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# JAIL RESOURCE ISSUES

What Every Funding Authority Needs To Know

Community

Safety

**U.S. Department of Justice**  
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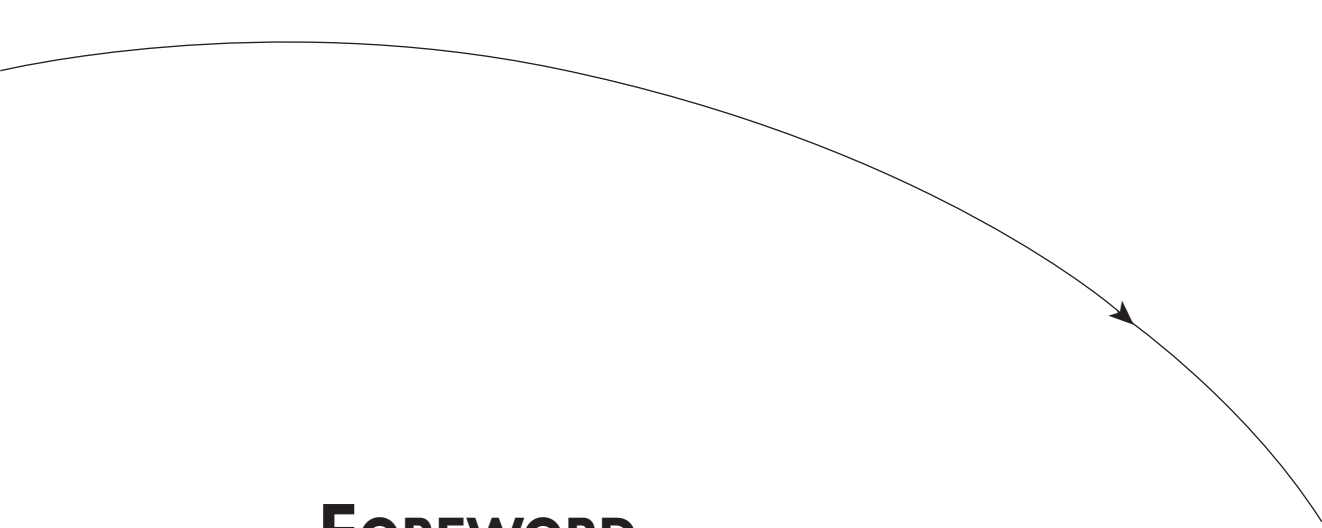
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# FOREWORD

The role of the funding authority is critical to the operations of the local jail. Funding authorities, which include county commissions, municipal councils, tribal councils, and other local governing bodies, affect the success of jail operations through—

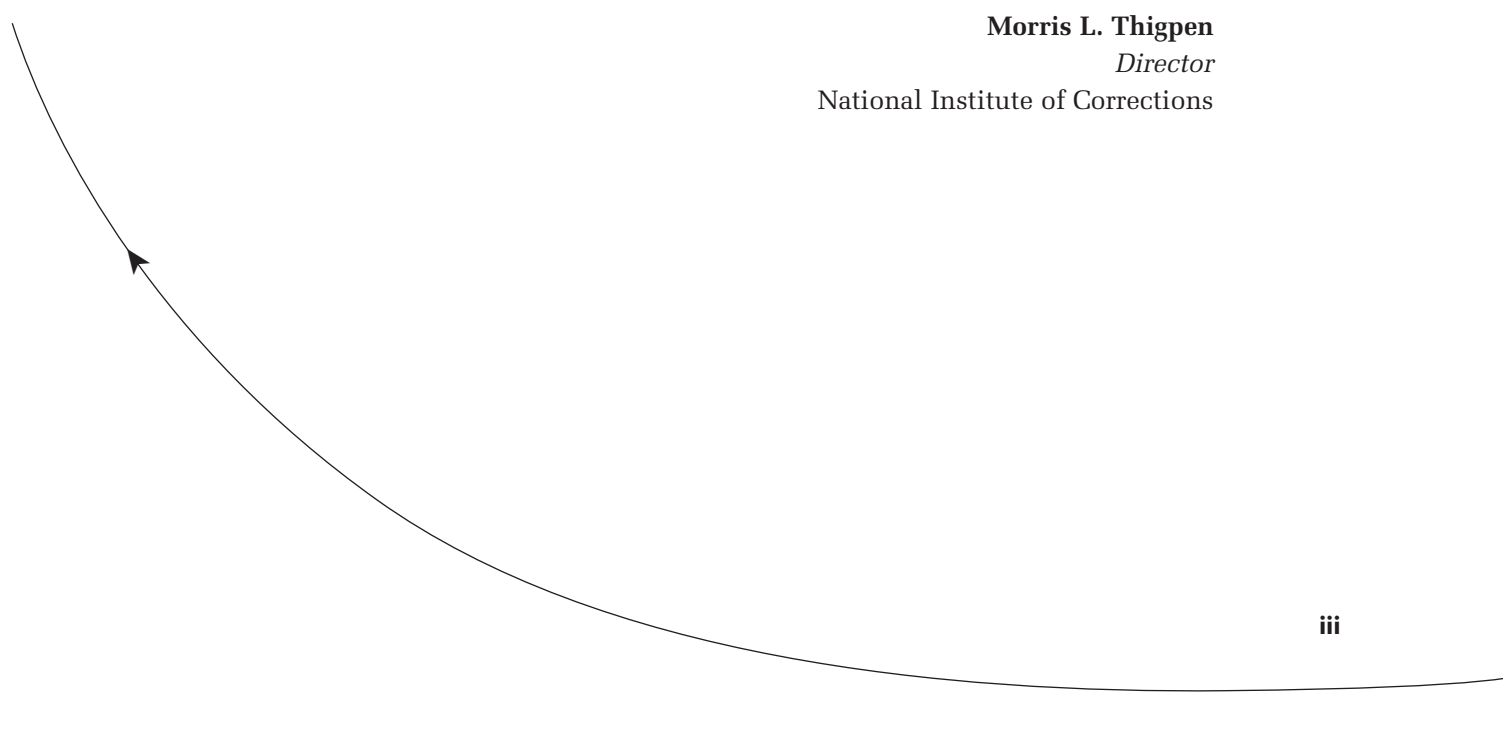
- The types and levels of resources they allocate to the jail.
- Their level of knowledge about the jail's purpose and functions.
- The quality of their relationship with jail officials.

This guide is intended to contribute to a better understanding of the funding authority's roles and responsibilities regarding the jail while providing basic information on jail operations. Indicators of jail effectiveness, efficiency, and quality are listed in chapter 6. Although this guide provides essential information about jails generally, funding authority members are encouraged to learn more about their own local jails and to familiarize themselves with the issues specific to their jurisdictions. Information about the National Institute of Corrections Information Center Web site and other recommended resources is provided at the end of this guide.

