical definition of "rape", which can be found in most state definitions. The latest known official definition is close to being: "The act of forcible carnal knowledge, oral sodomy, sexual assault with an object, or sexual fondling of a victim." However, in Ohio, it is strongly suggested that in addition to the above definition of rape, that for purposes of making a jail's overall sexual abuse an even more effective PREA driven goal, that jail managers consider the following definitions and related discussions the driving force for their policies and procedures. The suggested, expanded "rape" definition is:

"Any physical sexual misconduct; including physical threats of sexual abuse, unwanted sexual touching, or unwanted sex acts by any prisoner or visitor in the jail against a prisoner, causing the prisoner to be considered a victim of sexual assault or abuse.

AND

Any sexual misconduct or sexually driven behavior by any facility staff person, directed against any prisoner. This includes consensual sexual acts between prisoners and staff, non-consensual sexual acts between prisoners and staff, sexually related threats or encouragements of sexual assault or sexual abuse by staff against any prisoner, and any 'sexual gratification' advantage a facility staff person may take, e.g. staff taking advantage of their status or the jail environment to observe a prisoner who is partially or wholly undressed (i.e. showers, clothing exchanges, strip searches, etc.) for sexual gratification purposes."

ELIMINATION: Zero tolerance.

<u>ACT:</u> A Formal Declaration. Start now on your PREA policies and procedures, and compliance to the goals and intentions of the Act. Later, when national (and perhaps state) standards regarding PREA become available, update your PREA policies and procedures.

National implementation of PREA began in 2004, and is scheduled to be fully operational by late 2008 – early 2009.

PREA identifies the following mechanisms to combat sexual assault of prisoners.

Investigation & Reporting

- Bureau of Justice Statistics is to conduct annual surveys and research on the prevalence and effects of prison rape in local, state, and federal prisons.
- Department of Justice is to establish a Review Panel on Prison Rape, which will hold annual public hearings concerning the operation of prisons with the highest and the lowest rates of prison rape.
- Requires the US Attorney General to submit a report of the Bureau of Justice Statistics and Review Panel on Prison Rape findings to Congress and the Department of Health and Human Services.

• Establishes a National Commission to study prison rape, report its findings to Congress, and to develop national standards for preventing prison rape, to be reviewed by the Attorney General.

Prevention & Prosecution

- Creates a national clearinghouse on prison rape within the National Institute of Corrections. Information and assistance will be provided to PREA users.
- Requires the National Institute of Corrections to provide training and education programs for federal, state, and local prison authorities.

Grant Program

- Requires the US Attorney General to make two-year grants to state and local governments and prison systems to establish more effective programs to prevent, investigate, and punish prison rape.
- The Act authorizes \$40,000,000 per year to be spent on these grants, from 2004 through 2010.

General brainstorming and planning can be utilized to develop initial policy and procedures, and a PREA operational mission plan, until later PREA standards are developed and disseminated. Upon receiving future PREA standards, the jail's policies and procedures, and operation actions, can be updated. General brainstorming and planning to develop the facility's PREA plan to combat sexual assault of prisoners include:

- Notification efforts to alert both incarcerated prisoners and facility staff that the facility and its staff will be incorporating PREA into the facility's operational mission.
- Training of facility staff to the jail's efforts to comply with PREA.
- Establishing mechanisms for reporting sexual misconduct or abuse for both the prisoner population and for facility staff.
- Establishing facility personnel to examine the facility's current sexual misconduct policies and procedures, so that any PREA driven updates can be included.
- Establishing facility personnel to examine the structural layout of the facility, to
 determine if physical changes can be made to make the facility more capable
 towards complying with PREA. Example, balancing the needs for prisoner
 privacy areas (shower, strip search, clothing exchanges, etc.) with eliminating
 unnecessary blind spots. E.g. mirrors may be positioned so as to provide staff
 visual observation of otherwise 'blind spots' behind walls, or requiring prisoners
 not to position blankets or clothing on their bunks so as to create 'blind spots'.
- Establishing crime scene preservation techniques.

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- Establishing victim evidence preservation mechanisms.
- Investigation of any claim or significant suspicion of sexual misconduct against any prisoner. While a complaint by a prisoner, claiming to be a victim of unwanted sexual threats, contact, or abuse will likely automatically trigger an investigation, facility staff must be vigilant to any suspicious sexual misconduct possibilities reported or unreported. Victims may be afraid to report, or are uncertain of how to report, being victimized.
- Establishing a mechanism for identifying those sexual misconduct or abuse situations that are considered significant crimes to be further reported to proper investigation authorities outside of the facility's normal internal investigation mechanism.
- Documentation of any claim or significant suspicion, investigation, and follow up actions taken towards dealing with real or significantly suspicious sexual misconduct against any prisoner.
- Protective actions to be taken for the victim prisoner.
- Disciplinary actions to be taken against any prisoners and any facility staff found to have been involved in sexual misconduct with a prisoner.
- An established reporting system to local prosecuting officials about sexual misconduct incidents, which may warrant criminal prosecution.
- Follow up actions to determine the effectiveness of present policies and procedures, and staff actions to incorporate PREA into the facility's operations.
- Establishing a facility staff team that will maintain the necessary documents needed to show compliance with PREA, and to complete all PREA driven report requests from Federal and State level authorities.
- Identify a facility staff person as the primary contact person for dealing with Federal, State, and local requests regarding public records and explaining how well the facility is working towards complying with PREA.
- Establish a periodic meeting of key facility staff to determine effective PREA operations; improving on both less than positive issues, and positive issues in a effort to continuously have better PREA compliance.

Americans with Disabilities Act (ADA)

Correctional facilities have a unique responsibility regarding the Americans with Disabilities Act. This federal law requires public facilities to be accessible to individuals with handicapping conditions. In the correctional environment, these regulations have even more sweeping effects. In a correctional facility, prisoners are held in a closed environment and against their will. Prisoners with disabilities are, by law, entitled to the same rights and privileges as prisoners without disabilities. Hence if prisoners are allowed to attend religious services and a deaf or hearing impaired prisoner is at the facility, he/she must be able to attend those services. This often involves the use of sign interpreters for the program. These same laws apply to use of the telephone (TTY),

visitation, recreation, and other areas of prisoner life. For more information contact www.usdoj.gov/crt/ada/adahom1.htm or call 1-800-514-0301.

The Religious Land Use and Institutionalized Persons Act (RLUIPA)

In 2000, Congress attempted to remedy the constitutional flaws in a previous federal law entitled, the Religious Freedom Restoration Act (RFRA), by passing the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA). RLUIPA forbids state or local governments from placing "substantial burdens" on the exercise of religion by any person confined by that government unless the government can demonstrate that the burden "is in the furtherance of a compelling government interest" and "is the least restrictive means of furthering" that interest. This is the same requirement which RFRA imposed. It imposes a more stringent burden on government to justify a restriction than that imposed by the Constitution.

A person who feels his or her religious practices have been improperly restricted is given standing to sue the government agency or "any other person acting under color of law" felt to be responsible for imposing the restriction. The federal court is allowed to award "appropriate relief" if it finds in favor of the plaintiff. The law does not define "appropriate relief", but presumably it would include both damages and injunctive relief.

The law is to be construed in favor "of a broad protection of religious exercise." Religious exercise, protected by the law, is deemed to include "an exercise of religion, whether or not compelled by, or central to, a system of religious belief." The law does not define "religion."

The law provides for the award of attorney's fees. It provides that nothing in it is to be construed as amending or repealing the Prison Litigation Reform Act (PLRA). This would mean that an inmate attempting to raise a claim under the Act would be required to exhaust administrative remedies the agency may offer before the action will be allowed to proceed.

Health Insurance Portability and Accountability Act (HIPAA)

Medical records retained on prisoners should be in compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) laws. Each facility should consider having a HIPAA notification document for prisoners to sign at intake or classification. The form should outline how their medical information may be used and disclosed and how they can get access to their information.

Detention of Prisoners for the Federal Government

Many jails enter into contracts with the Federal Government to house their prisoners. The Marshals Service relies on state and local jails to provide medical care inside the facilities; however, the Marshals Service is generally responsible for providing a secure escort and for paying for care when a prisoner must go to medical facilities in the local community. Administrators need to contact the Marshals Service and get their approval before electing to provide either elective or preventative medical care. Additional information on housing prisoners for the Marshals Service can be found on their website at www.usdoj.gov/marshals.

Detention of Foreign Nationals

When an individual from another country is arrested they have certain rights that must be addressed by the corrections facility. All foreign nationals fall into one of two categories. (1) Those that are from countries that REQUIRE automatic consulate notification of detention of its citizens, and (2) those prisoners who are from countries that require the consulate to be contacted whenever the prisoner request. All prisoners of foreign citizenship (excluding prisoners with dual U.S.A. citizenship) must be informed that they can contact their consulate. This notice must be made as soon as practical during or soon after booking the prisoner.

If the prisoner is a citizen of a country that is on the MANDATORY list, the detainee must be informed that they have a right to communicate with the consulate, and that you MUST inform the consulate of their arrest/detention. Then inform the nearest consulate without delay and make record of the notification in the case file.

If the prisoner is a citizen of a country that is NOT on the mandatory list, inform the detainee without delay of his/her right to communicate with the consulate and ask: "Do you want your consulate notified of your arrest/detention?" If the detainee says "no" make a note of this in the case file and do NOT inform the consulate. If the detainee says "yes" make a note of it in the file and inform the consulate without delay and note the case file.

In all cases the detainee MAY communicate with the consular officer and may request consular access at any time (whether previously declined or not). A requesting consulate should be provided access to an alien detainee from their country. Do not inform the consulate about a detainee's refugee or any request for asylum status.

More information can be obtained from the U.S. State Department at 202-647-4415 (urgent after hours inquiries call 202-647-1512), e-mail consnot@state.gov or visit the state department's foreign national website at:

http://travel.state.gov/law/consular/consular 753.html

Detention of Juvenile Offenders

Definitions: A juvenile is defined by the Ohio Bureau as "offenders under the age of eighteen."

When a juvenile is physically detained in a locked room, cell, or handcuffed to a stationary object, and the juvenile is "not free to leave the building," because of either a locked door or because of confining restraints.

Non-Secure

The juvenile is in custody but may leave the building without assistance. (E.g. during an emergency). Note: staff who physically

A juvenile may be handcuffed to him/herself, but not to a stationary object.

stop or hinder a juvenile exit out of the building (without the use of locks or confining restraints) is not considered "secure" detention.

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When a juvenile is placed in any room where the door(s) leading to the outside of the building does not have the capability of being locked.

When the juvenile is placed in the backseat of a squad car and remains under some type of direct staff supervision (either inside or outside of the car).

Accused

Juvenile is accused of committing a delinquent act (crime) but has not been adjudicated or found guilty of said delinquent act.

Adjudicated

When the juvenile is found by the court to be guilty of the delinquent act charged.

Status Offender

A juvenile who has been charged with or adjudicated for conduct that would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

Examples:

- Truancy
- · Violations of curfew
- Runaways
- Possession and/or consumption of tobacco products
- Possession and/or consumption of alcohol (this offense is considered to be a status offense even though State or local law may consider it a delinquent offense)

Waived/ Bound Over

A juvenile who the juvenile court has adjudicate or found to be acting as an adult and will be tried through the adult court system.

JJDP

Juvenile Justice and Delinquency Prevention Act

Six Hour Rule

The six-hour "clock" starts the moment a juvenile is placed in a secure custody situation. Once the clock has started, it cannot be turned off, even if the juvenile is removed briefly (temporarily) from the secure custody situation.

Once the time clock is activated, "interview" time cannot be excluded from the six-hour rule.

Three Hour Rule

Same as above definition only a three hour limit.

Adult Jail

Is a locked facility (recognized as a jail) and managed by the county or local law enforcement and correctional agencies.

The primary purposes of the jail is to detain adult prisoners charged with violating criminal law for booking purposes, initial arrest

purposes, pending trial, when so ordered by the court sentenced to serve confinement in the local jail time, and/or awaiting transportation to a state prison.

Adult Lockup or THF

Similar to an adult jail except that it is generally a municipal or police facility where prisoners are temporary held primarily for booking and initial arrest purposes and does not fall under OAC or ORC standard then facilities still fall under general supervision of BAD.

Collocated Facility

A juvenile facility that is located in the same building as an adult jail or lockup, or is part of a related complex of buildings located on the same grounds as an adult jail or lockup.

The accused juvenile may be detained in a jail for the purposes of identification, processing (to include fingerprinting and photographing), and while arranging for release to their parents or transfer to a juvenile detention facility. All processing paperwork, to include fingerprinting and photographs, shall be submitted to Juvenile Court as soon as possible.

Once custody transfer arrangements have been made, or as appropriate, the parents of the juvenile arrive to take custody of the juvenile, the juvenile must be removed or released from the adult jail or adult lockup.

There should be a "visual check sheet" posted on or near the secured room the juvenile is being housed, during the entire time the juvenile is secured, in order to effectively post and keep track of prisoner activities and times of lock down and supervision checks. Placement of the juvenile in a cell or room that either contains a closed circuit television feeding off to a staffed monitoring station or a window allowing correctional personnel visual supervision access at all times, is preferred. Information on the visual check sheet should include but not be limited to the following: Name, age/DOB, sex, race, offense(s), date and time placed into secured custody, date and time taken out of secured custody, location of where secured, and who released to.

For juvenile court purposes, a juvenile may be held up to six hours before an initial appearance and six hours after an initial appearance.

Status offenders must never be physically placed in the secured confines of an adult jail or lockup. The only exception to this rule is for booking, fingerprinting, and photographing of the juvenile and then the juvenile must be immediately removed to a non-secure area of the facility. While inside the jail, the status offender must continually be in the company of staff.

The Ohio JJDP strongly recommends that those adult jails and lockups that incarcerate juveniles provide youth-specific admissions screening and continuous visual supervision of juveniles incarcerated pursuant to this exception.

Federal regulations also regulate the detention of non-bound over juveniles. They state that a juvenile must be held in an unlocked multi-purpose area, such as a lobby, office or interrogation room which is not designed, set aside, or used as a secure detention area, or is not a part of such an area. The use of a custody area is limited to providing non-secure custody only long enough and for the purpose of identification, investigation,

release to parents, or arranging transfer to an appropriate juvenile facility or to a court. In no event can the area be designed or intended to be used for residential purposes and the juvenile must be under continuous visual supervision by a law enforcement officer or facility staff during the period of time that he/she is in non-secure custody. These rules do not apply when the juveniles "have been convicted AND sentenced as adults".

Juveniles who are NOT bound over as adults should under NO circumstances be secured within normal sight, sound, and touch of adult prisoners

Juveniles bound over to criminal adult court

BOUND OVER JUVENILE PRISONERS MAY HAVE VISUAL AND SOUND CONTACT WITH ADULT PRISONERS, BUT THEY MUST BE SEPARATED BY TOUCH FROM ALL ADULT PRISONERS, TO INCLUDE INMATE WORKERS, AT ALL TIMES.

Any juvenile who has been formally charged with a felony in Probate/Juvenile Court and has been bound over or waived/transferred to the court of Common Pleas to answer said charges as an adult may be confined in an adult jail or lockup while the juvenile awaits bond, trial, and/or sentencing.

Should a juvenile bound over as an adult be sentenced to serve time in prison, the entry from Juvenile Court binding the juvenile to adult court must accompany the warrant to convey.

