



Large Jail Network Proceedings



Meeting Proceedings
March 2008

National Institute of Corrections

Morris Thigpen
Director

Thomas Beauclair
Deputy Director

Virginia Hutchinson
Chief, Jails Division

Michael P. Jackson
Correctional Program Specialist

National Institute of Corrections
320 First Street, N.E.
Washington, DC 20534
(800) 995-6423

**Proceedings of the Large Jail Network Meeting
Aurora, Colorado
March 2 - 4, 2008**

U.S. Department of Justice
National Institute of Corrections

Michael P. Jackson
Correctional Program Specialist
Large Jail Network Program Coordinator

NIC Accession Number 022990

March 31, 2008

Constance Clem
Meeting Recorder

CONTENTS

Introduction	1
About the Large Jail Network.....	1
Purpose	1
About This Meeting.....	2
LJN Online	2
Key Themes of the March 2008 Meeting	3
Session Highlights at a Glance	5
Opening Remarks	6
Open Forum.....	7
Topic 1. Toilet Access for Incoming Detainees	7
Topic 2. Digital Television: Future Impact on Jails	8
Topic 3. Accommodations for Religious Observation and B.F.O.Q.s	8
Topic 4. Multiple-Drug Resistant Staphylococcus Aureus (MRSA)	10
Topic 5. The Second Chance Act and Faith-Based Programs	11
Topic 6. Triple-Bunking and Bedspace Issues	12
Topic 7. Responsibility for Medical Costs Between Arrest and Booking / Security in Medical Transports	13
Topic 8. Inmate Elective Abortions	14
Topic 9. Discharge Medications	14
Topic 10. Excited Delirium / Hyperactive Delirium	15
Topic 11. Strip Searches and Media Relations	15
Program Session: U.S. Immigration and Customs Enforcement 287(g) Program .	17
James Pendergraph, Executive Director, Office of State and Local Coordination, U.S. Bureau of Immigration and Customs Enforcement, Washington, D.C.	
Program Session: Contract Services	19
Contracting Jail Services	19
Don Leach, Lexington/Fayette Urban County Government, Kentucky, and Tim Ryan, Miami-Dade County Corrections and Rehabilitation Department, Florida	
Contracted Services in County Jails	22
Shirley Tyler, Mercer County, New Jersey	

Program Session: Media Relations	25
Presentation 1.	25
Cynthia Scott, Monmouth County, New Jersey	
Presentation 2.	29
Karla Crocker, Davidson County, Tennessee	
Crisis Communications	32
Mark Allen, National Guard Bureau, Arlington, Virginia	
 Program Session: Workforce Development	 34
The 21 st Century Multi-Generational Workforce: Who They Are, and How to Recruit and Train Them	 34
Dr. Jeanne B. Stinchcomb, Florida Atlantic University, Ft. Lauderdale, Florida	
 Program Session: Legal Issues Update	 46
Legal Issues in Jails – 2008	46
Bill Collins, Attorney, Olympia, Washington	
 Large Jail Network Business	 57
Technology Update.....	57
Recognizing Richard Geather	57
Planning for the Next LJN Meeting	58

APPENDICES

Appendix A. LJN March 2008 Final Meeting Agenda

Appendix B. LJN March 2008 Participant List

Appendix C. Index of Past LJN Meeting Topics

INTRODUCTION

ABOUT THE LARGE JAIL NETWORK

The National Institute of Corrections (NIC) first established the Large Jail Network in 1989 as a connection point for administrators of jails and jail systems with 1,000 or more inmates. The network was launched with 67 member agencies. The group's first meeting was convened in 1990. NIC also began publishing the *Large Jail Network Bulletin* in 1990, featuring articles by members and occasional guest authors. In 1998, the LJN gained an online presence with an email discussion group and later a Web site.

Currently, 179 jails and jail systems are eligible to participate in the network, based on jail population data as reported by the U.S. Bureau of Justice Statistics.

PURPOSE

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

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

LJN goals are:

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

The LJN has been a notable success since its inception because of the involvement and contributions of its members.

ABOUT THIS MEETING

The March 2008 meeting, held in Aurora, Colorado, had 57 participants in attendance.

The meeting began with an informal dinner on Sunday, March 2, and participant introductions, mentor/mentee matching, and an orientation of first-time participants to the meeting format. Dinner was followed by a presentation on a partnership opportunity between jails and the U.S. Bureau of Immigration and Customs Enforcement. Sessions continued on Monday and Tuesday, March 3 and 4.

The agenda for the meeting is provided in Appendix A.

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

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

An outline of member-selected topics to be addressed at the next LJNI meeting is presented on page 58.

LJNI ONLINE

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

For further information about the LJNI, contact Mike Jackson, Correctional Program Specialist, NIC Jails Division, Washington, D.C., at (800) 995-6423, ext. 69565, or mpjackson@bop.gov.

KEY THEMES OF THE MARCH 2008 MEETING

Public and Media Relations

Perceptions of the jail surfaced in many contexts. A jail that has a good public image will find it easier to attract good job candidates, and a jail with a favorable internal culture is more likely to present a good public image. Jail staff are ambassadors for the jail on and off the job, but for any type of formal media contact, appropriate spokespersons are necessary. This can mean the sheriff, the jail leadership, or designated public information staff, depending on the context. Jails need to move beyond a sense of “us vs. them” in their public and media relations—neither the media nor the public is an adversary, no matter what adverse events may occur. By developing better relations with local media, jails can help create a better public understanding of the role of the jail, the skills needed and the challenges inherent in the correctional officer’s job, and the desirability of the jail as a place to work. Well managed media relationships can also turn a potentially very damaging news story into one that is much less uncomfortable.

Accommodation of Religious Practices

U.S. courts are increasingly requiring jails and other correctional agencies to justify restrictions on inmates’ religious practice in terms of legitimate security or penological interests. At the same time, courts are placing a higher legal significance on the urgings of an individual inmate’s conscience over written dictates or the advice of religious leaders, in terms of what elements of faith observance are required. Both of these trends are combining to cause jail administrators to examine their accommodation policies and practices more closely.

Crowding

A number of Large Jail Network agencies have crowded facilities. Factors behind this vary. Participants mentioned pending construction, budget factors, and large numbers of state inmates either being held pending transfer to prison or entering the jail at reentry. Dayroom beds, triple-bunking, and sleeping on floors can be unavoidable in facilities with strained capacity. Crowding can place jails at increased risk for lawsuits on conditions of confinement and make it harder to manage facilities safely.

Intake and Receiving Issues

Thousands of detainees enter America’s large jails each day. Strip searching practices are under renewed scrutiny based on legal findings that consider most forms of required nudity to constitute a strip search, in contrast with the more limited operational definition of strip searching typically used by jails themselves. In addition, jails often are held responsible for the medical costs incurred for detainees who are hospitalized but never admitted to the jail, though the county public health system may be the most appropriate payer. Providing newly arriving detainees access to toilets while also maintaining security poses a hygienic, procedural, and public relations challenge in systems where the physical plant was not designed to take this need into account.

SESSION HIGHLIGHTS AT A GLANCE

Open Forum Topics

- (p. 7) Participants discussed security issues and physical plant and procedural options for giving transported arrestees **access to toilets on arrival**, before they are booked and admitted to the jail.
- (p. 8) A discussion of **the 2009 switch to all-digital television** suggested that managers should assign teams to research the specific transition options and costs in each jail.
- (p. 8) Participants discussed how to evaluate requests for **special accommodations for religious observance**, leading to a discussion of accommodations and general appearance standards for jail staff.
- (p. 10) LJN members discussed methods for controlling the spread of **multi-drug resistant staphylococcus aureus (MRSA)** and other infectious diseases.
- (p. 11) Planning strategies were discussed for reentry programs and community partnerships to be funded under the reauthorized **Second Chance Act**, as were issues specific to programming made available through faith-based organizations.
- (p. 12) Many of the agencies represented at the meeting are using **triple-bunking** in sections of their jails. Discussion focused on standards-based individual space requirements and the causes of jail crowding.
- (p. 13) Jails and sheriff's offices are bearing the brunt of **medical costs for treating arrestees** who never have entered the jail. Participants discussed statutes and legal precedents that are helping jails shift responsibility for these costs to insurers and public health systems.
- (p. 14) Are jails responsible for ensuring women inmates can terminate their pregnancies? Legal precedents and local experiences continue to illuminate what jails must do to **facilitate and/or pay for inmates' abortions**.
- (p. 14) Administrators discussed their jails' practices in dispensing a supply of **medications to inmates at discharge**, as well as some alternatives.
- (p. 15) A discussion of **excited delirium, or hyperactive delirium**, reiterated that common and medical terminology for this phenomenon is still evolving, as is understanding of its causes and the implications for jails.
- (p. 15) **Strip searching** is a topic of renewed legal interest in jails, based on recent court decisions. Participants discussed intake procedures and how a recent incident in Ohio, which brought extensive and negative media commentary upon a jail, might have been averted or handled better from a media relations perspective.

Program Session: U.S. Immigration and Customs Enforcement 287(g) Program

- (p. 17) James Pendergraph outlined the role of U.S. Immigration and Customs Enforcement and encouraged jails to take part in the 287(g) partnership program, in which jails receive benefits and payment in exchange for housing alien detainees for the federal government.

Program Session: Contract Services

- (p. 19) Don Leach (Lexington/Fayette County, Kentucky) and Tim Ryan (Miami-Dade County, Florida) discussed the types of services that can be contracted, benefits and drawbacks from contracting, and some of the issues involved in shaping, negotiating, and monitoring contracts.
- (p. 22) Shirley Tyler (Mercer County, New Jersey) highlighted issues specific to service, architectural, medical, and other contracts, formulation of contract proposals, and contract evaluation.

Program Session: Media Relations

- (p. 25) Cynthia Scott (Monmouth County Sheriff's Office) talked about ways to maximize the relationship between a jail and the local media for a mutual win-win outcome based on understanding the role and needs of the media.
- (p. 29) Karla Crocker (Davidson County Sheriff's Office, Tennessee) shared strategies for managing the message in media coverage of jail issues, including pointers for damage control under difficult circumstances.
- (p. 32) Mark Allen outlined the National Guard Bureau's preparations for crisis communications and the basics of communicating effectively in an emergency.

Program Session: Workforce Development

- (p. 34) Jeanne B. Stinchcomb, Ph.D., led the group in a discussion of the four generational cohorts that make up today's workforce, the factors that attract each generation to jobs and keep them in their jobs, and the implications for recruitment and retention in jails.

Program Session: Legal Issues

- (p. 46) Bill Collins, attorney and editor of the *Correctional Law Reporter*, updated participants on recent legal developments related to accommodating religious observances, faith-based programming, use of electronic control devices, inmates' access to and jail funding of abortions, strip searches, and additional issues raised by members.

Large Jail Network Business

- (p. 57) Joshua Stengel spoke to the group about updates in LJN networking technology and invited participants to take part in online training to be offered by NIC.
- (p. 57) Members presented Richard Geaither with a plaque commemorating and thanking him for his many years of coordinating the Large Jail Network.
- (p. 58) Priority topics suggested by participants for the September 2008 LJN meeting in Aurora, Colorado, included faith accommodations, human resources management, and technology.

OPENING REMARKS

WELCOME & INTRODUCTIONS

At the opening dinner, Richard Geather, NIC Academy Division, welcomed participants to the March 2008 meeting of the Large Jail Network. Meeting participants introduced themselves and briefly described their jails or jail systems in terms of facilities, populations, and recent developments.

Others in attendance at the meeting:

- James Pendergraph, U.S. Bureau of Immigration and Customs Enforcement (ICE), presented information on ICE's 287(g) partnership program for identification of illegal aliens in jails.
- Dr. Jeanne B. Stinchcomb, Florida Atlantic University, presented a session on multi-generational workforce development.
- Cynthia Scott, Monmouth County Sheriff's Office, New Jersey, discussed ways jails can proactively manage their relationships with local media for mutual benefit.
- Karla Crocker, Davidson County Sheriff's Office, delivered a session on skills and strategies for working effectively with the media.
- Mark Allen of the National Guard Bureau also discussed media relations, with an emphasis on handling crisis situations.
- Bill Collins, Attorney, presented an update on legal issues and developments affecting jails.
- Joshua Stengel, Web Services Manager, NIC Information Center (LIS, Inc., contractor), presented an update on LJNI communications technology.
- James Gondles, Executive Director, American Correctional Association, Alexandria, Virginia.
- Constance Clem, Meeting Recorder, CLEM Communications, Longmont, Colorado.

OPEN FORUM

“Hot Topic” sessions are an opportunity for meeting participants to discuss emerging issues. These topics were suggested by members in the weeks leading up to the meeting. The discussion was coordinated and presented by Donald Leach, Ph.D. (Lexington/Fayette County, Kentucky).

TOPIC 1 — TOILET ACCESS FOR INCOMING DETAINEES

Marilyn Chandler Ford (Volusia County, Florida) asked for thoughts about how other jails provide toilet access to arrestees who may have been waiting for some time before arriving at the jail. In her county, detainees arrive in a small vehicle sallyport, many after having been arrested at remote locations across the county. The jail tries to speed inmates' access to toilets when needed, but difficulties can arise. The police are suggesting the jail set up portable toilets. This poses security challenges, and the jail prefers that the police department take care of toileting needs before vehicles arrive at the jail.

Some members agreed that they also have trouble with new arrivals urinating in sallyports and intake vestibules. Facility designs can make it easier or more difficult to provide toilet access.

Questions were raised about who's responsible for the welfare of those being transported. The detainees are not yet the jail's prisoners, so this should be a law enforcement issue. One suggestion was to look at procedures for prisoner transports. Most jails don't allow prisoners in transport to use the jail's toilets, except in one location where there is a holding cell just inside the entry.

Security issues are paramount. A participant observed that the jail finds a lot of contraband on new arrivals that has not been found by patrol staff, including guns, knives, and drugs.

Suggestions and solutions:

- If the sallyport area has an eyewash station, there is access to plumbing and the jail can add a bathroom.
- Some jails provide officer escorts from the intake unit to the toilet, one at a time. Detainees get a security check first, and afterward they are returned to the end of the intake line, which tends to limit abuses.
- Jim Coleman's new jail in Shelby County, Tennessee, was designed with an intake lobby that is just for police use and has its own restrooms.
- In Mitch Lucas's new jail (Charleston County, South Carolina), booking and intake spaces are split with a vestibule between. Initial searches take place in the outer, booking section.
- Rick Frey (Broward County, Florida) brought attention to the contraband issue by sharing a spreadsheet of arresting officers and the contraband found on their detainees. The chiefs of police didn't want their staff appearing on the list and began delivering better training.

Ultimately, the solution here may be working with the police to arrive at a shared answer.

TOPIC 2 — DIGITAL TELEVISION: FUTURE IMPACT ON JAILS

Members are hearing different things about what their jails need to do to accommodate the February 2009 shift to all-digital television broadcasting.

Tom Campbell (Louisville, Kentucky) said that his cable provider will change the cabling for his jail's 100+ televisions. Mitch Lucas's provider told him the opposite. Jails that still have analog-style televisions will need a converter box to translate the digital signal or will need to purchase new televisions. Tim Ryan (Miami-Dade County, Florida) has a team working on conversion in his jail and suggests that budget people be part of the team. Don Leach (Lexington/Fayette County, Kentucky) commented that tube-style televisions and computer monitors are going out of production. Mitch Lucas (Charleston County, South Carolina) installed flat panel televisions in his jail and found it was easier and cheaper to hang them than the older, box-shaped units. There was some initial response that having flat-panel screens sounded too fancy for the jail, but the outcry stopped.

TOPIC 3 – ACCOMMODATIONS FOR RELIGIOUS OBSERVANCE AND B.F.O.Q.S

Participants discussed their experiences balancing religion-based preferences against security concerns. (This subject was also addressed in a meeting segment on legal issues, summarized on pages 46 et seq.) The discussion moved to related issues involving staff.

Tom Campbell (Louisville, Kentucky) described accommodations for a Muslim woman who insisted on wearing a headscarf whenever she left her living unit. She was allowed to attend prayer services, where she sat in the back of the room, behind the men.

Some in the group said they do not allow headscarves because they could be used to hide contraband. In Mike Wresh's jail (Hennepin County, Minnesota), headscarves are allowed if the woman is staying only a short time and she can be kept separate from other inmates. Headscarves must be removed for identity photographs. Headscarves are allowed in the New Jersey prison system, but staff can search them.

There was concern about what could happen if an increasing portion of the jail population wanted to wear headscarves. It would be too easy to disguise an individual's identity. Joe Schmitz (Hamilton County, Ohio) suggested that the jail can involve the chaplaincy program in verifying that inmates are actually practicing the faith before approving the accommodation. Tom Bay (Arapahoe County, Colorado) noted that his jail did not allow the burka to be worn, but permitted women to wear a long-sleeved white garment that covered their arms.

If jails allow men to wear the kufi, how can they prevent women from wearing headscarves? Gordon Bass (Jacksonville, Florida) responded that his jail allows no head coverings. Inmates can request a religious diet or reading material; the jail accommodates requests that are reasonable and without safety and security complications.

Don Leach commented that a number of RLUIPA cases involving a variety of faiths have been discussed recently in the *Corrections Compendium* publication. At a location in the southern U.S., a jail was not allowing rabbis into a 2,000-bed facility. Other jails are facing requests for special clothing or other accommodations and are seeking guidance from leaders in these faiths to see if the requested accommodations are necessary. If they are not considered necessary, can the jail safely deny the

request? Does showing an inmate a letter from the faith's representative have any value for the would-be observant?

Comments about religious accommodations for inmates:

- In one jail, inmates can have prayer rugs in their cells, but group prayer sessions must be provided through the chaplain.
- Jails can provide prayer rugs or sell them in the commissary, with an interview by the chaplain being required to validate sincerity.
- One jail provides prayer rugs by cutting old blankets to the proper size. With the help of a local Islamic center, they set policies for wearing the kufi on the unit and having access to prayer rugs and kufi at prayer times.
- Some jails also provide special meals on feast days, such as the Eid festival marking the end of Ramadan. In at least one jail, the inmate trust fund pays for anything special that is needed for faith observations.

Policies on officer grooming and uniform image were discussed. If women officers can wear their hair in a bun, can men have long hair for religious or other personal reasons if they keep it tied up? In Mitch Lucas's jail (Charleston, South Carolina), female staff also must cut their hair above collar length. A policy of this nature was suggested in Hudson County, New Jersey, but thought to be too extreme. Tim Ryan (Miami-Dade County, Florida) said that he has fired or suspended officers who refused to cut their hair, on grounds that they were insubordinate in failing to follow a direct order.

A Jewish officer who was moving from an undercover assignment to a different post wanted to keep his beard and filed suit in Las Vegas. Bill Lovingier observed that there's a lot of case law in this area and said the Denver jail was successful in a similar challenge.