**Morris L. Thigpen**

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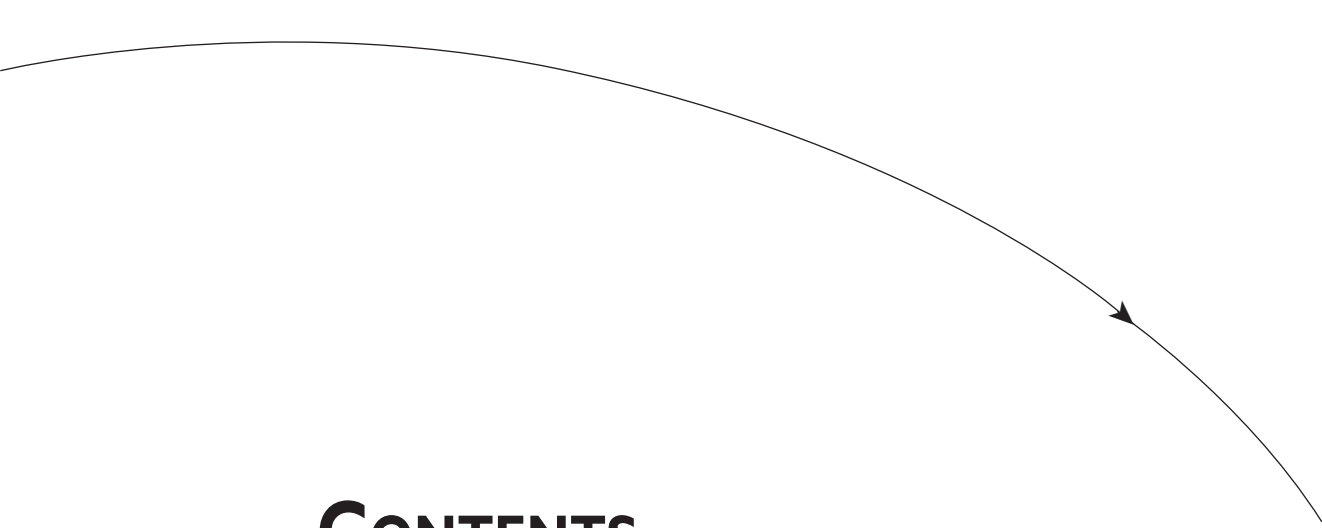




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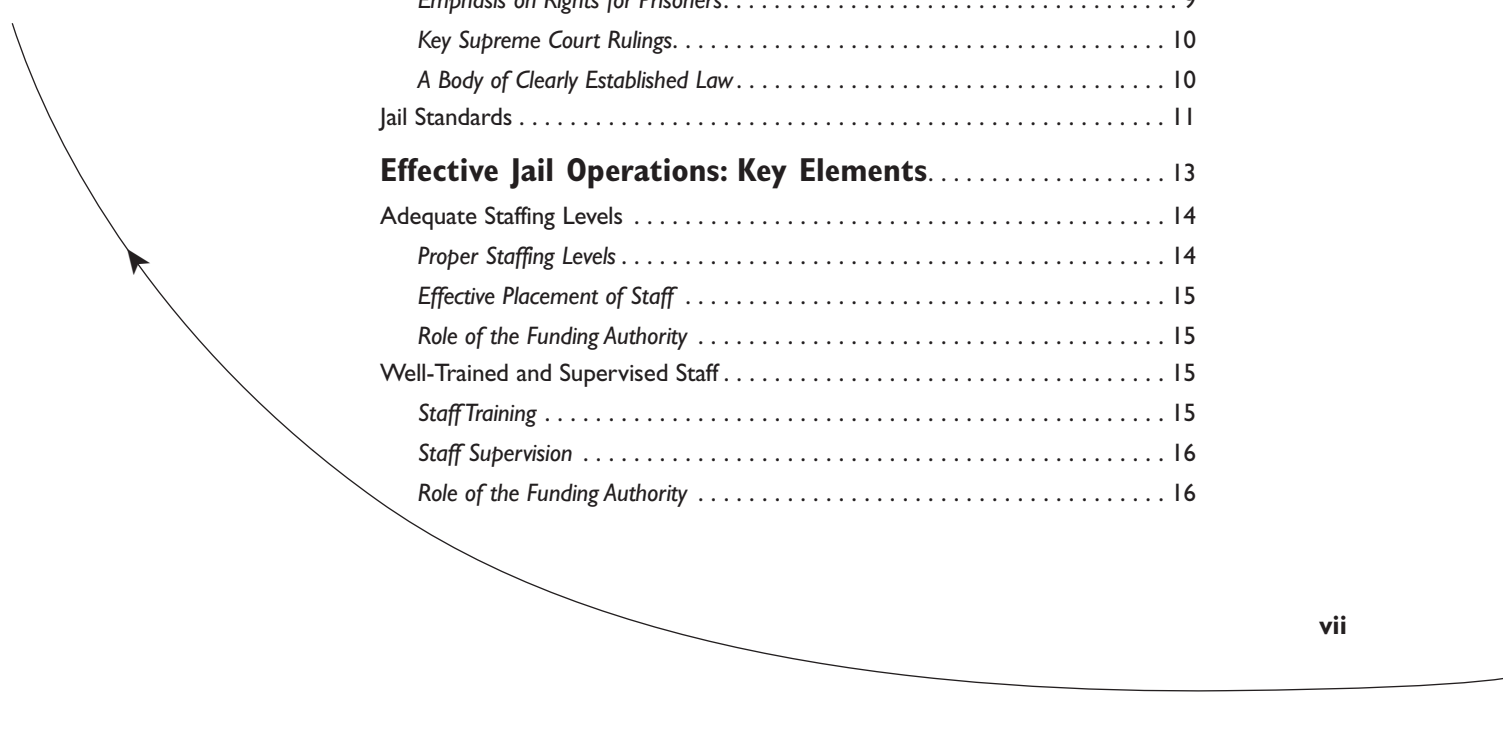
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# THE JAIL AS A PRIMARY FUNCTION OF LOCAL GOVERNMENT

## The Jail: A Key Responsibility of Local Government

Local governments are responsible for a wide variety of services, which may include law enforcement, court administration, health and public welfare, taxation and finance, public works, and other activities. The existence of more than 3,500 county jails, about 80 Indian country jails, and numerous municipal jails, however, indicates that providing detention services for the local criminal justice system is a core responsibility of local government. Given the public safety implications and high-liability nature of incarceration, it is also one of the most critical.

Funding authorities, which include county commissions, municipal councils, and tribal governments, allocate resources to operate jails. Jail officials, such as sheriffs, directors of corrections, and jail administrators, must ensure that jails operate in a safe, secure, and



humane manner. These two entities must maintain a high level of understanding and cooperation if the best interests of the local government and community are to be served. No single public official or entity “owns” all of the responsibility for the jail—it is a *shared* responsibility.

An important step in meeting this shared responsibility is to ensure that local government officials and members of the local criminal justice system, in partnership with the community, identify

***Funding authorities and jail officials must maintain a high level of understanding and cooperation if the best interests of the local government and community are to be served.***

a philosophic approach to the use of the jail. This includes defining both who should come to jail and how the individuals who are held should be managed. A mutually agreed-upon philosophic approach better equips the funding authority and jail officials to meet the challenges of operating the local jail successfully.

## How Is the Jail Unique Among Local Government’s Responsibilities?

Although the jail is but one of the responsibilities of local government, it is unique in many respects:

- The jail is required to provide a wide range of services to satisfy minimum constitutional requirements. Because inmates are confined against their will, the jail is responsible for and in total control of inmates’ health, welfare, and safety.
- The jail operates 365 days a year, 24 hours a day, making it one of the most staff-intensive functions of local government and resulting in a high level of wear on the facility and its equipment, fixtures, and furnishings.
- The jail has little say as to the types and numbers of inmates placed under its control or how long they stay because these decisions are made by law enforcement agencies, judges, prosecutors, and others in the criminal justice system.
- Jail operations require specialized facilities that are expensive to build and maintain.
- Unprecedented growth in jail populations has required fast-paced construction of new and expanded facilities.
- The costs of constructing and operating the jail are consuming an ever-increasing proportion of the local government’s budget.

## The High Priority of Jail Issues

Given the unique circumstances that drive jail administration, many funding authorities understand that the jail must be considered a high priority. In all too many instances, however, funding authority members have begun to learn about their own jails only after a high-profile incident has immersed them in litigation and negative media attention.