For further information, contact the Ohio Bureau of Adult Detention at 1030 Alum Creek Drive, Columbus, Ohio 43209, or call 614-752-1066, and/or the Ohio Department of Youth Services, 51 N. High St., Columbus, Ohio 43215 or call 614-466-4314. Additional sites of interest: www.dys.ohio.gov. Kim Gaus, who works for the ODYS, can be reached at email address: Kim Gaus @dys.state.oh.us.

DNA Testing of Certain Prisoners (HB 525)

HB 525 / Regarding DNA Testing of Certain Prisoners 2003-2004 / 125th Gen. Assembly

See: http://www.ag.state.oh.us/le/investigation/dna.asp

Contact: Cshannon@ag.state.oh.us See: ORC 2152.74 and 2901.07

HB 525 went into effect on May 18th, 2005. Basically, the new law requires jail officials to complete DNA sampling of certain prisoners. Most sampling will likely be DNA Buccal collection (mouth swabbing of saliva). The following offenders must submit to DNA sampling:

Juveniles adjudicated as delinquent for committing...

1. An act that would be a felony if committed by an adult.

2. An act that would be a misdemeanor if committed by an adult arising out of a violation of:

2903.01 Aggravated murder

2700.01	riggiavatea maraei
2903.02	Murder
2905.01	Kidnapping
2907.02	Rape
2907.03	Sexual battery
2907.05	Gross sexual imposition
2907.12 ¹	Felonious sexual penetration
2911.11	Aggravated burglary
2919.23	Interference with custody
2923.03 / 2903.04	Complicity to commit unlawful Sexual conduct with a minor

Adult offenders who commit...

- 1. Any felony.
- 2. A misdemeanor violation, an attempt to commit a misdemeanor violation, or complicity in committing a misdemeanor violation arising out of:

2903.01	Aggravated murder
2903.02	Murder
2905.01	Kidnapping
2907.02	Rape
2907.03	Sexual battery
2907.04	Unlawful sexual conduct with a minor
2907.05	Gross sexual imposition
2907.121	Felonious sexual penetration
2911.11	Aggravated burglary
2919.23	Interference with custody

 Any misdemeanor sexually oriented offense or a child-victim oriented offense, if offender has been adjudicated a sexual predator, a child-victim predator, habitual sex offender, or a habitual childvictim offender, as defined in O.R.C. 2950.01.

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¹ As it existed prior to September 3, 1996

SECURITY ISSUES

The primary objective of the jail is security, safety, health and welfare.

Effective Security and Control

- Control prisoner movement throughout the entire facility.
- A sound perimeter security includes effective working relationships between walls, cameras, and fences.
- The prisoner population must be divided into controllable groups and there must be a reasonable prisoner/officer ratio in housing units.
- Have easily observable areas. All areas of the jail where prisoners are located or can enter must be readily visible by staff.
- Increase staffs' knowledge through training on effective supervision techniques, use of force, hostage negotiations techniques, emergency scenarios, etc.
- Maximum supervision upon booking prisoners is very important. Observe incoming prisoners for suicidal tendencies, mental health concerns, language problems, and assaultive tendencies.
- Effective searches of packages, boxes, purses, and/or briefcases that are entering into the facility is appropriate and necessary for effective security precautions.

Management of a Secure Facility

- Maximize on each prisoner's inner controls through extensive programming opportunities, privileges, internal jail jobs, and security classification. Create incentive based programs.
- Appropriate staff to prisoner ratio per post. An annual post/staff analysis is helpful.
- Correctional supervisors and officers must maintain control of housing units.
- Frequent supervision by management, by walking around through the jail is essential. Managers must not only be able to talk the talk, but must be able to walk the walk.
- Recruit qualified staff. Don't take short cuts on screening and hiring.
- Provide effective staff training programs, i.e., pre-service, in-service, specialty training, OJT. Remember to provide training on the minimum jail standards.
- Be compliant with life safety and fire codes. Do weekly inspections that include corrective actions by trained staff.
- Be compliant with the <u>Minimum Jail Standards</u>. Include the standard goals in policy and do periodic audits to assure policy compliance.

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- Be sensitive to prisoner responses of unsafe conditions.
- Be sensitive to staff notices of unsafe working conditions.
- Be aware that scared prisoners act out and assault others. Be aware of "Fear-Hate" complaints from prisoners.
- The physical plant should be built to reduce vandalism and officers must enforce all vandalism rules. Ensure timely repairs, include painting at least every three years; annually or as needed in bathrooms and showers.
- Provide the following basic prisoner needs:
- Telephone access. Ensure access, is fair, and any restrictions are appropriate for overall good jail operations.
- Visiting. Be consistent. Try to provide prisoners with pleasant visitation experiences. Always assume that contraband may be present and maybe trying to be passed into the jail. Take all reasonable precautions to ensure contraband is not introduced into the jail.
- Television viewing. Staff should control volume and channel selection.
- Commissary access. Provide good products at reasonable prices.
- Attractive, nutritional, palatable meals. Assure sanitation and health codes are being complied with. Ensure that food service staff and inmate workers are clean.
- Security of personal property. Prevent loss and theft.
- Shower access should be daily unless restricted. Keep these spaces clean, and inspect areas frequently following high use times to assure cleanliness is maintained.
- Encourage exercise outside of the dayroom. Keep exercise equipment and supplies in good repair.
- Employment (meaningful work). Prisoner work assignments should be based on skill, security assessment and level of participation. Avoid using pretrial prisoners as inmate workers.
- Privacy/territory. Be understanding of prisoner lack of control and respect their needs for modesty as much as can be allowed, without jeopardizing security.
- Allow prisoners to practice their religion while at the same time ensuring that appropriate security and safety precautions are being maintained.
- Assure there is an administrative appeal system for discipline and grievances. Due process is about fairness.
- Just and fair disciplinary procedures. No stacking charges, no retaliation.

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 Seek out and eliminate causes of collective violence. Review all claims of assaults; prisoner on prisoner and prisoner on staff. Monitor gang activity.

Security Doors: Fail-Safe vs. Fail Secure

It is very important for jail managers and their staff to have an awareness of which jail doors are fail-safe and which are fail-secure. Fail-safe doors are those doors having electric locking mechanisms, in which the electric current "locks" the door. Should the supply of electric current to the door "fail" to exist, then the door automatically becomes "safe", or unlocked. Fail-secure doors are the opposite; these doors have electric locking mechanisms, in which if the electric current "fails" to exist, the doors become "secured", or locked.

While most jails have a main electric supply line and some form of emergency backup electric supply line (e.g. backup generator), it is conceivable that both electric supply sources could fail during the same time frame. During this unplanned period, the jail doors will automatically become either "safe / or unlocked", or "secure / locked". Key backup systems must be available.

Key Control

Effective key control starts with the planning of a jail. A good security perimeter is necessary to enclose the internal jail operations. The keys to the security perimeter should never be the same pattern as keys of any internal key. Actual perimeter keys should not routinely enter into a jail. A security perimeter key inside the

Jail Administrator Question?

Do you know where the emergency keyset is located for your facility?

jail allows the person holding the key to bypass most or all the security precautions that were painstakingly planned into the security of the jail. Unfortunately, some jail staff will try to maintain a perimeter key on their person. As a good rule of thumb, outside keys (including the security perimeter key) should not routinely be taken into the jail, and internal keys should seldom be taken outside the security perimeter. This helps to prevent security vestibule keys from being used by escaping prisoners, and it helps prevent any inside jail keys from being lost outside the jail and possibly falling into the wrong hands.

Good Aspects of Key Control:

- Periodic exchange of working keys to avoid wearing down keys and locks
- If this isn't done then the emergency keys may no longer fit "worn out" locking mechanisms.
- Key sign in/out systems and daily inventories of keys.
- Easily distinguished emergency keys
- Color codes not always effective in smoke-filled areas
- May need to use multiple identifiers (notches or engraving)

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- Emergency key sets should be composed of as many "master" or "sub-master keys as possible.
- The fewer keys on the better the emergency response.
- Staff must be able to work the key control system

Jails typically have four different key sets. (1), a working key set that is used on some normal basis for everyday operations; (2), a backup key set that is typically used temporarily to replace broken or missing keys from the working key set(s); (3), extra or key blank sets that are used to replace backup keys; and, (4), emergency key sets that are used for emergency purposes. Emergency keys typically come in two categories: internal key sets, used to manage emergency movement within the jail; and external key sets, used to breach the security perimeter doors and includes all the keys of the internal key sets. Usually, the external emergency key set is accessible to local responding fire department personnel. Because of the jail's security concerns over these emergency keys, a 'Knox Box' or similar security precaution is agreed upon between the jail management and the local fire department. Responding fire officials can access the secure "Knox Box", obtain the keys and continue on with their emergency mission.

Key control is important in running a proper jail. Too often, keys become lost, no one is certain where they are, and who has access to certain keys. Unnecessary keys located on emergency key sets can hinder effective emergency access to the critical keys.

Transportation of Prisoners

It is imperative that all prisoner transports be conducted in a safe, secure, efficient, and professional manner. Transporting staff must be aware of their surroundings at all times. Transportation policy should include but not be limited to review of the prisoner's case file, transportation routes, and personality traits, history of escape, violence, mental health disorders, and medical problems. Policy should also outline the review of the transport documents for completeness, legality, and accurate prisoner identification. A pre check of all restraining devices and vehicle inspection should be conducted prior to and after the transport. Prisoners should never have prior knowledge of a transport nor should they be permitted to use the telephone prior to a transport.

Escape Techniques and Issues

Prisoner classification is the foundation upon which effective security policy and escape prevention occurs. A prisoner's past history can be a key to their future behavior. A history of eluding police, escapes from correctional facilities in the last ten years, military AWOLS, and absconding probation or parole are red flags.

Prisoners are constantly looking for weaknesses and ways to exploit them.

Escape prevention plans must be available that cover not only possible escapes but also emergencies that may occur during transport. These plans should be concise, easy to understand, and assign clear responsibilities. Staff should be familiar with these plans and drill on them yearly. These drills should involve all staff members possible and can be accomplished physically or through paper exercises of hypothetical situations. Feedback from staff is vital if the escape prevention plan is to be successful.

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Accountability of prisoners at all times and controlled prisoner movements are imperative. Controlling contraband is a continuous priority and failure to do so allows a prisoner the tools to escape or make an attempt to escape. Prisoners can spend weeks or months watching staff members, looking for a weak point to use to their advantage. Staff must be attuned to the jail atmosphere, use positive reinforcement along with discipline, document any problems, and maintain open and effective communication between prisoners and staff.

Hostage Situation Response

When a hostage situation occurs, staff must immediately isolate and contain the hostage takers and victims. Do not allow a moving perimeter. Post a perimeter around the scene. Stabilize the scene as quickly as possible. This minimizes destruction of property, injuries and loss of life. Your goal should be the safe release of all hostages and the return of all hostage takers to their cells.

Skilled negotiators should be used once the incident area is stabilized. These negotiators should be someone that the hostage takers feel they can trust. Negotiators should not be in charge of the shift or the administrators. Persons in authority should be responsible for managing the entire crisis, operations of the unaffected areas of the correctional facility, and direct negotiations.

A response plan should include having a check list for key personnel. Mock drills should occur as part of the training.

Cameras

Cameras are an important part of security. Improved surveillance can occur with the use of several camera monitors being located at one monitoring site. If you have camera monitors, they must be watched. Cameras should be used on the outside perimeter of the facility and in all hallways. While cameras can be used in housing units, they cannot be set to view prisoner privacy areas (e.g. shower areas, and toilets). Jails should have CCTV cameras. In addition to CCTV cameras, jails should also have a Polaroid or digital camera available to take photos of critical incidents in the jail. A video camera is also another good tool to utilize when there are major incidents in the jail especially incidents involving the ERT team.

As an important note: CCTVs have limited monitoring capabilities. CCTV should not be used as sole monitoring of areas that need staff supervision. Staff <u>supervision</u> capabilities far outweigh CCTV's limited <u>monitoring</u> capabilities.

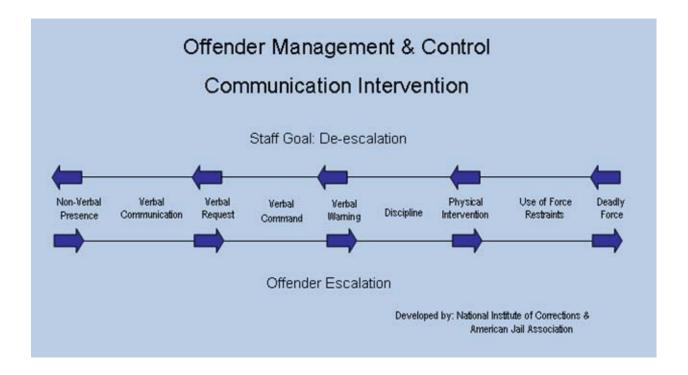
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Offender Management and Control

Communication Intervention and De-escalation

The "Continuum of Supervision" was developed specifically for a correctional setting. This continuum represents what is available to all of us in dealing with people such as colleagues, significant others, and more importantly, inmates. This continuum is divided into the region of verbal management (or control) of behavior and region of physical management of behavior.

The following the "Continuum of Supervision" that jail administrators should consider in their jail when determining how to manage and control inmate behavior.



This continuum represents the full range of management/control options available to officers in the jail setting. It starts with "mild" verbal requests as a means of managing behavior and continues all the way up to the use of deadly force.

All too often jails devote a significant amount of training to skills in the region of physical control such as use of force or self defense. Given this traditional emphasis in training, it is not surprising that staff operate from the right side of the "Continuum of Supervision." Supervision techniques often start too high on the continuum, and staff relies too frequently on force and discipline as supervisory techniques. However, they are simply responding to an emphasis in their training.

The key to good inmate management, especially in a direct supervision housing unit, is to always start at the lowest-level supervision technique possible – usually a mild verbal request. Then a full range of escalating options is available and staff will have flexibility in dealing with inmate behavior. Once staff starts part way up the continuum, the full

range of options is more difficult to apply, and the tendency is to apply more escalating techniques.

Looking at the Continuum, please note that certain inmates may try to escalate situations (for whatever reason – learned response, attempt for attention, their flawed effort at problem solving, etc.). Unfortunately, all too often, staff attempts to match inmates step by step in escalating up the continuum in order to maintain control. That is why many situations in a jail quickly get out of control.

The appropriate staff role in most situations is to stop, think, and consciously apply lower level supervisory techniques. In other words, if inmates are escalators, staff needs to fight the urge to "show inmates who is in control" and instead consciously be the deescalator. The lower-level supervisory techniques (on the left hand of the Continuum) are the skills you may want to emphasis in training as these are the skills that should be used most of the time in the housing unit. These are the skills that will help you effectively manage inmate behavior.

Use of Force

While the "Continuum of Supervision" outlined above recommends starting at the lowest level possible there may be times in your jail where situations escalate to the extent where force must be used. Recognizing that force may be used at times in your jail the following outlines things that must be considered in your use of force policy and procedures.

The <u>Minimum Jail Standards</u>; 5120:1-7-02 Glossary of Terms, Pg 1-11 (10) (32) provides appropriate definitions and recommended levels of force. Your jail's definition of force and force continuum must be supported by the top of your chain of command, and be consistent with available equipment and training techniques. The minimum amount of force necessary to control the situation is usually the best option as outlined above. See 5120:1-8-03 (9) (a-d) Security

Reports must be required whenever force is used. Each use of force should have an after action review that includes the questions "what happened", "could this have been prevented", "was policy and procedure followed", "was anybody injured," "could any improvements be made in policies and procedures," "does discipline or corrective action need to occur or are commendations or recognition appropriate."

