

# JAIL BULLETIN

Number 59

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## JAIL STANDARDS

### I. INTRODUCTION

#### A. What are Standards?

In the past few years, more and more jail staff have become aware that state and national organizations are writing standards for jails.

Standards define how jails should be designed and operated. Standards vary in form, content and applicability. Several national organizations have developed standards for jails, including:

American Correctional Association and its affiliate,  
the Commission on Accreditation for Corrections  
American Public Health Association  
American Medical Association  
American Bar Association  
United Nations

According to a recent survey conducted by the National Sheriff's Association:

- 28 states have jail standards;
- 32 states inspect jails;
- 29 states have enforcement powers; and
- some states offer technical assistance to jails to help them comply with standards.

Since the survey was completed, several states have developed and implemented jail standards, and several others are in the process of writing standards.

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## **B. Why are Standards Written?**

Most organizations which write standards are concerned with protection. Through jail standards, it is possible to provide better protection for the public, jail staff and jail inmates. This is achieved by defining how jails should be operated and (in some instances) by providing a mechanism for determining whether jails measure up to the standards.

National standards usually attempt to guide jails. There is no national jail inspection effort, nor is there a national mandate to enforce standards. The U. S. Department of Justice has promulgated standards which could be considered national standards. These are applied to all of the facilities operated by the Department of Justice (Bureau of Prisons), to facilities with which the Department contracts, and to facilities which are being sued by the Department under the Institutionalized Persons Act of 1980.

State standards are usually accompanied by inspection and enforcement powers.

Any standards may be applied to your jail.

## **C. Why Should You be Concerned with Standards?**

Standards affect you directly or indirectly. Everytime a national organization writes or rewrites jail standards, the courts have another measure which may be used to evaluate your jail.

Courts use standards in two ways:

1. Courts use standards to measure whether a jail is adequate or not.
2. Courts use standards to decide what will be required if the plaintiff wins the case.

In addition, standards can help you evaluate your facilities and operations.

## **D. Standards Can be a Resource**

Some jail managers view jail standards as a threat and complain that standards are unfair, infringe upon their authority and should be abolished.

Standards can be helpful by providing:

- Guidance — what should be done to operate a jail correctly.
- Support — standards can provide the jail manager with a reason to continue to practice or to revise a practice; standards can back up the manager in efforts to improve the jail.
- A management tool — standards can be used as a systematic way to evaluate how the jail is run and as the basis for designing improvements.

Standards do not have to be a burden. A creative manager can use standards as a vital force for improvement.

## **E. You Should Know Standards**

Standards cannot help you unless you know what they say. Ignorance of them invites problems.

## **F. Use Standards**

Use standards to improve your jail and to prevent successful lawsuits. Standards set the objectives for your operations; they provide you with a goal.

Use standards as one basis for evaluating your jail. Audit your jail to determine compliance with standards. If you are inspected, use the results as a basis for change. Pass the inspection results on to your funding sources as documentation of your needs. An inspection can be an important resource, providing an assessment of how to improve your organization.

Active use of standards may help to avoid successful lawsuits against your jail. Document your use of standards to show your efforts to improve your jail.

## **G. Standards Change — Stay Up to Date**

Most standards are periodically revised, primarily because courts change direction on issues and because new practices and philosophies need to be incorporated.

In order to fully benefit from standards, you should keep abreast of changes.

You may want to go a step further and participate in the revision processes. As a jail officer, you may find problems with standards. Write these down and send them to the organization which developed the standards. Most organizations welcome this information.

If your state jail standards are being revised, let the Jail Standards Board know your opinion. In this way you can “get your two cents in” before the standards are final. Although all of your comments may not be incorporated, chances are that some will be.

As an example of how involvement can benefit you and your fellow managers, consider this actual case study.

A committee of sheriffs was asked to review planned revisions in the state's jail standards. At one meeting, when the sheriffs and state officials were reviewing a standards on “admissions procedures,” one sheriff suggested a change. He requested that the state require, in the standards, that any arrestee who appears to be in need of medical attention be taken to a doctor or hospital prior to being admitted to the jail. The sheriff had a similar policy in his jail, but the state police would not comply with it. The sheriff said he would be able to require compliance if the policy became a standard. The state included his suggestion in the revision.

## **II. FEDERAL AND NATIONAL PRIVATE ORGANIZATIONS INVOLVED IN DEVELOPING CORRECTIONAL STANDARDS**

The following are the key agencies and organizations involved with developing correctional standards. The list has been put out by the NIC Jail Center, which may be contacted for more information.