Crises such as inmate deaths, riots, fires, escapes, and hostage incidents expose funding authority members to costly civil liability. They can also exact a tremendous toll in the form of personal, professional, and political harm and embarrassment. They cause the public to lose confidence in the criminal justice system and in the elected officials responsible for overseeing critical public safety functions. Such a loss of confidence may directly affect the outcome of a subsequent election.

Jurisdictions in which the funding authority and jail officials have worked cooperatively to identify and solve problems before they reel out of control have prevented such crises. These jurisdictions are far more likely to have jails that are safe and secure and that provide a valuable community service.



***In all too many instances, funding authority members have begun to learn about their own jails only after a high-profile incident has immersed them in litigation and negative media attention.***



# THE PURPOSE OF THE JAIL AND ITS ROLE IN THE LOCAL CRIMINAL JUSTICE SYSTEM

## The Purpose of the Local Jail

The primary purposes of the jail in the community are to hold accused law violators who cannot post bond to ensure their appearance at trial and to hold those convicted of lesser offenses until they complete their court-ordered sanction. In addition to these purposes, rehabilitation and reintegration are sometimes considered secondary goals. Opportunities for self-help and change are desirable and may prevent some inmates from committing offenses after their release. However, provision of these activities may be limited by the lack of any clear statutory responsibility to provide such programs at the local jail level, by financial constraints, and by other resource restrictions.

The incarceration of accused law violators and those convicted of lesser offenses distinguishes local jails from state and federal prisons. Prisons house only persons convicted of more serious offenses—usually felons with sentences of a year or more.



## The Role of the Jail in the Criminal Justice System

Case processing in the criminal justice system may be described as a series of decision points that begin with an arrest and end with the final discharge of an offender from custody. The jail is a primary resource for the criminal justice system, used to address the need for detention at various points in the criminal justice process.



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Jails typically serve multiple law enforcement agencies, including the local police, sheriff, state police, state conservation officers, and various federal agencies. Jails also serve prosecutors, the courts, and probation and parole agencies. The jail serves criminal justice system needs by holding—

- New arrestees pending arraignment, trial, conviction, or sentencing.
- Offenders sentenced to jail time.

- Accused probation, parole, or bail-bond violators pending revocation proceedings.
- Offenders as a sanction for probation or parole violations.
- Detainees while the prosecutor reviews cases and decides whether to file charges.
- Juveniles pending transfer to juvenile authorities.
- Inmates for federal, state, or other authorities because their own facilities are crowded.
- Illegal immigrants pending transfer to the Immigration and Naturalization Service.
- Convicted offenders pending transfer to state or federal institutions.
- Offenders pending transfer to military authorities.
- Witnesses for the court.
- Offenders for violation of court-ordered conditions, such as violations of restraining orders, failure to pay fines, failure to appear in court, and failure to attend substance abuse programs.

The jail is an integral part of the criminal justice system. The criminal justice system needs addressed by the jail are dynamic and are influenced by the policies, practices, and philosophies of the various agencies using the jail.

# THE JAIL POPULATION

Issues concerning the overall jail population focus on both the number and types of inmates in the jail. The jail has little to no control over either, yet it is required to manage a population that often exceeds its bed space and presents a great range of risks and needs. Also, jails cannot screen out inmates when the numbers, risks, or needs are too great; they must accept all inmates brought to them by various law enforcement agencies.

## Size of the Jail Population

The size of the jail population is a product of decisions made by various law enforcement entities that the jail serves, the courts, and other segments of the criminal justice system. The size of the jail population is also affected by local, state, and federal laws; crime rates; and public attitudes about crime. (See “Adequate Bed-Space Capacity” in chapter 5.)





## Diversity of the Inmate Population

The jail is characterized by the diversity of the population it serves. Unlike individual prisons, where all inmates are generally of the same gender, legal status, and custody level, jails are expected to manage a broad cross-section of people who come into contact with the law for varying reasons. The mix and complexity of the jail population characteristics have as much or more influence as the size of the jail population on the facilities, staffing, and services required.

Inmates vary by—

- Gender.
- Age.
- Medical condition.
- Mental health condition.
- Charge.
- Legal status.
- Level of escape risk.

- Race and ethnicity.
- Danger posed to other inmates or staff.
- Ability to get along with other inmates.
- Intellectual capacity.
- Educational and literacy levels.
- Length of stay.

Such diversity presents major challenges in supervising and managing inmates and in ensuring the safety and security of the jail.



***Such diversity presents major challenges in supervising and managing inmates and in ensuring the safety and security of the jail.***

# JAIL LITIGATION AND STANDARDS

## Jail Litigation

Funding authorities should be familiar with the legal requirements for operating a jail and the standards applicable to their own jail. Legal requirements and standards will affect many funding decisions concerning the jail.

### ***Emergence of Jail Litigation***

Before the 1960s, the public and the courts largely ignored conditions and practices in jails. The courts had adopted a “hands off” policy toward inmate complaints and lawsuits that challenged institutional conditions and practices. The courts based this policy on the belief that corrections administrators knew best how to control inmates and, therefore, were owed deference concerning jail operations and management.

### ***Emphasis on Rights for Prisoners***

During the 1960s and 1970s, the United States significantly changed its approach to civil rights issues and became engulfed in a struggle to increase the rights of many groups. In such a climate, rights for prisoners became an issue. Federal courts started to consider



***Federal courts started to consider prisoner lawsuits that challenged conditions of confinement as legitimate legal claims.***

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The courts recognized that inmates do not lose their constitutional rights, although those rights may be restricted for purposes of safety, order, security, control, and rehabilitation. To address inmate rights, the courts began to receive and hear the claims and petitions of inmates who were subjected to physical abuse, inhumane conditions, corporal punishment, or other constitutional deprivations.

### **Key Supreme Court Rulings**

In rendering decisions on inmate claims, the U.S. Supreme Court sent strong messages to state and local government officials who operate the nation's jails and prisons. The Court's position was clearly articulated in two landmark cases, *Turner v. Safley* and *Wolff v. McDonnell*.

*Prison walls do not form a barrier separating prison (or jail) inmates from the protections of the Constitution.* (*Turner v. Safley*, 107 S.Ct. 2254, 2259 (1987))

*There is no iron curtain drawn between the Constitution and the prisons of this country.* (*Wolff v. McDonnell*, 418 U.S. 539 (1974))

The bottom line regarding the impact of litigation on state and local governments is, perhaps, best reflected in this analysis by William C. Collins:<sup>1</sup>

*The Courts began to realize that there was no sound legal reason that the protections of the Constitution had to stop outside the jailhouse door. With that realization, the door to the courthouse began to open. In 1970, a federal judge in Arkansas wrote what was to become an overriding theme for correctional facilities and the courts: If the government is going to operate a jail system, "it is going to have to be a system that is countenanced by the Constitution of the United States," Holt v. Sarver, 309 F. Supp. 362, 385 (E.D. Ark., 1970). In other words, the protections of the Constitution extended into prisons and jails, the only questions being the extent of those protections.*

### **A Body of Clearly Established Law**

Between 1980 and 1996, the number of petitions (lawsuits) filed in U.S. district courts by federal and state inmates increased from 23,230 to 68,235.<sup>2</sup> As a result of this unprecedented judicial intervention, longstanding problems in jail operations and conditions of inmate confinement were broadly revealed and confronted.

There is now a body of clearly established law, with associated liability, that addresses nearly every aspect of jail operations and conditions.