Tattoos raise other issues. Though they have become commonplace among younger workers, some jails are uncomfortable with the message tattoos may send about the staff's professionalism and essential distance from the inmate population. Would it send the wrong message to inmates if jail staff were openly tattooed? Older staff, especially those who have a military service background, often have tattoos, but the modern style of tattooing seems to be less of a fit with the jail culture. The discussion was that staff have a right to whatever tattoos they want, as long as the tattoos are not visible.

The exception is tattoos that relate to street gangs. Tattoos have been used to screen numerous applicants who were or had been gang members out of jobs in at least one jail in Maryland. To control for inappropriate tattoos among their officer applicants, jails can require applicants to list any tattoos and can discuss them in interviews. Don Leach (Lexington/Fayette County, Kentucky) mentioned that gang members are becoming less likely to have gang markings now that law enforcement uses them for intelligence.

Jewelry was also discussed. Several jails allow officers, including men, to wear earrings; others do not allow any staff, including women, to wear them. Participants stated that the best approach is to frame rules and regulations around bona fide occupational qualifications (BFOQs)—those elements that are necessary for staff to perform the job safely without regard to gender. Also, as the broader culture is changing, jail administrators need to pick their battles carefully. If jails raise more artificial barriers to employment in their facilities, are they unnecessarily culling out otherwise qualified people?

TOPIC 4 – MULTIPLE-DRUG RESISTANT STAPHYLOCOCCUS AUREUS (MRSA)

What are some ways jails are successful in controlling the spread of MRSA in their populations?

Scott Bodiford (Greenville County, South Carolina) related his experience in 2006, when federal court monitors brought in experts on MRSA who picked apart all sorts of issues with his jail, not all of which were MRSA-related. A suit claimed that the jail was not clean and was not providing adequate medical care, among other issues. The attorneys and the insurance company recently settled the initial case, and most of the pro se cases that piggybacked on this have been dismissed.

Participants described their MRSA control strategies:

- A South Carolina jail has a special housing unit for inmates with MRSA. Their wounds are checked daily by medical personnel, and cells are deep-cleaned and disinfected daily. The jail conducts skin inspections at booking, though there was resistance initially from officers; the intake form has a space for officers to note whether they see any open sores, scratches, or burns. If so, a triage nurse does a further inspection.
- Tom Campbell (Louisville, Kentucky) said his jail also does a skin examination with inmates in their underwear, and it's the best thing he ever did. Their medical services contractor provides reports. The jail is averaging three or four new cases at intake daily.
- Jim Coleman (Shelby County, Tennessee) monitors how many inmates have MRSA on intake and whether monthly numbers show an increase. Treatment is begun as soon as inmates arrive at the jail.
- Rick Frey (Broward County, Florida) said his jail made great use of material from a 2004 presentation by Dennis Williams (Escambia County, Florida) and has had 3,000 cases since then. He uses a pin mapping software system to see if MRSA is spreading, and notices are posted in housing units so inmates are helping to find it. One or two staff have contracted MRSA, and treatment was provided through workers' compensation. It has been necessary to do a lot of rumor control through roll call—it was rumored that the contagion could be spread airborne. The jail has purchased a \$1,500 cleaning apparatus to decontaminate facility space. The county health department was also consulted and said the jail was exceeding what was necessary—but no lawsuits have been brought.
- Don Leach (Lexington/Fayette County, Kentucky) said that getting inmates not to hoard towels is a help.
- Howard Ray (Baltimore, Maryland) brought in steam cleaners and examined the jail's ventilation. Showers are cleaned three times per day, and older showers were refurbished.
- Another control is the use of germicide on dining tables, handrails, etc. One vendor has been promoting a paint product with a germicidal ingredient but was unable to identify any hospitals or jails where it was being used.
- Jails can deploy an antiviral/antibacterial wash via showerheads and use antibacterial foam soap. If necessary, inmates are locked into the shower to ensure they get coverage. Disposable towels are not much used.

- Bobby Wyche (Caddo Parish, Louisiana) noted that some sanitizing hand washes are alcohol-based and inmates drink them. Deploying it in wall dispensers reduces that problem.

The same techniques can be used to prevent or control other epidemics in jails. One jail recently had a near-epidemic of flu while the flu was also peaking in the outside community. The jail relied heavily on quick tests, sanitizers, and other equipment provided rapidly by the state and county health departments. Risk management agencies and the county's medical contractor were very helpful. One lesson was that they needed to clean the telephones better.

Jack Donohue (Las Vegas, Nevada) described an outbreak of a norovirus in which 100 inmates fell ill over a weekend. Within a week, the infection had spread to 400 to 500 inmates. Officers had to wear Goretex suits to function in an environment with projectile vomiting. The health department helped control the situation. The entire facility was chemically disinfected over a 3- to 4-day period, and the infection was controlled in about a week.

TOPIC 5 — THE SECOND CHANCE ACT AND FAITH-BASED PROGRAMS

Reauthorization of the Second Chance Act, providing federal funds for collaborations with community and faith-based organizations, was pending in the U.S. Senate at the time of the meeting.

Tim Ryan (Miami-Dade County, Florida) said his jail has a plan for what might be pursued in his jail, especially at reentry, if funding is renewed. A report on funded programming should be available within a few months.

Patrick Tighe (St. Lucie County, Florida) is working with his area's public defender's office on this to find ways to make parenting and other classes available. Addressing homelessness is another goal. By working with the religious community, his agency helped create 2,200 halfway house beds, up from none in 2004. This has been particularly helpful in connection with the mental health court. People are getting out of jail, getting jobs, and attending addiction programs—all with no use of public funds.

Paul Chiano (Plymouth County, Massachusetts) described a number of innovations his jail made with Byrne grant funding. The jail offers a silk screen shop, employment placement, mental health programs, and substance abuse treatment, all made possible through community collaboration. He recommends that jails get out ahead of the opportunities in the Second Chance Act.

Shirley Tyler (Mercer County, New Jersey) said that Mercer, Essex, and Camden Counties have the New Jersey governor's support in working with One-Stop Centers for employment. Many other collaborative opportunities are being pursued.

Allegheny County has been building collaborations since 2002, and a University of Pittsburgh study has documented a 50% drop in recidivism since the collaboration began. The study also found that \$1 in inputs generated a \$6 cost benefit. Ramon Rustin offered to send members copies of the study.

Don Leach (Lexington/Fayette County, Kentucky) pointed out that delivery of faith-based programming has potential legal risks; in a case involving the Iowa Department of Corrections, a contract provider was ordered to return the state's money. It is necessary to be attentive to church/state

separation issues in funding flows. The Iowa case was discussed further during the legal issues segment of the meeting (page 47.)

TOPIC 5 — TRIPLE-BUNKING AND BEDSPACE ISSUES

The group discussed their experiences with triple bunking and other ways to house inmates in limited space when there is no new housing space ahead in the immediate future. The overall discussion was that triple-bunking is best in an open dormitory setting. Bunks must be placed so they don't block the officer's view of the unit.

Shirley Tyler (Mercer County, New Jersey) said her facility has used triple-bunking when needed over the past few years, for example, in a facility that is a former work camp. It isn't acceptable in state inspections because the inmates' space is not adequate. In special housing, such as protective custody, use of triple-bunking may not be possible.

Will Spence (Arapahoe County, Colorado) said his jail has severe capacity issues, with many inmates sleeping on the floor and in some areas three inmates sharing cells designed for one. The agency is changing some processes to reduce crowding and is trying different housing options. In Los Angeles, the court found against the jail for having inmates in booking sleep on the floor, some without mattresses. Don Leach (Lexington/Fayette County, Kentucky) referred to a case in Marion County, Indiana, in which the court ruled the jail couldn't use temporary bunks but had to buy actual bunk beds.

Some jails are having safety issues with triple bunks. Inmates have jumped or dived off the top bunk and been injured, and there have been suicide attempts by hanging.

Mitch Lucas (Charleston County, South Carolina) said that triple-bunking must almost always violate personal space standards, opening a new realm of legal vulnerabilities for the jail. Federal inmates have higher specific requirements for unencumbered space.

With triple-bunking in an open dormitory setting, it's easier for the jail to meet American Correctional Association (ACA) and state standards for personal space. In a cell block setting, it is more difficult to meet space standards. It's also hard enough to match two inmates for compatibility—matching three is even harder.

Bobby Wyche (Caddo Parish, Louisiana) said his jail uses triple-bunking extensively, except for federal inmates. Requirements specify federal inmates must have 33 square feet of unencumbered space, but "unencumbered" is not defined. Group discussion was that ACA standards require 35 square feet per inmate in single cells and 25 square feet per inmate in double cells. Dayrooms must give inmates 35 square feet of unencumbered space, but that doesn't address sleeping.

Marilyn Chandler Ford (Volusia County, Florida) observed that crowding is not just about space but also about privacy. In her facility, newer inmates start out in bunks in the dayroom and move to cells as cell beds open up. Her jail uses dayroom beds on a rotating basis between different housing units.

Joe Schmitz (Hamilton County, Ohio) related how, 20 years ago, his agency asked a federal judge to place a cap on the jail's population, allowing a maximum of two inmates per cell. Since then the jail has released more than 90,000 inmates, using defined criteria. In his view, this has been far easier than dealing with the crowding would have been.

In Milwaukee County, a consent decree capped the jail's population at 960 inmates, as compared with the 1,700 to 1,800 that were actually in the building. Inmates were sleeping on mattresses on the floor in dayrooms and sometimes spending a few days in booking before entering the jail proper. The court said each person who had to sleep on the floor should receive \$5,000.

Tim Albin (Tulsa County, Oklahoma) described a recent audit of state corrections housing that supported the use of jail beds to house state inmates at a bargain price of \$27 per day. In Albin's jail, this amounts to 200 of the jail's 1,300 inmates.

Don Leach (Lexington/Fayette County, Kentucky) suggested that jails should have good criteria for making bed use decisions. Bernalillo County, New Mexico, is also involved in litigation on these issues.

Terry Altman (Pinal County, Arizona) reported on pending legislation in that state that would send all state inmates with sentences of 12 months or less to serve the time in county jails, with an estimated \$84 million cost to counties. The intent is to move those inmates back to the jails as soon as the legislation passes rather than waiting for the new budget year. A Tennessee commission has called for state inmates to be returned to county jails under the umbrella of reentry.

TOPIC 6 — RESPONSIBILITY FOR MEDICAL COSTS BETWEEN ARREST AND BOOKING / SECURITY IN MEDICAL TRANSPORT

Many jails are being faced with bills for hospital care of persons who were arrested but never admitted as a jail inmate. Can responsibility for these costs be assigned elsewhere?

Tim Albin (Tulsa County, Oklahoma) said a bill in the legislature would define "first payer" status as shielding the jail from responsibility if there is a preexisting condition or the inmate is injured during the arrest. It still requires the sheriff to pay if the inmate cannot, but the sheriff is authorized to seek reimbursement from the inmates. He observed that costs related to methamphetamine use are huge—arrestees are arriving for jail admittance ready to drop and spend 3 days in intensive care, then they die. Hospitals should be applying for Medicare reimbursement for these cases, not charging the costs to the sheriff.

Mitch Lucas (Charleston County, South Carolina) said case law indicates that those in custody are no different from a person on the street. His state collects money through the Medically Indigent Assistance Act, which reimburses hospitals. Inmates qualify, and his jail has been successfully averting medical claims on this basis.

Don Leach related an instance in which the police took a drunk driver to the hospital because he had a head injury. The driver subsequently filed suit to make the police pay for the emergency room visit on grounds that he would not have gone to the hospital on his own volition.

Some inmates may have coverage available through medical or automobile insurance. However, insurance policies may have exclusions specifying that if the person is committing a criminal act, the policy is void. Legislation in Ohio has been passed to require that insurance companies pay regardless.

Mitch Lucas (Charleston County, South Carolina) raised the issue of security in hospitals and during medical transports. About half of the agencies at the meeting send only one officer to accompany an inmate to the hospital, but some send two officers. Private security contractors were thought by some not to have adequate training for transports, but they are being used. Alfred McMurray

(Prince George's County, Maryland) had an officer killed on a medical transport and requires two officers for all transports and one officer in the hospital, especially if the inmate is nonambulatory. His jail also requires the use of waist chains when hospitalized inmates use the restroom. Oscar Aviles (Hudson County, New Jersey) has a contract with a hospital that defines who is placed in a locked ward at a cost of \$325 per day. This provides a revenue source for the hospital and saves the jail \$1,400 a day in staff costs. Jim Coleman (Shelby County, Tennessee) also has arranged for his jail to have a dedicated ward at the hospital.

TOPIC 7 — INMATE ELECTIVE ABORTIONS

The discussion here related to whether jails facilitate inmates' access to abortion services and whether they pay for the procedure if the inmate cannot. (This topic was also discussed in the legal issues session, page 50.)

Participants noted concerns about demonstrations outside abortion clinics. Many said they commonly provide transport to a clinic using an unmarked car and plainclothes staff.

Participants noted several court cases in which jails have been ordered to pay for inmates' abortion procedures. Some leave the arrangements and payment up to inmates' families. Another said a recent inmate had an abortion appointment scheduled before she was arrested. Inmate commissary funds were suggested as a source of funding for elective abortions. Jails don't typically pay for other elective procedures, but other elective procedures aren't protected as a constitutional right. In one jail, a county commissioner would not allow the use of county funds to terminate a pregnancy, and the inmate was able to find an alternative funding source.

TOPIC 8 — DISCHARGE MEDICATIONS

Jails differ on the supply of medications they provide to inmates on release, but most participants' jails do provide some supply. Some consider a 7- to 10-day supply prudent to limit the agency's liability exposure. On the other hand, releasees may be selling or trading the drugs once they reach the street. One participant noted that a contract provider is required to provide a 30-day supply. Rick Frey (Broward County, Florida) said his jail provides a 3-day supply, a prescription for a refill, and a referral to the health department. Don Leach (Lexington/Fayette County, Kentucky) said one jail was finding written prescriptions were being thrown away unless they have cash value. Marilyn Chandler Ford (Volusia County, Florida) said her jail provides neither a prescription nor pills, just referrals to pharmacies and local mental health crisis units. Those who really want the medication will make it to the appropriate sources.

Alfred McMurray (Prince George's County, Maryland) said his jail gives a 7-day supply; when they gave more, many people weren't taking the medications anyway and were getting rearrested within a few weeks. A good approach is a partnership with a county agency that picks up inmates with mental health issues on release and provides counseling and medications.

Blister-pack medications packaging was questioned because it is not childproof. Agencies are dealing with this by requiring inmates to sign a waiver acknowledging the packaging is not childproof.

TOPIC 9 — EXCITED DELIRIUM / HYPERACTIVE DELIRIUM

Don Leach (Lexington/Fayette County, Kentucky) reported that pathologists and the medical community have been discussing hyperactive delirium with medical examiners. Uncertainty still exists about the nature of the phenomenon and what the contributing factors are. The group viewed a video news clip about an incident at the Vancouver airport in which a man died after being subdued through the use of an electronic control device. A physician discussed hyperactive delirium as involving acute onset of changes in consciousness and cognition. Theories associate the syndrome with the person's general medical condition, electrolytes, and chemical neurotransmitters. The main outward signs include sweating, paranoia, and disorientation. Officials can have difficulty communicating with those who are affected for varied reasons, such as language barriers. Terminology is still unclear; affected persons are sometimes said to be in a state of confusion. In the medical setting, any use of a tool that perturbs a person's internal electrical signals is cleared in advance.

There is a potential parallel with the concept of positional asphyxia, which is no longer recognized as a valid cause of accidental death, causing many jails to rewrite their policies. If excited delirium is another example of pop culture trumping medical science, jails should avoid future problems by keeping abreast of medical knowledge, policy language, and staff training aspects. Despite the uncertainty, jails will have to respond as best they can when faced with a subject who is dangerous and difficult to subdue.

TOPIC 10 — STRIP SEARCHES AND MEDIA RELATIONS

Strip searches were addressed in the legal issues session of the meeting, with a summary beginning on page 52. In this session, the group viewed a video of a news story involving a teacher's wife who was forcibly strip-searched by male and female officers in an Ohio jail. Her husband was interviewed and said she felt as if she'd been raped. The disturbing content of the tape led national conservative commentators to make negative statements about the way jails treat people. It appeared that the strip search was conducted because of the woman's response to a question about whether she had ever thought of hurting herself. She asked whether the question meant did she feel that way now or had she ever felt that way. The jail staff interpreted her response as an indication that she was suicidal.

One suggestion is that jails should review the questions they ask at intake. Questions should be clear and simple. "Have you thought of hurting yourself within the last 2 years," or "Are you having suicidal thoughts now?" for example, may be easier for detainees to answer.

It was commented that the sheriff should have spoken directly with the media, instead of refusing to talk about the case until it goes to court. The sheriff, an attorney, or a public information officer should have responded on camera. In another media event this week, a correctional officer with 20 years of experience tipped a disabled man out of his wheelchair at intake, thinking he was exaggerating his condition. There is never an easy response when jail staff take actions that put their professionalism into question.

What should a jail do for damage control in a situation like this?

- Mitch Lucas (Charleston County, South Carolina) said all uses of force should be videotaped if possible, except strip searches, because that obviates the privacy purpose of same-sex searches. The audio portion of a strip search can be taped. On the other hand, it

was commented, if there is no video evidence, a plaintiff's attorney can imply the jail had something to hide.

- Lucas added that the absence of a response by the sheriff in this case is simply wrong. In a situation this serious, even a telephone interview is inadequate. The sheriff needs to be on videotape with a direct and personal response.
- A.T. Wall (Rhode Island Department of Corrections) agreed that the agency's lawyers may not want the agency leader to say anything, but sometimes you have to take the risk. Even a properly executed use of force looks ugly on videotape.
- Tim Albin (Tulsa County, Oklahoma) said that Wall's comment was exactly the soundbite this jail needed to share. The power of the visual is very difficult to overcome and to be made sense of, but the jail needs to take the opportunity to explain what they're doing. If the jail is doing its work within the scope of the law, the jail's attorneys should keep those tapes out of the public eye, because they can't be explained quickly. If not, the jail's leader needs to make clear that there will be an investigation and discipline may follow.
- Patrick Tighe (St. Lucie County, Florida) added that command staff should have reviewed the tape and immediately launched an investigation, which would have frozen access to the tape without a public records request. A tape in that status is never released without top-level review.
- Jim Coleman (Shelby County, Tennessee) said that damage control should be in place before something happens. Jails should have a good working relationship with the local media, so the media will call the jail for its perspective before it becomes a produced story.
- Steve Thompson (Snohomish County, Washington) said that his agency tapes all of the interviews it offers the network media. Then, if the original station doesn't use the material, the jail can make it available to other network affiliates.
- Walt Crews (Shelby County, Tennessee) agreed that if the jail knows an incident is going to become a news story, it should hold a press conference before reporters ever approach the jail for information. The jail or sheriff should provide appropriate information and assure the public that a thorough investigation is being conducted. The jail should identify what the policy is, what went wrong, and what the jail is going to do about it. This is not about defending the conduct; it's about letting taxpayers know the jail is doing everything it can about the situation, and making clear that the jail doesn't tolerate the mistake, regrets the mistake, and is working to prevent future mistakes.