American Correctional Association  
Commission on accreditation for Corrections  
6110 Executive Boulevard, Suite 750  
Rockville, MD 20852

Manual of Standards for Adult Parole Authorities  
Manual of Standards for Adult Community Residential Services  
Manual of Standards for Adult Probation & Parole Field Services  
Manual of Standards for Adult Correctional Institutions  
Manual of Standards for Adult Local Detention Facilities  
Manual of Correctional Standards (3rd Edition)

American Public Health Association  
Jails and Prison Task Force  
1015 Eighteenth Street, N.W.  
Washington, D.C. 20036

Standards for Health Services in Correctional Institutions

American Medical Association  
Program to Improve Medical Care and Health Services  
in Correctional Institutions  
555 North Dearborn Street  
Chicago, IL 60610

Standards for the Accreditation of Medical Care and Health Services in Jails

American Bar Association  
Criminal Justice Section  
Project on Standards Relating to the Legal Status of Prisoners  
1800 "M" Street, N.W.  
Washington, D.C. 20036

Standards Relating to the Legal Status of Prisoners (Draft)

National Sheriffs' Association  
1250 Connecticut Avenue, N.W.  
Washington, D.C. 20036

Seven handbooks outlining a set of standards and principles to guide the jail administrator in bringing the jail operation to an acceptable level.

- Jail Administration
- Food Service in Jails
- Jail Programs
- Inmates' Legal Rights
- Jail Security
- Sanitation in the Jail
- Jail Security, Classification and Discipline

Recent publications include Jail Officers' Training Manual and Model Job Descriptions.

U. S. Department of Justice  
Federal Bureau of Prisons  
320 First Street, N.W.  
Washington, D. C. 20534

The Department recently released standards for:

- All Federal Correctional Institutions;
- Community Treatment Centers and Halfway Houses under contract with the Bureau serving Federal clients;
- State and local jails under contract with the Bureau to detain federal prisoners.

U. S. Department of Justice, LEAA  
National Advisory Commission on Criminal Justice  
Standards and Goals  
633 Indiana Avenue, N.W.  
Washington, D.C. 20531

Report on Corrections (1973): Consists of 81 specific standards and commentary for all phases of the correctional system.

United Nations  
Crime Prevention and Criminal Justice Branch  
Center for Social Development and Humanitarian Affairs  
New York, NY 10017

Standard Minimum Rules for the Treatment of Prisoners and Related Recommendations

National Council on Crime and Delinquency  
Continental Plaza  
411 Hackensack Avenue  
Hackensack, NJ 07601

The NCCD does not have a set of recommended standards but has developed the following materials regarding correctional services:

Model Acts for the Protection of the Rights of Prisoners and Standards Act for State Correctional Services

### **III. SOME LEGAL ASPECTS OF STANDARDS**

According to An Administrator's Guide to Conditions of Confinement Litigation, (American Correctional Association), standards are used in two ways in cases which challenge conditions of confinement. The first is as a guideline in measuring the seriousness of a given condition. A court will give considerable weight to a given standard or set of standards in adjudicating alleged constitutional violations. Although a given set of standards may not have been intended to be the minimum allowable under the "cruel and unusual punishment" section of the U. S. Constitution, as a defendant, you may have to demonstrate this clearly to the court. But in doing so, you must also impress on the court your genuine concern for the substance of those standards, or your overall effect could be a negative one.

The second way in which standards are used by a court is in the relief phase of the case. If a constitutional violation has been found, and a court is attempting to formulate its decree, professional or governmental standards provide clear, objective, defensible sources for the contents of an order. Such sets of standards reflect what a given profession feels it can and should meet and/or what the government says the private sector must comply with. Courts have ruled that prisoners are entitled to the same benefits and protections. Courts have ruled that food and medical care must be provided under as sanitary conditions as they would be in a restaurant or hospital.

A lower court imposition of a set of standards will be hard to overturn unless you can show a penological objective (such as security, order, or rehabilitation) which conflicts with all or part of the standards. Even cost is not likely to be considered an important factor.

### **IV. PREPARING FOR AND PASSING THE JAIL INSPECTION**

Most states have promulgated jail standards and conduct inspections of jails and lockups. The following text is drawn from a presentation made by Jill Goldhart and Mark Martin, who head jail inspection units in Ohio and Nebraska.

#### **A. What does an inspection consist of?**

In most states, inspections involve the following types of activities:

- interviews with administrator, staff and/or inmates;
- physical tour of jail; and
- gathering documentation of practices.

**B. What do jail inspectors look for? How do you demonstrate compliance with standards?**

These questions have similar responses: inspectors look for documentation or verification of compliance which is also how you can demonstrate/prove compliance with standards.

Inspectors also look for a link between stated policy, actual practices, staff knowledge of practices, physical plant capability, and documentation of practices.