## **Jail Standards**

Although no federally mandated standards have been established for jails, professional organizations and many states have developed comprehensive jail standards. Standards provide local jurisdictions with clearly defined guidelines based on case law for compliance with constitutional requirements. Standards typically outline the requirements for both the construction and the operation of local jails. Compliance with standards demonstrates a commitment to professionalism by local officials and can significantly reduce local government's liability exposure.

The American Correctional Association (ACA) Standards for Adult Local Detention Facilities, which are voluntary, are the most widely recognized professional standards. Many states and other professional organizations have modeled their standards after those developed by ACA. The number of state jail standards and inspection programs increased from 12 state programs in 1966 to 34 in 1999. Some states have only recently formulated jail standards for the first time, erasing a surprising gap in regulation when one considers that standards and relevant codes exist for nearly every other type of public facility. Indian country jails, which are not covered by state jail standards, are addressed in standards developed by the U.S. Department of the Interior's Bureau of Indian Affairs.

Most states and Indian country jurisdictions have provisions for implementing their standards that include inspections, compliance monitoring, and sanctions for noncompliance. To facilitate compliance, some programs offer technical or funding assistance.

Jail standards promote consistent management and reduce the jail's exposure to liability by serving as—

- A management tool for directing staff and managing their performance.
- A basis for formulating acceptable policies and procedures.
- A basis for developing training programs.
- A justification for needed resources.
- A means of discouraging lawsuits or minimizing their success.
- A way to measure accomplishments.
- A way to ensure fair and humane treatment of inmates.

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# EFFECTIVE JAIL OPERATIONS: Key Elements

Many problems are commonly found in jails, such as violence, vandalism, and unsanitary conditions. Studies of both old and new jails that have eliminated or minimized many of these problems indicate they have the following 10 characteristics in common:

- Adequate staffing levels.
- Well-trained and supervised staff.
- Current, written operational directives.
- A systematic and documented inmate classification process.
- Effective supervision of inmates.
- Adequate level of inmate services and programs.
- Fair treatment of inmates.
- Adequate bed-space capacity.

*Studies of both old and new jails that have eliminated or minimized violence, vandalism, and other problems indicate they share 10 related characteristics.*



- Compliance with standards, regulations, and codes.
- A safe, clean, and well-maintained physical environment.

These characteristics are closely related, and each, if ignored, presents a high degree of liability. This chapter provides an overview of these characteristics and their implications for funding authority members.

### Adequate Staffing Levels

Adequate staffing is essential to effectively managed, safe, and secure jails. Without it, the potential for injury to staff and inmates, risk to

*“Adequate staffing”—the single most important factor contributing to ultimate success or failure of the jail—refers to both the number of staff required to operate the jail and the effective placement of staff into duty positions.*

the community, and vulnerability to litigation are significantly increased. “Adequate staffing” refers to both the number of staff required to operate the jail and the effective placement of staff into duty positions.

### Proper Staffing Levels

Often, public officials seek to determine the “correct” ratio of staff to inmates. However, this implies that the number of inmates a jail holds is the only factor that determines proper staffing levels. In fact, determining safe and effective staffing levels is far more complex. Some factors that affect required staffing levels in individual jails are discussed below.

**Inmate population.** Inmate population issues focus on both the number and types of inmates housed. Consideration must be given to the level of supervision required for inmates depending on security risk, behavior within the jail, and needs in terms of medical and mental health care. These factors vary from jail to jail, and they also vary over time within the same jail as a result of fluctuations in the inmate population.

**Physical plant layout.** Details to be considered here include number of housing units within the jail, staff sight lines into and within the housing units, and number of floors.

**Circulation.** “Circulation” is the extent to which inmates are moved about the facility for various functions.

**Services and activities provided for inmates.** The philosophy under which the jail operates may provide only for those services required by law, or it may advocate education, treatment, and work programs. Consideration must be given not only to the types of services and activities but also to the frequency with which they are conducted.

**Approach to inmate supervision and management.** Adequate supervision requires the presence of staff. Reliance on cameras to observe inmates

in no way constitutes effective supervision. Given this, the jail may opt to place staff stations outside housing units but in a position to observe activities within the unit. On the other hand, the jail may decide to place staff within the housing unit to directly supervise inmates, interact with them, and manage their behavior.

Other factors, such as court decisions and jail standards—both of which may mandate activities that affect the level of supervision inmates receive and the services provided to them—influence required staffing levels.

There is a specific process for determining staffing needs in a jail, which includes consideration of the above factors, identification of posts and the coverage needed for each, and calculation of net annual work hours.<sup>3</sup> The jail staffing plan should be updated at least yearly and when any major changes occur in the primary factors that affect staffing.

### **Effective Placement of Staff**

Adequate staffing involves both quantity and quality. “Quality” refers to staff qualifications, performance, and assignments. Adequate staffing, then, may be defined as assigning the right number of staff—

- At the right place (assignment to duty post).
- At the right time (staff are allocated as needed depending on activity levels in the jail).
- To do the right thing (staff are given the tools and resources, including training, policies and procedures, post orders, and supervision necessary to ensure they do what is required of them).

#### **ROLE OF THE FUNDING AUTHORITY**

Getting staff to the right place at the right time to do the right thing is a management responsibility of jail officials. Getting the right *number* of staff, however, is a *joint responsibility* of the jail officials and the funding authority. Since staffing costs represent approximately 70 to 80 percent of the jail budget, it is important for the funding authority to work with jail officials to develop and agree upon a staffing plan for the jail. Adequate staffing is the single most important factor contributing to the ultimate success or failure of the jail.

## **Well-Trained and Supervised Staff**

### **Staff Training**

Staff training is critical to successful jail operations. Staff training contributes to an effective jail operation by—

- Reducing liability.
- Helping to ensure that policies and procedures are understood and followed.
- Helping to ensure the proper operation of vital jail security equipment.
- Reducing the potential for staff, inmate, or visitor injury.

***Staff training is critical to successful jail operations.***

- Helping to ensure the maintenance of security.
- Enhancing officer self-confidence and professionalism.
- Improving service delivery and the public's perception of the jail.
- Sustaining organizational vitality.

All jail staff must have basic preservice training and ongoing on-the-job and inservice training tailored to their specific job duties.<sup>4</sup>

### **Staff Supervision**

Once trained, jail supervisory staff should provide active, ongoing supervision to ensure jail staff use the skills they learned in training and are following the jail's policies and procedures. The combination of training and ongoing supervision helps jail staff achieve competency and maintain it over time.

#### **ROLE OF THE FUNDING AUTHORITY**

The funding authority can support the provision of training for jail staff by ensuring that basic training resources are available, including—

- Funding for a training coordinator.
- Funding for overtime to allow staff to attend training as necessary.
- Access to adequate training space and equipment.
- Funding for tuition and travel to offsite training as necessary.
- Funding for outside trainers to provide training at the jail.

## **Current, Written Operational Directives**

### **Policies, Procedures, and Post Orders**

A set of current, written directives on jail operations is essential to describe operational requirements and to provide guidance on how they are to be carried out. Jails should have a policy and procedures manual, tailored to the individual jail, that states the policy for each aspect of jail operations, the rationale for the policy, and a description of the procedures for carrying out each policy. Also, each duty post in the jail should have a set of detailed post orders listing all the tasks of the post, when they are to be done, and who should do them. Both the policy and procedures manual and all post orders should be reviewed and updated at least annually and when major operational changes take place.

Current, written directives provide—

- Clear direction to staff on operations.
- The basis for on-the-job staff training.
- Protection for the county against liability when individual acts can be shown to be outside these written directives.<sup>5</sup>

*Both the policy and procedures manual and all post orders should be reviewed and updated at least annually and when major operational changes take place.*

ROLE OF THE FUNDING AUTHORITY

The funding authority's role includes monitoring policies and procedures and providing resources for development and implementation.