Some participants expressed a sense of futility in getting the jail's perspective on the news—the damage has already been done, and that's all people will pay attention to. Mitch Lucas (Charleston County, South Carolina) said this is a good example of why the jail's policies should be accessible online as a part of an agency's public information policy. If a policy is violated, it's easy to be clear on what was done wrong. The policy may say it's preferable but not required to have same-sex officers conduct a strip search, and if an inmate is combative, male staff may be needed for compliance.

Participants said they retain most video records for 30 days. Taped records of use of force incidents are typically kept for 3 to 4 years, but there were various other responses.

Media relations was a session topic at the meeting, and a summary appears on pages 25 – 33.

~ ~ ~

PROGRAM SESSION: U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT 287(G) PROGRAM

Opportunities for Jails Through the 287(g) Program

Presenter: James Pendergraph, Executive Director, Office of State and Local Coordination, U.S. Department of Homeland Security, Immigration and Customs Enforcement

Director Pendergraph, a former LJNI participant as Sheriff of Mecklenburg County (Charlotte), North Carolina, was pleased to be addressing the group. He has been speaking with a variety of state and local officials about Bureau of Immigration and Customs Enforcement (ICE) programs. He observed that immigration has become a much more pressing and controversial issue for jails than it had been in earlier decades.

Pendergraph's own involvement with immigration issues began in 1995, when he became interested in finding a better way to identify aliens in his jail. He learned about the 287g program, authorized by Congress in 1996. ICE's 287(g) program provides funding, data systems access, and staff training for jails that agree to house ICE alien detainees. Agencies that meet defined criteria are eligible to participate. At present, the 287(g) program is making 31,000 jail beds available to ICE.

Benefits to participating agencies include:

- Access to the federal government's database of immigration fingerprints. This system is a valuable supplement to the (NCIC) system that jails already access.
- Staff training in use of the system.
- Technology, including AFIS equipment, computer systems, and a T1 line.
- Reimbursement to jails. Mecklenburg used 12 deputies to manage their 287(g) program. ICE reimbursements added \$200,000 to the county's budget.
- Improved public safety. Mecklenburg County saw gang-related arrests drop steeply after the sheriff's office enrolled in 287(g). It was believed that aliens adopted more care in their driving and other behaviors to avoid being arrested and deported.

In his work with ICE, Pendergraph noted, he corrects a lot of rumors and misunderstandings about 287(g). For example, it has been suggested jails will not be allowed to house ICE detainees if the jail uses electronic control devices with inmates. Pendergraph clarified that if a sheriff's office or jail uses this type of device and has policy and training on its use, this does not pose a barrier. As a second example, it is not a direct disqualifier if inmates are sleeping on the floor. The law does say jails cannot purposely select ICE prisoners for sleeping on the floor.

Some meeting participants cited examples of ICE pulling its inmates from different jails around the country because of the use of electronic control devices or because ICE inmates were sleeping on floors. Pendergraph was not aware of the specific examples and indicated he would look into the

details. At Mecklenburg, alien detainees were picked up twice weekly, and there were inmates sleeping on the floor every night.

What's Ahead

- In the not-too-distant future, access to federal databases from the Department of Justice and ICE will be joined, reducing the number of systems jails must check to verify the identity and legal status of detainees.
- A hub-and-spoke regional approach will be implemented. Not every county needs to pursue 287g, but organizing areas around regional participating centers will ensure that services are available. North Carolina is training staff to operate regional hubs at three sites. Surrounding counties can access them for fingerprinting and identification of detainees.

The group viewed a video, "ICE Access: Partnering with You." The film focused on the involvement of local law enforcement in task forces addressing various areas of ICE responsibility. Functions profiled include the criminal alien program; fraud control; border security; asset forfeiture, and others.

A second video described several other crime control operations involving ICE, such as Operation Rainmaker; immigration actions at U.S. meatpacking plants; control of trade in fake identification credentials; interruption of money transfer scams and drug drops; and control of illegal trade in products ranging from pirated games and circuit boards to jet aircraft engines.

ICE focuses on issues that involve every citizen in the country. These are not solely federal issues. Every state has an obligation to deal with illegal immigration and fraudulent hiring. Many states need to update their laws to improve the ability of law enforcement to deal with these issues in a rapidly changing environment.

James Pendergraph is the Executive Director, Office of State and Local Coordination, U.S. Immigration and Customs Enforcement, Department of Homeland Security, Washington, D.C. Assistant Director David Alejandro is also available for questions at (202) 616-3368 or david.alejandro@dhs.gov.

PROGRAM SESSION: CONTRACT SERVICES

Session 1. Contracting Jail Services

Presenters: Don Leach, Lexington/Fayette Urban County Government, Kentucky, and Tim Ryan, Miami-Dade County, Florida

Jails can outsource a wide variety of services, large and small. Tangible benefits of contracting can include lower costs to taxpayers for needed services; greater efficiencies; service enhancements; the spreading of risk across entities; and the development of partnerships. The provider's commitment means services are guaranteed to be delivered—if the provider loses staff, they can replace those personnel immediately.

An example of a service enhancement obtainable through a contract is an upgrade in kitchen equipment. A contractor may pay for the upgrade if its costs will be covered across the duration of the contract period.

One intangible benefit accrued through a working relationship with a provider is the institutional memory embodied in their staff, which can supplement the knowledge and expertise of the agency's own staff.

Potential negatives in contracting include loss of control; fewer staff jobs, which can reduce the leverage of the sheriff within the county budget; less direct oversight; the need for contract monitoring; and dependency—if the need arises to sever the contractual relationship, the jail will need to replace the services very quickly.

In all contracting, it is necessary to find a balance between focusing on bottom-line costs and the provision of quality services. The facility needs to fund adequate positions for contract monitoring, which can partially offset the initial cost savings. The person in the monitoring position should have expertise in this area.

Though contracting can save money, nothing is free; the principle of "economic optimization" illustrates the balance between what the jail can pay and what services it will receive for the money. Cheap and cost-effective are not the same thing. High-quality services can command a high price. Jails should determine their needs before entering into a contracting relationship.

Discussion

Steve Thompson (Snohomish County, Washington) was initially opposed to contracting in his facility but now thinks it was great decision.

Jim Coleman (Shelby County, Tennessee) stated that a jail must have a contract monitor on site to prevent against the contractor cutting corners. Contract providers will cut corners if they don't know the jail is watching them carefully.

Tim Albin (Tulsa County, Oklahoma) commented that each jail should do what it does best and hire the rest. As his facility was entering into new contracts, they sought contractors who wanted to be

partners, and the jail wanted to create a philosophy of partnership within the relationship. Their contract service providers come to staff meetings as equal partners.

Focusing on the Jail's Needs

Tim Ryan's experiences with contracting span many years and several jail systems, and he has around 400 contracts in effect in his current situation in Miami-Dade County, Florida. As a lieutenant, he dealt with the repair of monitoring equipment and may have been the first person to read the support contract—a provider was receiving \$1,300 per month for 24-hour support service. The provider had never been called before by the jail, and he didn't even recognize who the client jail was, when Ryan called the support line for assistance at 2:00 a.m.

In another instance, Ryan had difficulty with his jail's medical director, who was in charge of services provided through a contract with the county. The medical director resisted the release to hospital care of an inmate who was having a severe asthma attack. Following that interaction, Ryan's next project was developing a new RFP for medical services. Among the four providers considered, the county's proposal was almost double the others' costs and had double the staff. The private providers said they could gain accreditation, but the county said it couldn't. The provider selected then is still the contractor today.

On the other hand, in one of Ryan's jails it was necessary to cancel a contract for food service and to return to county operation of the jail's kitchen. Contracting is not always the best solution.

Contracting can be a place where jails can think outside the box about what they need. Private companies' marketers have to be 3 to 5 years ahead of the buyer, so they're a good source for horizon scanning. For example, a proposal for cable television for inmates was very novel in the late 1980s, and it was exciting to learn that the jail could control the channel access and steer inmates toward history and public broadcasting channels.

Odd situations can arise in contracting. One of Ryan's jails had a commissary management system developed by an officer, which became an issue when he was about to be transferred and demanded compensation for the program.

Contracting brings into focus the jail administration's responsibility to the public, to the inmates, and to the staff. The administrator needs to understand the jail's contracts in a big-picture sense: Who are you as a jail, and what do you want to be doing in 5 years? What's the status of your contracts, their duration, the overall contracting budget, and the specific budget for each contract? Ryan distributed a handout with questions to help an agency's contracting representative think about the broader issues in outsourcing services and to be able to articulate the agency's nature and needs.

It takes longer to prepare an RFP than an administrator is likely to anticipate. It's helpful to begin by thinking about what are the jail's needs and expectations, what aspects of needs and services can be documented, and what levels of service and accountability will make you as administrator satisfied. What specific criteria matter in your selection of provider: do you need to consider preferences for minority businesses, or is it important that the provider be local or have a nearby regional office? Is it important that the company have a local sales and service representative?

Having a dedicated site manager is essential to success, whether it's a public or private position.

Participants observed that medical and dental care contracts have their own sets of issues. Regular preventive care in particular may need to be considered with a long-term perspective.

New vendors may be able to provide services at lower expense, for example, by employing staff at lower salary rates. These staff may lack experience in jails, and they certainly lack the institutional memory of people who have been working for some time in your own jail. There are hidden costs to the agency in replacing contract staff with each contract cycle, in reorientation and retraining alone.

Patrick Tighe (St. Lucie County, Florida) observed that, considering Tim's medical contract, if he puts his contract out for bid, the bid prices are going to come in at least a 25% higher price, even compared with the cost-of-living increases the jail would absorb by continuing with its existing service provider.

Rebidding a contracted service can mean leveling the playing field. The RFP should include information on current staff salaries and fringe benefits. If the jail prioritizes undercutting its current costs, it should expect to lose knowledge. There are costs involved in developing services. As new providers get up to speed on operating in the jail, an increase in grievances and/or litigation may result.

Jim Coleman (Shelby County, Tennessee) discussed the difference between an RFP process and a bid process. An RFP needs to work for the jail, while in a bid process the jail has more closely defined the method of service delivery. It's also critical that the jail is represented on the team that evaluates proposals, not only the county's usual contract oversight staff.

Don Leach (Lexington/Fayette County, Kentucky) continued the presentation by emphasizing that the contractor relationship is essentially a partnership; arrangements must be mutually beneficial. This means carefully defining the parameters of the contract and accepting that it is fair when the contractor makes a profit for good services. Collecting data and monitoring services are the duty of the jail to ensure the benefit is mutual and appropriate. One food services provider was found giving inmates large portions of butter to meet their caloric intake targets. A provider found cutting corners may not only correct its practices but offer to renegotiate at a loss to keep the jail's business.

Contractual provisions should cover specific deliverables, performance measurement data, inspection and audit processes, and penalties for noncompliance. For example, the jail may be able to recover a percentage of the contract costs if contractor staff positions go unfilled. A contract can stipulate that the provider will replace or repair broken equipment within 7 days or the jail will do so and will recover its costs.

Donald Leach is Administrative Officer, Senior, Lexington/Fayette Urban County Government, Division of Community Corrections, Lexington, Kentucky, and can be contacted at (859) 425-2612 or donl@lfucg.com. Timothy P. Ryan is Director of the Miami-Dade Corrections and Rehabilitation Department in Miami, Florida. He can be reached at (410) 209-2039 or timryan@miamidade.gov.

Session 2. Contracted Services in County Jails

Presenter: Shirley Tyler, Director/Warden, Mercer County Jail, New Jersey

Director Tyler discussed several general principles to consider in structuring contracts, selecting bidders, and evaluating services:

The jail's RFP should demonstrate that the jail knows exactly what it wants: this is defined in the scope of services. For example, will the contracted medical care provider also provide care to jail staff, and if so, what types of services for staff?

If the jail is requesting bids rather than proposals, it is evaluating mainly on costs.

Key elements to cover are the contact person, the statement of services, costs, the delivery time frame, comments and exceptions, and insurance requirements. Elements such as provider response time can be critically important in a correctional environment.

Miscellaneous criteria in an RFP can cover other specifications that are important to the jail or that provide additional background information about the provider. Examples include a statement of qualifications, a policy and procedure manual, an organizational chart, a revenue summary, and a drug-free workplace policy. Does the jail want providers to demonstrate they have an employee random drug testing policy? This cannot always be assumed. How does the provider approach employee safety training, general training, or inventory management training? Does the provider orient its staff to security issues relevant to working in corrections?

In some cases it can be useful to specify that conditions must be met within a specific number of weeks or months of contract onset. For example, a bid can have everything in place except the required insurance, which can be arranged between award and onset of services.

For goods and services contracts, such as pharmaceuticals contracting, it can be useful to examine the provider's certifications. In some situations, it may be prudent to require a disclosure of the corporation's political contributions, or to require disclosure on other types of business in which the provider is involved.

Many business certifications are standard in contracting. The agency's attorneys should be familiar with these issues. Examples include Equal Employment Opportunity and Americans with Disabilities Act provisions as well as clauses related to property damage, indemnification, and non-collusion.

Facility development proceeds from programmatic and schematic design through design, preparation of construction documents, and bidding to actual construction. Clarity in roles and responsibilities of staff and architectural service providers is essential. For example, when Tyler came to her current agency, an architect had been hired to design a supertower but had no responsibility in the construction. Construction could not begin until a land survey was completed, which had to be contracted separately. Contractors in construction projects may be asked to identify all their subcontractors.

Pharmaceutical and medical services contracting also have specialized aspects. Among them are professional standards and governmental rules and regulations, use of technologies such as automation, per-inmate costs, use of generic equivalent medications, dispensary practices and medications control, clinical services, toxic and biohazards disposal, and monthly review statistics. Special attention may be needed in situations where some medical staff are county employees and

others are contractors. Responsibility for recordkeeping needs to be clear and services must be coordinated so everyone works well together.

Evaluating Proposals

Each contract needs a technical evaluation team with representation from every group that is involved in using the services. A structured evaluation grid is a good tool for evaluating every element of a proposal—did this bidder reply to this section of the RFP? If elements are skipped, the overall proposal is weaker despite the technical competencies that are demonstrated.

Verifying the reputation and service ethic of a provider is important. Is the provider well established, or are they trying to break into a new market?

Joe Schmitz (Hamilton County, Ohio) observed that it's important not to just ask for references, but to require the provider to list every contract they've lost in the past 5 years. Then the jail can follow up with those clients to get their perspectives on why those contracting relationships were not continued.

Jails should also seek to learn whether the provider is experienced in working within the infrastructure of government. What is the provider's support network for emergency services? Does the provider have a good record of maintaining multi-year contracts?

Cost criteria also need careful consideration. Are costs adequately explained and documented? Has the vendor proposed both cost-effective and high-quality services? How do the costs of one proposal compare with similarly scored proposals? Does the vendor have adequate resources to meet the obligations of the services proposed? Some may overstate their readiness in a proposal.

Resumes for the management staff should be provided in the proposal – do the provider's top people have enough experience?

Jim Coleman (Shelby County, Tennessee) commented that having several years of experience doesn't necessarily ensure the proposed staff's qualifications. A manager may have had experience in seven jails but wasn't any good in those positions. If a proposed manager is being moved by the company from, say, a contracted site in youth services to Coleman's facility in adult corrections, it can be helpful to know why the manager is leaving youth services.

Having a team approach to evaluations is a good way to ensure that good decisions are made. In a recent evaluation of a mental health services contractor, Tyler scored a particular vendor higher than others did, because she knew the psychologist's work directly.

Discussion

Tim Albin (Tulsa County, Oklahoma) commented that it is important to have a contact number for problems where the provider can be reached "24/7"—in jails, problems always happen at odd hours.

Roy Mueller (St. Louis County, Missouri) pointed out that jail administrators need to recognize that, while it's important to work out the technical aspects of services and contract oversight, ultimately these services are still part of the management of the organization. The jail can't sell its problems to somebody else. Elements that are integral to the organization must get done, whether by the jail's own staff or a contractor. Different management techniques are needed, but either way, it's basically opposite sides of same coin.

Mueller also noted that a pre-bid conference is an invaluable tool to get all the potential bidders up to speed on the scope of the contract and issues that are specific to the jail. Examples include security

requirements, accreditation, and provision of medical care to indigent inmates. Talking about the service in the context of the whole organization is helpful for bidders and also saves the agency the time of communicating with bidders separately. Usually the bidders are willing to provide whatever you're willing to pay for.

Mueller continued by noting that putting a contract monitor in place isn't equivalent to knowing the contract is being managed. Jim Coleman (Shelby County, Tennessee) agreed. His agency found it necessary to switch its medical services provider, even though the contract monitor said they were doing fine.

Mitch Lucas (Charleston County, South Carolina) described a situation in which a contract award process was delayed because different would-be providers complained to the county council about things they had heard or thought they heard about the contract parameters. Lucas now records all pre-bid conferences and makes them available to council members to verify the content of the communications.

Don Leach (Lexington/Fayette County, Kentucky) added that a jail can't give an answer to only one of the possible bidders; the same information must be provided to all to avoid any appearance of preferential treatment.

Jeff Newton (Douglas County, Nebraska) commented that the key is the up-front work of defining the contracting process. There are many details to cover, but the effort is worth it. He has found it very useful to identify who will be the contract provider's single point of contact, specific due dates, and a plan for answering all questions raised by potential contractors.

Shirley Tyler, M.Ed., is Warden of the Mercer County Corrections Center in Trenton, New Jersey. She can be reached at (609) 583-3560 or styler@mercercounty.org.

PROGRAM SESSION: MEDIA RELATIONS

Presentation 1.

Presenter: Cynthia Scott, Undersheriff, Monmouth County, New Jersey

Undersheriff Scott's presentation focused on proactively managing media relations to create a win-win, or "mutual use," relationship. Her perspective is grounded in her work as a reporter before she joined the Monmouth County Sheriff's Office as Public Information Officer (PIO).

Though jails may get most of their media scrutiny only in connection with difficult situations, the relationship need not be adversarial. In fact, sheriffs' offices need an ally in the media when they share photographs of a jail fugitive or a suspect, or when activating an Amber Alert.

Positive coverage in the media can greatly improve the public's impressions of the jail and generate interest in public safety and corrections jobs. It's all about conveying the professionalism of the agency.

Agencies that are creating or hiring for a PIO post should consider hiring a former media reporter. The best PIOs often are former reporters, because they understand what the media need to do their job and what questions the media are likely to ask. They can help guide agency leaders on how to best represent the agency in formal and informal interactions.

Jails also need a PIO who cares about jail issues, not the flashing blue lights of patrol. A PIO shouldn't be afraid of the jail and should be comfortable in and out of the jail environment.

Whether the agency hires someone with a background in news or law enforcement, the person must have the skills for working with the media. Anticipating the media's information needs is a key element in making the most of the relationship and maximizing the agency's media and community image.