Each use of force should be analyzed by those involved and critiqued by you, the jail administrator. When force is determined to be excessive or better techniques or technology could have been used, corrective action must be taken. Staff needs to learn from their mistakes so the same mistakes are not repeated. Malicious uses of force cannot be tolerated and a strong message must come from the top to prevent a reoccurrence. If excessive force is not addressed by the chain of command, it will normally continue and will likely escalate.

Today, a variety of technologies exist that can complement any continuum of force, i.e. pepper spray, electronic stun devices, restraining chairs, less than lethal munitions, etc. Such technologies should be thoroughly reviewed, researched, and discussed with local legal authorities before implementation. Many technologies are very helpful at preventing or reducing staff and prisoner injuries. Effective use of technologies takes a great deal of training or certification to include the practice of using it in forceful training

situations. Staff is best trained when they are allowed to practice their training in a controlled environment. Videotaping live incidents and later reviewing the incidents is another useful tool in improving staff performance. Identifying areas that need improvement after reviewing video can lead to effective re-training.

The key to effective offender management and control is to train staff to de-escalate the situation. Remember staff will use the techniques they are trained to use – training is the key. For more information on the "Continuum of Supervision" and training available on the lower-level supervisory techniques contact the American Jail Association.

PRISONER ISSUES

Management of Prisoners

Employees must be firm, fair, and consistent with policy and behavior controls. Effective supervision of prisoners from the agency head down to the line staff determines this. Each interpersonal exchange between staff and prisoner affects the facility climate. Staff must present themselves as non-threatening and non-judgmental. When the prisoner talks to a staff member, staff must listen, respond and assist with problem-solving skills. Each contact between staff and prisoner is for better or for worse.

You demonstrate the appropriate management of prisoners by setting good and effective standards, policies and procedures. You must exhibit and reinforce positive interactions between employees and prisoners. What you do and the actions you take to address prisoner treatment and discipline will foster similar actions by your employees. You set the tone for how prisoners are going to be treated in your facility.

Prisoner Classification

The <u>Minimum Standards for Jails in Ohio</u> 5120:1-8-02 Classification defines prisoner classification as a system or process for determining the needs and requirements of prisoners and for assigning them to housing units and programs. Elements of this determination may include at a minimum the following:



You will want to take into consideration the prisoner's current and past charge(s) and convictions. See ORC 2901.01 (9) – "Offenses of Violence." Is the person pre-trial or convicted, do they have felony

or misdemeanor charges?

Work Assignments

Is the prisoner on work release per the courts? Is he/she a jail/facility prisoner worker or a community service worker?

Special Treatment Services

How old is the prisoner? Does he/she have a communicable disease? How well will he/she adapt to general population? Do they have special medical needs?

Privileges

Allowance or denial of certain privileges. Has the prisoner committed a crime while incarcerated? Has he/she violated a rule?

Other

Any other information that may be available including but not limited to past incarceration history.

Suicide Prevention

The rate of suicides in jails is anywhere from 9 to 16 times greater than that of the nonincarcerated population. As a result, corrections facilities must always screen prisoners entering the facility for any tendency they may have toward taking their own life. Initially this is accomplished by a mental health screening form that is reviewed with the prisoner by medical staff, or by the preliminary health screening form, which must include mental health questions, that is reviewed with the prison by health-trained staff. It is very important for all staff to continue looking for possible suicide clues the entire time that prisoners are incarcerated. Initial and annual suicide prevention training must be conducted for staff members who work with prisoners. Training should include how to recognize verbal and behavioral cues that indicate potential suicide. In addition Initial and annual suicide prevention training should also include areas such as prevention, detection, intervention and response. In the Minimum Jail Standards, the Bureau specifies that "The jail shall have a plan for identifying and responding to suicidal prisoners. The plan components shall include: (1) Identification, (2) Training, (3) Assessment, (4) Monitoring [of suicidal prisoners at varying intervals not to exceed ten (10) minutes], (5) Referral, (6) Communication, (7) Intervention, and (8) Notification."

Corrections Officers need to be constantly awake, alert, and aware of the emotional status of all prisoners, at all times, and staff should immediately report to their supervisor any behavior that might indicate that a prisoner is considering taking their own life or harming themselves.

Additional information on jail suicide prevention standards can be found on the BAD website at www.drc.state.oh.us/web/bad.htm.

The Three A's of Suicide Prevention

> Awake Alert Aware

5120:1-8-09 Medical

Prisoner Discipline Procedures

Prisoner discipline procedures must be objective, reflect corrective discipline, show fairness, and provide due process. Sanctions should be reflective of the offense and a deterrent to future misconduct. Staff must consistently enforce the rules. Prisoner disciplinary procedures should document this. Incident reports and testimony should be in sufficient detail. Unbiased investigations, fair hearings, and meaningful appeal responses legitimize prisoner discipline systems. Pre-hearing detention is allowable to protect staff, prisoners, and the facility. Segregating prisoners without proper cause is considered abuse. Monitor the use of your lock up cells. See 5120:1-8-12&14 Prisoner Discipline / Disciplinary Hearing

Prisoner Health care

Prisoners must have access to quality health care. The medical staff professionals must be appropriately licensed or certified. Prisoners must have timely access to medical

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^{1.} Statistics from the Ohio Peace Officer Training Academy curriculum for Corrections Basic Training.

care. The prisoner's quality of life is affected by their quality of health care. Health care includes physical, mental, and dental health. Many facilities contract with a local doctor and provide EMT's or Paramedics officers or other contract full-time health professionals locally or through a medical service company. See 5120-1-8-09 Medical

METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS (MRSA)

The rapid spreading of staph infections has been a major matter of concern for jail managers of all sizes of jails. It is imperatively important for jail managers to be aware of the symptoms of MRSA, preventative measures to reduce the spreading of any introduced MRSA into the jail, and appropriate reactive measures for confronting MRSA situations.

Methicillin is an antibiotic that for years has been effective in the treatment of staph infections. MRSA is a strain of staph that has developed a resistance to commonly used antibiotics, and specifically the antibiotic 'methicillin'. According to the Centers for Disease Control and Prevention (CDC) date, in 1974, MRSA infections accounted for only 2% of the total number of staph infections. In 1995, MRSA infections jumped to 22% of the total number of staph infections, and in 2004, MRSA infections jumped again to around 63% of the reported number of staph infections. This recent history of MRSA infections is alarming and must be recognized by all jail managers as a primary preventive measure effort for operating a safe jail.

MRSA primarily causes skin infections, but it can also cause urinary tract infections, sinusitis, blood poisoning, food poisoning, toxic shock syndrome, pneumonia, and potentially can cause a fatal illness. MRSA can be spread by touching a surface, object, or clothing that has been contaminated with MRSA.

Preventive measures can include the following actions:

- Check with the local health department for information and assistance.
- Ensure that all staff are aware of MRSA symptoms and how to report any suspicions.
- Ensure that all prisoners are aware of MRSA symptoms and how to report any suspicions.
- Require staff and prisoners to practice good hygiene.
- Prisoners should be required to shower after any recreation that may have caused sweating.
- Staff should be encouraged to periodically wash their hands with an antibacterial / alcohol based hand sanitizer.
- Staff must wear protective, plastic disposable gloves when searching prisoners and when handling prisoner personal belongings.
- Prisoner clothing, linens, towels, and personal clothing must be washed, using some form of sanitizing detergent, at least twice each week and sweaty recreation towels should be able to be exchanged following periods of recreation.

- Commonly touched surfaces, such as door handles, keys, keyboards, desk tops and drawers, and table tops should be cleaned frequently, using a strong anti-bacterial cleaning agent.
- Prisoners need to abstain from getting tattoos while in jail and from interactive sexual behavior.
- Any open wounds or rashes must be examined by medical staff as soon as possible, and then kept clean and covered.
- Any infected skin areas (wounds, rashes, etc.) must not be scratched by the infected person or others (unless by medical staff conducting their medical duties).
- Any infected skin areas (wounds, rashes, etc.) or bandages should not be touched without protective plastic disposable gloves.
- All surface areas of the prisoner housing units should be thoroughly cleaned each day, using anti-bacterial agents.
- Prisoners suspected of having MRSA infections, must immediately be separated (along with all their belongings) from other prisoners. It is probably better, when the ability is present, to maintain the prisoners suspected of having MRSA infections on site and remove all other prisoners from having contact with the prisoners having suspected MRSA, their living quarters, and their property.
- Immediate actions must be taken to sanitize the whole immediate jail space involving the suspected MRSA infected prisoners, their property, and all jail areas surrounding the potentially infected areas.
- Remember that MRSA can remain active on surfaces, objects, and clothing for up to five (5) days.

For educational resources and infection control guidelines, go to: http://www.cdc.gov/ncidod/dhqp.

PHARMACEUTICALS

See Office of Support Services section

Check with other Jail Administrators regarding companies that provide prescription medications.

Jail Administrators should discuss with their executive authority (sheriff or police chief), their medical provider, and a legal representative, how prescription medications will be handled during booking, confinement, and release of prisoners. Discussion should at a minimum include:

<u>During intake</u>. What, if any, prescription medications are brought into the jail by the prisoner, will the jail consider to continue administering to the prisoner? Some jails elect to not consider any prescription medications, or very few and only under emergency conditions; while, other jails may have a very liberal acceptance of prisoners continuing

to be administered with their own prescription medications. Your particular jail should have an agreed upon procedure and practice - agreed upon by the major medical decision makers for your jail; including, the sheriff or police chief, the jail administrator, the jail physician (maybe key medical staff), and a legal representative for the jail. Some discussion topics may be:

- Are all prescription medications in the possession of the prisoner during booking, which are clearly labeled and appear to be within their expired date limits, allowed to be administered during booking; except for narcotic and similar risk prescriptions?
- Are only prisoner prescriptions of a life threatening and/or serious medical health maintenance regiment going to be allowed to continue being administered to prisoners during their booking time?
- Are no prisoner prescriptions in possession of the prisoner during booking going to be administered? Typical reasons are that the jail cannot be positive that the prescription medications in the prisoner's possession are indeed legitimate prescriptions; the jail is cautious that illegal drugs may be disguised as legitimate prescription medications; the jail is concerned that the prisoner may have recently taken some of the prescription medications in question and is asking for additional doses in an effort to overdose.

NOTE: Particular follow-up questions that the jail may want to ask are:

- If we administer brought in prescription medications and the prisoner overdoses or becomes 'high' on disguised illegal drugs or intentional overdose, what is our legal defense? What are the possible effects upon the operation of the jail?
- If we don't administer brought in prescription medications and the prisoner dies or suffers serious medical complications, what is our legal defense?
- Under what circumstances does the first question outweigh the second question, and under what circumstances does the second question outweigh the first question?

<u>During confinement</u>. The jail will want to have an agreement with a reliable prescription provider, who has a quick turn-around on orders, has very competitive pricing, has a good emergency issue plan, and is willing to work with the jail regarding any specific problems.

- Check with other jail administrators to see what prescription plans they have.
- Check with your medical providers to see what prescription plans they recommend.
- Check with BSSA or Ohio Association of Chiefs of Police for information / guidance.

- Ask the contacted jail administrators and medical providers what they like about the prescription plans they recommend, and what they don't particularly like about the plans.
- Is your jail going to allow prisoners' families / friends (etc.) to provide some prescription medications? Is so, what are the limitations and how will the jail determine that only proper prescription medications are being sent in and no contraband (especially illegal drugs or unauthorized prescription medications) is accompanying or making up the "prescription"?
- Can the local Mental Health Department assist or provide suggestions on how to provide costly mental health prescriptions?

<u>During release</u>. What, if any, prisoner prescription medications purchased or provided by the jail is going to be provided to a released prisoner? Some discussion points may be:

- Can and/or should the jail pay the monetary cost associated with providing prescription medications going out of the jail?
- How does the jail see itself involved in the well-being of released prisoner, until their personal prescription medication plan can refill their prescription medications?
- Will released prisoners sell or trade their jail issued prescription medications for illegal drugs or other ill-gotten benefits?
- If providing some amount of prescription medications to prisoners being released, how many days worth of medication is considered reasonable? Enough to keep the released prisoner in supply until they have an opportunity to start up their own refill plan; yet, not enough to make any substantial repercussions to the prisoner or the community should the jail provided medications be abused.
- Does the jail's prescription provider accept prescription medication returns? If so, under what conditions? E.g. Unopened "Blister packs" of prescription medications are sometimes accepted as returns.
- How does the jail handle prescription medications possessed during booking, but not allowed to be taken during their confinement? Does this include outdated prescriptions?

Prisoner Food Service

Prisoner food service must provide palatable, visually pleasing, and balanced meals in a clean environment. Medical and religious diets must be recognized and provided. The quality of meals is always of concern and is constantly being monitored by the prisoner population. Sufficient supervision must be provided during meals. Your food service area must be inspected by your local health department no less than annually. While many jails opt to run their own kitchens, others will bid their food service out to a food vender. See 5120:1-8-10 Food Service

Jail Commissary

Prisoners in a jail can purchase food, personal hygiene, and other items based on a list of available jail commissary. Money is deposited into a prisoner's account and, in turn, prisoners may purchase commissary items, drawing on the funds in their account. Prisoners on restriction status may purchase only personal hygiene items and mail supplies. The purchase of commissary items by prisoners in a jail is a privilege not a right. There should be limits of the amount of commissary to be purchased. Bartering between prisoners regarding their commissary should be prohibited.

Under <u>Minimum Jail Standards</u> 5120:1-8-11 (D), "The facility shall provide prisoners with hygiene articles and mail supplies."

Jail officials must make available sufficient writing instruments (pencils or pens), paper, envelopes, and postage to enable indigent prisoners, who so choose, to mail at least two (2) letters per week. In addition to providing writing materials, the facility must ensure that prisoners are provided with necessary hygiene articles. Initially the jail administration must ensure that prisoners are provided soap, toothbrush, toothpaste, and for female prisoners, needed feminine hygiene items. After initial processing, jail officials may allow prisoners to possess sufficient money on an account to purchase items from commissary supplies. The jail must provide all prisoners with basic hygiene items. Prisoners who are not indigent may be required to purchase their basic hygiene items from commissary supplies. Prisoner rules must notify prisoners that basic hygiene items are available upon request. If the prisoner has funds in their account, the costs of the basic hygiene items can be charged against the prisoner's account, or a negative account can be entered. Practices must be supported by written policy and procedure, and written notification to prisoners.

If a jail commissary is established, the Sheriff or corrections commission in charge of operating the jail shall establish a commissary fund. The management of funds in the commissary fund shall be strictly controlled in accordance with procedures adopted by the Auditor of the State. Commissary fund revenue over and above operating costs and reserve shall be considered profits. All profits from the commissary fund shall be used to purchase supplies and equipment for the benefit of persons incarcerated in the jail. The jail shall adopt rules and regulations for the operation of any commissary fund it establishes. You can reach the Ohio Auditor of State at www.auditor.state.oh.us or contact them at 1-800-282-0370. You can refer to bulletin 97-011 July 2, 1997.