**Monitoring policies and procedures.**

While jail officials are responsible for developing and implementing policies, procedures, and post orders, the funding authority has an interest in making sure there are written directives guiding jail operations. Funding authority members also have an interest in ensuring that written directives—

- Have been reviewed by the county legal authority.
- Are reviewed annually by jail officials and kept current.
- Have been implemented through training of staff.
- Reflect the operational realities of the jail (the jail has the resources and capacity to implement the policies and procedures).

**Resources for development and implementation.** Funding authorities can help bring about the development and implementation of written directives by supporting the jail's requests for resources to accomplish this task and by helping to secure a legal review through the county counsel. The development effort may incur extra initial expense for supplies, copying, staff overtime, temporary help, and consulting services. Implementation of the policies and procedures may require resources for staff training. Ongoing monitoring and review of policies and procedures, once implemented, will require a commitment of staff time that may have an impact on jail staffing requirements.

## A Systematic and Documented Inmate Classification Process

### ***Risk and Need Assessment: A Formal, Documented System***

As described in chapter 3, jails are required to manage a diverse inmate population. An effective inmate classification system is key in this area. Classification involves a formal, documented system for assessing the risks and needs presented by each incoming inmate.

Based on the initial assessment and regular reassessments, staff can make decisions about the inmate's housing assignment, supervision level, services needed, and access to programs.<sup>6</sup>

Failure to classify inmates properly directly threatens the safety and security of inmates, staff, and visitors. It also puts the community at risk of harm from inmates who may escape as a result of improper classification. Thus, it places the local government at high risk for liability. The courts have been clear that, at minimum, some segregation of inmates must take place—at least to the extent that they can be kept secure from violence, intimidation, contagious illness, or other victimization.

***Failure to classify inmates properly places the local government at high risk for liability.***

## ROLE OF THE FUNDING AUTHORITY

Funding authority members have an interest in ensuring that the jail has a logically conceived and legally defensible classification plan that allows staff to manage the population safely and securely. In some jails, the physical plant or crowding can impede the jail's ability to implement an effective inmate housing and management plan, which is based on classification information. In these cases, the funding authority may consider allocating resources for physical plant renovation or new jail construction, or for contracting with another jail that can safely hold certain classifications of inmates.

When crowding diminishes the jail's ability to house and manage inmates effectively, the funding authority can also provide leadership by supporting efforts to develop alternative programs or community sanctions for certain types of inmates who may not necessarily have to be detained in the jail. This will require the coordinated efforts of all key players in the local criminal justice system.

***Effective inmate supervision involves far more than simply observing inmates—constant staff presence, staff interaction with inmates, and staff training.***

Historically, jails have focused on the physical containment of inmates. They have minimized staff-inmate interaction and, therefore, active supervision of inmates and management of their behavior. This has resulted in problems commonly associated with jails, such as—

- Assaults on inmates and staff.
- Vandalism.
- Introduction of dangerous contraband.
- Unsanitary conditions.
- Inmate disregard for any staff-imposed rules.

These problems have been greatly reduced or virtually eliminated when staff members continuously and actively supervise inmates, set and clearly communicate expectations for their behavior, provide incentives for positive behavior, and hold inmates individually accountable when they violate behavior standards. Effective inmate supervision, then, involves far more than simply observing inmates.

Also, as noted in chapter 3, great diversity exists within the inmate population in terms of risks and needs. Inmates require differing levels of

## Effective Supervision of Inmates

### ***Primary Jail Function***

Inmate supervision is the primary function of the jail. When inmates are not supervised, staff, inmates, and visitors are vulnerable to harm and the likelihood of escape increases, as does the potential for harm to community members.

supervision, depending on their classification. Some inmates do not require a lot of individual attention and function well within the housing unit with general supervision. Suicidal inmates may require constant one-on-one staff supervision. High-security inmates may require the presence of two or more officers when staff enter the housing unit or when the inmates are being moved through the facility.

Effective inmate supervision is characterized by three critical elements:

- The constant presence of staff in or adjacent to inmate housing areas.
- Staff interaction with the inmates being supervised.
- Staff training in the supervisory and communication skills necessary to supervise inmates and manage their behavior.

### ROLE OF THE FUNDING AUTHORITY

Funding authorities may affect the quality of inmate supervision through both funding and policy decisions. Adequate staffing is fundamental to effective supervision of inmates. Recruitment and retention of qualified jail staff may be either facilitated or impeded by the compensation and benefit packages offered by the local government. The costs incurred through staff turnover and the need to upgrade the skills of less competent staff are often found to be greater than the cost of reasonable compensation to recruit and retain qualified individuals. The funding authority's support for basic inmate services, a range of inmate programs, and comprehensive staff training also helps ensure effective inmate supervision and behavior management.

## Adequate Level of Inmate Services and Programs

### **Inmate Services**

Inmates have a fundamental right to basic services essential to their health and well-being. The most significant of these are discussed below.

**Food services.** The goal of food services should be to provide three nutritionally adequate meals a day that are reasonable in cost and produced and served under sanitary, healthy conditions. When warranted, inmates must be provided special meals for religious and medical purposes.

### **Medical and mental health care services.**

Inmates are totally dependent on jail officials to respond to their medical and mental health needs. Failure to provide adequate medical and mental health care can expose the county to significant liability.

**Visiting.** Visiting is one of the crucial links between inmates and the community. It enables inmates to remain in touch with family members, friends, business associates, ministers, and attorneys. Because visiting is so important to inmates, it is one of the jail's most effective tools for managing their behavior.

**Exercise.** Active indoor and outdoor exercise outside the housing units is important to the physical and mental well-being of inmates and to facility security because it provides a positive outlet for inmate energies.

*Inmate programs can assist with inmate reintegration into the community and may reduce recidivism.*

### **Inmate Programs**

Inmate programs typically refer to the activities offered as self-help opportunities. Inmate programs can assist with inmate reintegration into the community and may have the potential to reduce recidivism. Such programs also provide for constructive release of stress resulting from incarceration. They contribute to security and overall jail management by constructively occupying inmates' time. Examples of inmate programs include educational opportunities, library services, substance abuse education, life-skills instruction, and recreation.

#### **ROLE OF THE FUNDING AUTHORITY**

The funding authority can support the provision of programs and services in the jail by—

- Providing direct funding to the jail for staffing and service requirements.
- Contracting with outside vendors (for example, food service or health care providers) to provide the services.
- Directing other county agencies to provide services to the jail (for example, county health, hospital, or mental health agencies).
- Establishing intergovernmental agreements to secure services (for example, schools or community colleges).
- Engaging community providers to provide services (for example, nonprofit service providers or faith groups).
- Funding renovation or construction to provide appropriate space within the jail for programs and services.

### **Fair Treatment of Inmates**

Fundamental fairness in the treatment of inmates rests primarily in two areas: the inmate discipline process and the inmate grievance process.

*Discipline is the ongoing correction of undesirable inmate behavior; it is not the same as punishment imposed once an inmate's behavior has deteriorated beyond the point of correction.*

### **Inmate Discipline Process**

A formal, written inmate disciplinary plan is the key to safety and security. Discipline, often incorrectly viewed as synonymous with punishment, is integral to inmate supervision and behavior management. Discipline is the ongoing correction of undesirable inmate behavior; it is not the same as punishment imposed once an inmate's behavior has deteriorated beyond the point of correction. Discipline includes staff coaching of inmates to improve marginal behavior and deter rule infractions. It also includes positive reinforcement for positive behavior. It is critical that the disciplinary process be fair. Inmates must be fully informed of rules and the sanctions for violating rules. Rules should be upheld consistently over time and from inmate to inmate.