Pointers on managing the media:

- Reporters from the print media can do the legwork for their whole story by telephone. Reporters from the major broadcast network affiliates also need pictures and/or sound bites to have a better story.
- Jail representatives should never rely on a comment being off the record. If the interview is with a major network affiliate, it may be less likely for an off-the-record comment to be used inappropriately.
- Local newspapers, radio stations, and cable channels need content. Newspapers' weekly special editions focus on good news. These can be places to position the jail to share information on things like the jail's job fair, jail staff volunteering in the community, and rehabilitation programs.
- Agencies should have a plan in place before it is needed to handle media frenzies, such as when a celebrity or politician is jailed. At minimum, the plan must address where the media

will be allowed to set up without impeding jail operations, and it should designate a spokesperson, such as the communications director or jail administrator, which may vary depending on the unit involved. Other staff should be trained on a protocol for responding to questions if they are approached by the media—the best response is to refer all questions to the spokesperson. Other staff should never volunteer other information. Instead, “Here’s the person and number to call.”

- Jails can allow filming in the jail for special programming. One program followed a group of young women who were “booked” and allowed to spend time with the inmates. The message was, “You don’t want to end up here,” whether for drugs, gangs, or prostitution. The filming was an unusual opportunity for the inmates, as well.

A wise PIO develops a good working relationship with local reporters. If the jail doesn’t handle the bad stories well, the media aren’t going to cover your positive stories. The PIO can develop trust not only by sharing good information, but also by heading a journalist away from a rumored story and saving their time. Sometimes editors insist that some story must be there and that the reporter needs to find the angle. Jails can find it handy to always have a story on hand they can give the media, so if one story has no legs, the reporter can still make the deadline. This can be a good time to showcase positives about the agency.

An important aspect of image management for the jail is to let the PIO know when there’s news within the agency, whether good or bad. This can take more effort when the PIO is at an office location that is different from the jail. It’s helpful to include the PIO in conference calls or weekly informational sessions.

Did an officer deliver a baby on the way to work? Did a routine warrant check turn up a long-wanted serial offender? Did the jail’s canine unit win a competition? Does the sheriff’s office have a new bike patrol? Does the agency have new, safer patrol vehicles? Does a local jazz musician visit the jail on Saturdays for a gig? Invite your favorite reporters to the show.

Hosting a media day with facility tours can help reporters get a feeling for the facility and its security measures. Media staff can take photos for future use.

It’s a good idea to share in advance with the local media the jail’s policy on inmate interviews, media access in emergencies, and so forth.

Experienced reporters aren’t in the business to fictionalize or sensationalize the news. Often if there are problems with the media, it involves newer staff who are trying to get noticed. These people can be recognized, and the jail can make a point of working with other media staff.

Damage Control

If a negative situation arises, the agency leadership needs to know how to do damage control. The news value of the story actually expands if the jail makes no response.

- Don’t say, “No comment”—instead say, “I don’t have all the information yet.”
- Don’t chastise the media. Try to keep the emotion out of it.
- Give the media the story you want them to share, or they’ll invent their own.

- If one station is difficult to work with, work with a different station—this gives you leverage. They all want the early scoop.
- Schedule your media presentations at hours that give the stations time to process the material and accurately report it. For example, conduct your media briefing at 3:00 p.m., not at 4:00 p.m.—because the reporters will need to scramble to have a piece ready for the local news broadcast at 5:00 p.m., your preferred message won't be what makes it into the broadcast.

In situations where the media are camped outside the home of a staff member or a crime victim, the sheriff's office or the investigating agency can provide coaching on how they can respond to the media. The purpose of this is to get rid of the media vans that otherwise will hang around. Giving a statement will generally get them to disappear.

The group watched an investigative reporting segment featuring police officers, some still in uniform, having an after-hours social on a parking deck roof. The activity was caught on a security tape. Officers were heard discussing using their influence inappropriately to get free beer, and the overall scene did not convey professionalism. The situation was handled badly—when approached by the station that was planning to air the piece, the police chief and mayor had no comment and merely said, "We look forward to seeing the piece." The piece aired, causing great embarrassment. Later the agency made matters worse by asking other local law enforcement agencies to boycott the station.

What should have happened? Agency leaders should have appeared personally to release a statement emphasizing the professionalism of the office and its staff and outlining the agency's response. "This was an isolated incident; this behavior is against our policy and doesn't represent our agency; this incident is being investigated; following due investigative procedures, staff involved may face discipline," etc. In the absence of a specific response, the agency's leadership could only be assumed to accept the officers' behavior.

Tips for talking with the media:

- Be prepared. Have the information you need available when you talk with the media. Never "wing it."
- Be pleasant and look professional. Be enthusiastic and in control of the interview. Don't be defensive.
- Don't use too many numbers when you're on camera. Keep statistics simple so people can understand them.
- Use visual aids when possible.
- Listen to reporters' questions.
- Use concise responses—be conversational.
- Slightly pause before answering—give the impression that you're giving your response some thought.
- Maintain good eye contact with the reporter in a television interview. Don't look at the camera, and don't look down at your notes.

Jim Coleman (Shelby County, Tennessee) asked Scott about her experiences riding in patrol vehicles and how often she visits the jail. Scott replied that she has been on patrol twice, when she was a reporter, and that she's in the jail just about all the time in her job with Monmouth County.

Scott was asked for a recommendation on how to handle public information and media relations for the separate functions of jail and law enforcement. She responded that having more than one PIO could be problematic. A workable solution could be to have a single director of communications with a separate PIO for patrol and another in the jail.

Cynthia Scott is Undersheriff at the Monmouth County Sheriff's Office, in Freehold, New Jersey. She can be contacted at (732) 577-6613 or cscott@co.monmouth.nj.us.

Presentation 2.

Presenter: Karla Crocker, Director of Communication, Davidson County Sheriff's Office, Nashville, Tennessee

Ms. Crocker began her career as an assistant press secretary and then spokesperson for the Tennessee Highway Patrol. She has spent the last 14 years working in corrections. Her presentation emphasized that jails should want to build good working relationships with local news media in order to gain positive outcomes. A good relationship with the media doesn't always prevent a bad story from being told, but it might turn a horrible story into one that's only bad.

- Transparency is one goal—the jail may not be able to give the media everything they need immediately, but it is critical that the jail not look like it's hiding the real story. The jail should always tell its story, good or bad.
- Another goal is to reduce the possibility of adversarial relationship. It's easy to let them develop, because jails tend to be judged on their failures, not their accomplishments. It's difficult to affect that balance, but it can be kept from getting worse.

The group viewed a video montage of negative jail news. A common theme was employee misconduct—leading to an observation by one participant that employees cause more media problems for jails than do inmates. And, just as jails have bad apples, so do the media. Ambitious reporters can push to find negative stories in order to make a name for themselves.

Tim Albin (Tulsa County, Oklahoma) commented that media exposure is one of the first things his agency's new officers hear about in training. "If you neglect your training, you may become a media star. Congratulations, you've just become a headline." It seems to get their attention quite effectively when stated at the beginning of their training.

To create a good working relationship with the media:

- Make the first contact with the media positive.
- Return phone calls.
- Don't stonewall.
- Be as open as possible without giving away the story.
- Give the reporters your home phone number, both to emphasize the accessibility of the PIO and to be sure they'll get the correct message for their coverage.

The group watched a taped interview on what makes a positive working relationship with the media. Access is number 1. Next in importance is, if there's a negative event, be upfront—come to the reporter and offer what you can. Tell them what you're working on and follow up. Even just saying, "We don't know the answer yet," is valuable, because the media need to get something on the record from someone who is a credible source. If a reporter is turned away or another station is treated

preferentially with information, the reporter won't trust the agency's representative and will find alternative sources for information.

Maintaining good media relations involves the whole staff. Davidson County staff log in daily to the "Hall Monitor," the agency's intranet site. It includes a news banner to keep people informed about general or crisis information. With five separate facilities, this is a very helpful tool, and it results in many fewer calls from the media.

Every jail should have a media policy and review it annually. Crocker offered to send her agency's media policy to any participants who would like to review it. Jails should also share the policy with the news media to let them know what to expect on subjects such as inmate interview schedules.

New cadets need a clear warning on media exposure and to be given the basic tools for dealing with the news media. All incoming staff should be introduced to the PIO so they will personally know him or her and be comfortable sending media inquiries in the proper direction. If staff encounter a reporter in the parking lot, they need to know they should only say, "Call Karla"—that response won't make it to the local nightly news.

Jail leaders should be prepared with answers to their 10 most dreaded media questions. They should not try to wing it if one of these issues does come up.

It can also be important during an interview to know what's going on in jails and law enforcement nationally and locally. For example, at a televised ribbon-cutting event for a new, privately operated correctional center, the company director opened his remarks by touting the jobs created and the profitable market for the cells. His intended message was derailed when he was asked about an escape from a different facility and why more than 48 hours had gone by without a warrant being issued for the inmate's arrest.

When things go wrong, it's important to take responsibility, admit mistakes were made, and get as much information out to the media as quickly as possible. Doing so limits the life of the story. Davidson County was able to do this when a gun was discovered behind a chair in the booking area. The message they were able to get out was, "We could have been talking about a tragedy today, but our staff kept one from happening. We have learned from this experience."

Who does the interview can depend on various factors. The right person for a particular story may be the PIO, the sheriff, the chief deputy, or the warden or jail administrator. Sometimes it's best to let the sheriff be the focal point for either a good story or a bad story. It can be important to emphasize that the sheriff is in control of the situation.

Managing Your Message in Interviews

- One technique is the "SOCO"—focusing on the Single Overriding Communication Objective. The spokesperson needs to get that message out no matter what happens in the interview. This can mean "bridging," or redirecting from an interview question to the SOCO.
- Another verbal technique is "flagging" statements to let the viewer (and tape editor) know something important is about to be said. The reporter may not be the one who edits the tape. Introducing a key point with a preface such as, "What is important to remember is ..." can make it clearer.
- "Hooking" is another verbal technique, which involves ending an answer with a leading statement that triggers a question you want to answer.

If things go bad, a spokesperson should never run from the cameras. If “ambushed” by reporters, the PIO or other spokesperson can offer to sit down with reporters later. Participants viewed a video clip demonstrating that it’s never wise for spokespersons to allow themselves to be videotaped under less-than-professional circumstances, such as being interviewed in a bathrobe from behind the front door of their home. Other pointers for videotaped interviews include not wearing sunglasses.

A participant asked for thoughts on the best way for a jail to handle a bad reporter. Crocker responded that, when things are going badly, sometimes the agency needs to select whichever spokesperson is the least angry. Minimizing contact with that reporter also helps. The key in this case is to find out quickly what information the reporter wants to know, provide the answer if possible, then cut the conversation short—don’t linger. Send follow-up information via email to limit the reporter’s access to staff while also providing the information necessary to be responsive. If a reporter is really difficult, jail staff can report the problem employee to his or her boss.

Karla Crocker is the Communication Director for the Davidson County Sheriff’s Office in Nashville, Tennessee. She can be reached at (615) 862-8235 or kcrocker@dcsso.nashville.org.

Session 3. Crisis Communications

Presenter: Mark Allen, Chief, Current Operations, Office of Public Affairs and Strategic Communications, National Guard Bureau, Arlington, Virginia

The Army and Air National Guards are the first military emergency responder in the U.S., and they maintain liaisons with a variety of state and other agencies in the event of a crisis. Managing the media's expectations is important for creating balanced coverage.

Captain Allen discussed several keys to success for his organization's media relations:

- Following the U.S. Department of Defense's principles of information. In a crisis situation, the agency's goal is to provide the maximum amount of information with a minimum delay. Allen recommended that public information representatives "go ugly early" when the news is bad, to get the most difficult part over with. Organizations must remember that the press is not the enemy. Information officers must always share the truth.
- Being prepared, through media relations training, formulation of key messages that respond to critical and emergent situations, and development of talking points.
- Building relationships with the media. "Media staff are at least as smart as a horse."
- Having commitment to the role: in order to do the best job for the organization, an agency's media representative has to have experience and/or be inspired.

War Stories

- Jerry Killian was a fighter pilot in an Air Guard unit from Houston, reported by CBS's "60 Minutes" television program during the 2004 presidential election season as having developed a dossier on George W. Bush's military service during the Vietnam War. Killian was deceased by the time the program was aired. The Guard controlled the potential damage from this story by withholding comment pending authentication of the documents. To discuss the content of the documents would have conferred on them a greater perception of authenticity. The documents later were shown to have been prepared using a word processor—impossible, because word processors were not available at the time.
- Hurricane Katrina. At first, it looked as though New Orleans had escaped a direct hit, but then the floodwaters rose. The Guard had PIO officers prepositioned and was conducting videoconferences with commanders to coordinate their response. However, media relations weren't handled well, in part because the primary PIO lost his office and home in the storm and there was no one to step up to fill that role. They were lucky to retrieve the situation, but much damage to communications had been done by that time.

Responding to Crisis Situations

In a crisis, people need information that is action-oriented. Messages should be incident-specific, descriptive, and factual: "This is what just happened." The goal is move from minimum knowledge to maximum information quickly. Crises generate high levels of interest, both public and political. Fear and despair can be exacerbated by an information vacuum, and media frenzies can develop.

It can be important to control misinformation and reduce misperceptions. This is difficult in complex situations, especially when information may be conflicting or confusing. The organization may need to work hard to correct bad information, media distortions, public misperceptions, and unrealistic expectations. The critical messages to convey to the media at the outset are: here's what we know, what we've done and are doing, what we need you to do, here's what we'll do next.

Trust and Credibility

An organization's message won't be "heard" unless the organization is trusted and perceived as credible. Trust and credibility are often assessed in the first 30 seconds of a message's delivery. Over the long term, an organization's trust and credibility in the public's eye results from its performance, behavior, and actions.

A study measured the public's response to messages concerning crisis situations to learn what viewers felt was most important in the messages that were shared. Findings were as follows:

- Empathy and caring—50%
- Competence/expertise in responding to the crisis—15% to 20%
- Honesty and openness—15% to 20%
- Dedication/commitment of the organization in handling the crisis—15% to 20%

Planning for Crisis Communications

Allen's media team is perpetually ready for a crisis and is equipped with three self-sustaining tents with diesel generators, computers, a satellite hookup, and sleeping space. When the units are called into service, they are staffed with people who have the authority to respond to the crisis and represent the agency with the media.

For success with the media during a crisis, key elements include having early and consistent media briefings; making information available via designated spokespersons; intergovernmental/interagency coordination; being candid and providing credible information; maximizing personal and institutional credibility; and maintaining cooperative rather than adversarial approach with the media. Integrity in media relationships is based on having good relationships in all directions—with other government agencies, with the media, and everyone else who is part of the situation.

When a crisis occurs, the organization's leadership and media response team needs to determine the media objective, make sure everyone knows it, and develop a strategy for getting it shared. This means keeping cool and facing reality. The team needs to analyze its audiences and media for reaching them, identify solutions to succeed, and express empathy with and understanding of the audience's concerns. Messages should balance facts and acknowledge emotional aspects in an effective manner.

Contact information: Mark Allen is Chief, Current Operations, Office of Public Affairs and Strategic Communications, National Guard Bureau, Arlington, Virginia.

PROGRAM SESSION: WORKFORCE DEVELOPMENT

The 21st Century Multi-Generational Workforce: Who They Are, and How to Recruit and Train Them

Presenter: Dr. Jeanne B. Stinchcomb, Florida Atlantic University, Ft. Lauderdale, Florida

Workforce Initiatives

Several national organizations, including federal agencies, have been pursuing initiatives related to the public safety, law enforcement, and corrections workforce.

- The International Association of Chiefs of Police (IACP) is focused on helping people, particularly young people, to understand policing in order to overcome negative images and stereotypes for this work. The Discover Policing project will involve online information sharing beginning in April 2008, with national job search and resume posting functions. This is described as a site for interactive, web-based career information.
- The American Correctional Association (ACA) has launched the ACA Center for the Correctional Workforce of the Future with funding from the U.S. Bureau of Justice Assistance (BJA). Its online presence links to the web sites of the state corrections departments. ACA plans to post articles, statistics, and links with helpful information on recruitment and retention and to highlight promising practices and initiatives. One goal is to upgrade the professional image of the correctional officer.
- The National Institute of Corrections (NIC) FutureForce project, completed recently, was focused directly on probation and parole staffing, but its materials are equally relevant in jails. This project raised awareness that agencies are going to lose a substantial portion of their workforce through retirement, and also that they will face a competitive job market in filling future positions. The FutureForce document shares many innovative and far-sighted ideas from the private sector. It is available from the NIC Information Center or downloadable at <http://www.nicic.org/library/021799>.
- The Center for Innovative Public Policies is launching a national jail survey in 2008 with BJA funding. This research will build on a predecessor study, published under the title, *Jail Leaders Speak: Current and Future Challenges to Jail Operations and Administration* (available via the NIC web site at <http://www.nicic.org/library/022934>). Focus groups in this project identified the most pressing issues facing jails, among which workforce issues were ranked in 2nd place, behind inmate medical and mental health. The 2008 jail survey, promoted with backing from ACA and the American Jail Association, will invite input from jail staff and administrators in every jail in the country. Officers will explain how they became interested in jail work and why they stayed. Administrators will identify workforce issues faced in their jails. Project staff will also conduct a comprehensive literature review for promising practices in jail workforce development. All answers will be confidential. It is hoped that jails can use the survey experience to start staff discussions about any issues raised by taking the survey.

Characteristics of a Multi-Generational Workforce

The current American workforce reflects great age diversity, and with it, associated differences in core values. Looking at the characteristics of each generation can help managers understand the motivations present in different age groups, how to get the best work from all their staff, and what to do about the possible conflicts that can arise between workers in different generational cohorts.

People are “value programmed” at a young age. Social and political catastrophes, music, media, and heroes help to shape our beliefs. Of course, people are individuals and there are no rigid rules for how people think and act; the patterns that can be traced are generalizations and trends that can illustrate overall themes. Other factors such as race, environment, and economics are also important. A person can exhibit some tendencies of birth cohorts other than the one he or she was born in.

The group completed a worksheet exercise to match descriptive statements with the workforce cohorts they represent and then discussed the correct answers.

- Veterans – Born before 1943
- Baby Boomers – Born from 1943 to 1964
- Generation X – Born from 1964 to 1980
- Millennials – Born from 1981 to 2000

Veterans want stability, order, structure, clearly defined rules about what is right and wrong, and no divorce or single parenting. They are comfortable in a bureaucracy and are wary of technology. People in this generation were raised to hold onto a job, and they learned to make big purchases on layaway and to accrue no debt. Their motto is, “No news is good news,” and they place less value on specific feedback related to job performance. This generation is fading fast from workplace—taking with them their knowledge, experience, passion, and enthusiasm. People in this cohort tend to be those who hold the organization’s culture, insights, and ceremonies—the things that keep an organization cohesive. In Florida, this generation includes the Holocaust survivors, and work is under way to collect their oral histories. Similarly, jails should think about collecting the perspectives of this cohort. These are the people who set up the current system. In jails, this generation helped to launch the ground-breaking principle of direct supervision jails, which is now considered fairly commonplace.