Prisoner Telephone Use

All prisoners should have equal and adequate access to a telephone to maintain community ties and contact with legal counsel. Telephone systems can consist of charge-a-call, local in-house dialed calls, or both. Prisoner access times and length of calls for telephone usage should be set and posted. Prisoner calls to legal counsel that must be dialed for them should be done in a reasonable timely manner.

Prisoner Phones

Phone Cards
Prisoner Telephone
System

Prisoner telephone use (with the exception of calls to legal counsel) may be suspended for disciplinary reasons. Reasonable privacy should be afforded to prisoners when they are making calls and if telephone lines are taped, prisoners and outside telephone users

must be notified. Manually dialed calls for prisoners should be documented. In the event of a facility emergency situation, prisoner telephone calls should be ended.

A prisoner telephone system (PTS) is an integral part of a well run correctional facility. An advanced PTS can provide substantial investigative intelligence regarding criminal activity both inside and outside the walls. This intelligence can prove to be invaluable in the areas of staff safety and community safety. Additionally, a PTS can provide a stable cash flow to the facility as a result of various revenue sharing programs offered by the PTS vendor.

A PTS is a computer based calling system that offers various levels of reports and control that are tailored to your facility's individual needs. Other advanced PTS solutions include the ability to provide remote investigative intelligence to officers on the streets along with the ability to integrate to other computer systems for added operational efficiencies (i.e. booking systems, commissary systems, criminal records, etc). Not all PTS vendors have equal capabilities. It is important to research all options that are of interest and value to your facility. The telecommunications industry is rapidly changing as telephone companies abandon hard-wired facilities and migrate to internet based telephone services. For this reason, it is important to have a relationship with a PTS vendor who maintains their own research and development, and who understands the correctional community.

Whenever recorded prisoner communication systems are employed, legal review and approval should be obtained and documented to file.

Regarding physical placement and facility requirements, it is important to involve the PTS vendor as early as possible during the planning stages of a new jail or expansion project. Telephones should always remain in plain sight of supervising staff, not be too close to a doorway for security reasons, and not be too close to alternate noise sources such as TV's and showers. Current ADA requirements should also be adhered to regarding height and access to telephone equipment. Handset cable length should be as short as possible for safety reasons. See 5120:1-8-06 Communications (G)

Work / School Release/ and Furloughs

Work release and school release are privileges in which prisoners may be permitted to return to the community each day in order to work or go to school. All offenders participating on a work release program are required under Ohio Revised Code 5147.29 to surrender their paychecks, pay stubs, and any cash received as payment of labor to a designated work release administrator who oversees the program. The presiding judge of a jurisdiction will determine the amount of money that is to be forfeited as payment for room and board costs; not to exceed the facility's actual per diem cost.

An offender must receive court approval and approval of jail management in order to be allowed to participate on work release. All jails should develop policy and procedures outlining the rules and regulations governing their work release program. All offenders should review and abide by the rules of work or school release (as outlined in a behavioral contract). Lastly, all work release accounting procedures will be followed in accordance with the Ohio Auditor of State.

Reentry

"Reentry", the philosophy of preparing offenders for successful reintegration back into the community upon release from jails, detention facilities and prisons is not a new concept. This initiative is being promoted by corrections organizations and criminal justice systems nationwide; has received attention by our law-makers, including the president of the United States: and has proved to be a media worthy topic. The goal of the reentry initiative is to help offenders make a successful transition back into society and decrease criminal behavior measured by the recidivism rate. To do this community stakeholders such as victims groups, community partners, treatment providers, faith based communities. law enforcement agencies and other state agencies collaborating(working together) to link offenders to the resources they need to be productive law-abiding citizens. This collaborative effort is a unique challenge to the corrections system and is requiring changes in the current system. This change involves coordination and communication between various state agencies involving every phase of the criminal justice system starting at time of the offender's arrest, continuing through sentencing and extending beyond release from sentence. The Bureau of Adult Detention recommends that local jail administrators identify their local community assets and resources to determine the best way to initiate and maintain jail reentry goals and needs in their own local communities. The NIC website Research Center has handbooks and documents available to jails and corrections agencies to assist in this process at the following link: http://nicic.org/features/Library/.

The following has been published by the Ohio Department of Rehabilitation and Correction and addresses this department's approach to Re-entry primarily from the Department of Rehabilitation and Correction's standpoint as a whole. Information regarding the ODRC reentry initiative is available at http://www.drc.state.oh.us/web/offenderreentry.htm.

STAFF ISSUES

Staffing Analysis

It is advantageous to your facility to complete a staffing analysis as soon as possible prior to opening a new facility and then annually thereafter. The National Institute of Corrections (NIC) can provide detailed steps needed in the process as well as formulas to determine required staff. The data collected and the formulas will help you to determine the appropriate amount of staff needed for your individual facility. This process will also help you justify your budgets with the full-time employees.

If you are completing a Staffing Analysis on an existing facility, you will need to compile data from the past three (3) years in order to establish averages. You need to identify peak prisoner movement times. You will establish which posts require relief coverage, and how many hours per day staff are required for each post. You will be required to calculate how many hours each staff member was away from their post (sick time, vacation, training, suspension, bereavement, personal, off without pay, and any other type of leave). The above data will be used to establish how many full-time equivalent (FTE) staff are needed to fill each staff position.

The NIC website is www.nicic.org. Instructions for completing a Staffing Analysis can be found at www.nicic.org/Library/016827. If the internet is inaccessible, you can contact NIC at 1-800-877-1461.

Staff Training

As the jail administrator, you need to encourage staff development. Include the use of outside resources when appropriate. You can develop a large network of agencies that work together to enhance your training plan. Develop and use your own staff as instructors who can conduct the majority of your departmental training. When developing training and the individual lesson plans, liability for the organization is of the utmost importance. You need written lesson plans, training tests to document comprehension, and certified instructors in required topics. This will improve staff performance, while significantly reducing your liability and the liability of the agency.

The training plan is made up of several components to assure training requirements are met for security, administration, support service, contract staff, and volunteers. Training components include employee pre-service orientation; which provides technical skills, corrections concepts, along with job specific training. During this training you have the opportunity to provide new employees with your institutional philosophy, introduce policy and procedure, explain vital legal issues, and expose them to other vital topics in the business of corrections.

Correction Officers are required to attend a Basic Correctional Officer Training approved by the Ohio Peace Officer Training Academy within their first year of service, and inservice training each subsequent year of employment addressing specific job assignments and/or jail related issues. There are many forms of training that can be incorporated into your in-service training plan. Training in jail policies and procedures must occur within 60 days of employment. Besides the basic training and in-service training requirements, new jail administrators and supervising staff in full-service jails must receive the following training within 6 months of assignment.

Forty (40) hours of training on the legal aspects of jail management, managerial principals, labor relations, and records/information management. Of particular concern, due to time frames, administrators and supervisors must receive training in, jail policies and procedures prior to assignment to jail duties.

Training options include in-service training which allows for extensive instruction in new or revised policy and procedure, (i.e., self-defense, suicide prevention, emergency procedures, etc.). On-the-job training (OJT) is conducted under the direct supervision of a senior staff member or Supervisor. OJT is developed to provide practical experience combined with relevant instructions in tasks necessary to perform job duties. Training conducted during briefing can be utilized for necessary policy review and allows for the opportunity to address relevant job specific information. Self training programs can be made available to those staff members who do not attend shift briefing, but who also need policy review and updated job specific information. In this training, the staff member reviews a recorded version of the training and completes a small test to show their comprehension of the information. This can be self-paced and does not require classroom time.

An annual training plan should provide adequate training in skills necessary to carry out the daily operations of the facility. The training plan will update staff with innovations in correctional technology and other topics that are relevant to the continuing upgrade of working skills necessary to maintain a high level of professionalism and proficiency of operations. Quality staff development and training programs are planned, coordinated, and supervised by a designated training officer. An employee training committee can meet quarterly to develop, review progress, resolve problems, and adjust the plan to meet your agency's needs. Other training resources include www.corrections.com, www.corrections.com, and www.corrections.com, www.corrections.com, www.corrections.com, and www.corrections.com, www

A vital part of any successful training program is to have a staff person assigned to manage the staff training program. Allow this officer sufficient time and resources to seek out, provide and document worthwhile training for all jail staff.

Being Proactive

In the corrections environment, it is important to address problems before they occur. This can be done by visiting the jail on a regular basis and having contact with staff and prisoners. If you ask them what is wrong or what needs improvement normally both corrections staff and prisoners will tell you. If you utilize their expertise, you can more effectively address many issues. Waiting for a crisis to occur only allows you to be unprepared to correct it.

Personally reviewing activity logs, prisoner disciplinary actions, grievances, and inspection reports will keep you apprised of activities in the jail. It is important that issues are timely addressed and corrected where necessary, to prevent crises from occurring. Crises can be either operational emergencies or physical plant problems.

Handling Employee Discipline Problems

All discipline should be designed to correct inappropriate behavior and ensure that it does not happen again. It should be corrective rather than punitive in nature. Employee discipline should be firm, fair, and consistent. Know your personnel policy and collective bargaining contract to ensure all personnel decisions are made according to the policy and contract. Be aware that employee discipline problems may be related to an

employee needing assistance or training. Referral to an employee assistance program should be made as appropriate. If you are unsure how to handle a specific situation ask for help from your supervisor or human resource unit if available.

Staff Commitment to Prisoners

Staff role modeling is one of the best program delivery system in corrections. Staff communications must be respectful, decent, honest, and genuine. Staff must understand the prisoner "fear – hate" response that is frequently manifested in violence and vulgarity. Prisoners' "captive status" magnifies their perception of need or importance. Line staff must have access to prisoner information and know the prisoners they are supervising.

You have responsibilities to the prisoners under your care.

- Offer humane levels of supervision and confinement based upon professional standards. In the state of Ohio, the <u>Minimum Jail Standards</u> can be found at <u>www.drc.state.oh.us/web/bad.htm</u>. There is a link on this page for the minimum jail standards that apply to full service/minimum security jails, twelve day jails, 12-hour holding jails and temporary holding facilities guidelines and requirements.
- Promote law abiding behavior by providing prisoners the opportunity to acquire social, educational, family, and vocational skills that are available through quality programming and services. Many times this can be done through working with a variety of local community agencies. Providing prisoners with programming reduces their idleness and allows prisoners to assess and take inventory of their life during their incarceration. Frequently, prisoners are very introspective during incarceration. It is up to you to take advantage of this introspective mindset. This can be accomplished by using volunteers, if funding is not available for programming staff, or contracting out services.
- Offer a climate of fairness, safety, helpfulness, consistency, and courtesy at all times. Your employees are role models to your prisoners.
- Treat all prisoners as the human beings they are. Ask yourself how you would want to be treated if you were a prisoner. Discourage staff from referring to prisoners in harsh or negative terms; such as dirtballs, scumbags, etc.
- The grievance process is critical in managing prisoner complaints. Open, honest communication between prisoners and staff begins with a sound procedure for the filing of complaints from the prisoner population. Prisoners have the right to file grievances and it is your responsibility to make sure that they are listened to and appropriately investigated. Some grievances will address life safety issues or basic rights (medical, food, abuse, mail). When this occurs, they must be corrected promptly. On occasion, grievances may be frivolous or untrue. A good investigation will clear the air and if false allegations are made this can be addressed with the prisoner. Every filed grievance should result in some problems being corrected. Grievances and complaints are to be embraced and dealt with, and not be avoided or covered up. Indifference to grievances will create a myriad of ripple effect problems. The prisoner grievance process must be perceived as fair, timely, and providing resolution. Informal resolutions at the lowest level by line staff must

be encouraged. Recurring grievance issues of merit should be corrected through supervision involvement or procedural changes. Most notably, if grievances are not addressed they can lead to lawsuits and personal liability on your part. For liability reasons you need to inform prisoners of the grievance process and document that they are informed. As the jail administrator, you have the responsibility to assure the grievance process is working properly.

Employee Personal Relationships with Prisoners

Local detention facilities have to closely monitor employee's personal relationships with prisoners. Frequently, people are arrested and bonded out the next day or they may be placed in the local detention facility. Many prisoners are from your community and most will return to your community. It is important that staff maintain professional relationships with prisoners and ex-prisoners. It is recommended that you have a policy that addresses personal relationships with prisoners, such as buying and selling items, trading, bartering, or dating current or ex-prisoners. Nothing can destroy a career faster than an inappropriate relationship with a prisoner while

Staff sexual contact or sexual conduct with a prisoner is sexual battery, a third degree felony in Ohio, regardless if the act was consensual.

incarcerated or soon after their release. Unfortunately many prisoners are recidivist prisoners and they return to the jail population. With that in mind, inappropriate relationships or relationships that occur outside the facility may cause future problems when an employee's partner is re-incarcerated. It is recommended that reports be written when a prisoner enters a facility where a pre-existing employee relationship is present. Staff sexual contact or sexual conduct with a prisoner is sexual battery, a third degree felony in Ohio, regardless if the act was consensual. Sexual Battery is defined in the Ohio Revised Code at: http://codes.ohio.gov/orc/2907.03

Chain of Command

You are in charge of the jail. Jails and corrections traditionally are of a paramilitary nature. Chains of command are respected and expected. If you identify a problem, put it back in the chain of command. Hopefully this problem can be addressed at the lowest level, i.e., Corrections Officer or Sergeant. If you are solving all your staff's problems they are not learning from their mistakes and similar future problems will continue to be forwarded to you. Identify problems and put them at the right level in the chain of command for review and corrective measures.

PHYSICAL FACILITY ISSUES

Jail Capacities

Jail capacities include: (1) rated or recommended capacity, (2) construction capacity, (3) actual capacity, and (4) operational capacity.

Rated Capacity
limitation of the jail, as recognized by some lawful authority; including the jail manager. For the Bureau, their recommended capacity determination is based on a number of issues; including, square feet per prisoner, total square feet, total prisoner counts, and number of showers, toilets, and wash basins and available supervising staff. Examples, the fire code may establish a limited or rated capacity for the jail, and the Bureau may have a different recommended or rated capacity for the jail; for some jails, the federal court has established a rated capacity. Some jail managers have set a rated capacity below the construction capacity because of limited staff numbers.

Construction Capacity
prisoner living spaces planned for and built during the construction of the initial jail. The construction capacity typically is identified by the number of 'hard beds' initially built into the prisoner units; unless, the initial construction project had a built in internal prisoner expansion plan. In this pre-planning expansion concept, the necessary expansion square footage and necessary hygiene fixtures for additional prisoners were initially built in. This future expansion concept allows for additional "construction capacity" bunks to later be added; and so, the "construction capacity" can later increase, as long as it doesn't extend beyond the planned or future planned housing capacity identified during the planning and construction of the jail. Since 1983-85, construction capacities and Bureau recommended capacities are the same, because of the need of construction plans to be approved through the Bureau's Planning-Approval-Process.

Actual Capacity, housing and/or holding limitations is designated by the operating authority, and is the actual number of all beds being identified (including: construction rated beds, additional built-in beds that are considered within rated capacity limits, and any temporary bed arrangements). This capacity can be lower or higher than other capacity counts, or it can mirror other capacity counts. Often the actual capacity is the constructed capacity plus any additional temporary bedding (e.g. cots, mattresses on the floor, etc.). Also, actual capacity limits may be determined on a daily basis, depended upon the number of prisoners occupying the jail space(s).