### **Inmate Grievance Process**

Fundamental fairness in the jail extends to providing inmates with the opportunity to air and resolve grievances. Incarceration brings with it a sense of helplessness and loss of control over many aspects of the inmate's life. Inmates who are not provided with a means to voice complaints or concerns and get them resolved will likely get the staff's attention in a much less desirable manner. Unresolved grievances may lead to inmate disturbances and other disruptive behavior. The grievance process should be in writing and inmates should be fully informed of the process.

#### **ROLE OF THE FUNDING AUTHORITY**

Although it is the jail's responsibility to develop and implement inmate disciplinary and grievance processes, the funding authority has an interest in ensuring that appropriate procedures are in place and are being followed. Funding authorities should be assured that liability risks in this area are being appropriately managed.

### **Adequate Bed-Space Capacity**

Jails with adequate capacity are those with sufficient bed space to house the number and type

of persons incarcerated by the local criminal justice system. Jails should be able to accomplish this without consistently exceeding the number of inmates the jail was designed to hold and without requiring the system to modify its desired detention and incarceration policies.

### **Management Issues**

Jails without adequate capacity often face significant management problems due to crowding, particularly in the following areas.

**Inmate management.** In the crowded jail, staff cannot effectively house and manage inmates according to the risks and needs they present.

**Security.** Security is threatened when too few staff members are present to monitor too many inmates.

**Programs and services.** Crowding overloads programs and services that have been designed, staffed, and scheduled for fewer inmates, increasing inmate idleness and tension.

**Court-imposed capacity limits.** When a jail is crowded, the likelihood of a lawsuit is substantial. Such a lawsuit may result in court-imposed limits on the number of inmates who can be held in the facility. Capacity limits often result in inmates being transported to and boarded in other jurisdictions, which increases taxpayer costs and disrupts institutional operations.

### **Impact on the Criminal Justice System**

A crowded jail may discourage judicial officials from placing persons in jail who should otherwise be confined. Also, jail crowding may affect law enforcement agencies' decisions regarding whether to arrest certain types of offenders and take them to the jail.<sup>7</sup>

### ROLE OF THE FUNDING AUTHORITY

The funding authority can help ensure adequate jail capacity in the following ways.

**Leadership.** The funding authority can facilitate and support systemwide communication and problem solving related to jail crowding. Through cooperative efforts of key criminal justice system decisionmakers, it may be possible to divert certain nonviolent offenders from the jail.

**Advocacy.** The funding authority may opt to work with legislators to promote legislation that encourages appropriate use of the jail through enabling language and funding for an array of community justice programs.

**Planning.** The funding authority can be proactive in planning for future bed-space needs through the development of a long-range justice system master plan. A master system decisionmakers to use in shaping their policy and practices regarding use of the jail.

**Construction/expansion.** The funding authority may need to replace outdated facilities or expand current facilities to meet current and future demand.

**Boarding contracts and/or cooperative ventures.** The funding authority may look to neighboring counties to contract for bed space or to establish a cooperative agreement for development of a joint facility to serve multiple jurisdictions. The latter sometimes provides smaller jurisdictions the economy of scale needed to justify costs of maintaining the jail.

**Criminal justice coordinating committee.** Determining adequate capacity is somewhat difficult, given that jail use is so driven by policies and laws. An effective strategy for managing the jail population and ensuring adequate jail capacity is to establish a criminal justice coordinating committee. The coordinating committee should consist of key justice officials responsible for monitoring and managing system-level policies that affect the size and makeup of the jail population.

## Compliance With Standards, Regulations, and Codes

Jail standards are discussed in chapter 4.

Beyond jail standards, jails may be subject to a variety of regulations, including fire codes, health codes, building codes, and workplace codes. Compliance with the Life Safety Code requirements of the National Fire Protection Association and with Americans with Disabilities Act requirements is also critical. Each regulating agency may have provisions for inspection, compliance monitoring, and enforcement.

### ROLE OF THE FUNDING AUTHORITY

Funding authorities should support the jail's efforts to comply with jail standards, regulations, and codes. To give informed support, funding authorities should know the standards, regulations, and codes that apply to their jail and should stay current on the jail's compliance status. If the jail is cited for violations (particularly those appearing to require additional resources), the funding authority and jail officials will need to work cooperatively to address these issues.

## A Safe, Clean, and Well-Maintained Physical Environment

A safe, clean, and well-maintained jail is essential to the health and well-being of inmates, staff, and visitors. Inattention to safety and sanitation issues contributes to accidents and the spread of disease. Poor jail conditions increase inmate tension and negatively affect staff morale and productivity. Courts have ruled that keeping inmates in unsafe or unhealthy conditions may constitute cruel and unusual punishment.

Both the funding authority and jail officials have an interest in ensuring that the jail is safe, clean, and in good repair. The jail should have in place written safety, sanitation, and preventive maintenance plans that define staff responsibilities in each area. In addition to these internal plans, inspections by such external agencies as the fire and health departments should be documented along with corrections of deficiencies.

### ROLE OF THE FUNDING AUTHORITY

The funding authority can help ensure an acceptable jail environment by monitoring conditions and addressing maintenance needs.

**Monitoring jail conditions.** Funding authority members should be aware of conditions in the jail and should remain current on issues that could affect the overall quality of the jail environment. Funding authorities can affect jail safety, sanitation, and overall conditions by regularly visiting the jail to assess the environment and by working with jail officials to develop and implement a jail safety and sanitation plan. Regular assessment of the jail by funding authority members, jail officials, and outside inspectors should ensure that—

- All areas of the jail are clean and orderly.
- Lighting, ventilation, and heating equipment is functioning properly.
- No fire, health, or safety hazards exist.
- All detection and suppression systems, equipment, tools, and security devices are functioning properly.

- All inmates performing labor (such as laundry, kitchen tasks, sanitation tasks, grounds work) are receiving appropriate supervision and training in the use of hazardous materials, equipment, and tools.
- All plumbing equipment, including showers, sinks, toilets, and laundry facilities, is clean and functioning properly.
- All identified deficiencies are promptly reported and corrected.

Fire and health codes and jail standards address many of the issues described above. These standards provide a tool for assessing sanitation, safety, and overall quality of life in the jail.

**Addressing maintenance needs.** When inspections identify problems, the funding authority and jail officials should develop a plan to address the deficiencies promptly. To achieve and maintain a decent physical environment, budgeting for the jail should include provision for preventive maintenance of facilities and equipment as well as resources for prompt repairs when needed.



## FUNDING AUTHORITY ROLES AND RESPONSIBILITIES

Funding authorities have specific responsibilities regarding the jail, generally related to budget and capital resources. Also, statutes in many states provide the funding authority with some monitoring and oversight responsibilities. In carrying out these roles and responsibilities, the funding authority, as much as jail officials, is responsible for effective jail functioning in the local criminal justice system.

### Supporting Effective Jail Functioning

The funding authority can contribute to effective functioning of the local jail in a variety of ways.

*The funding authority, as much as jail officials, is responsible for effective jail functioning in the local criminal justice system.*



### ***Be Knowledgeable***

The funding authority can ensure an adequate level of knowledge through—

- **Visits.** Visit the jail regularly to observe operations, assess conditions, and identify needs. Make a point to visit during peak activity times, such as on a Friday night in the booking room or during Monday morning court transport.
- **Training.** Attend training to learn about jail issues and trends.
- **Resource materials.** Read jail-related periodicals and publications.
- **Reports.** To monitor progress and determine needed improvements, thoroughly review jail-related reports prepared by jail officials, inspection officials, and others.
- **Meetings.** Meet with jail officials regularly to review accomplishments, discuss needs, and address issues. Be available to jail officials at other times to address unexpected problems.