Baby Boomers were the first generation to openly question authority. The sheer size of the cohort has meant that they have needed to work hard to distinguish themselves from the rest of the pack, creating a legacy of the workaholic workplace. Their job is closely tied to their identity, and one effect is that they are tending to retire from the workforce later than previous generations have done. Many retire then go on to second careers, especially in organizations where they can return to their early bent toward social change and make a lasting contribution. Boomers are accustomed to getting what they want now. They tend to have debts, which may be another reason why they aren’t retiring. They are conscious of health benefits as another reason to stay employed. The Boomer generation feels that an annual performance review is adequate. They don’t understand people who lack a work ethic, and they tend to think that people who don’t share their drive are incompetent. Women in this cohort often have lost all sense of balance between work and life. Their mothers usually did not work outside the home, and they have tried to “have it all.” Stinchcomb commented that helping women understand this pattern and find better ways to balance work and life has been a notable aspect of NIC’s leadership programs for women in corrections.

Generation X is made up of the self-reliant, latchkey children of two-income, workaholic, and/or divorced families. They have an attitude that insists they work to live instead of the other way around. Time off from work is one of this generation's biggest rewards and motivators. This cohort is committed to balance—their motto is “Do your eight and hit the gate.” They tend to use all the sick days they are entitled to. A fun and informal workplace appeals to them. They don't want to have it all, and they want actual time in quantity, not short bursts of “quality time.” This generation is unimpressed by authority and tends to treat everyone the same; they invented “casual Friday.” They become bored easily. Older generations can view them as slackers. Flexibility is key—as long as they get their work done, who cares about the clock? They are edgy and skeptical, and they tend to think in terms of a “job,” not a career. They tend to be very mobile workers, having had, on average, nine jobs by age 32. This group values intellectual stimulation, good relationships, continuous opportunities for learning, and challenge. Their job moves show a “spiderweb” tendency—they move laterally rather than “up”—job changes are not about the money. The private sector has been better able than the public sector to attract and motivate this generation. The Army's “be all you can be” slogan is cut out for this group of independent, self-motivated achievers.

Millennials have only recently begun to enter the workforce. They are confident and hopeful. Their parents often have advocated for them in many ways, and it is not unusual for their parents to accompany them to job interviews. This generation has been pampered with attention and television shows and electronic gadgets, and they tend to be very busy, multitasking, connected, and overcommitted. They are achievement-oriented collaborators who often change jobs, looking for something that meets their high expectations. Their technology connections help them find new jobs. Violence is a given in their lives, compared with other recent generations—it has saturated their awareness from 9/11 and popular movies and media. On the other hand, this cohort is very civic-minded and tends to be involved in charity work and volunteerism. They are more patriotic than Boomers and X-ers, and they want to fix things. They are both high-performance and high-maintenance. As employees, they want constant feedback and recognition as well as personal contact with supervisors and leaders. The slogan, “An army of one,” reflects their “me” focus. They want to start at the top of the organization, and they sometimes quit jobs because of a perceived lack of promotional opportunities—they are impatient with paying their dues.

Mitch Lucas (Charleston County, South Carolina) observed that some of these patterns only describe people in affluent families. Those who are economically disadvantaged don't reflect these patterns, nor do inner-city or rural people. How can jails apply this information to jail hires that don't fit neatly into these categories?

Implications for Recruitment and Retention

Baby Boomers currently make up more than 40% of the U.S. workforce. Many Boomers in the public sector are nearing or have already reached eligibility for retirement. In 2006, 50% of federal employees and 30% of state employees were eligible to retire. Other fields are also facing more vacancies through retirement. For example, 50% of nurses are expected to retire in the next 15 years. Among law enforcement personnel, 25% left their jobs in the decade ending in 2008.

The Generation X cohort is now about 40% of the workforce. The challenge for public agencies is to attract and retain workers in this age group. Being able to do so means coming to terms with the qualities they show that conflict with the values of those who are running today's agencies.

Agencies also need to anticipate issues in hiring and retaining Millennials. This cohort is now less than 10% of the workforce, but the number will grow.

Agencies can do several things do to translate these factors into retaining workers.

- Create a workplace where people want to stay, by focusing on what motivates each generation.
- Motivate those who are “retired in place” by involving them in mentoring of younger workers.
- Coaching and mentoring are good for both the younger and more experienced staff. Younger staff receive the attention they want, and it helps anchor them into the culture of your organization.
- Improve first line supervisory skills, both in general and specifically to accommodate the different generational preferences. Research from exit interviews proves that people don’t leave jobs, they leave supervisors. In 90% of cases, the direct reason for someone leaving the job is difficulty with the immediate supervisor. One jail was able to shift staff to different supervisors and greatly reduced attrition.
- Make leadership accessible, not anonymous. This will appeal to younger workers’ preference for connectedness and a less hierarchical culture.
- Leadership/succession planning is a tricky issue with the Boomers, who often have an “I’m not going anywhere” attitude and feel they are unique and irreplaceable.
- Partner with state workforce initiatives to make the most of efforts that are already under way. Federal money is going into fields where there’s difficulty hiring. Jails should contact their state governor’s offices to see how they can tap into the work and funding for recruitment, academy training, etc.
- Collaborate with unions, because they are working with the same issues. Unions are becoming less adversarial—reflecting the reality that everyone is in this together. Unions are increasingly looking at issues related to the quality of the workforce, not just money.

Discussion

Some participants have seen Gen-Xers quit and later reconsider the benefits and request reinstatement. Another observation is that Gen-Xers want mentoring, but they often don’t take criticism well.

Paul Chiano (Plymouth County, Massachusetts) commented that although jails constantly need to change, Boomers tend to resist change because “things have always been done this way,” which creates conflict. The “if it ain’t broke, don’t fix it” mentality no longer works. He added that the messages people hear in school are often very negative—“you can’t, you shouldn’t, you won’t”—and for Gen-Xers, these messages are difficult to accept and incorporate. Employee retention can be hard with this cohort because the jail’s rules are not very forgiving.

Tim Albin (Tulsa County, Oklahoma) commented that a lot of younger people are coming out of dysfunctional families and don’t fit in a functional workplace.

Steve Thompson (Snohomish County, Washington) observed that seniority is a big issue with unions, and an emphasis on seniority conflicts with the attitudes of younger staff. Mandatory overtime is

also an issue unions don't seem to understand: younger staff want time off more than anything else, and a lack of time off can push them into quitting.

Tim Albin (Tulsa County, Oklahoma) agreed that younger people today aren't as accepting of the overall union message. They want to know, "What will I get besides just a patch? What are you doing for me?" What the senior union members wanted from their unions, they got; now younger people are about to reshape the unions.

Some of the same concepts can apply in jails' dealings with inmates, noted Albin. What could be more boring than marking time? How can jails apply some of this generational thinking to ways they work with their client populations?

A.T. Wall (Rhode Island Department of Corrections) noted that managing different generations of staff goes beyond just attracting and mentoring them. If jail administrators accept what is being shared in this presentation about Gen-X and Millennial workers, it's clear that their values and motivators are in conflict with the basic culture of corrections, which values order, security, rules, and hierarchy. A staff member in Wall's agency wrote an incident report that described events as "oasis of horror in desert of boredom." Can anything be done to alleviate boredom? Younger staff don't have access to the technologies they like while they're on the job. Are there ways jails can accommodate their gadgetry to make them more comfortable without weakening the safety and security of the facility?

Questions

What can jails do to offset clashes when a Gen-X staff member supervises a Boomer?

Stinchcomb: It doesn't work to just hope for the best. Jail leaders can try opening a discussion about the situation and the different values that are driving the conflict. Understanding will likely reduce the fear and frustration.

This discussion approaches the issue as needing intervention and adjustment by the top-level and senior staff. But can jails switch the focus and train their Millennial hires on understanding and adapting to the values of the older cohorts they'll be working for?

Stinchcomb: Efforts need to go both ways with sensitizing and bringing together the different cohorts. It's important to keep it lighthearted and team-focused.

Can jails that are hiring simply target those people in the younger generations who have the same values we do? Many of the values of older workers seem essential to a jail environment, such as following procedures and doing what you're told. Why should we bother attracting the wrong people to our jails? Can't we test their willingness and skill set and values that we want in an employee? There must be compatible people out there.

Stinchcomb: If there were an instrument that could do that, jails could end up with a staff of robots and "Stepford wives"—people who are a little too happy with structure and authority. Jails could become too homogenous. Plus, jails would be losing valuable diversity and technology skills.

Why Employees Stay

- Exciting work and challenge.
- Career growth, learning, & development.
- Working with great people.
- Fair pay & benefits—money can be a satisfier or a motivator; people will leave if pay is not proportional.
- Supportive management and a good boss.
- Being recognized, valued, and respected for their contributions—jail leaders should find something in your employees to praise every week. A little appreciation goes a long way.
- Meaningful work—the opportunity to make a difference. Leaders can help their staff see how they are adding value to the organization and to the community. In jails, this can mean shifting the focus from “locking people up” to improving community health care, unemployment, and homelessness.
- Pride in the organization and its mission.
- Having a good place to work—a positive organizational culture.

For younger workers, adding more opportunities for participatory management could be a good strategy.

Why Do People Leave Jobs?

Research performed in the workforce industry provides clues for understanding why people look elsewhere for job satisfaction.

- Not the money—almost 90% say they leave for reasons other than money.
- Person/environment mismatch. When this happens in a jail, can the person be moved to a different position or place in the organization? Can the jail offset this in advance by educating new hires about the reality of working in jail? New staff should not expect to be part of a lot of dramatic helicopter rescues.
- Little coaching or feedback. Jail leaders can provide more interaction that will help anchor the staff to the agency. Staff who are disengaged, floating, and disgruntled will find each other, and their dissatisfaction will prove infectious to others. The jail can intervene by matching people with positive mentors.
- Few opportunities for growth/development. This doesn't necessarily mean that staff want to move up in rank, but they do want to be exposed to different types of operations within the facility.
- Don't feel valued.

- Overwork stress/life-imbalance. Mandatory overtime in jails is a classic example.
- Lack of trust/confidence in leaders. A survey by the Society for Human Resources Management found that supervisor relationships were “important” or “very important” to 87% of workers. Relationships with senior management were “important” or “very important” to 88% of workers.

Discussion

Mitch Lucas (Charleston County, South Carolina) commented that if younger staff value communication with senior management, it’s challenging to find a way to get this right. Agencies can have an open door policy, but that takes initiative to be acted on. Newsletters are a possible tool, but they’re one-way and impersonal. Finding ways to seek out the staff who want to interact is the puzzle. Participants said their jails are opening communications in various ways, such as inviting union representatives to command staff meetings, hosting staff picnics, and having their majors walk the floor of the facility.

Bill Lovingier (Denver, Colorado) invites his staff to open meetings to discuss targets for where the agency should be in five years. Participation has been good. Catching staff in social events during off-work hours helps make them part of the machine. Giving staff special assignments is also effective.

Bill Di Yorio (Riverside County, California) suggested that jail leaders can emphasize the personal side of life by talking about things other than work. Addressing staff by their first name also goes a long way. He reads personnel evaluations and responds to those that are outstanding, and he connects with staff on their birthdays or when there are births or deaths in family.

Jim Coleman (Shelby County, Tennessee) said that his agency has had high levels of sick leave usage. He gets the daily sick list and calls people personally. If the staff are out when he calls, they call back. Staff now expect him to call, and if he doesn’t call them, they call him.

Alfred McMurray (Prince George’s County, Maryland) said that his jail occasionally holds an open forum for staff without majors or lieutenants present. He also makes a point of walking around the jail, and he has final signature on performance appraisals. He sends notes of thanks to employees with outstanding reviews and asks them to share their skills with a junior officer.

Mitch Lucas (Charleston County, South Carolina) asked whether any jails have evaluated the effect of different personnel interactions. In his experience, some staff think that if they are called by their given name, they’ll be more open to manipulation or interference from inmates. His staff seem to be dissatisfied with the agency’s efforts to connect, which run the gamut from sending flowers in response to family events to involving a team of 100 officers in jail expansion planning. Why aren’t these methods being viewed more positively?

Stinchcomb responded that jails have to expect some whining when they open themselves to more feedback from staff. This is still valuable. The fact that the jail is inviting input shows the concern and commitment of the jail management. Sharing the reasons why some concerns cannot be accommodated also sends a better message to staff, because it reinforces that their concerns have been heard and they matter.

Don Leach (Lexington/Fayette County, Kentucky) raised the point that jail managers face a dichotomy: on the one hand, staff complain when managers don’t visit the units, but when managers do visit staff can be defensive. The jail culture seems to spread one negative comment like wildfire, while positive comments go nowhere. Meanwhile the silent majority of staff are doing the right thing in their work and are not complaining, so managers don’t hear much from them about what’s going well.

Tim Albin (Tulsa, Oklahoma) agreed that staff morale is an ongoing issue, but management is not the entertainment committee. If staff know something needs attention, it's their responsibility to bring it forward.

Participants agreed that staff sometimes show a certain degree of paranoia. They seem to feel, "Who's watching me talk to management? Is that guy a snitch?" With monitoring in place all over the building, the staff know where the jail administrator is all the time. In some facilities, staff disappear when top management comes down for a look, but in other jails, people flock to the person and seek interaction. This is another indication of the overall culture of the agency.

Alfred McMurray (Prince George's County, Maryland) hears from his staff that the lower ranks feel they don't get enough information about what's going on in the jail. This suggests that mid-level managers—majors, captains, and lieutenants—need to play a more active role in transferring information down the hierarchy. It's also important to ensure communication is accurate, because the message tends to change as it moves down through the levels in a jail. It's always necessary to correct rumors.

Turnover and the Big Picture

Costs of turnover include not just the money invested in the employee—though this is sizeable, especially when multiplied by the number of workers who leave. Diane Arthur, in a study published by the American Management Association, found that turnover costs the employer 25% of the worker's annual wage plus 30% of his or her benefits. This means that the dollar cost of losing an employee who makes \$30,000 per year is about \$10,000.

Agencies that lose staff face tangible costs in recruitment, training, loss of productivity, and overtime. There are also unquantifiable costs, such as loss of experience, lower morale, and the sense that one employee's leaving can send an unwritten message to those who remain. ("Why am I stuck here? Am I a loser?")

Stinchcomb shared worksheets with participants that provide a snapshot for examining the jail workforce. What does the jail's workforce look like by generation? How many staff are eligible to retire, and at what management levels? How many younger staff are ready to take their place through mentoring or training? How do the numbers look when broken down by sworn vs. civilian positions? Who has actually left the jail in the last year, by generational cohort? Who is the jail hiring?

Retention and Recruitment

"If managers treat employees as an expendable resource, don't be surprised if employees treat work as an expendable relationship." Bruce Tulgan, *Managing Generation X: How to Bring Out the Best in Young Talent* (New York: W.W. Norton, 2000).

Employee engagement is defined as a willingness on the part of workers to devote more of themselves to the organization and their work than is necessary—or going above and beyond the minimum to get by. A Gallup Organization nationwide study found that only 29% of the American workforce was actively engaged and therefore using their talents and enthusiasm. Over half, 54%, were not engaged and were simply putting in their time. Another 17% were actively disengaged, unhappy and showing it. These numbers have implications for productivity and absenteeism. Disengagement is also known to be related to physical and emotional health problems.

A correlation was found between engagement and employees' relationships with supervisors. The stronger the relationship between the employee and management, and the more communication there was, the less likely employees were to be disengaged.

Marilyn Chandler Ford (Volusia County, Florida) called this a chicken-and-egg situation.

Steve Thompson (Snohomish County, Washington) suggested that these findings contradict trends toward flattening the jail hierarchy. When organizations downsize, the first thing they see is that they have too many supervisors. If a jail has one shift commander and five sergeants (instead of eight), the sergeants can't engage with their supervisees. This cuts their opportunities for coaching, supervision, and communication in general. One answer may be pushing some forms of authority down to lower levels of staff. If jails can trust lower-level staff and give them more authority, they'll be happier, according to generational theory.

Don Leach (Lexington/Fayette County, Kentucky) countered this idea by observing that most line staff have the least professional experience, and they can't be counted on to make good decisions in a jail. There can be a tendency for staff to "own" their own ways of doing things. In a jail, this isn't always acceptable—the jail can't abdicate its responsibility to provide supervision.

Jim Coleman (Shelby County, Tennessee) asked the group how much time their jails spend training staff on what they need staff to do well, such as report writing? Participants agreed that it's a lot of time, and it's never enough. Supervisors often don't seem to know anything any better even after 20 years. Training sometimes doesn't seem to teach staff anything at all. On paper, staff are qualified; they have their stripes, they must be ready to perform. Yet performance gaps persist.

Motivating Staff

Money can draw people into an organization, but it can't make them stay. Many of the jails represented at the meeting conduct exit interviews in order to see how they can improve staff retention, but these staff are already out the door, and it's usually too late for an attempt at intervention. Jails can examine what factors are important in decisions to leave the agency, and they can ask whether there are ways they can induce the employee to stay.

Roy Cherry (Hampton Roads Regional Jail, Virginia) expressed skepticism about the value of exit interviews. In his experience, people leave the agency when they no longer need to work, rather than for complex reasons of personal satisfaction. They may leave for simple economic reasons, such as a daughter graduating from school. Also, he noted, staff want to present themselves in their best light in exit interviews, which can result in blaming of supervisors. If the jail has picked the right supervisors, this input may be unfair.

Stinchcomb agreed that many of the reasons staff have for leaving a job are beyond the jail's control, but the jail needs to be looking for things it can address. This means looking for patterns. It's true that jail management can't take all that is said at exit interviews at face value.

Questions

Why talk someone out of leaving? Maybe it's best that unhappy employees should go before they spread "disease" among their co-workers.

Stinchcomb: This depends on the employee and the situation.

What message does it give to staff if the jail makes them a counteroffer of a wage increase when they resign? "Why did I have to turn in my resignation to get a raise? If they valued me and money was available, why did we have to jump through this hoop?"

Stinchcomb: This is also situation-specific with no simple answer.

Where's the break-even point in terms of hiring and retention?

Stinchcomb: Studies indicate that when the tenure of an employee has reached somewhere between 3 to 5 years, the organization has gotten its investment out of the hire.

Keeping Workers: Generational Clues

Jails can keep more of their "Veteran" cohort on the job, and hang onto their valuable experience, by offering them flexible work hours, telecommuting options, part-time or on-call work, job-sharing arrangements, placement in consulting arrangements or special project assignments, reduced work days or duties, and seasonal employment.

To retain Boomers, jails can acknowledge their "stardom" by accessing their ability as mentors and coaches, and by re-inventing the workplace and the job structure as described with the Veterans cohort.

Retaining Gen-Xers can mean engaging them in more personal relationships, giving them challenging and interesting work, providing feedback and recognition, and connecting them with multiple mentors. Jails should not expect Gen-Xers to stay out of loyalty to the organization, unless it's been earned. These staff will not be happy with repetitive tasks, micro-managers, long hours, dead-end jobs, incessant meetings, or too much talk.