Operational Capacity

is the planned maximum number of prisoners in the facility that provides the jail management with sufficient 'empty bed spaces' so that new incoming prisoners can be properly classified and placed in the proper classified housing unit. Also, by setting an operational capacity, jail management can reclassify prisoners and move them to different housing locations, without disrupting the overall normal prisoner housing arrangements. Typically, the "operational capacity" is identified as between 90% and 95% of the actual capacity. JAIL MANAGERS ARE ENCOURAGED TO INCORPORATE THIS CAPACITY STYLE OF HOUSING WHENEVER POSSIBLE.

EXAMPLE OF HOUSING CAPACITIES: A jail is built with 100 single sized cells; however, 10 of the cells are later double bunked with built-in over/under bunk beds, for a total of 110 bunks. Over the weekend, a group of protesters are arrested and the jail is forced to put up 20 temporary cots in the gym, pending court appearances for the protesters. All the beds are full. The Bureau's rated capacity of the jail is 100 (because the cells are 'single prisoner' sized), the construction capacity of the jail is 100, as this was the originally planned jail project, the actual capacity of the jail is 130 (100 original construction capacity, 10 additional beds later installed, and the 20 temporary cots), and the operational capacity of the jail is 93 beds (around 93% of the constructed capacity).

Physical Plant

The physical plant must meet life safety codes, health codes and <u>Minimum Jail Standards</u>; and American Correctional Association (ACA) standards (if pursuing ACA accreditation). To be effective, preventative maintenance programs must be ongoing. The physical plant should be constructed and maintained in a manner to prevent vandalism, control group disturbances, and control and extinguish fire and smoke.

Sanitation

Sanitation is probably the most difficult task in operating a correctional environment. Sanitation goals should be based on what the facility looked like when it was new. Sanitation must be monitored through active supervision via supervisors and administrators. Floors, vents, corners, showers, etc. must be kept in like new condition. Quality sanitation also prevents physical plant deterioration. Employees deserve to work in a clean healthy environment. Prisoners deserve to live in a clean healthy environment. Proper sanitation will help ensure prisoners' "quality of life" living conditions. Corrections staff must require quality cleaning from prisoner workers. Checklists and inspection forms help line staff stay on top of sanitation issues.

Maintenance and Upkeep

In the interest of maintaining an acceptable level of sanitary and environmental conditions within your correctional environment written policy and procedure must be established and provide for the following of the State of Ohio Jail Standards 5120:1-8-05 Sanitation and Environmental Conditions as well as but not be limited to local budgeting, monitoring, maintenance and repair of grounds, building, and equipment. A mechanical maintenance person should be placed in charge to oversee the preventive maintenance program. Such person should be in charge of but no be limited to:

- Creating preventive maintenance routines for critical items of building systems and equipment to minimize out of service time due to failures as well as reduce costly breakdown repairs.
- Detect maintenance deficiencies in their early stages of development and take corrective action.
- Plan/Schedule maintenance work to provide a reasonably controlled work flow thus enabling better utilization of labor and materials.
- Detect and reduce over-maintenance and identifying problem areas.

- Maintain water temperatures regulated to prevent scalding as per settings dictated by the building specification book located in the maintenance office.
- Ensuring the grounds, sidewalks, driveways, parking areas and building exterior are sufficiently lighted during evening hours to provide adequate vision for security and at a level to enable use of the exterior CCTV cameras.

Inventory of all equipment should be the foundation for the preventive maintenance system. Part of the information may be found in plans, plant records and property records. Identification numbers should be assigned to each item or unit of equipment and affixed by a tag or other means to the unit. When identifying the equipment, it should be grouped in numbers according to equipment and function, allowing for inventory growth and current inventory upkeep.

Inventory records are very important to the preventive maintenance program indicating what is to be inspected complete with details concerning the make, model, serial numbers, etc. Such information assists those providing estimates for replacement. Inventory records should include but not be limited to:

- Areas of the facility listed in alphabetical or numerical order
- Installed equipment within each area listed
- Pavements, grounds, walkways, driveways, and parking areas, etc. recorded in like groups.
- A remark column for the recording of the log book number to which the equipment is assigned.
- Entries made in the "Unit" and "Capacity/Quantity" columns corresponding with the unit and capacity/quantity entries in the table of inspection.

A preventative maintenance inspection record schedule should contain the following information but not be limited to:

- Type and frequency of the inspection schedule
- Identification numbers of the equipment listed on the order of the inspection
- Location of the equipment
- Description of the equipment, including make, model and serial number
- Check list numbers or codes that apply to each item of equipment
- Standard items for servicing or inspecting each item of equipment
- A preventative maintenance checklist should but not be limited to:

- Contain a description of the servicing, checks and adjustments that must be performed during the inspections.
- Be based on manufactures' service manuals and other local factors.
- Be developed and promulgated as various type of equipment and systems as they become available. Sources of information are:

Manufactures service manuals.

Operators of equipment systems, they can often provide information on maintenance problems of a local nature.

The mechanical maintenance person's reports should provide a basis for initiation of corrective maintenance and for repair work as well as probable maintenance work. The urgency for maintenance deficiency corrections varies and shall be divided into three categories: urgent, essential, and projected. The report should be submitted to your Board and/or Sheriff.

An evaluation should be accomplished by the designated person to include the following evaluations related to the preventive maintenance program:

- Operator inspection reports
- Yearly inspection reports
- Inventory records
- The maintenance schedule
- Work reports
- Work order completions

Reports of the annual evaluation required in the above should be prepared and forwarded to the Board and/or the Sheriff by a specified date each year.

OHIO AGENCIES OF INTEREST

Ohio Department of Rehabilitation and Correction

The Ohio Department of Rehabilitation and Correction (DRC) was established in 1972, separating corrections from the Department of Mental Hygiene and Correction. On April 14, 1976, by DRC Executive Order 005, the Bureau of Adult Detention Facilities and Services was created to assist local jail managers towards meeting a level of effective and legal jail operations. In 1984, the Bureau of Adult Detention Facilities and Services was renamed the Bureau of Adult Detention (Bureau).

CITIZEN CIRCLES

One of the Ohio Department of Rehabilitation and Correction's major initiatives under the Ohio Plan is the development of Citizen Circles. Citizen Circles speak to the importance of citizen involvement and community collaboration. Citizen Circles focus on the exoffenders' strengths to direct them for a successful future. Participation in a Citizen Circle is voluntary on behalf of the ex-offender.

A Citizen Circle is a team of concerned community members that have united together to assist ex-offenders in reintegration back into the community following release from incarceration or sentencing on a criminal offense. Some of the issues that Citizen Circles work with include helping newly released offenders cope with substantial difficulties they confront in obtaining jobs, reuniting with families, coping with everyday demands, education, community service, housing assistance, attitude and social interactions, and addressing substance abuse and mental health issues. Community partnerships and collaboration are crucial to ensuring successful ex-offender reintegration back into society with an interest in public safety. Citizen Circles are generally comprised of interested community members, faith-based organizations, probation/parole officers, institution/jail staff, treatment counselors, victim advocate groups, the ex-offender and their support systems.

Community expectations are conveyed to ex-offenders who work with Circle members and pro-social interaction is promoted along with ex-offender accountability upon release. Citizen Circle members are afforded local ownership by being provided the opportunity to offer solutions to the ex-offenders from the community itself. Circle members meet regularly to discuss ex-offender progress and modify the accountability plan if needed, or to successfully or unsuccessfully discharge the ex-offender.

Ohio Bureau of Adult Detention

DUTIES AND RESPONSIBILITIES

- Make on-site inspections of all jails within Ohio. Currently the Bureau conducts annual inspections and specific inspections that are triggered by some significant complaint or incident.
- Provides technical assistance to jail managers concerning a wide range of topics.
- Helps to provide training opportunities to jail managers, key jail staff, and others involved in jail operations and/or construction.

- May certify those jails requesting Certification status.
- Provides assistance and (per Ohio Administrative Code) must approve (before construction) all new jail construction projects and major renovation projects.
- Has the capability of pursuing court intervention to compel jail operations to meet the <u>Minimum Jail Standards</u>. However, the Bureau generally limits this level of enforcement to those jail conditions where life-safety (or major injury) risks exists, and situations where a major prisoner classification separation issue exists (e.g. male and female prisoner separation issues, and juvenile and adult prisoner separation issues).

CLASSIFICATIONS OF JAILS IN OHIO

In Ohio, jails are classified by the Ohio Administrative Code. Currently they are classified as Full-Service/Minimum Security, 12 Day Jails, 12 hour jails, and Temporary Holding Facilities. More information on jail classification and the minimum standards for each jail can be found at http://www.drc.state.oh.us/web/bad.htm

REGIONAL JAILS

Regional jails are joint cooperative efforts and agreements between normally adjacent counties and/or municipalities for prisoner detention or "county jail" services. Cost effectiveness is the core concept for regional jails. It is more cost effective to build and operate one larger jail than three or four smaller stand alone jails. Further information on the regional jail concept can be found at www.ccnoregionaljail.org. Enabling legislation for regional jails is ORC §307.93.

In 1990, Ohio's first regional jail opened for operation; the Corrections Center of Northwest Ohio (CCNO). CCNO serves Defiance, Fulton, Henry, Lucas and Williams counties and the City of Toledo. Currently, Ohio has four regional jails; CCNO; the Southeastern Ohio Regional Jail (Athens, Hocking, Morgan and Perry counties / 1998) and later Vinton County; the Multi-County Correctional Center (Marion and Hardin counties / 1999); and, the Tri-County Regional Jail (Madison, Champaign and Union counties / 2002).

PLANNING APPROVAL PROCESS

See OAC 5120:1-7-01(G)

The Bureau's Planning Approval Process is a state required approval process whenever building or constructing a new jail, adding on to an existing jail, or making major renovations to an existing jail. The Planning Approval Process is a five (5) phase system. It is very important to contact the Bureau to start the approval process, or at least determine if a renovation will need to go through the approval process. On occasion, jails have been constructed without going through the Bureau's approval process, and before the Bureau could approve the project, considerable and costly changes had to be made. The Planning Approval Process is set up in the following basic plan:

Phase 1 Operational Policy and Scenarios, and Schematic Design

This phase is an effort to:

- Have the jurisdiction paying for the jail, to identify what they hope to get out of the new jail or major renovation,
- Have the architect who is planning the jail project, to layout a plan that meets the
 jurisdiction's jail goals; or, establish early on if cut backs or alternate goals are
 needed.
- Allows the Bureau to determine if the jurisdiction's goals are headed in the right direction, and if in the Bureau's opinion the architect's plan will likely accomplish the expected jail goals of the purchasing jurisdiction.

Phase 2 Design Development

This phase is an effort to refine the architectural drawings evolving out of Phase 1.

Phase 3 Construction Documents

This phase is an effort to ensure that the jurisdiction's building or renovating jail goals, and the architect's plan for the new construction or major renovation are in agreement with expected operational costs and construction costs, and that all the elements of the construction plan meets with the Bureau's Construction Criteria for building or renovating a proper jail. Upon Bureau approval of Phase 3, the project can be bid out. Identified staffing counts must be very close to final expected operational needs.

Phase 4 Construction Alterations

Often times, Phase 4 is not needed. Phase 4 comes into play when either the jurisdiction or the architect decides to make a significant change or alteration in the earlier approved Phase 3 or Construction Documents. The Bureau will then need to examine the proposed change or alteration and approve it as meeting the Bureau's Construction Criteria.

Phase 5 Transition Program

This phase is an effort to ensure that the jurisdiction is prepared with staff, and policies and procedures, and that the completed facility was built to Phase 3 and Phase 4 approvals; prior to actually opening up the jail.

Note: Prior to getting too far along with a construction project plan, contact the Bureau and let them know of the plan. The Bureau will provide you with a *Planning Approval*

<u>Process Workbook</u> and a <u>Construction Criteria Manual</u>, and they will meet with you, and the other jail planners, to go over the Planning Approval Process.

HISTORY OF THE BUREAU

Prior to the mid 1960's, local sheriffs and police chiefs typically operated their jails based on their own philosophies. The general public, community leadership, and government as a whole, tended to accept the operating practices set up by most sheriffs and police chiefs; where they agreed with the practices or not. There were no Ohio or federal jail standards for local jail managers to consider. A lack of adequate recreation, programming, nutritional meals, medical services, separation between male and female, and iuvenile and adult prisoner classifications, and general "quality of life" living conditions within Ohio's jail systems were often left non-contested. Federal and state courts tended to maintain a hands-off philosophy on how jails were operated prior to 1970. During the late 1950's and early 1960's, various Civil Rights groups started making headway with federal courts, asserting that certain segments of our society were being mistreated and their constitutional rights were being violated. Taking advantage of headways being made by Civil Rights groups, advocates for prisoners' rights started to get the attention of Federal courts. By the mid 1960's, courts started taking more interest in the living conditions of jails and became more interested in how jail staff were treating their prisoners.

In 1971, the Jones vs. Wittenberg case was a turning point in Ohio for establishing jail standards and prisoner rights in Ohio's jail systems. Jones vs. Wittenberg was a federal civil case in Lucas County, where the county jail in Toledo, Ohio was successfully sued on conditions of prisoner confinement. In 2005 the Lucas County Jail still has a federally appointed monitor overseeing jail operations and who reports back to the federal court. Concern over jail lawsuits among sheriffs, commissioners, police chiefs, and mayors began to spread across Ohio. During the early 1970's and into the 1980's a number of Ohio county jails came under federal lawsuits. The general questions being asked were, "What are the differences between a poorly run jail and a properly run jail?", and, "What kind of measurements are there, for determining a properly run jail?"

In 1972, in an effort to address the inadequate jail conditions within Ohio, Ohio Revised Codes 5120.20 and 5120.18 gave the Department of Rehabilitation and Correction (DRC) authority regarding the oversight and inspection of local jails. On April 14, 1976, by DRC Executive Order 005, the Bureau of Adult Detention Facilities and Services was created to assist local jails towards meeting acceptable and legal operations. The Bureau created a 13 member ad hoc advisory board to help develop standards for acceptable Ohio jail operations. The ad hoc advisory board's membership was made up of representatives from the (Ohio) Buckeye State Sheriffs' Association, Ohio Chiefs of Police Association, Ohio Common Pleas Judges Association, County Commissioners' Association of Ohio, Ohio Municipal League and staff from the (Ohio) Department of Rehabilitation and Correction. The ad hoc advisory board was created with two primary goals in mind. (One), the state wanted to clearly show that standards were needed for measuring acceptable and unacceptable jail conditions and operational practices, and (two), that state <u>and</u> local government expertise in Ohio were working together to develop the standards.

The Bureau and the ad hoc advisory board worked together to establish standards for Ohio's jails. They researched case laws, reviewed available jail management principles,

identified and examined the few out of state jail standards existing, and considered accreditation standards by the American Correctional Association.

In April 1978, the Bureau of Adult Detention Facilities and Service, through the extensive use of the jail ad hoc advisory board, published Ohio's first "Minimum Standards for Jails in Ohio". The publication was divided into two manuals and three main "jail" categories. The first manual was entitled "Minimum Standards for Jails in Ohio" and covered all jails that routinely incarcerated prisoners longer than seventy-two (72) hours, and the second manual was entitled "Minimum Standards for Jails in Ohio (Temporary Holding Facilities)", these standards covered those jails that routinely incarcerated prisoners less than seventy-two (72) hours, and those jails that routinely incarcerated prisoners less than four (4) hours. Implementation of these first sets of standards was to be fully incorporated among all of Ohio's jails within a three year period.