### ***Be Proactive***

The funding authority can be proactive through—

- **Problem solving.** Work with jail officials to solve problems in their early stages, before they become crises.
- **Development of alternatives.** Support the development and use of nonjail options as a means of managing the jail population.
- **Risk management.** Place a high priority on risk management. Work with jail officials and the risk management entity to identify and address high-risk issues.

- **Standards.** Work with jail officials to achieve and maintain compliance with jail standards, fire codes, health codes, and other regulations.
- **Staffing.** Reach agreement with jail officials on a jail staffing plan and provide the resources necessary to implement it. Make sure the plan is updated at least annually. Work with jail officials on staffing and related labor issues to support recruitment and retention of a qualified work force.
- **Technology.** Provide the jail with the necessary current computer technology and related resources.

### ***Secure Adequate Resources***

In securing adequate resources, the funding authority must address—

- **Budget.** Provide an adequate budget to cover jail operating costs. Work with jail officials to establish objectives consistent with the jail's mission, and outline a spending plan designed to achieve those objectives. Be aware that the jail is particularly vulnerable to unanticipated expenses over which jail officials have no control.
- **County resources.** Explore the use of resources available through other county departments, such as nurses from the county health department, legal support from the county counsel, and meals from the county hospital.
- **Grants, subsidies, and entitlements.** Explore grant funding for certain jail needs and activities, and take advantage of reimbursements and subsidies available through federal and state programs.
- **Cooperative agreements.** Explore opportunities for sharing costs with other jurisdictions

to secure needed services that may be otherwise cost prohibitive for individual jurisdictions.

- **Revenue.** Work with jail officials to identify potential revenue sources, such as inmate boarding fees, commissary profits, and telephone charges. Revenues generated by or through the jail should be reinvested into the jail budget.

### **Provide Leadership**

The funding authority can provide leadership through—

- **Criminal justice system coordination.** Initiate and support the coordination of decision making by criminal justice system officials on policies that affect the jail directly or indirectly.
- **Qualifications and skills of jail officials.** Ensure that jail officials have the necessary skills in planning, budget, and jail administration. Provide resources for training in these areas.

### **Be an Advocate**

Finally, the funding authority can serve as an advocate for—

- **Legislation.** Work to promote passage of responsible legislation that affects the use of the jail. Be alert to proposals that place unrealistic expectations on the jail, such as those related to changes in criminal penalties and diversion of state inmates into local jails.
- **Community education.** Work with jail officials to develop a strong public education strategy that inspires public confidence in and support of the jail.

## **Monitoring and Oversight**

The funding authority's responsibilities for jail monitoring and oversight vary from state to state and within Indian country. The monitoring role provides a means for the funding authority and jail officials to carry out their responsibilities in a coordinated fashion. The funding authority and jail officials should establish a proactive strategy that includes a mutually agreed-upon process for assessing jail operations and management and for reviewing jail conditions. It is important and appropriate for the funding authority to have an active and meaningful role in addressing jail liability and cost issues.

Funding authority members can use various methods to monitor the jail. These include visits to the jail, discussions with jail officials, review of external jail inspection reports, and review of reports and data generated by the jail. The

*The funding authority and jail officials should establish a proactive strategy that includes a mutually agreed-upon process for assessing jail operations and management and for reviewing jail conditions.*

funding authority and jail officials should come to an agreement on—

- The indicators of performance.
- How often the jail should provide information related to the indicators to the funding authority.
- In what form the jail will provide information to the funding authority.

- The process for taking corrective action, when needed.

A number of indicators may be used to assess a jail's performance in critical areas. (See "Jail Efficiency Indicators," "Jail Effectiveness Indicators," and "Jail Quality Indicators.")

## JAIL EFFICIENCY INDICATORS

Jail efficiency indicators may be presented in terms of cost effectiveness and personnel matters. Funding authority members can use such measures to gauge the efficiency of jail operations from one period to another or to compare their operations to those of similar jurisdictions.

Indicators include the following:

- Per diem cost of housing prisoners.
- Cost per meal for food services.
- Medical cost per prisoner.
- Costs recovered from inmate health insurance.
- Saved costs from U.S. Department of Agriculture commodity programs.
- Use of volunteer and existing community services to provide program services and offset costs (dollar value).
- Use of inmate workers for facility sanitation, meal service, laundry service, and grounds maintenance to offset operational costs (number of hours).
- Community service work hours performed within the community (dollar value).
- Victim restitution (fines and fees collected).
- Revenues generated from collect call telephones, inmate commissary, prisoner boarding, booking fees collected from user agencies, etc.
- Staff retention rate and/or turnover rate.
- Staff absenteeism.
- Staff disciplinary actions and terminations.
- Overtime expenditures and rationale.
- Number and type of substantiated staff misconduct reports.

## JAIL EFFECTIVENESS INDICATORS

Jail effectiveness indicators represent a measure of overall facility functioning in terms of security, safety, health, inmate behavior, and program participation. Funding authority members can use such indicators to identify areas of concern in key areas directly related to the mission of the organization. They also can use such indicators to track changes over time.

### Security Indicators

- Number of escapes from the facility.
- Number of searches or incidents where weapons, drugs, or other illegal items were discovered.
- Whether all staff are trained and tested in CPR, first aid, and all facility emergency and evacuation procedures.

### Safety Indicators

- Number and type of accidents where injury to inmates or staff occurred.
- Number and type of Workman's Compensation claims.
- Number and type of incidents involving inmates assaulting other inmates.
- Number and type of incidents involving inmates assaulting staff.
- Number and type of substantiated incidents of staff misconduct.
- Number and type of documented incidents of staff use of force.
- Fire code violations discovered during annual fire inspections that present significant safety risks.
- Number of incidents where the classification system is compromised and inmates are housed inappropriately.

### Health Indicators

- Number and type of medical emergencies involving inmates (such as trips to the emergency room, emergency response by medical professionals to facility).
- Number and type of sick call requests.

- Number and type of doctor visits.
- Number and type of inmate hospitalizations.
- Number and type of suicides or suicide attempts.
- Number and type of inmate deaths due to other causes.
- Number and type of health code violations discovered during inspections.

### Inmate Behavior Indicators

- Number and type of major inmate rule violations and disciplinary hearings.
- Number and type of reports of vandalism or destruction of facility property by inmates and repair costs.
- Number and type of inmates charged with new crimes while incarcerated.
- Number and type of inmate grievances upheld.

### Program Participation Indicators

- Number of inmates attending general equivalency diploma (GED) classes or completing their GED.
- Number of inmates participating in a work-release program.
- Average percentage of inmates participating in educational programs, religious services, self-help programs, recreation, substance abuse programs, counseling, etc.