Millennials will respond well to a positive workplace, opportunities for teamwork with friends, challenges, having fun, a culture of respect, accessible leadership, mentoring, situations with good work/life balance, and an employee-centered workplace. They are bothered by many of the same factors as Gen-Xers, as well as by "pay your dues" and "what do you know, kid?" attitudes. They don't want to be ignored or disrespected, and they are uncomfortable in a negative or unstructured workplace.

The Significance of Organizational Culture

Culture is the key that links retention and recruitment. It is essentially the "personality" of an organization. NIC's FutureForce document includes an entire chapter and an instrument on analyzing and diagnosing the culture in a correctional agency.

Culture is communicated to new staff in "how do we do things around here" messages and in first impressions on facility cleanliness, staff attire, and how people speak to each other. Underlying the agency's culture are unspoken assumptions and values. Culture can be a powerful tool for controlling employees, for good or ill. The true culture in a facility may not always be the one administrators want to see, and it may be greatly disconnected from the agency's stated vision and mission.

Culture can be a positive or negative influence on staff attitudes. Do jail staff feel pride in their work, or do they feel stuck in their jobs? Is the overall tendency to take risks or to avoid fixing what "ain't broke"? An upbeat, positive atmosphere can influence people to want to work in the jail.

Recruitment Planning

Jails need to be proactive in their recruitment efforts. Many times, jails tend to wait until they need to fill specific openings, then they need to rush through a hiring push. Often, recruitment gets delegated down the chain of command and doesn't get the attention it needs. Jails also need to understand the competition that exists in their job markets. They face a talent war with not only other government agencies but also the private sector.

Pointers for recruitment:

- Target your recruitment efforts to reach the types of people you want.
- Keep track of how what you're doing works. Who responds to each of the various recruitment techniques you're using?
- Tell recruits the truth about the job. Maybe the jail can rehabilitate inmates, but don't over-emphasize its role unless you can back this up in the work the recruit will perform.
- Look toward hiring for the competencies the jail will need in the future—they are not necessarily the same as those of the staff who are leaving and retiring. Especially in an era of direct supervision jails and evidence-based practices, consider what characteristics will make a good hire. Look at the jail's job task analysis and be sure it is up to date.
- Critique your recruitment materials with an eye for what appeals to the age cohorts you're hiring from. Run items by your Millennial staff—are they catchy or boring?
- The agency's internet presence should be appealing and interactive—avoid the “talking head” overview. It should be easy for applicants to complete as much of the application online as possible.
- Create a brand for your agency to build loyalty and recognition. Getting the public more aware of the jail in positive light is very helpful. The jail should also cultivate an ongoing relationship with the media for mutual benefit.

Recruitment efforts can match generational preferences:

- Veterans: Consider flextime, part time, and contract work; provide “big picture” information about the agency; offer personal information about the agency's leadership; visit community organizations that work with seniors; ask retirees to consider returning to work in the jobs of their choices.
- Boomers: Emphasize the opportunity to serve the community and make a difference; acknowledge their experience and achievements; highlight job benefits (e.g., health insurance); highlight jobs that emphasize teamwork, consensus building, relationship building; offer flexible work.
- Gen-Xers: Emphasize how your agency is different; highlight your agency's openness to new ideas; talk about the technology; highlight wellness and fitness programs; provide information about upward and lateral opportunities for advancement; be truthful; identify opportunities for personal growth; highlight challenges; emphasize balance and an employee-centered workplace.
- Millennials: Emphasize technology; show people in collaborative work groups in recruitment materials; let them meet the leaders of the organization; emphasize making a difference; emphasize challenge; go where Millennials are to recruit them (ask Millennial employees where to find other Millennials); establish an internship program; mentor new hires; take a lesson from military and educate the parents; offer flexible scheduling; emphasize quality of training.

Discussion

Jim Coleman (Shelby County, Tennessee) said that criminal justice students from the University of Memphis have opportunities to meet with counselors and officers from the jail.

Mitch Lucas (Charleston County, South Carolina) described having a career day in which 153 candidates took a jail tour and completed a background survey. Twelve were hired.

Bobby Wyche in Caddo Parish, Louisiana, broke down the application and review process into a schedule that covered four to five days. Applicants returned each day for the next phases.

Stinchcomb encouraged participants to rethink their entire hiring process in terms of the cost of each element, its relevance, and its value and impact.

- Are written tests really used to evaluate candidates, or are screeners just going through the motions?
- Interview panels – if everyone passes the oral interviews, why bother with them? Are they objective? In the past, interviews were used to tell applicants about the job and answer their questions, but it's more efficient to do those things in a large-group setting, not one-on-one.
- The longer the hiring process, the more people will drop out of the system and pursue easier alternatives.

A.T. Wall asked the group what factors are considered an automatic bar to consideration for a jail officer position. Responses suggested that police hiring is less restrictive than corrections. A felony is usually an automatic disqualifier, as is a misdemeanor occurring within the past 3 years. For drug use, 5 years of "clean" living is somewhat typical, though in some locations the requirement is only 1 year. This varies greatly by jurisdiction. Associates of gang members are disqualified by some jurisdictions, even if the applicant has no criminal record.

It can be illuminating to take a fresh look at what factors matter in a hiring evaluation process. Wall is required by state law to conduct psychological evaluations on new hires. The evaluations are repeatedly disqualifying young people who have had an alcoholic drink before age 21, because they were breaking the law. Wall, on the other hand, appreciates that the applicants answered the question truthfully.

Dr. Jeanne B. Stinchcomb is an Associate Professor in the Criminology and Criminal Justice Department at Florida Atlantic University, in Ft. Lauderdale, Florida, as well as a consultant and writer. She can be reached at (954) 762-5138 or stinchco@fau.edu.

~ ~ ~

PROGRAM SESSION: LEGAL ISSUES UPDATE

Legal Issues in Jails – 2008

Bill Collins, Attorney, Olympia, Washington.

Sincerely Held Religious Beliefs—New Tests Under RLUIPA

Does the Religious Land Use and Institutionalized Persons Act (RLUIPA) protect an inmate who wants to follow a faith observance that the faith itself doesn't require?

Evaluating the need to accommodate specific tenets of religious observance, as well as judging the sincerity of an inmate's faith, are increasingly of concern in jails. Jails often encounter beliefs that can seem out on the fringe, and it is happening with inmates of varied faiths.

In terms of specific required observances, jails may find it difficult to get clear guidance from authorities in the faith. However, even if the faith itself does not require a particular form of observance, RLUIPA suggests that the individual adherent's internal belief is the more compelling factor. The practice need not be central to observing the faith. If a jail does not wish to accommodate a particular request, the test is that there must be a compelling governmental interest in denying it, and the jail must use the least restrictive way of doing so.

Jails may seek to argue that an inmate is professing belief but is not sincere. The question here is whether the jail can convince the court, but this can be difficult. It may be necessary to present a combination of evidentiary factors, e.g., the inmate has converted to different faiths in rapid succession while in jail; the inmate's behavior is not consistent with the tenets of the faith; the newly adopted faith is entirely different from others in which the inmate has been involved. The inmate's length of stay could also be relevant—if the inmate is in jail only briefly, the jail may not need to accommodate the request. On the other hand, making accommodation is less of a burden for the jail if it is only necessary for a few weeks.

Because Muslims are released from their cells more often for prayer, this may lead some inmates to join the Muslim faith. Does a jail need to accommodate conversions under questionable circumstances?

Collins: A threshold question is that of sincerity. That an inmate changes his faith is not a per se showing of insincerity, but it can be evidence of a lack of sincerity. Other factors would probably be important in evaluating this situation, including the extent to which the new "converts" practice other aspects of the faith.

Faith-Based Programs and the Establishment Clause

Under the First Amendment to the U.S. Constitution, the government is prohibited from establishing a religion—what would it mean for a jail to establish a religion?

The U.S. Supreme Court uses several tests that are clear in principle, but their application is murky. Essentially a jail cannot tie its rules to religion. An inmate's religious participation can have no bearing on the inmate's status and treatment by the jail, and the jail cannot encourage or coerce inmates into any religious belief or observance. A jail can offer programs and services that include a religious element, but it is preferable that equivalent, non-religious options also exist.

Courts can apply the coercion test—does the state's action amount to coercion? Coercion can be present if doing something, or not doing something, results in a penalty or benefits. Jails can offer inducements for participation, but they must be secular. If a jail gives good time credits to inmates who participate in Alcoholics Anonymous (AA), a program which requires the acknowledgement of a higher power, there must be a comparable nonreligious alternative with equivalent benefits.

There is a second legal test for evaluating Establishment Clause questions, known as the Lemon/Augustini test. (The name comes from two Supreme Court cases). This test relates to faith-based programs getting government assistance. The interpretation is that the assistance is acceptable if the purpose of the aid is secular and the effect doesn't advance or inhibit religion. For example, a college student can use government tuition assistance to attend Notre Dame University, which is affiliated with the Catholic church, as opposed to a state college.

In the context of jail operations, questions to ask are, is the purpose or effect of the program intended to promote religion? Is any indoctrination involved? Is there an excessive entanglement with religion? Are participants defined by their participation (or non-participation) in a religious faith?

A recent case in Iowa is illustrative. A new state prison was eager for programming and accepted an offer in which the Department of Corrections simply needed to provide a pod. A religious-based organization offered to run a rehabilitative program at costs at around 35% of what the agency would spend to deliver comparable programming. Participation was voluntary. But the program was the focus of a lawsuit and was closed, and the ruling confirmed on appeal. Why?

There were several contributing factors that all together made it clear that the program had the effect of advancing religion.

- Participants were required to not only participate, but to advance spiritually, under terms defined by the program.
- Participants were presented with religious content all day long.
- The financial accounting was inadequate to document whether the state's money was supporting only the non-religious components of the program.
- Participants were being indoctrinated, not in the Christian faith as broadly defined, but in a specific sect. Non-Christians couldn't participate unless they converted. A Native American participant testified that the sweat lodge was described as reflecting faith in witchcraft.

The state had attempted to set up the program through per diem allowances per participant. The inmates were told that if they participated in the program, the agency would cover their costs. The courts could possibly have accepted this as somewhat comparable to tuition aid that all inmates could use, except that there was no alternative to the program.

The Prison Fellowship organization was ordered to return the state's money. The Court of Appeals reversed this part of the decision by the district court but affirmed its major holding that the program violated the Establishment Clause. The Supreme Court will probably be asked to review this case.

Lessons from this case suggest that immersion programs with a faith element may not be possible in a correctional setting. If the religious or spiritual element within a program is more broadly Christian rather than specific to a denomination, that's a bit better, but it still leaves out other faiths. It is a stronger position for the jail if it can show it also offers equivalent, nonreligious programs.

Even in a scenario in which the agency makes a housing unit available to a provider and the provider pays rent for the space, delivering programming at no cost, it is not likely to meet a legal test.

Another example in case law concerns a vocational program in a Pennsylvania county jail that included a lot of religious indoctrination. The program staff were proselytizing. The financial accounting was not clear. This case hasn't gone as far as the Iowa case. The jail's motion to dismiss was denied. No further action on this case is yet known.

In sum, jails that have a strong faith-based program should review these cases carefully.

Questions

What if the court offers time incentives for AA participation?

Collins: Jail staff can talk to the prosecutor to be sure the judge is aware of the implications of this sort of incentive. If participation is a condition of the sentence rather than an arrangement between the inmate and the jail, the potential Establishment Clause problem is between the offender and the court, so the issue is not the jail's concern. If the inmate doesn't object, it's also fine.

Can an agency use inmate welfare funds to pay for chaplains?

Collins: The courts are saying this is acceptable. The military provides a partial precedent—troops are taken away from the locations where they access their faith, so the government can spend a limited amount of money to bring their faith to them. However, military chaplains typically operate in a very ecumenical manner to help troops access a range of services. Using inmate welfare funds for chaplaincy services can be acceptable if the jail offers an array of religious programs and the jail is providing the chaplains for its largest faith groups. It's better if the jail is also trying to provide accommodations for the smaller faith groups in its population.

What if a jail offers a specific program occasionally, say just once or twice, in a given housing unit. Because of the configuration of the housing unit, other inmates on the unit will be exposed to the program being conducted any time they're out of their cell.

Collins: This should be acceptable as a one-shot program; if it were every week that would be less secure.

What if an inmate wants to conduct a religious program or services in a housing unit?

Collins: The court is likely to give the jail some slack here. If the presentation is not forced on inmates who don't want to hear it, it may be acceptable, and inmates can go to their cells to get away from it. However, it would be better if the program were conducted in a chapel or other separate space, if moving the inmates is not a problem. Situations with inducement to participate are of greater concern. The Iowa situation didn't offer the participants very dramatic benefits for participation—possibly some extra television time—and there was no penalty if inmates left the program, except for if they were leaving for disciplinary reasons.

As a jail administrator, I want to do the right thing. I want my chaplains to be ecumenical; I need to look at my food issues from both a dietary and a religious perspective; now I need to look even at underwear with respect to religious observance. Jails need to use the correct forms, provide the right training, and not miss a mark. Is this going to take even more of jail administrators' attention?

Collins: Yes, RLUIPA has made it more difficult for administrators to justify religious restrictions. There is a dilemma with faith-based programming. There is reason to believe the programs have benefit for the inmates, at least while they are still in the jail. But those benefits do not provide a justification for violating the Establishment Clause.

Is this going to carry over into community-based programs? If so, it has implications for agencies' work on reentry with local religious-based providers.

Collins: It could be a factor. As long as a jail provides non-faith alternatives, or broader cafeteria options for religious observance, the jail should be in good shape. One place to look is at AA and Narcotics Anonymous (NA) programs—a jail could run into difficulty there. Judges routinely send people to AA and NA programs, however. An inmate who is an atheist may object, but if no inmates complain about the religious element, there is no problem.

So, we can't rely on facilitating the basic tenets of various faiths any longer, since RLUIPA is making that go away. What is the test we're supposed to use? Should we just wing it and let the courts tell us we're wrong? Can a jail refuse a request on the grounds that because what the inmate wants is unreasonable or unfamiliar, there is no need to comply?

Collins: The starting point is an inmate's objection over being prevented from acting on sincerely held beliefs. The first question is whether the inmate's beliefs are sincerely held. A lack of sincerity can be difficult to prove. The second question has to do with accommodations and has two parts. (1) Does not accommodating the inmate's request further a "compelling governmental interest," such as security, safety, and order? Cost can be relevant here. (2) Is the jail's response to the inmate's request the least restrictive means for addressing the compelling governmental interest that the jail identified? The "least restrictive" question invites a judge to second-guess the jail's decision.

An example of how RLUIPA is applied arises from a preliminary court decision involving the use of wine in religious observations. The Federal Bureau of Prisons recently changed its position on allowing actual wine in religious services, leaving the decision to the discretion of individual wardens. The core question is, what is the institutional interest in a duly controlled religious ceremony? In a recent case, an inmate requested 3.5 ounces of wine for regular Friday service but the warden responded, "No wine here, period." The court said the prison had a compelling governmental interest in controlling alcoholic beverages but wanted more information from the parties about whether the warden's decision was the least restrictive alternative. The bottom line is that when dealing with religious accommodation requests, jails need to look at all alternatives—they shouldn't just go for the easy choice.

Use of Electronic Control Devices

A recent case involving use of an electronic control device in a law enforcement setting raises some questions relevant to their usage in jails. Current case law demands a higher test on police use of force. It is easier to justify use of force in a jail than out on the street. Nevertheless, the questions that concerned the judge are worth noting.

An example of a situation began with a burglary. An officer working alone saw a man running from the scene and pursued him. The officers' car camera recorded the use of an electronic control device to bring down the suspect. Because the suspect was uncooperative, the device was used four more times in 75 seconds. During this time a second officer arrived. The court found that the first three applications of the device were justified, but not final two. In this situation, the suspect was on his back and did not comply with a direct order to roll over to be handcuffed. Was he incapable of rolling over? His failure to follow the command, alone, did not justify continued applications of the device. If he were trying to get away or posing an immediate threat of danger, continued use of the device could have been justified. The court said the *possible* threat posed by the suspect was not the same as an *immediate* threat, especially in the presence of a second officer.

What might justify multiple applications of an electronic control device in a jail setting? What if an inmate is not complying but is not actively resisting? When is failure to follow an order an adequate rationale? What do policies say about when they can be used? How long should officers wait between uses of the device to get a sense of what the inmate is about to do? These are difficult questions to answer in the absence of more detail. In general, jails should be conservative in their use of these devices. Jails should carefully study any incidents involving their use so jail leaders understand how they're being used.

Abortion Issues

Must jails facilitate inmates' access to elective abortion procedures, and must jails pay for them?

Decisions on cases in this area are all over the landscape. There are two abortion-related questions. The first is whether the jail violates the woman's fundamental right to obtain an abortion if it puts up roadblocks to an abortion, such as requiring the woman to obtain a court order for her release in order to get the abortion. The second question is whether the jail has a duty to pay for the abortion.

The Third Circuit Court of Appeals has said that a policy requiring a court order for release violated the woman's right to an abortion and that if the woman could not find anyone else to pay for the procedure, the county would have to pay. A Fifth Circuit decision said that a policy of "we won't transport for an abortion without a court order" did not violate the woman's right where the jail provided at least some direction to the woman in how to get such a an order. The court stopped short of saying the jail had to pay for an abortion. The facts of this case are somewhat unique. Finally, and most recently, the Eighth Circuit said a policy of refusing to transport without a court order violated the woman's right to an abortion but also specifically held that the state had no constitutional obligation to pay for an inmate's abortion since it was not a "serious medical need." The state's duty to provide medical care to inmates arises when the inmate has a "serious" medical need.

In a 1987 case from Monmouth County, New Jersey (Lanzaro), the Third Circuit voided a policy that said absent a threat to the woman's life, the jail need not assist. Inmates were able, in principle, to get a court order for release on recognizance or bail and pursue the abortion themselves. The court said this was a violation of the inmate's 14th amendment right to privacy. The court also ruled that the action posed an 8th amendment violation by showing deliberate indifference to a serious medical need. Technically this finding would be relevant only for sentenced inmates, but courts would also apply the same principle to pretrial detainees. Applying the Turner v. Safley test, the Court said the restriction

placed by the jail applied to the type of care involved and there was no legitimate penological interest in restricting access. The inmate had no alternatives to exercise her right to an abortion, because it was virtually impossible for the inmate to get out of jail under these conditions.

The court found there would have been minimal impact on the institution if the abortion procedure were permitted, whereas a delay could be a factor in whether the inmate could still have the abortion performed. The jail's response was found to be exaggerated because there was no discernable legitimate penological interest or any obvious administrative or financial reason to deny access.

Funding is not valid as a determining issue for the jail—the costs to a jail of housing a woman through a pregnancy and delivery are greater than the costs of terminating the pregnancy. A number of issues can be factors in the determination of a serious medical need. There might be medical complications within the pregnancy; the woman might experience distress at being pregnant against her will; there might be no stable family to care for the baby. Individually or cumulatively, these factors added up to serious medical need, and therefore deliberate indifference on the part of the jail. Ultimately, if no one else will pay, the county has the obligation to see that the care is provided and is going to have to pay.