Revised standards were published in January 1981. These standards were written for three distinct jail classifications: jails which routinely incarcerate prisoners over 72 hours; less than 72 hours (or 96 hours if a weekend was involved) and, less than four hours. Senate Bill 23 made major changes in establishing legislative requirements for meeting standards; including, addressing staffing needs of jails, defining judges' responsibilities in relationship to jail operations, and re-defining the DRC's responsibilities in monitoring and inspecting jail conditions. Senate Bill 23 was particularly important in establishing that city, village, and township jails also fell under the Ohio Minimum Jail Standards, as this point was seriously contested by a number of cities, villages, and townships.

In 1983, acting under Executive Order 005 (1976) the Bureau developed and published the *Planning Approval Process for Local Adult Detention Facilities*. This manual became a resource to be utilized for establishing structural requirements for jail facilities. These requirements addressed how well the jail structures were supporting the *Minimum Jail Standards for Jails in Ohio*. E.g. "reasonable space" for housed prisoners and prisoners in holding cells were defined. The *Planning Approval Process for Local Adult Detention Facilities* contained structural requirements for square footage, light candle requirements for artificial lights, etc. The earliest approval process consisted of seven phases addressing the preliminary planning for new jails, expanding into approving the specifications of products and components of the new jail, and ending with the Bureau approving the policies and procedures for operating the new jail. The current process has five phases that cover the same issues.

In 1983, the Jail Construction Funding Program was launched; whereby, selected new jail projects started receiving state capital fund grant assistance. Since 1983, there has been nearly \$213 million grants awarded to various county and city jail projects. In 1983, there were a reported 7,934 full service jail beds. By 2006, full service jail beds in Ohio have jumped to 21,173.

In 1984, the Bureau was renamed the Bureau of Adult Detention, and by Executive Order 84-1, the earlier jail ad hoc committee became the Ohio Jail Advisory Board, and was given more involvement as an advisory resource for the Bureau. The new Ohio Jail Advisory Board was made up of voting members representing the Buckeye State Sheriffs Association, the Ohio Association of Chiefs of Police, Ohio Judicial Conference, Ohio Prosecuting Attorneys Association, County Commissioners Association of Ohio, Ohio Municipal League, Ohio Senate and the Ohio House of Representatives. Ex Officio (nonvoting members) of the board included representatives from the Ohio Township Association, the Department of Rehabilitation and Correction, State Fire Marshall, and

extra representatives of the above voting board contemporaries with the exception of the Ohio Senate and House of Representatives.

In 1990, Ohio's first regional jail opened for operation; the Corrections Center of Northwest Ohio (CCNO). CCNO serves Defiance, Fulton, Henry, Lucas and Williams counties and the City of Toledo. Currently, Ohio has four regional jails; CCNO; the Southeastern Ohio Regional Jail (Athens, Hocking, Morgan and Perry counties / 1998) (and later Vinton County); the Multi-County Correctional Center (Marion and Hardin counties / 1999); and, the Tri-County Regional Jail (Madison, Champaign, and Union counties / 2002).

In 1991, through Amended Substitute Senate Bill No. 131, a new jail classification was established; the Minimum Security Misdemeanant Jail (MSMJ). The new jail classification was recognized as an economic option to the typical structural requirements necessary for more traditional jails, and this jail classification was limited to incarcerating only sentenced traffic offenders and sentenced misdemeanants, who were serving sentences for non-violent offenses. Because of the limitations of only being able to house sentenced misdemeanant prisoners and prisoners sentenced for non-violent crimes, many of the earlier Minimum Security Jails have been converted to Full-Service Jails. A conversion to Full-Service Jail (minimum risk) allows the jail managers to also house non-sentenced prisoners and allows the jail managers to be more in-charge of identifying minimum risk factors of prisoners for housing eligibility.

In 1998, Minimum Security Misdemeanant Jails became Minimum Security Jails, as prisoners with fourth and fifth degree felony convictions of non-violent crimes became eligible prisoner classifications. In 2004, four major jail classifications were identified; Full Service Jails (routinely prisoners can be incarcerated over 12 days), Minimum Security Jails (prisoners typically are sentenced to over 12 days), Twelve-Day Jails, and Twelve Hour Jails (Eight Hour Jails became Twelve Hour Jails in January 2003 and Five Day Jails became Twelve Day Jails in June 2005).

The <u>Minimum Jail Standards for Jails in Ohio</u> continues to periodically be updated and/or revised. The latest Full-Service Jail revision was in January 2003. Revisions are not set by any time frame. As new case law mandate changes or approved new trends take hold, the standards are revised to meet these major contemporary needs.

In January 1995, a new classification of detention facility was recognized; the Temporary Holding Facility, often referred to by its initials "THF". The THF does not fall under ORC jail standards, rather, it is a detention facility that falls outside of being a "jail", but continues to come under the supervision responsibilities of the Bureau. THF's originally started out with a three-hour holding time, and on January 2002, the holding time was extended to six-hours. THF's are generally associated with cities, townships, and village police departments, where 'fresh arrests' are temporarily detained only for booking and initial interviewing purposes and then the charged person is either released on some type of bond, or is transported to an actual jail facility.

In 1996, the Bureau implemented a 'Bureau Certification' program for Full-Service Jails. The Lake County Jail became the first jail certified by the Bureau. Presently, seven jails are certified by the Bureau as substantially meeting all the <u>Minimum Jail Standards for Full-Service Jails</u>. They are: Lake County Jail, Wood County Jail, Solon City Jail, Warren County Jail, Medina County Jail, Geauga County Jail, and the Corrections Center of Northwest Ohio (CCNO). Also, in 1996, through House Bill 748, which legislated

\$250,000.00 to the project, the Bureau oversaw a program to develop a "proto-type" full-service jail construction drawing packet. Today, a majority of Ohio's new full-service jail projects incorporate into their jail drawings a significant amount of the basic jail 'foot-print' drawings, that are identified within the 'proto-type' design jail.

In 1978, there were three inspector positions, to cover all 88 Ohio counties, and the earlier positions were known as "Criminal Justice Specialists". Since 1981, four inspectors cover the 88 counties, and their official title is "Jail Inspector." Today, each jail inspector is responsible for a "Region". These Regions are the Northern, Eastern, Central and Western Regions.

The Bureau staff currently consists of an Administrator, Administrative Assistant 3 and 4, a Word Processor (secretary role) and four (4) jail inspectors. A part-time Facility Project Planner assists the Bureau on construction projects; this person's primary DRC position is with the Construction, Activation, and Maintenance section.

In 2001, the Bureau began providing an annual training event to help facilitate networking between Ohio's jail systems. This event is called the Annual Jail Administrators Conference. This conference typically is held during the fall of each year.

Currently the Bureau oversees 216 jails (92 Full Service, 12 Minimum Security, 94 Twelve-Day, and 18 Twelve-Hour), and 138 Temporary Holding Facilities, for a total of 354 jails and THF's. While new matching state grants have been suspended, new jail projects continue to be in various planning and construction stages.

In addition to reviewing new jail designs and major construction projects, currently the Bureau conducts annual jail inspections for 216 jails, reviews self-audits of 138 Temporary Holding Facilities, sponsors a number of training events for jail managers each year, completes special assignments each year e.g. periodically facilitating updating of the *Minimum Jail Standards* and *Construction Criteria*, sponsors quarterly Ohio Jail Advisory Board meetings, and provides numerous and various technical assistance to a wide variety of requestors (e.g. jail complaints, OMJS interpretations, construction issues, etc.)

The Bureau does not have direct control authority or responsibilities for operating any iail. The Bureau routinely emphasizes improvements for prisoner programming aimed at encouraging and assisting prisoners to become better prepared for their return back into their communities. Programming can include: receiving a GED, receiving counseling to control and hopefully eliminate alcohol and/or drug use problems, and attending various "life skills" classes that are specific to a wide range of interests (e.g. how to apply for a job, how to prepare and present one's self at a job interview, anger management, etc.). The Bureau emphasizes improving services in the medical and mental health care of prisoners. Re-entry goals are basic foundation blocks of the Minimum Jail Standards and Construction Criteria. As standards and criteria are improved upon, the overall 'well being' of prisoners in Ohio's jails is improved upon. Successful jail programming, jail services, and general prisoner living conditions help to stabilize some persons who have stepped outside the norm of expected community behavior and have become jail Programming provides these same prisoners with the opportunities to improve upon their social skills, employment potential, and general understanding and acceptance of expected behavior for entering the normal work force and normal community norms.

Starting in 2005, the Bureau's annual jail inspections of all Ohio's jails began emphasizing a wider and more revealing "quality-of-life" evaluation for each jail being inspected.

VARIANCE REQUESTS TO THE OHIO MINIMUM JAIL STANDARDS

A variance <u>does not exempt</u> a jail from having to meet the intent of a particular Minimum Jail Standard. Rather, an approved variance basically permits the jail to substantially meet the intent of the Minimum Jail Standard through an effort that does not specifically meet the wording of the Standard.

An approved variance may have "conditions" that must be met in order for the variance to be initiated and accepted as substantially meeting the intent of the Standard in question.

An approved variance may be granted temporary or permanent status; however, if "conditions" are required and not being fulfilled, or circumstances involving the originally approved variance change and there is now some significant negative effect involved, the variance may be rescinded by DRC/BAD, whichever level approved the original variance. Temporary variances may be of a renewable status; wherein, at agreed upon time spans, the jail must request a renewed approval period.

To request a variance, the Jail Administrator (or Sheriff, Chief of Police) must submit a written request to the Bureau Administrator, with a copy being sent to the Regional Jail Inspector. The Chief of the Bureau of Adult Detention will discuss their understandings of the variance request with the Deputy Director of the Division of Parole and Community Services, who has the authority to approve or disapprove of the variance request. The request packet must include, at a minimum:

- The Minimum Jail Standard number which the Variance is being requested.
- Reasons for requesting the Variance; e.g. unusual situations, practical difficulties in meeting the Standard, financial difficulties, etc.
- How existing or proposed efforts substantially meet or will substantially meet the intent of the Standard in question. And.
- Why granting the Variance would not adversely affect the security, safety, sanitation, health, or general well-being of the jail.
- NOTE: Enclose any supporting documentation as appropriate; e.g. procedures, photographs, reports, etc.

Should the variance request be denied at the Division level, and the jail is of the opinion that their Variance request has substantial merit; the jail can appeal the matter directly to the Director of the Department of Rehabilitation and Correction.

DEVIATION REQUESTS TO STRUCTURAL CONCERNS WITH THE JAIL'S PHYSICAL FACILITY

ORC §307.01 states that all new jails and major renovations / remodeling to existing jails, must be designed to substantially meet the Minimum Jail Standards.

OAC 5120:1-7-01 States that the Bureau of Adult Detention must approve the plans for all new jails and major renovations / remodeling before work is to begin.

A "deviation" is an alternative means of substantially meeting the intent of the Construction Criteria used by the Bureau of Adult Detention during their approval of jail construction / renovation / remodeling plans, when the particular wording of the Construction Criteria, itself, is unable to be met.

A recognized contact person on the jail's planning team can request a deviation to the Construction Criteria. The deviation request will be sent to the Chief of the Bureau of Adult Detention, who has final approval decision responsibility.

The deviation request packet being sent to the Chief of the Bureau of Adult Detention must at a minimum include:

- The Construction Criteria number the deviation request is being made for.
- The reasons why the planners believe their alternative options are necessary.
- Define how the deviation will continue to allow the project to meet the intent of the Construction Criteria in question.

Note: Specifications, material cut-sheets, photographs, etc. should be included in the deviation request packet to aid in clarifying the planners' claims and/or position.

Note: Any appeal is basically a request for the Chief of the Bureau of Adult Detention to re-examine the deviation request and supporting documentation, and to reconsider their earlier denial decision.

OHIO JAIL STATISTICS

Ohio jail statistics can be found at www.drc.state.oh.us/web/bad.htm. Reference to this Department of Rehabilitation and Correction (DRC) website is given to gain access to the Bureau's Annual Jail Reports and other DRC/BAD Reports.

Ohio Jail Advisory Board (OJAB)

See OAC 5120:1-7-04 Jail Advisory Board

The Ohio Jail Advisory Board was originally created in 1976 as a 13 member 'ad hoc advisory committee' to assist the newly created Bureau with creating Ohio's first *Minimum Jail Standards*. In 1984, the ad hoc committee became the Ohio Jail Advisory Board and the board was given more involvement in advising the Bureau on most major problems or issues the Bureau needs assistance with. The Board was very instrumental in helping identify which jail projects received State funding during the available capital grant funding years. The Ohio Jail Advisory Board is still active and continues to meet in Columbus quarterly, on the first Thursday of the months (March, June, September, and December).

Adult Parole Authority

See Appendix I for a map of the Adult Parole Authority regions

See ORC 5120:1-3

The Adult Parole Authority (APA) was created in 1965. The APA is comprised of the Parole Board and Field Supervision Services (e.g. Parole Officers, State Probation Officers, etc.). For additional information access their web site at www.drc.state.oh.us/web/apa.htm.

Ohio State Auditor's Office

Jails should handle their prisoner funds per public accounting standards as adopted by the Auditor of the State of Ohio. The State Auditor's Office <u>County Sheriff's Manual for the State of Ohio</u> outlines audit procedures that should be followed in a jail. Their manual also addresses the Inmate Fund Account, Commissary Fund Account, Jail Register, Records to be Maintained and other Record Keeping Responsibilities. More information on Commissary Fund Accounts can be found at the State Auditors website in Bulletin 97-011, July 2, 1997.

The State Auditor's Office web site is www.auditor.state.oh.us; use the search feature to locate the Sheriff's Manual.

Buckeye State Sheriff's Association (BSSA)

The Buckeye State Sheriff's Association (BSSA), a state-wide Sheriffs' Association, is a coordinating group that helps to keep the individual county Sheriff abreast of the latest advancement in law enforcement techniques, technology, legal precedent, legislative action, training and act as an information exchange between the 88 diverse Sheriffs throughout the State. Ohio Sheriffs are a full service law enforcement agency.

6230 Busch Blvd. Suite 260 Columbus, Ohio 43229

Phone : (614) 431-5500 Fax : (614) 431-5665

WEBSITE: http://www.buckeyesheriffs.org/

Ohio Association of Chiefs of Police (OACP)

The Ohio Association of Chiefs of Police, Inc. is a nonprofit organization that is dedicated to cultivating professionalism and innovation among police executives in order to assure the continued success of the law enforcement community.

Established in 1928, the Association is a fully staffed organization offering a broad range of professional, educational and informational services. OACP's goals are: to serve the members; to increase our public's understanding of the role police play in maintaining our quality of community life; and to foster improvements in police education, practice and research.

6277 Riverside Dr., Ste. 2N

Dublin, OH 43017 Phone: 614-761-0330

Phone: 614-761-0330 FAX: 614-761-9509 EMAIL: oacp@oacp.org WEBSITE: www.oacp.org

Office of Support Services/ Central Pharmacy Program

See ORC 5119.16

2150 West Broad Street Columbus, Ohio 43223-1200

The Office of Support Services (OSS) of the Ohio Department of Mental Health provides auxiliary services to state, local and municipal facilities. In addition, select non-profits and community agencies are eligible for these services.