You must be prepared to answer questions about practices as well as have staff and inmates questioned about procedures or policies. Make certain there is an ongoing housekeeping plan to keep the jail clean and all equipment operable at all times. Also, be prepared to support your efforts through documentation.

**C. Why would you want to prove compliance?**

There are many reasons that a jail manager would want to achieve standards compliance and prove it to an inspector. These include:

- to receive a good inspection report;
- to facilitate accreditation or certification of jail operations;
- to demonstrate a desire to have a professional operation;
- as a basis of defense against lawsuits; and
- to reduce inmate grievances, jail incidents, and other problems by promoting a better operation.

**D. What documentation is verification of compliance?**

You can prove that you have corrected previous deficiencies and that current operations comply with standards, through:

- written policies/procedures;
- post orders;
- inmate rules of conduct;
- forms;
- logs, e.g. jail/key logs;
- reports from other agencies, e.g., fire/health/court monitor;
- photos;
- records, e.g., training files;
- contracts; and
- detailed plans for correction.

For items that are in the process of being corrected or are planned, you may demonstrate the intent to comply through:

- purchase orders;
- invoices;
- correspondence requesting funds or assistance;
- architectural plans;
- action agendas and master plans; and
- work orders.

**E. How do you prepare for an inspection?**

Several steps are suggested in a methodology to prepare for an upcoming jail inspection.

Step 1 - Review previous inspection report, if one is available, or past correspondence and determine:

1. which deficiencies are still outstanding; and
2. if documentation is available to support corrected items.

Other items which could identify problems and warrant a review would be lawsuits, grievances, critical incidents, reports by fire/health officials, etc.

Step 2 - Audit your facility and assess your compliance with the standards in question, using a checklist or a state-provided instrument.

1. list deficiencies;
2. determine if compliant areas can be proven through documentation; and
3. gather documentation - if documentation of compliance is not available, or if you are unable to verify it, list the item as a deficiency.

Step 3 - Prepare files containing documentation organized by standard number or section.

Step 4 - Develop master plan to correct outstanding deficiencies:

1. set priorities (safety, sanitation, problem areas);
2. identify items within your control and those requiring outside resources (person or money); and
3. develop action agendas for first year's priorities-note years projected for correcting other priorities.

Step 5 - Implement action agendas

1. Maintain records in documentation files demonstrating progress, e.g., letters, drafts, bids.

Step 6 - Reassess Annually

Many jail managers have found that their best resource to achieve compliance with standards is the jail inspection unit. Many states provide technical assistance to improve compliance.



## QUIZ

Nebraska Jail Standards require that jail staff receive eighteen (18) hours of in-service training each year. The Jail Bulletin may be used to supplement in-service training if an officer studies the Bulletin, completes the quiz, and this process is documented by the jail administrator for review during annual jail inspection.

SUBJECT: JAIL STANDARDS

NAME \_\_\_\_\_

NUMBER 59

DATE: \_\_\_\_\_

1. If a plaintiff wins a lawsuit against a jail, standards may be used by a court to decide

\_\_\_\_\_

2. Standards can be helpful by providing:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. A jail inspector will look for a \_\_\_\_\_ between stated policy, actual practices, staff knowledge of practice, physical plant capability and documentation of practices.

4. List six forms of documentation that could be used to verify compliance.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. When preparing for an inspection, you should review the previous inspection reports to determine: (Circle appropriate response)

- a. Which deficiencies are still outstanding
- b. If last year's inspector was a jerk
- c. If documentation is available to support corrected items
- d. How to set priorities

**CREDIT: 1 HOUR CREDIT FOR JAIL IN-SERVICE TRAINING REQUIREMENT  
ANSWER SHEET SHOULD BE RETAINED BY JAIL ADMINISTRATOR**

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SUBJECT: JAIL STANDARDS

NAME \_\_\_\_\_

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1. If a plaintiff wins a lawsuit against a jail, standards may be used by a court to decide  
WHAT WILL BE REQUIRED
2. Standards can be helpful by providing:  
GUIDANCE  
SUPPORT  
A MANAGEMENT TOOL
3. A jail inspector will look for a LINK between stated policy, actual practices, staff knowledge of practice, physical plant capability and documentation of practices.
4. List six forms of documentation that could be used to verify compliance.  
WRITTEN POLICIES/PROCEDURES, POST ORDERS, INMATE RULES,  
FORMS, LOGS, REPORTS FROM OTHER AGENCIES, PHOTOS,  
RECORDS, CONTRACTS, PLANS FOR CORRECTIONS
5. When preparing for an inspection, you should review the previous inspection reports to determine: (Circle appropriate response)
  - a. Which deficiencies are still outstanding
  - b. If last year's inspector was a jerk
  - c. If documentation is available to support corrected items
  - d. How to set priorities

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