In the *Victoria W.* case from Louisiana, 2004, the Fifth Circuit court found it is acceptable for a jail to require a court order to transport an inmate for an elective medical procedure, in this case an abortion. The court found there was a legitimate penological interest in restricting transport, because taking an inmate out of the facility increases the possibility of escape. (On the other hand, taking her out for a series of OB visits would pose equal or greater risk, but that was not an element in the decision.) The background of this case was unusual—the woman's lawyer had a religious objection to abortion and asked the judge to release the woman so she could receive better prenatal care, not to obtain an abortion. The court denied the request, so the woman was unable to get a court order for transport. The jail itself in this case did not show deliberate indifference. If the woman's legal team had used a different approach, the transport order likely would have been granted.

In the third case (*Roe*, 2008), a prison had a policy that allowed transportation but changed the policy to provide no transportation. Stated reasons behind the change were concern about protesters at clinics, increased escape risk, and physical risks to the inmate and escort officers. There was a strong indication that the policy was changed in response to legislative opinion. Realistically, the woman would need off-site obstetric care anyway, so the argument was weak. The Eighth Circuit said the policy violated the woman's 14th amendment right but did not agree that her wish for an abortion constituted a serious medical need under the 8th amendment. Applying the *Turner* test, the court found there were no alternatives for the woman and that the prison's response was extreme. The prison was ordered to either go back to transport on request or to require inmates to obtain a court order for transport. However, the finding that the woman's wish for an abortion did not amount to a serious medical need undermines future claims that a jail must pay for an inmate's abortion procedure.

Overall, if a jail takes the position that it won't help an inmate terminate her pregnancy in any way, it probably will be found to violate the inmate's 14th amendment right. The *Victoria W.* case said the jail did not assist sufficiently, but it was not the jail's fault. Both cases make 8th amendment argument tougher to make.

A philosophical objection to abortions on the part of the jail or county government isn't tenable. There is no legitimate penological interest in preventing the abortion from taking place. Security and cost concerns have not been very persuasive because the alternative of providing OB care and possible delivery present similar or greater cost and security issues.

Even when there is a very tightly written state law prohibiting state funding for the procedure, this does not excuse the public agency from transporting the woman to a provider. The jail cannot set up

barriers that completely prevent a woman from exercising her 14th amendment right to terminate a pregnancy.

Questions

Can physicians ever come to the jail to provide obstetrical care so that inmates don't need to be transported?

Collins: The jail is still likely to take the woman out of the jail for labor and delivery, so this does not seem like an approach to be pursued.

What about complications that may arise after an abortion? Can the possibility of the jail facing high medical expenses be a factor?

Collins: This is no different from any other elective surgical procedure. The possibility of complications is not going to be an effective argument. Jails are advised to look at other elective medical procedures and compose a comparable response. Plans should be in place before the jail is confronted with a specific situation.

Arrestee Strip Searches

How is the law changing in how it defines a strip search as it affects jail inmates?

The basic rules on strip searches haven't changed. Jails still need a reasonable suspicion to strip-search individual inmates at intake or moves. Once an inmate moves through booking and into the jail proper, allowances for reasonable suspicion fade.

Searches can be based on offense, on behavior, or the inmate's criminal record. Strip searching groups of inmates is not acceptable. Case law on this has been settled for about 25 years, and litigation virtually disappeared in 1990s. The issue is now returning, and rulings usually favor the inmates. Court orders typically result in a sliding pay scale so the named plaintiffs get a certain amount of money, say, \$3,000 to \$4,000, and other class action claimants are eligible for defined awards. In a New York City case, a nominal award totaled \$50 million, but only 10% to 15% of those eligible claimed their awards.

Some aspects of security that require nakedness aren't considered by jails to be strip searches, but the courts view them differently. For example, clothing exchanges, medical checks, and orders to shower all require the inmate to disrobe and thus are an intrusion on the inmate's bodily privacy and legally equivalent to a strip search. Case law does, however, distinguish between a strip search and a visual body cavity search. The test for strip-search equivalency is not just "did you look at the inmate?"—if staff were looking for something, it was a search. In other words, is seeing the inmate's body an objective of the search, or is it an unavoidable and incidental by-product of the staff's conduct? (Wood, 2003)

Removing clothing to the underwear level is not considered a strip search (Stanley, Seventh Circuit, 2003). In this case, a woman had not worn a bra on the day she was detained. The court found in favor of the jail, stating it was her choice not to have worn more undergarments. The Eleventh Circuit viewed this question a different way, however.

Two scenarios illustrate some of the situations that play out in jails.

- A group of inmates waited so long for booking that they wound up getting out on bail or getting a release order before they get booked. The jail then booked them, strip-searched them, and released them. The searches were not accepted by the court.
- In a second instance, a group of inmates were searched at booking, then made their court appearances and were ordered released. They were strip-searched when they were returned to general population to await a warrants check and out-processing. This case had a stronger security concern.

The tendency in these cases is for the courts to view inmates increasingly as arrestees. We don't have clear guidance on the question of when an "arrestee" becomes an "inmate" and is subject to more relaxed rules about strip searches.

Questions

Does removing clothing to spray for body lice count as a strip search?

Collins: Very few participants indicate that their jails are spraying for lice anymore. But spraying will likely be seen as the same as clothing exchanges, medical checks, etc.: it is a form of "search" and will run into the "reasonable suspicion" rule and be found unacceptable if done to everyone.

How far do officers have to go to preserve an inmate's privacy if, say, the inmate opens the curtain during a search, is drunk and careless, or is difficult to manage and can't find a jumpsuit that fits?

Collins: There is no case law specific to this type of situation, but when the privacy intrusion is not initiated by jail staff, the jail is not at fault. Intoxication of the detainee could be a relevant factor.

What about a situation in which medium- or minimum-security inmates are placed on work release and come back into the facility each evening?

Collins: The Supreme Court said some time ago that jails could strip search any inmate or pretrial detainee who was coming back into the jail from a contact visit. Clearly, work release inmates have far less supervision than inmates with contact visits and could easily bring contraband into the facility. Plus, work release inmates have been convicted—also, they know they'll be returning to the jail and are therefore different from people who don't know they'll be arrested. This means they have motives and the possibility of premeditation. These searches are on sound grounds.

Assuming a situation with reasonable suspicion and no peculiar elements like a cross-gender search, if a person refuses to cooperate with a strip search, can the jail forcibly strip-search them?

Collins: There are at least two things to consider here: (1) One option is putting the person in a holding cell, so if there is any contraband, it isn't going anywhere. (2) If it is necessary to proceed with the strip search, use of force is permissible. However, the jail should document everything carefully. It's advisable that the jail record video footage with the jail's most benevolent and professional-appearing staff member explaining the situation and consequences to the inmate: the jail has tried to wait this out and can't wait any longer; the jail has given the inmate every opportunity to cooperate but the inmate still refuses; the jail is simply enforcing its rule, having exhausted all alternatives; the search will be conducted in a professional manner. If force is necessary, all staff should understand the importance of avoiding flip, unprofessional remarks. Though sometimes such remarks can sound appropriate in the original rough-and-tumble environment of a jail, they never sound appropriate when the recording is viewed in other contexts, such as in court.

What law takes precedence if statutory law conflicts with case law—for example, if a statute requires strip searching of all of a class of arrestees regardless of actual suspicion or lack thereof?

Collins: In a situation where statute requires actions that are in violation of the Constitution, the constitutional requirements, as interpreted by federal court decisions, trump statute. Reliance on statute is not a defense in a federal court, but it might affect court-ordered damages. The court could also enjoin the jail from following the statute. It's better to take the safer course rather than risk the jail's relationship with the court.

Is the crux of the strip searching issue the transition from arrestee to inmate?

Collins: Essentially, yes, and it seems that some of the cases discussed blur the line even more. Once a person comes through the booking process, there should be no further suspicion; once inmates are in a general population unit, the newer inmates have the same status as everyone else—whether they've been there 5 minutes or 5 months. If there's reason under agency policy to conduct strip searches (for instance, when the jail is aware of a specific contraband problem), the new inmate is subject to searching like anyone else. This is more theoretical than a tested principle. The courts can sometimes talk about newer arrestees/inmates as though they retain some privileged status even after they enter the housing unit.

This has some similarity to the argument that pretrial inmates should be kept separate from those who have been sentenced. In reality, it's not that simple, and someone who has been convicted of a felony is not categorically more dangerous than a pretrial detainee. Courts are beginning to recognize that the jail's operational needs are more important than an artificial legal status and a metaphysical shift from arrestee to inmate.

Topics Raised by Participants

Inmates Sleeping on the Floor

The legal test in these cases is substantial risk of serious harm to inmates. If jails need to have inmates sleep on the floor, there are things they can do to have a more defensible position in the event of a law suit. The courts are more likely to intervene on a case that looks ahead, not backward, unless it's a long-term situation. Several factors can be looked at to minimize risk to the inmates' wellbeing so the risk does not become "substantial." Inmates' bedspace should be kept away from toilets; any nearby toilets should not leak; the area should be relatively sanitary; the mattress or sleeping pad should be substantial, not just a blanket; the temperature should be appropriate; plastic "boats" can be a good solution to get the mattresses raised off the floor; rotating people through floor sleeping can reduce the impact on individual inmates so the effects are less significant.

A meeting participant agreed that rotating inmates so they're off the floor within a week or two helps the jail show that it worked to reduce the chances of any individual inmate or a group of inmates being negatively affected. Jails are trying to demonstrate that they recognize this should be a temporary situation and that they're doing their best to mitigate potentially negative effects.

In the matter of beds on the floor not being acceptable in a contract with the federal government, does this add to the strength of a case brought by inmates?

Collins: No, contract requirements are not relevant in the outcome of a conditions case brought by an inmate.

A participant commented that other jails should be aware that, if federal inmates can prove they were subject to substandard conditions in a local jail, they can successfully apply for a downward departure in their sentence. This took place in his jail, and now other area jails are seeking to move their pretrial and pre-sentenced federal inmates to his jail.

Booking Fees

Courts have deemed it unconstitutional to assess fees at booking. Some counties that charged booking fees have been required by the courts to return the money to inmates who were not later convicted. This can put the county in an awkward position, especially when city police are initiating the arrest. Jails are advised not to collect booking fees.

Pretrial Detainees and Marriage

An officer arranged to be at the courthouse on the day of a court appearance by the inmate, and they were married. The officer was later terminated. Based on an earlier Supreme Court decision, inmates do have a right to marry, and that would apply to pretrial inmates as well. Whether this decision applies in a particular circumstance depends on the government being able to show a legitimate penological interest in prohibiting the marriage.

In another case, a jail did not do enough to help an inmate to obtain a marriage license. Mitch Lucas (Charleston County, South Carolina) had a similar instance in his jail—county rules require license applicants to go to the office. An assistant attorney general who was representing the institution offered to be deputized as a clerk in order to act as go-between on the paperwork, but the clerk's office objected. The court found the jail at fault, though the obstinacy was actually coming from the clerk.

Recreation Time for Inmates in Segregation

Case law has confirmed that a prolonged lack of exercise, and in some cases outdoor exercise specifically, can create a risk of substantial harm to the inmate. When courts have ordered specific amounts of exercise, it generally is 1 hour a day, from 3 to 5 days a week. If the duration of the period of segregation is relatively short—for example, days or a couple of weeks—the inmate will have more difficulty showing harm.

Some inmates' exercise has been limited for reasons of dangerousness. The Oregon prison system had an inmate in lockup for 5 years without outdoor exercise. Oregon officials did a superb job of documenting all their efforts to move him from lockdown and all of his violent actions and/or threats that kept him there. The Ninth Circuit found in favor of the state, noting that the inmate held the key to his cell. The inmate's dangerous behavior was frequent and dramatic and very well documented.

Responsibility for Medical Bills

Who is liable for paying medical bills when an arrestee is diverted to the hospital before being admitted to the jail, or is released on bail and given a ride to the hospital?

This is no longer a traditional inmate medical care claim. This becomes a billing issue between the hospital and the jail, and the answer is going to be governed probably by state law, as well as being a local political problem. Tom Merkel (Hennepin County, Minnesota) said that in a Kansas case, the court found in favor of the hospital even though the jail never saw the inmate. Minnesota state law is just the opposite. If the jail can fend the arrestee off as he's entering the sallyport, it's likely to be covered by the arresting agency.

Marijuana as an Element of Religious Observance

The Jamaican government has officially recognized marijuana as being part of Rastafarian religious practices. Do jails need to be concerned about permitting marijuana into their facilities?

It is unlikely that this will change marijuana policies in U.S. jails, because jails still will have a compelling need to keep illegal drugs out, and there are no less restrictive alternatives.

Caloric Intake and Winter Weather

If inmates can't exercise outside due to inclement weather, can a jail limit their food intake because they need fewer calories?

The legal test for diets is that meals are nutritionally adequate. For example, if inmates get enough calories in two meals per day, this satisfies the bulk of that test. There may not be a requirement in case law to provide three meals a day rather than two, but standards specify that there can be no more than a 14-hour gap between meals. An argument could be made that the jail will cause inmates to gain weight if they are given a whole calorie portion when they are unable to get the exercise to work off the calories. Nutritionists should be consulted about whether there are concerns with providing only two meals a day or whether three smaller meals would be preferable.

Staff Involvement in Inmates' Legal Proceedings

Can staff actively solicit information or evidence to aid the prosecution in its case against an inmate?

This probably is acceptable. There are some reasonable limits, however. For example, if a prosecutor were to request specific help through wiretapping or mail checks to find evidence of a crime, jails need not go beyond what they do in normal operations. One older case in particular looked at this and discouraged too much direct jail activity.

Can staff help inmates get access to a public defender and/or aid in the preparation of a legal defense or a request for a sentence reduction, especially if some sort of mistake has occurred?

Yes, but how the jail chooses to become involved may be a political issue.

Dental Care

A jail has had an inmate in the jail on pretrial status for 9 years. He has two known cavities and wants his teeth cleaned. The county's contracted dental care provider says that, per policy, they only provide emergency care and extractions. Is there a legal precedent that can help resolve the impasse?

Common sense suggests that this situation could be viewed as deliberate indifference to a serious medical need. A small cavity today will become larger—it also could end up as an emergency situation and cost more.

Bill Collins is an attorney practicing in the Olympia, Washington area and an editor of the Correctional Law Reporter. He can be reached at (360) 754-9205 or wccollins@gmail.com.

~ ~ ~

LARGE JAIL NETWORK BUSINESS

TECHNOLOGY UPDATE

Joshua Stengel, Web Services Manager at the NIC Information Center, spoke with members about the Large Jail Network forum and other aspects of the interactive Corrections Community section of NIC's web site. A green how-to flyer was distributed with other materials at Sunday's dinner, and members should keep it by their desk so they have a "cheat sheet" for getting involved in LJN's online communications.

NIC is introducing new information services this year and wants LJN members to be prepared to take advantage of new technology options. Content can be streamed to Blackberries and other mobile units. Members are invited to enroll in an online training session to learn how to stay on top of new content posted on the web. The first training session will take place in April, with more to follow. Members can contact Stengel to enroll in a session. Session groups are limited to 25 participants.

Members said they appreciate improvements that have been made with the LJN forum. Responses are arriving much faster. Some members said it is not always clear who is sending messages and whether they are with a sheriff's office, in which case these members do not read or respond to messages. However, because the system is private and members are screened for approval, any LJN forum message can only be from another member. Don Leach (Lexington/Fayette County, Kentucky) indicated that he sends some messages outside the LJN network when it relates to non-LJN matters, so that could be confusing to other members. Leach said that the LJN forum is very beneficial and a great resource for members and that all members should be involved. Tim Albin (Tulsa, Oklahoma) commented that the forum helped him a great deal when his agency was resuming operation of its jail. Even if members don't have a specific question to ask, following the discussions is always useful.

RECOGNIZING RICHARD GEAITHER

Patrick Tighe (St. Lucie County, Florida) spoke for the group in reviewing the value of their LJN participation to their agencies and to themselves personally. He thanked Richard Geaither for his years of providing assistance as LJN coordinator, delivering resources, technical assistance, and answers in response to crises and issues facing agencies. The group presented a plaque to Geaither, endorsed by the National Sheriffs' Association, the American Correctional Association, and the American Jail Association, that read:

This plaque is presented to Richard Geaither in recognition of the outstanding commitment, leadership, and direction you have provided to the National Institute of Corrections Large Jail Network. Your vision and energy have greatly improved communications, professionalism, and quality of service of all agencies directly and indirectly involved with the Large Jail Network. We thank you for setting lofty goals, for demanding our best effort, and for providing leadership to all of us. We wish you well as you move forward in your career, and we want you to know that your expertise in the field of corrections and your personal style will be greatly missed by all the members of the Large Jail Network.

Geaither responded by stating his appreciation for the direct connection he has had with the jails field through the LJN. When Geaither was a jail administrator, now nearly 20 years ago, it was the most

exciting job he could have wanted, and there was no other work he wanted to do. Most federal employees lose their connection to the men and women working in the field, he observed, but the very fabric provided by the LJN has helped to make his work personally fulfilling. Also, through the LJN, he learned to communicate the importance and the value of the work that jails do. Geaither expressed his appreciation for NIC Jails Division Chiefs Mike O'Toole and Virginia Hutchinson, who allowed him to blossom in this role. He said that as he moves into his new future with NIC, he will be thankful for the tremendous memories he has gained through his experiences with the Network.

PLANNING FOR THE NEXT LJN MEETING

The next Large Jail Network meeting will take place from Monday evening, September 15, through Wednesday afternoon, September 17, 2008. The meeting will be held in Aurora, Colorado.

Participants identified the following priority topics for the proposed agenda:

- Faith issues, including sincerity tests and the Second Chance Act.
- Human resources, including aspects such as managing difficult employees, promotional best practices, ethics training, assessment centers, staff selection processes, succession planning, and proactive discipline prevention.
- Emerging technology: the practicalities and what's new in operational areas such as remote monitoring, robotics, personal identification, and ozone laundry systems. Also of interest are policies on staff personal electronic devices and their implications for attention to duty and the possibility of contraband.