OSS provides wholesale food, pharmaceutical and medical supplies. Dispensed pharmacy services are also available along with consultation regarding pharmacy and food operations. Information on the Office of Support Services can be found at http://www.mh.state.oh.us/oss/general/oss.index.html or contact Christina Price at 614-752-0116 or pricecm@mh.state.oh.us

OSS offers four (4) traditional services:

Ohio's Pharmacy Service Center (OPSC) procures pharmaceuticals via the state drug contract. Co-op buying offers products at very competitive prices. These medications can be patient labeled by your own pharmacist or physician – or the medications can be dispensed by the Central Pharmacy Inpatient operation. Either way, very competitive government pricing can save you money. Drug Information services are also available. If interested, contact Gretchen Weaver at 614-752-0133 or weaverg@mh.state.oh.us

<u>Central Warehouse (CW)</u> can purchase, store, and distribute competitively priced canned, dry, and frozen food and housekeeping items to jails. They are active in competitive bidding of products and term contracts. They may be able to deliver the products straight to the jail, but this will need to be agreed upon. If interested, contact Dennis Weber at 614-752-0026 or weberd@mh.state.oh.us

<u>Central Pharmacy Outpatient (CP-O)</u> can provide competitive pricing for psychotropic needs of indigent outpatients (including jailed offenders) through community mental health agencies. Jails need to work through their local community mental health board to take advantage of this service. If interested, contact Patrick Mascaro at 614-752-0159 or mascarop@mh.state.oh.us

<u>Central Pharmacy Inpatient (CP-I)</u> offers competitive pricing for patient labeled prescriptions to a jail's medical program. Central Pharmacy Inpatient services include dispensing and delivery of prescriptions, both blistercard and prescription vial. Medication profile management is provided for offenders and pharmaceutical information is offered to the offender and staff. If interested, contact Denise Dean at 614-752-0176 or <u>deand@mh.state.oh.us</u>

Correctional Institution Inspection Committee

Riffe Center, 8th Floor

77 South High Street Columbus, Ohio 43215 (614) 466-6649

See Website: www.ciic.state.oh.us

See ORC 103.71 through 103.74

The Correctional Institution Inspection Committee is a legislative committee that was established on November 9, 1977. The Committee provides oversight to Ohio's prison system. The Committee has recently provided oversight to Ohio's Juvenile Detention Services and local jails. The Committee on occasion gets reviews and investigates incidents, allegations, programs, practices, and operations initiated by complaints or requests from local jail prisoners, the public or governmental persons regarding local jail conditions or incidents.

The Committee consists of four (4) members from the Ohio Senate, and four (4) members from the Ohio House of Representatives. Two Republican and two Democrat members make up the membership from both the Senate and the House.

FEDERAL AGENCIES OF INTEREST

National Institute of Corrections

The National Institute of Corrections (NIC), a division of the Justice Department, is a valuable resource for jails. NIC provides training, on-site technical assistance, information, and policy and procedure development support to corrections agencies and professionals.

NIC also has a web site which provides online access to materials, hosts a network for corrections practitioners, and offers links to corrections-related web sites. The web site address is www.nicic.org.

NIC has online courses for corrections staff which are self-paced. These courses are typically free of charge to trainees and their agencies.

NIC has numerous publications available to the Corrections practitioner such as: Developing and Revising Detention Facility Policy and Procedures, Staffing Analysis - A Workbook for Jails, Jail Resource Issues – What Every Funding Authority Needs to Know, How to Collect and Analyze Data – A Manual for Sheriffs and Jail Administrators, Objective Classification Systems – A Guide for Jail Administrators and numerous other publications.

Office of Justice Programs

Bureau of Justice Assistance

The Bureau of Justice Assistance (BJA) is a component of the Office of Justice Programs, U.S. Department of Justice, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. The Bureau's goals are to (1) reduce and prevent crime, violence, and drug abuse and (2) improve the functioning of the criminal justice system. The web site address is http://www.oip.usdoj.gov/BJA/

Bureau of Justice Statistics

The Bureau of Justice Statistics mission is to collect, analyze, publish, and disseminate information on crime, criminal offenders, victims of crime, and the operation of justice systems at all levels of government. The web site address is http://www.oip.usdoj.gov/bjs/

National Institute of Justice (NIJ)

NIJ is the research, development, and evaluation agency of the U.S. Department of Justice and is dedicated to researching crime control and justice issues. NIJ provides objective, independent, evidence-based knowledge and tools to meet the challenges of crime and justice, particularly at the State and local levels. NIJ's principal authorities are derived from the Omnibus Crime Control and Safe Streets Act of 1968, as amended (see 42 USC § 3721-3723) and Title II of the Homeland Security Act of 2002. The Institute actively solicits the views of criminal justice and other professionals and researchers to inform its search for the knowledge and tools to guide policy and practice.

NIJ has publications relating to law enforcement & Corrections

Phone: 202-307-2942

WEBSITE: http://www.ojp.usdoj.gov/nij/

Corrections Learning Network

4202 S. Regal Street Spokane, WA 99223 1-800-531-4288

WEBSITE: http://cln.esd101.net

The Corrections Learning Network is administered by Educational Service District 101, operator of the STEP Star network. This Network is a distance learning initiative, providing interactive instructional programming for the nation's correctional facilities. In 1999, the Network was awarded a grant from the U.S. Department of Education to develop and distribute instruction to correctional facilities. The Network can sell the jail the necessary reception equipment (including the decoder) and then provide free (scheduled) programming; or for a fee covering mailing and handling, the Network can loan the jail programming tapes, to be used over the jail's own teaching equipment (e.g. VCR/TV); allowing the jail the opportunity to purchase for their own library any tapes they like. The typical programming tape costs around \$20.00 per tape. Programming can be directed at either or both, prisoners and/or jail staff. Examples of prisoner programming are GED and transition type learning (e.g. anger management, how to seek employment opportunities, etc.).

If interested, the jail manager can contact Anne Charles (Project Director), at (800) 531-4288 Ext. 2767.

JAIL ACCREDITATION

Accreditation promotes quality and constitutionally sound jail operations. To become accredited through any of the following agencies, the jail will go through the following five general steps:

- Sheriff and/or Jail Administrator decision to become accredited.
- Contact and sign a contract for accreditation from the accrediting agency.
- Pay an accreditation fee (Note: BAD accreditation is a free service).
- Conduct a self-evaluation audit and correct any identified short comings.
- Successfully undergo a standards compliance audit from the accreditation agency. The audit usually lasts two to three days with two to three outside inspectors.

The following four accreditation agencies are involved in accrediting Ohio jails:

OHIO BUREAU OF ADULT DETENTION (BAD)

Bureau of Adult Detention 1030 Alum Creek Drive Columbus, Ohio 43209 (614) 752-1066

See Website: www.drc.state.oh.us/web/bad.htm

Email address: Brandi.Robinson@odrc.state.oh.us

The Bureau currently limits its accreditation program to Ohio Full-Service and Minimum Security Jails. The Bureau's certification program started in 1996. This process requires compliance with all Ohio minimum jail standards.

NATIONAL COMMISSION ON CORRECTIONAL HEALTH CARE (NCCHC)

NCCHC 1145 W. Diversey Pkwy Chicago, II 60614 (773) 880-1460

See Website: www.ncchc.org

Email address: info@ncchc.org

NCCHC is a nationally recognized correctional health care accreditation agency, which was established in 1981 to promote high standards in correctional health care.

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AMERICAN CORRECTIONAL ASSOCIATION (ACA)

ACA 4380 Forbes Blvd. Lanham, Md 20706-4322 (301) 918-1800

See Website: www.aca.org

Email address: execoffice@aca.org

Founded in 1870, as the National Prison Association, later becoming the American Correctional Association (ACA) is the oldest and largest international correctional association in the world. The ACA requires compliance with standards to reduce civil liability and promotes competent and consistent operation of jails.

COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES (CALEA)

CALEA 10302 Eaton Place, Suite 100 Fairfax, Virginia 22030-2215 (800) 368-3757

See Website: www.calea.org

Email address: calea@calea.org

CALEA came into existence in 1979, through the working professional partnership of the International Association of Chiefs of Police (IACP), the National Sheriffs Association (NSA), the National Organization of Black Law Enforcement Executives (NOBLE), and the Police Executive Research Forum (PERF).

Jail Accreditation 100

ACKNOWLEDGEMENTS

A View from the Trenches: A Manual for Wardens by Wardens, The North American Association for Wardens and Superintendents

Detention and Corrections: Caselaw Quarterly; crs, inc. 925 Johnson Drive; Gettysburg, PA 17325 (717)338-9100; www.correction.org

Corrections Journal: An Independent Report on Policy and Administration; letter publications, P.O. Box 31104; Bethesda, MD 20824; (301) 718-1770

Leader's Handbook, Oklahoma Department of Corrections

Ohio Minimum Jail Standards for Full Service/Minimum Security Jails, Five-Day Jails, Twelve-Day Jails

Ohio Temporary Holding Facility (THF) Guidelines

Ohio Revised Code

Ohio Administrative Code

Ohio Law: Thompson West; 1-800-344-5009

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APPENDIX

Appendix A – ORC 5120:1-7-01 Bureau Responsibility and Authority

Appendix B – Ohio Revised Code and Administrative Codes Useful to Jail Administrators

Appendix C – Prisoner Disciplinary Hearings per OMJS

Appendix D – Time Sensitive Actions Needed Per the OMJS

Appendix E – Signatures Needed Per the OMJS

Appendix F – Checklist for Preparing for Annual Jail Inspections

Appendix G – Map of Current Breakdown of Counties in Four Regions

Appendix H – Map of Prisons

Appendix I - Map of Adult Parole Authority Regions

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Appendix A – ORC 5120:1-7-01 Bureau Responsibility and Authority

5120:1-7-01 Bureau responsibility and authority.

- (A) Pursuant to section 5120.10 of the Revised Code, the division of parole and community services, bureau of adult detention (hereinafter referred to as "the bureau"), is charged with the investigation and supervision of county and municipal jails and workhouses.
- (B) The bureau shall make on-site inspections of jails in the state of Ohio. Such inspections shall be scheduled in advance with written notice to the person in charge of the jail.
- (C) Inspectors employed by the bureau shall have full access to all areas of a jail during an inspection and to all records relating to the operation of the facility. The facility's operational policies and procedures shall be consolidated into a manual and provided to the inspector upon request.
- (D) The inspectors employed by the bureau shall ascertain compliance with the "Minimum Standards for Jails in Ohio," contained in rules 5120:1-8-01 to 5120:1-12-19 of the Administrative Code.
- (E) The bureau may certify any jail which meets the minimum standards. The bureau may provisionally certify any jail upon completion of a compliance plan and the initiation of corrective action. The bureau may de-certify any jail upon re-inspection or determination of non-compliance. Any jail not certified or provisionally certified shall be considered "non-certified."
- (F) The bureau may make such inspections and participate in such meetings as it deems necessary for the proper execution of the provisions of this rule. This rule shall not be construed as granting the bureau the executive management responsibilities of local officials.
- (G) Pursuant to section 5103.18 of the Revised Code, the department of rehabilitation and correction is required to approve, before adoption by the proper officials, plans for major renovation or new construction of jails, workhouses and municipal lockups.

HISTORY: Eff 4-3-79; 1-2-81; 1-1-83; 6-2-86; 9-21-98

Rule promulgated under: RC111.15

Rule authorized by: RC 5120.01, 5120.10

Rule amplifies: RC 5120.10

119.032 review dates: 7/29/2003; 1/1/2008

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Appendix B – ORC and OAC Useful to Jail Administrators

Ohio Revised Code (ORC)

153.21	County commissioners may appoint a Building Commission to help oversee the
	building of a new jail or major repairs to an existing jail.

- 307.01 All new jails and renovations to existing jails are to be designed to substantially meet the Minimum Jail Standards.
- 307.93 (Regional Jail Issues), Multicounty, municipal-county, or multicounty-municipal jails; including regional jail commission makeup and privatization.
- 341.01 The sheriff is to operate the jail in compliance with the Minimum Jail Standards.
- 341.011 Jail escapes must be reported to a number of identified agencies.
- The court of common pleas is required to review and approve of the jail policies and procedures, and the prisoner rules.
- 341.03 The jail must maintain a jail register, identifying each prisoner.
- 341.04 The sheriff is to visit the jail at least once a month.
- 341.05 The sheriff is assigned to operate the jail.
- 341.07 Department of Rehabilitation & Correction (ODRC) (through BAD) to provide copy of Ohio Minimum Jail Standards to the county commissioners, sheriff, and county court of common pleas.
- 341.08 ODRC (through BAD) may revise, alter, or amend the Ohio Minimum Jail Standards.
- 341.09 Prisoners must be properly separated. ODRC/BAD may initiate court action to enforce prisoner separation deficiencies.
- New jails are to provide for proper prisoner separation.
- 341.11 Discusses juveniles in jails; especially non-bound over separation requirements and specific time spans for holding, etc. Separation between non-bound over juvenile offenders and adult offenders must be by sight, sound (normal voice communication range), and touch.
- 341.12 Discusses prisoners who are confined in other jails.
- 341.13 Discusses sheriffs of other counties to accept your county prisoners.
- 341.14 Discusses payment for out-of-county prisoners.
 - Convicted prisoners may be required to reimburse their jail costs.
 - Prisoners may be required to reimburse medical costs, pay a reception fee, and pay for random drug tests.
 - Prisoners may be tested for contagious diseases (e.g. TB, HIV, hepatitis) and if necessary undergo involuntary testing and treatment.
- 341.15 Sheriff to pay to county treasurer, quarterly, fees and reimbursements received from prisoners, regarding 341.13 & 341.14.
- Discusses the process for the return of a prisoner who is temporarily put into the custody of another county law enforcement agency.

Appendix B 104

341.17 Discusses the payment of costs for habeas corpus. Discusses how a county using the jail of another county can be liable for 341.18 damages caused by a prisoner. 341.19 **Convicted** prisoner reimbursement of jail costs. Prisoners may be required to pay a reception fee, medical costs, and random drug test costs. Prisoners may be tested and treated for certain diseases (e.g. TB, HIV, hepatitis) and if necessary may undergo involuntary testing and treatment. 341.191 Prisoner's health insurance may possibly be utilized to pay jail medical costs. 341.192 Payment for necessary medical care can be at Medicaid reimbursement rate. 341.20 Commissioners, with consent of the sheriff, may contract for food, medical, and other jail services. 341.21 Discusses confinement of federal prisoners in jail facilities. 341.22 Probate Judge may direct jails to conduct welfare services in the jail. Discusses religious services. 341.25 Discusses the commissary fund. 341.26 Discusses random drug testing of prisoners. 341.27 Discusses immunity of jail officials concerning prisoners on work details. 341.31 Discusses county rehabilitation work camps. 341.34 Discusses Minimum Security Jails and restrictions on qualified prisoners to be housed in the MSJ. 341.35 Discusses private operation of the jail (misdemeanant prisoners). 341.41 Prisoners not to have access to free weights or fixed weights for exercise purposes. 341.42 Discusses restrictions of prisoners given access to the internet. 2929.27 Discusses non-resident and other sanctions in lieu of jail confinement. 2929.37 Discusses the policy of requiring prisoners to pay costs of confinement. 2929.38 Discusses a one-time reception fee, fees for medical treatment, and random drug tests. 2949.12 Discusses 5 working days to convey sentenced prisoners to prison; judges can extend conveyance times. 2949.17 Discusses the transportation expenses of transporting prisoners to prison. 5119.16 Department of Mental Health services that can be provided to jail; while not mentioned by name, discusses available services of the Office of Support Services. 5120.10 Discusses Minimum Jail Standards. Discusses powers and duties of the Division of Parole & Community Services.