### JAIL QUALITY INDICATORS

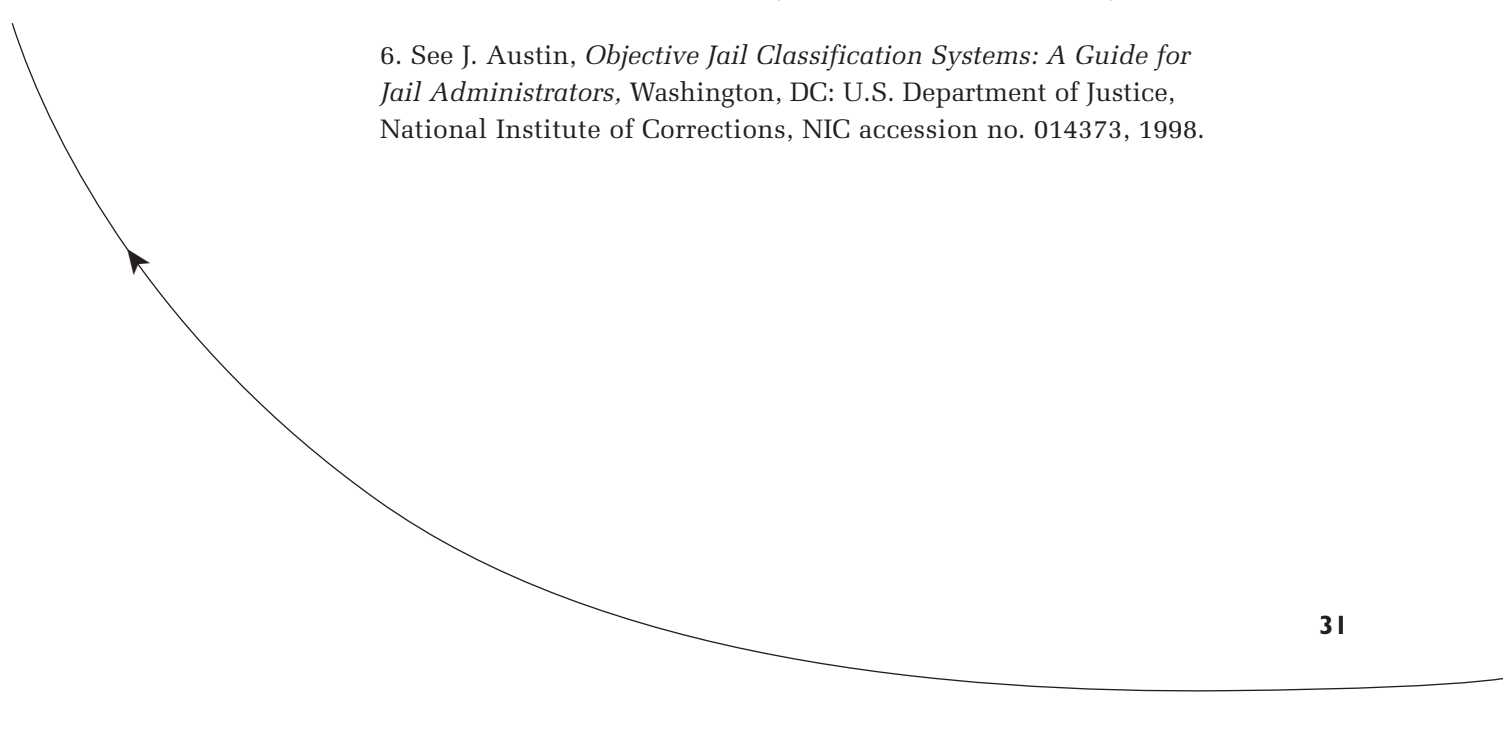
Overall jail quality indicators attempt to measure compliance with standards; health, fire, and other safety requirements; overall environmental conditions in the facility; facility vandalism and destruction; grievance reports; and public user satisfaction.

Indicators include the following:

- Number and type of violations reported by the health and sanitation inspector.
- Number and type of violations reported by the fire and safety inspector.
- Number and type of violations of state standards.
- Number of inmate grievances regarding the facility or operations.
- Number of valid external citizen complaints.
- Number of inoperative plumbing fixtures, light fixtures, HVAC systems, fire protection systems, or security systems not repaired within 30 days of discovery.
- Number of inmate-occupied areas with significant vandalism, broken furnishings, and excessive clutter.
- Positive responses to inmate exit surveys/interviews.
- Negative and/or positive press or media reports.
- Inspection violations from the risk management authority.
- Favorable living environment conducive to avoiding sickness and spread of disease.
- Adequate capacity to ensure compliance with classification, separation, and space requirements.
- Type and extent of inmate litigation and lawsuits.
- Training and orientation of all staff in handling blood-borne pathogens and in infectious and communicable disease prevention.
- Basic preservice and inservice training of all staff in compliance with state and/or national standards.



# NOTES

1. See W.C. Collins, *Jail Design and Operation and the Constitution: An Overview*, Washington, DC: U.S. Department of Justice, National Institute of Corrections, NIC accession no. 014848, 1998.
  2. See Hindelang Criminal Justice Research Center, *Sourcebook of Criminal Justice Statistics*, Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 1998.
  3. See B. Krauth, *Staff/Inmate Ratios: Why It's So Hard to Get to the Bottom Line*, NIC Information Center, NIC accession no. 007105, 1988; D.R. Liebert and R. Miller, *Staffing Analysis Workbook for Jails*, Washington, DC: U.S. Department of Justice, National Institute of Corrections, NIC accession no. 016827, 2001.
  4. See T. Reid, *Cost-Effective In-Service Training Alternatives for Small Jails*, Washington, DC: U.S. Department of Justice, National Institute of Corrections, NIC accession no. 013923, 1997.
  5. See M.D. Martin, *Developing/Revising Detention Facility Policies and Procedures*, Washington, DC: U.S. Department of Justice, National Institute of Corrections, NIC accession no. 013551, 1996.
  6. See J. Austin, *Objective Jail Classification Systems: A Guide for Jail Administrators*, Washington, DC: U.S. Department of Justice, National Institute of Corrections, NIC accession no. 014373, 1998.
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7. For additional relevant information, see R.C. Cushman, *Guidelines for Developing a Criminal Justice Coordinating Committee*, Washington, DC: U.S. Department of Justice, National Institute of Corrections, NIC accession no. 017232, 2002; M.A. Cunniff, *Jail Crowding: Understanding Jail Population Dynamics*, Washington, DC: U.S.

Department of Justice, National Institute of Corrections, NIC accession no. 017209, 2002; and Pretrial Services Resource Center, *A Second Look at Alleviating Jail Crowding—A Systems Perspective*, Washington, DC: U.S. Department of Justice, Bureau of Justice Assistance, NCJ 182507, 2000.



# REFERENCES AND RECOMMENDED INFORMATION RESOURCES

The following documents are available free of charge from the National Institute of Corrections Information Center. The Information Center can be reached at 800-877-1461. Information on these and other available documents can be found on NIC's Web site at [www.nicic.org](http://www.nicic.org).

Austin, J. *Objective Jail Classification Systems: A Guide for Jail Administrators*. Washington, DC: U.S. Department of Justice, National Institute of Corrections, NIC accession no. 014373, 1998.

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# JAIL RESOURCE ISSUES

## What Every Funding Authority Needs To Know

*Your evaluation is very important to us. It will help our planning efforts.*

How would you describe your position? \_\_\_\_\_

What is your intended use of this document?

- ☐ I am a member of a jail funding authority and I want to learn more about basic jail issues.
- ☐ I am responsible for jail operations and I want to inform my funding authority about jail issues.
- ☐ I am a corrections consultant and I want to help my jail clients inform their funding authorities about jail issues.
- ☐ I work for a professional organization and I want to use this as a resource for our members.
- ☐ Other (please explain): \_\_\_\_\_

How well will this document serve your purpose? ☐ Not at all ☐ Minimally ☐ Adequately ☐ Very well

Please tell us why you gave this answer: \_\_\_\_\_

General comments and suggestions: \_\_\_\_\_

Name (optional): \_\_\_\_\_

Agency or organization name (optional): \_\_\_\_\_

Address (optional): \_\_\_\_\_

Telephone number (optional): \_\_\_\_\_

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Washington, DC 20534