###

Appendix A

LJN March 2008 Final Meeting Agenda

LARGE JAIL NETWORK MEETING

March 2-4, 2008

Radisson Denver Southeast Hotel
Aurora, CO

Agenda

Sunday, March 2

- 6:00 p.m. Introduction and Overview Richard Geaither
Correctional Program Specialist
- 6:30 p.m. INFORMAL DINNER
- 7:00 p.m. *Immigration and Customs Enforcement 287 (g) Program* James Pendergraph
Executive Director
Office of State and Local Coordination
- 7:45 p.m. *Orientation for New Members*
- 8:00 p.m. ADJOURN

Monday, March 3

- 8:00 a.m. *Open Forum: Hot Topics* Don Leach
Lexington / Fayette, KY
- 9:30 a.m. *Contract Services* Tim Ryan
Miami-Dade, FL
Shirley Tyler
Mercer Co, NJ
Don Leach
Lexington / Fayette, KY
- 12:00 noon LUNCH
- 1:00 p.m. *Open Forum: Hot Topics* Don Leach
Lexington / Fayette, KY

- 2:00 p.m. **Media Relations** Mark Allen
National Guard Bureau
Karla Crocker
Davidson Co, TN
Cynthia Scott
Monmouth Co, NJ
- 4:30 p.m. Future Meeting IssuesRichard Geather
Correctional Program Specialist
- 5:00 p.m. ADJOURN

Tuesday, March 4

- 8:00 a.m. **Workforce Development** Dr. Jeanne B. Stinchcomb
Florida Atlantic University
Ft. Lauderdale, FL
- 12:00 noon LUNCH
- 1:00 p.m. **Legal Issues Update** Bill Collins, Attorney
Olympia, WA
- 5:00 p.m. ADJOURN

Appendix B

LJN March 2008 Participant List

Mr. Albin, Tim
Chief Deputy
Tulsa County Sheriff's Office

500 South Denver

Tulsa, OK 74103

Tel: 918-596-8871 Ext:
Fax: 918-596-4681
Email: talbin.dlm@tcsso.org

Mr. Altman, Terry W.
Chief Deputy
Pinal County Sheriff's Office
Adult Detention Bureau
PO Box 867

Florence, AZ 85232

Tel: 520-866-5014 Ext:
Fax: 520-866-5090
Email: terry.altman@co.pinal.az.us

Mr. Aviles, Oscar
Director
Hudson County Department of Corrections

30 Hackensack Avenue

Kearny, NJ 07032

Tel: 973-491-5535 Ext:
Fax: 973-817-8289
Email: oaviles@hcnj.us

Mr. Bass, Jr., Gordon A.
Director
Jacksonville Sheriff's Office

501 E. Bay Street

Jacksonville, FL 32202

Tel: 904-630-5847 Ext:
Fax: 904-630-5825
Email: gordon.bassjr@jaxsheriff.org

Mr. Bay, Tom
Captain
Arapahoe County Sheriff's Office

7375 South Potomac

Centennial, CO 80112

Tel: 720-874-3405 Ext:
Fax: 720-874-3491
Email: tbay@co.arapahoe.co.us

08J2401

Large Jail Network Meeting

Ms. Birdwell, Mona
Assistant Chief Deputy
Dallas County Sheriff's Department

Tel: 214-653-2604 Ext:
Fax: 214-653-2797
Email: mbirdwell@dallascounty.org

111 West Commerce

Dallas, TX 75207-4313

Mr. Bishop, Ronald J.
Chief Deputy
Multnomah County Sheriff's Office

Tel: 503-988-4308 Ext:
Fax: 503-988-4316
Email: Ron.Bishop@mcsos.us

501 SE Hawthorne Blvd. #350

Portland, OR 97214

Mr. Bodiford, Scott
Jail Administrator
Greenville County Department of Public Safety

Tel: 864-467-2305 Ext:
Fax: 864-467-2324
Email: sbodiford@greenvillecounty.org

20 McGee Street

Greenville, SC 29601

Mr. Campbell, Tom D.
Director
Louisville Metro Department of Corrections

Tel: 502-574-2181 Ext:
Fax: 502-574-2184
Email: tom.campbell@louisvilleky.org

400 South Sixth Street

Louisville, KY 40202

Mr. Carbery, Dick
Chief Deputy
Onondaga County Sheriff's Office

Tel: 315-435-1710 Ext:
Fax: 315-435-1718
Email: rcarbery@ongov.net

555 South State Street

Syracuse, NY 13202

Ms. Chandler Ford, Marilyn
Director
Volusia County Department of Corrections
1300 Red John Drive
Daytona Beach, FL 32120-2865

Tel: 386-323-3505 Ext:
Fax: 386-323-3504
Email: mcford@co.volusia.fl.us

Mr. Cherry, Roy W.
Superintendent
Hampton Roads Regional Jail
2690 Elmhurst Lane
Portsmouth, VA 23701

Tel: 757-488-9420 Ext:
Fax: 757-488-2200
Email: hrrj@visi.net

Mr. Chiano, Paul
Director
Plymouth County Sheriff's Department
24 Long Pond Road
Plymouth, MA 02360

Tel: 508-830-6282 Ext:
Fax: 508-830-6301
Email: pchiano@pcsdma.org

Mr. Coleman, James E.
Chief Jailer
Shelby County Sheriff's Office
201 Poplar Avenue
Memphis, TN 38103

Tel: 901-545-2414 Ext:
Fax: 901-545-2696
Email: james.coleman@shelby-sheriff.org

Mr. Cook, Rollin
Chief Deputy
Salt Lake County Sheriff's Office
3365 South 900 West
Salt Lake City, UT 84119

Tel: 801-743-5844 Ext:
Fax: 801-743-5839
Email: rcook@slco.org

Mr. Crews, Walter
Deputy Director
Shelby County Corrections

Tel: 901-377-4540 Ext:
Fax: 901-377-4503
Email: walter.crews@shelbycountyttn.gov

1045 Mullins Station Road

Memphis, TN 38134

Ms. Crocker, Karla W.
Director of Communication
Davidson County Sheriff's Office

Tel: 615-862-8235 Ext:
Fax: 615-880-3837
Email: kcrocker@dcsso.nashville.org

506 2nd Avenue North

Nashville, TN 37201

Mr. Di Yorrio, William
Chief Deputy
Riverside County Sheriff's Department

Tel: 951-955-2412 Ext:
Fax: 951-955-2428
Email: wdiyorrio@riversidesheriff.org

PO Box 512
4095 Lemon Street
Riverside, CA 92502

Mr. Donahue, John M.
Captain
Las Vegas Metropolitan Police

Tel: 702-671-3862 Ext:
Fax: 702-671-3934
Email: J3203D@LVMPD.com

330 South Casino Center

Las Vegas, NV 89101

Mr. Dowd, Denis
Director
Osceola County Corrections Department

Tel: 407-742-4301 Ext:
Fax: 407-742-4303
Email: ddow2@osceola.org

402 Simpson Road

Kissimmee, FL 34744

Mr. Eberly, Thomas A.
Jail and Justice Director
Mecklenburg County Sheriff's Office

Tel: 704-432-0405 Ext:
Fax: 704-432-1836
Email: thomas.eberly@mecklenburgcountync.gov

801 E. 4th Street

Charlotte, NC 28202

Mr. Edwards, Brian
Undersheriff
Tulsa County Sheriff's Office

Tel: 918-596-5634 Ext:
Fax: 918-596-4681
Email: bedwards@tcsso.org

303 West 1st

Tulsa, OK 74103

Mr. Frey, Rick
Director
Broward County Sheriff's Office

Tel: 954-831-5924 Ext:
Fax: 954-765-4054
Email: rick_frey@sheriff.org

555 SE First Avenue

Fort Lauderdale, FL 33301

Mr. Gillen, Brian H.
Superintendent
Plymouth County Sheriff's Department

Tel: 508-830-6240 Ext:
Fax: 508-830-6201
Email: bgillen@pcsdma.org

24 Long Pond Road

Plymouth, MA 02360

Mr. Guerin, Al
Assistant Sheriff
San Diego County Sheriff's Department

Tel: 858-974-2278 Ext:
Fax: 858-974-2291
Email: alfred.guerin@sdsheriff.org

9621 Ridgehaven Court

San Diego, CA 92123

Mr. Husz, John
Warden
Milwaukee Secure Detention Facility

Tel: 414-212-6822 Ext:
Fax: 414-212-6821
Email: john.husz@wisconsin.gov

PO Box 05740
1015 North 10th Street
Milwaukee, WI 53233

Ms. Jeter, Susan M.
Commander
Brevard County Sheriff's Office

Tel: 321-690-1503 Ext:
Fax: 321-690-1586
Email: susan.jeter@brevardsheriff.com

860 Camp Road
Cocoa, FL 32927

Mr. Kidwell, David
Major-Director of Corrections
Arlington County Sheriff's Office

Tel: 703-228-4492 Ext:
Fax: 703-228-7284
Email: dkidwe@arlingtonva.us

1425 N. Courthouse Rd.
Arlington, VA 22201

Mrs Kielar, Marie
Chief
Denver Sheriff's Department

Tel: 720-865-4026 Ext:
Fax: 720-865-9591
Email: kielarm@ci.denver.co.us

5440 Roslyn Street, Building 5, Suite 100
Denver, CO 80216

Mr. Kneisley, Christopher
Major
Palm Beach County Sheriff's Office

Tel: 561-688-4407 Ext:
Fax: 561-688-4565
Email: kneisleyc@pbso.org

3228 Gun Club Road
West Palm Beach, FL 33406

Dr . Leach, Donald L.
Administrative Officer, Senior
Lexington/Fayette Urban County Government
Division of Community Corrections
600 Old Frankfort Circle

Tel: 859-425-2612 Ext:
Fax: 859-425-2750
Email: donl@lfucg.com

Lexington, KY 40510

Mr. Long, Darren
Major
Travis County Sheriff's Office

Tel: 512-854-9348 Ext:
Fax: 512-854-8490
Email: darren.long@co.travis.tx.us

5555 Airport Blvd.

Austin, TX 78701

Mr. Lovingier, Bill R.
Director/Undersheriff
Denver Sheriff's Department

Tel: 303-865-9567 Ext:
Fax: 303-865-9591
Email: lovingierb@ci.denver.co.us

1437 Bannock Street, #405

Denver, CO 80202-5337

Mr. Lucas, Mitch
Chief Deputy
Charleston County Sheriff's Office

Tel: 843-529-7305 Ext:
Fax: 843-529-7406
Email: mlucas@charlestoncounty.org

3841 Leeds Ave.

Charleston, SC 29405

Mr. McLaughlin, Raymond E.
Chief Deputy
Monterey County Sheriff's Office

Tel: 831-755-3859 Ext:
Fax: 831-755-3829
Email: mclaughlinr@co.monterey.ca.us

1414 Natividad Road

Salinas, CA 93906

Mr. McMurray, Sr., Alfred J.
Director
Prince George's County Dept of Corrections
13400 Dille Drive
Upper Marlboro, MD 20772

Tel: 301-952-7015 Ext:
Fax: 301-952-7285
Email: ajmcmurray@co.pg.md.us

Mr. Merkel, Thomas R.
Director
Hennepin County Department of Community Correcti
C-2353 Government Center
Minneapolis, MN 55487

Tel: 612-490-5795 Ext:
Fax: 612-348-6488
Email: thomas.r.merkel@co.hennepin.mn.us

Mr. Mueller, Roy F.
Director
St. Louis County Department of Justice Services
100 South Central Avenue
Clayton, MO 63105

Tel: 314-615-4763 Ext:
Fax: 314-615-4329
Email: rmueller@stlouisco.com

Mr. Newton, Jeffery L.
Director
Douglas County Corrections
710 South 17th Street
Omaha, NE 68102

Tel: 402-599-2265 Ext:
Fax: 402-444-6088
Email: jnewton@dccorr.com

Mr. Norte, Darryll E.
Chief Deputy
Riverside County Sheriff's Department
4095 Lemon Street
PO Box 512
Riverside, CA 92501

Tel: 951-955-0163 Ext:
Fax: 951-955-2428
Email: dnorte@riversidesheriff.org

08J2401

Large Jail Network Meeting

Mr. Nyklewicz, Kevin
Captain
Milwaukee County Sheriff's Office
821 West State Street
Milwaukee, WI 53233

Tel: 414-226-7054 Ext:
Fax: 414-226-7099
Email: knyklewicz@milwcnty.com

Mr. Pratt, Glen
Deputy Chief
San Bernardino County Sheriff's Department
655 East Third Street
San Bernardino, CA 92415-0061

Tel: 909-387-3760 Ext:
Fax: 909-387-3402
Email: gpratt@sbcasd.org

Mr. Ray, Howard
Commissioner
Department of Public Safety and Correctional Ser
400 East Madison Street
Baltimore, MD 21202

Tel: 410-209-2039 Ext:
Fax: 410-209-4339
Email: hray@dpscs.state.md.us

Mr. Rustin, Ramon C.
Warden
Allegheny County Jail
950 Second Avenue
Pittsburgh, PA 15219

Tel: 412-350-2273 Ext:
Fax: 412-350-2186
Email: RRustin@county.allegheny.us

Mr. Ryan, Timothy P.
Director
Miami-Dade County Corrections and Rehabilitation
2525 NW 62nd Street
Miami, FL 33147

Tel: 786-263-6010 Ext:
Fax: 786-263-6135
Email: timryan@miamidade.gov

Mr. Schmitz, Joseph M.
Director of Corrections
Hamilton County Sheriff's Department

1000 Sycamore Street, Room 120

Cincinnati, OH 45202

Tel: 513-946-6606 Ext:
Fax: 513-946-6616
Email: jschmitz@sheriff.hamilton-co.org

Ms. Scott, Cynthia
Undersheriff
Monmouth County Sheriff's Office

50 East Main Street

Freehold, NJ 07728

Tel: 732-577-6613 Ext:
Fax: 732-294-5965
Email: cscott@co.monmouth.nj.us

Mr. Singleton, Darrell K.
Captain
Kent County Sheriff's Office

701 Ball Avenue Northeast

Grand Rapids, MI 49503

Tel: 616-632-6401 Ext:
Fax: 616-632-6412
Email: darrellsingleton@kentcountymi.gov

Mr. Spence, Phil
Chief
Arapahoe County Sheriff's Office

7375 South Potomac Street

Centennial, CO 80112

Tel: 720-874-4176 Ext:
Fax: 720-874-3495
Email: pspence@co.arapahoe.co.us

Mr. Teuscher, Jeffrey A.
Captain
Dane County Sheriff's Office

115 West Doty Street

Madison, WI 53703

Tel: 608-284-6165 Ext:
Fax: 608-284-6112
Email: teuscher@co.dane.wi.us

08J2401

Large Jail Network Meeting

Mr. Thompson, Steve
Director
Snohomish County Corrections

Tel: 425-388-3616 Ext:
Fax: 425-339-2244
Email: steve.thompson@co.snohomish.wa.us

3000 Rockefeller Avenue, M/S 509

Everett, WA 98201-4046

Mr. Tighe, F. Patrick
Major
St. Lucie County Sheriff's Office

Tel: 772-462-3396 Ext:
Fax: 772-462-3362
Email: TigheP@stluciesheriff.com

4700 W. Midway Road

Ft. Pierce, FL 34981-4825

Ms. Tyler, Shirley A.
Warden
Mercer County Corrections Center

Tel: 609-583-3553 Ext:
Fax: 609-583-3560
Email: styler@mercercounty.org

PO Box 8068
640 S. Board Street
Trenton, NJ 08650

Mr. Wall, Ashbel T.
Director
Rhode Island Department of Corrections

Tel: 401-462-2611 Ext:
Fax: 401-462-2630
Email: at.wall@doc.ri.gov

40 Howard Avenue

Cranston, RI 02920

Mr. Wilkes, Tony M.
Complex Administrator
Davidson County Sheriff's Office

Tel: 615-880-3868 Ext:
Fax: 615-862-8590
Email: twilkes@dcsso.nashville.org

506 Second Avenue North

Nashville, TN 37201

08J2401

Large Jail Network Meeting

Mr. Wresh, Michael A.
Captain
Hennepin County Sheriff's Office

401 South 4th Avenue

Minneapolis, MN 55415

Tel: 612-348-4424 Ext:
Fax: 612-596-8145
Email: mike.wresh@co.hennepin.mn.us

Mr. Wyche, Robert B.
Commander
Caddo Parish Sheriff's Office

PO Box 70110

Shreveport, LA 71137

Tel: 318-677-5254 Ext: 111
Fax: 318-677-5330
Email: bwyche@caddosheriff.org

Appendix C

Index of Past LJN Meeting Topics

**LARGE JAIL NETWORK MEETING TOPICS
JUNE 1990 - MARCH 2008**

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

LARGE JAIL NETWORK MEETING TOPICS
 JUNE 1990 - March 2008
 (continued)

2000	January	Criminal Justice System Coordination and Cooperation: How the Jail Benefits and the System is Improved. Legal Issues Update.
	July	Exploring Issues and Strategies for Marketing, Funding, and Auditing Large Jail Systems.
2001	January	The Use of Data for Planning, Decision Making, and Measuring Outcomes.
	July	Understanding and Using the Data & Resources of the Bureau of Justice Statistics Staff Issues in Large Jails: Staff Utilization, Relationships, Conduct & Misconduct
2002	January	The Future of Jails, Corrections and Criminal Justice Legal Issues Update
	July	Inmate Medical Care Cost Containment Succession Planning for Future Jail Leaders
2003	January	Addressing the Future of Jail Legislation, Resources and Improving Funding Legislation, Resources and Funding: A Perspective from our Professional Associations The Role and Use of Professional Standards and Internal Affairs Large Jail Network Listserv and Web Technology Legal Issues Update-Health Insurance Portability and Accountability Act of 1996 (HIPAA), Admission Screening
	July	Defining the Future & Exploring Organizational Strategies Impact of Jail Population Changes on Jail Management Jail Standards & Accreditation Use of Technology for Jail Administration & Operation
2004	February	Emergency Preparedness: Planning and Implementation Contagious Disease Identification and Prevention Legal Issues Update-Inmate Medical Confidentiality, Involuntary Mental Health Treatment, Contract Provider Litigation, Arrestee "Clothing Searches"
	July	Effectively Managing Inmate Gangs in Jails Identifying Problems/Managing Inmate Mental Health
2005	January	Preparing Leaders in Corrections for the Future-NIC's Core Competency Project Training as a Strategic Management Tool Inmate Mental Health: Legal Issues, Management, Diversion Justice and the Revolving Door and Corrections Into the Next Decade
	July	Examining Federal and Local Benefits for Jail Detainees Ethics in the Administration of the Jail Human Resource Issues: Employee Recognition, Attendance, Restricted Duty

2006	January	Implementing PREA: The BJS Report Statistical Analysis: Crowding, Life Safety, Managing Staff Succession Planning The Question of TASERS Legal Issues Update
	July	Diagnosing, Analyzing and Improving the Jails Organizational Culture Planning for Catastrophes and Other Crises Prison Rape Elimination Act (PREA) and Jails Criminal Registration Unit: Hillsborough County, FL
2007	January	15 th Anniversary Meeting Large Jail Systems Assessment Research Project Changing Organizational Culture Improving Collaboration Between Jails and Mental Health Systems Legal Issues Update
	September	Jail Inmate Reentry Programs: Public, Private, Non-Profit Involvement Jail Inmate Reentry Issues on a County Level Responding to Women Offenders in Large Jails Excited Delirium: A Problem to be Eliminated or Managed Recruiting, Hiring, Retention of Staff The Value of Public/Private Partnerships for Large Jails
2008	March	Immigration and Custom Enforcement 287 (g) Program Contract Services Media Relations Workforce Development Legal Issues Update