Appendix B 105

Bureau of Adult Detention must approve of the plans.

Before adoption of new jail plans and/or plans for major renovation projects, the

5120.161 Discusses the possibility of the Department of Rehabilitation housing State prisoners in local county jails.

Ohio Administrative Codes (OAC)

5120:1-7-01	Bureau of Adult Detention Responsibility and Authority.
	Before adoption of new jail plans and/or plans for major renovation projects, the Bureau of Adult Detention must approve of the plans.
5120:1-7-03	Jails in Ohio must comply with the Ohio Minimum Jail Standards.
5120:1-7-04	Ohio Jail Advisory Board.
5120:1-8-01	Ohio Minimum Jail Standards for Full Service Jails & Minimum Security Jails
5120:1-10-01	Ohio Minimum Jail Standards for Twelve Day Jails.
5120:1-12-01	Ohio Minimum Jail Standards for Twelve Day Jails.

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Appendix C – Prisoner Disciplinary Hearing Points of Interest

(Extracted from the Ohio Minimum Jail Standards)

FS / MS	GJ 1-8-14 (B)(1-6) Pre-Disciplinary Hearing Actions:		
	The 'incident' must be Investigated within 24 Hours of Discovery.		
	The prisoner 'in question' must receive Written Notification of the Date / Time of Incident.		
	The prisoner 'in question' must be permitted to prepare their defense within 24 Hours of receiving the written notification.		
	The prisoner 'in question' must be allowed the opportunity to waive this 24 Hours for preparing for their defense.		
	There must be a written Incident Report on hand before moving on to a hearing.		
	Prisoners need to be given the opportunity to waive their Right to any hearing.		
	As necessary, the Jail Administrator (or their designee) assigns a staff person to assist any prisoner that is unable to effectively communicate their defense.		
	A Hearing will take place within 48 Hours after the prisoner 'in question' received Notification of the Hearing (excluding Holidays, weekends, and emergencies); if the prisoner is in isolation, the Hearing will take place within 3 Business Days.		
	The Hearing may be postponed by the Hearing Officer, for good cause.		
FS / MS	SJ 1-8-14 (C)(1-3) Disciplinary Hearing Actions:		
	The Jail Administrator (or designee) must assign an IMPARTIAL Hearing Officer to the case.		
	The Prisoner must be given the opportunity to be Heard, to Present Evidence, and to Question Witnesses (subject to any reasonable limitations imposed by the Hearing Officer.		
	The Hearing Officer must show in writing any limitations being placed on the Prisoner's defense tactics.		
	The Hearing Officer must provide the Prisoner with a Written Statement as to the Facts relied upon and Reasons for any Disciplinary Actions.		
	A Copy of the Hearing Officer's Written Statement of findings will be placed in the Prisoner's file.		
FS / MS	SJ 1-8-14 (D) Post Disciplinary Hearing Action:		
	The Prisoner 'in question' must be given the opportunity to APPEAL the Disciplinary Actions to the Jail Administrator (or their designee).		
FS / MSJ 1-8-12 (B)(1-3) Disciplinary Actions Needing Specific Attention			
	Any penalty exceeding the suspension of Rights or Disciplinary Isolation for more than 120 Hours must be approved by the Jail Administrator (or their designee).		
	The Maximum sanction for any rule violation rising out of one incident must not be		

Appendix C 107

more than 60 Days in duration.

☐ Continuous confinement for more than 30 Days requires the review and approval of the Jail Administrator (or their designee).

Appendix C 108

Appendix D – Time Sensitive Actions Needed Per the OMJS

FS/MSJ 1-8-	Frequency (=/-) 10 Minute	Activity s Checks on Prisoners held in Restraints	Yes	No
03(B)(10) -09 (P)(4)	(a)	Checks on Prisoners classified as SUICIDE risks		
-09 (T)(2)		Checks by Health-Trained Personnel on Prisoners in Medical Restraints or Therapeutic Seclusion	<u> </u>	
-03 (B)(7)	(=/-) 60 Minute	· · · · · · · · · · · · · · · · · · ·		
-03 (B)(6)	(=/+) Once Ea Shift	jail ch Official Counts of ALL jail Prisoners		
-05 (A)(1)		ily Cleaning of Prisoner Toilets, Urinals, Sinks, Drinking Facilities, & Showers		
-05 (A)(2)	1	Sanitation of Whole Jail		
-09 (H)		Prisoners provided the opportunity to Report Medical Complaints		
-09 (I)(2)		Qualified Medical Staff Reviews Daily Prisoner Medical Complaints		
-10 (G)(2))	Food Service Manager (or designee) Checks & Questions Kitchen Workers (Prisoners & Other Workers), for Health & Cleanliness Prior to the		
-10 (H)		Workers Starting Work Kitchen Utensils & Disposal of Garbage are		
-12 (C)		Accounted for Jail Administrator (or designee) Reviews any Suspensions of Prisoner's access to Clothing, Bedding, Bed, Toilet, Lavatory, or Shower use to determine if Continuation of Suspension is		
-05 (F)(3)	(=/+) 2 x's a W	warranted eek Prisoner Issued Clothing & Personal Clothing Exchanged or Laundered		
-03 (B)(10)(a)	(=/+) Once a Week	Selected Jail Areas checked for Contraband		
-05 (F)(2)) Week	Bed Linens & Towels are Exchanged for Clean Issue		
-05 (F)(3)		Prisoner Issued Mattresses are Cleaned		
-07 (F)		Prisoners are allowed a Minimum of 30 Minutes of Visitation Time		
-09 (F)(1-:	3)	Sick Calls by the Jail Physician or Qualified health Care Provider At Least: 1 x a Week for Jails w/ 49 or less Prisoners 2 x's a Week for Jails w/ 50 - 199 Prisoners 3 x's a Week for Jails w/ 200 and plus		

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Prisoners

-11 (A) At Least 5 Days

At Least 5 Days a week, Prisoners are provided with one (1) Hour of Recreation / Exercise Time

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FS/MSJ 1-8- -09(D)	Frequency Within 14 Days	Activity Prisoners are provided a Complete health Appraisal, Conducted by Qualified Medical /	Yes	No
-09 (P)(9)	(=/-) 30 Days	Health Care Personnel Any successful Prisoner Suicides must be Reported to B.A.D.		
-12 (B)(3)		Jail Administrator (or designee) must Approve the Continuation of Disciplinary Confinement		
-03 (B)(10)(b)	(=/-) Monthly	Combined Weekly Contraband Checks [-03 (B)(10)(a)] Show that the entire Jail was Checked for Contraband		
-03 (B)(10)(c)		Whole Jail undergoes a Security Inspection		
-05 (D)		Whole Jail undergoes a Vermin/Insect/Rodent Inspection		
-05 (F)(4)		Prisoner issued Blankets are Cleaned or Exchanged		
-09 (L)(3)		All Medical Controlled Substances, Syringes, and Needles Are Inventoried / Checked		
-09 (Q)		All Emergency Medical Supplies and Equipment Are Inventoried & Checked		
-12 (B)(2)	60 Days	The MAXIMUM time Sanction for a Rule Violation(s) Arising Out of the SAME Incident		
-03 (A)(6)	Quarterly	Equipment Necessary to Maintain Utilities, Communications, Security, and Emergency Fire Protection must be TESTED		
-05 (L)(2)		EACH SHIFT must undergo a FIRE DRILL		
-05 (C)	(=/-) 365 Days	Annual Health & Safety Inspection (including the Kitchen & whole Jail		
-05 (K)		Annual Fire Safety Inspection		
-05 (L)(1)	Yearly	Staff Receives Training on Fire Safety Equipment		
-09 (P)(2)		All Staff who works with Prisoners, must receive initial and annual Prisoner Suicide Prevention Training		
-17 (C)		All Jail Staff must be given a Standardized Performance Review		

Appendix D 111

Appendix E – Signatures Needed Per OMJS

2 / IVI2J		yes	INC
1-8-01 (A)(1)	Depending on the type of Commitment Documentation used		
-01(B)(3)	Physician's written approval prior to accepting an unconscious prisoner		
- 01(B)(9)(b)	Prisoner's approval of personal property inventory, or if refusing to sign, or otherwise unobtainable – a 3 rd party (staff) witness to the accuracy of the inventory		
-01 (B)(10)	Prosecutor's (or representing legal counsel) approval of booking strip/body cavity search policies and procedures		
-01 (B)(13)	Prisoner's attesting to the fact they have either received the Jail Rules, or had the rules read to them, or have otherwise been made aware of how to obtain the Rules		
-01(B)(18)	Prisoner or receiving transfer agent's receipt showing they have the prisoner's personal property		
-02 (A)	Judge's Order, Sentencing a prisoner to a Minimum Security Jail		
	If not applicable		
-03(B)(3)	Prosecutor's (or representing legal counsel) approval of prisoner strip/body cavity searches – outside of the booking issues addressed in -01 (B)(10)		
-03 (B)(13)	Depending on the type of Key Control Procedures in place		
-05 (L)	Local Fire Officials (<u>annual</u>) approval of the written Fire Safety Plan for the jail		
-09 (B)	(Current) Jail Physician's signature of approval of the Medical policies & procedures		
-10(C)	Qualified Nutritionist or Registered Dietician's <u>(annual)</u> approval of the jail menu		
-12 (B)(1)	Jail Administrator's (or designee's) approval of any prisoner penalty exceeding suspension of Rights or Disciplinary Isolation greater than 12 Hours		
-12 (B)(3)	Jail Administrator's (or designee's) approval for any prisoner being held in Disciplinary Isolation for longer than 30 Days		
-14 (B)(2)	Prisoner's approval for Waiving their Right to a Disciplinary Hearing		
-14 (B)(6)	Prisoner's approval for Waiving their Right for a Minimum of 24 Hours to prepare for a Disciplinary Hearing		

Appendix E 112

Note: This is a general guide, as each jail may have alternative means of documenting some of the below matters:

Appendix E 113

Appendix F – Checklist for Preparing for Annual Jail Inspections

		Yes	No
1.	Ensure some responsible staff attends BAD's December Annual Inspection training, for the upcoming annual inspection		
2.	Review the jail's last annual inspection report to see what last year's deficiencies were		
3.	Has last year's deficiencies been corrected? If not, what has been the progress towards correcting them?		
4.	If not known, check with the BAD Jail Inspector to see what month they have tentatively identified for your inspection		
5.	If not on hand, request a copy of the upcoming inspection material from the Jail Inspector and become familiar with it		
6.	Be sure to contact the Jail Inspector and ask for any clarification of anything on the Inspection Checklist or Data Sheet		
7.	Typically, the Bureau <u>will not</u> be interested in going over any Policies and Procedures already approved during last year's annual jail inspection; with some exceptions. Be sure to know what these exceptions are.		
	Often these exceptions are:		
	 Any policies & procedures found to be deficient during the last annual jail inspection; Any Inspection P&P that you have updated or changed since the last annual jail inspection; P&P for new inspection Standards not included in last year's annual jail inspection; Particular P&P topics of interest; e.g. Suicide Prevention 		
8.	The Bureau will likely not want to take any P&P with them; for P&P that you think you might need to show to the Inspector, write on the Inspection Checklist, next to the Standard in question – your P&P number & page # for quick reference		
9.	Ensure you have copies of the last annual <u>Fire Safety Inspection Report</u> and annual <u>Health Safety / Sanitation Report</u> ;		

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Note: The dates of both of these annual reports should be within the last 365 day

10.	Ensure that any deficiencies noted on either of the Fire Safety or Health annual reports have been addressed		
11.	Make a list of any improvements made to the jail since the last annual jail inspection; operational, equipment, structural, etc	Yes	No.
12.	Read through and understand the directions sheet for filling out the Annual Data Items Sheet		
13.	Fill out the Annual Data Items Sheet to the best of your ability. Any written information must be legible and clear		
14.	Check through the Inspection Checklist. Have on hand <u>copies</u> of anything 'lined' under the "Documentation" column		
15.	Be familiar and have an answer for anything 'lined' under the "Interview" column		
16.	Be prepared to show proof of anything 'lined' under the "On-Site" column		
17.	Be familiar with how to find jail files of interest; e.g. Staff Training files, Medical Physical Appraisal files, Dietician or Nutritionist approved menus, Food Service Inspection Certificates, etc		
18.	If you are uncertain about anything that might happen during the Inspection and need clarity from the Bureau – Contact them.		
19.	On the day of the inspection, have all your materials ready, ensure that all your staff know that an inspection will be taking place, remain calm and in control		

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Appendix G - Map of Current Breakdown of Counties in Four Regions

Ohio Department of Rehabilitation & Correction Bureau of Adult Detention Jail Inspector Regions

BUREAU OF ADULT DETENTION-CENTRAL OFFICE



NORTHERN REGION IAIL INSPECTOR

Joel Commins State Office Building 615 Superior Ave, 12th Floor Cleveland, OH 44113 Phone: (216) 787-4902

Fax: (216) 787-0415

WESTERN REGION IAIL INSPECTOR

Lataunia Pitts 7710 Reading Road, Suite 210 Cincinnati, OH 45237 Phone: (513) 821-5327 Fax: (513) 821-5213

EASTERN REGION IAIL INSPECTOR

Coleman Connors 110 Central Plaza South, Room 301 Canton, OH 44702 Phone: (330) 451-7985

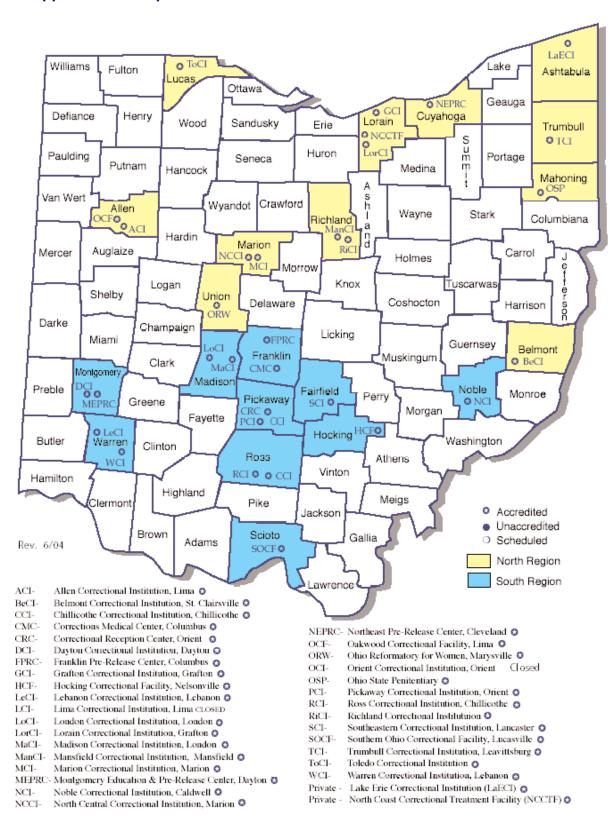
Fax: (330) 451-7139

CENTRAL REGION IAIL INSPECTOR

Gregory Dann 1030 Alum Creek Drive Columbus, OH 43209 Phone: (614) 752-1066 Fax: (614) 728-1936

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Appendix H - Map of Prisons



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Appendix I – Map of Adult Parole Authority Regions



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