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UPGRADING JAILS AND JUVENILE DETENTION FACILITIES:

A REPORT ON POLICY, PROCEDURES, AND PRACTICE IN NEW JERSEY, NEW YORK, AND PUERTO RICO

Prepared by
Arnold J. Hopkins and Jane McKeown
Statewide Jail Standards and Inspection Systems Project



AMERICAN BAR ASSOCIATION
Commission on Correctional Facilities and Services

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1800 M Street, N.W.
Washington, D.C. 20036

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ACQUISITIONS

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INTRODUCTION

This report contains the findings and recommendations resulting from a field study of state-wide jail upgrading programs in the States of New York, New Jersey and the Commonwealth of Puerto Rico. The purpose of the project was to document efforts by state government to stimulate improvements in the administration and operation of local confinement facilities through powers of standard setting, inspection, and enforcement authority. The report attempts to narrow the gap between such theory and practice adopted by the target sites in its description of policies, procedures, and experience of state jail standards and inspection systems. From these first-hand observations flow a series of recommendations for coordinated approaches to standardize and sustain institutional reforms.

Funding support for the study was obtained from the New York Regional Office of the Law Enforcement Assistance Administration (Grant No. 73ED-02-0001) on request of the Commission on Correctional Facilities and Services of the American Bar Association. Planning of the study and its implementation was conducted by staff and consultants to the Commission's Statewide Jail Standards and Inspection Systems Project.

BACKGROUND

Jails function as the centerpiece of America's correctional apparatus and discharge an estimated four million, men, women, and children a year.* The conditions of confinement are well documented in written and visual reports all of which conclude: The jails everywhere are inadequate. Virtually every responsible organization and study to focus on the cultural problems of jails and local detention facilities have viewed the approach of statewide jail standards and inspection programs, backed by affirmative enforcement authority, as the key to progress in this area (e.g. Advisory Commission on Intergovernmental Relations, American Correctional Association, National Governors' Conference, National Association of Counties, and President's Commission on Law Enforcement and the Administration of Justice).

Most recently, advocacy for the state standards and inspection concept was voiced by the National Advisory Commission on Criminal Justice Standards and Goals.** While viewed as a preliminary step to state control and operation of local correctional facilities the push was for legislative authorization to foster uniform program standards and improved levels of performance of jails and local short-term institutions. To accelerate and encourage national progress toward this goal, the ABA Corrections Commission established a "special focus" project endorsed by a broad variety of national groups. Building on its clearinghouse and technical assistance experience the Statewide Standards and Inspection Systems Project was given responsibility for the LEAA Region II study project.

* Mattick, Hans W. "The Contemporary Jails of the United States: An Unknown and Neglected Area of Justice" (from Handbook of Criminology, D. Glaser, ed.: Rand McNally College Publishing Company, 1974).

** Report on Corrections, National Advisory Commission on Criminal Justice Standards and Goals, 1973, U.S. Gov't. Printing Office.

OBJECTIVES

Study objectives were to undertake for the LEAA New York Regional Office a detailed examination and analysis of existing laws, regulations, and apparatus for promulgating and enforcing standards for jails and juvenile detention centers in Region II states--New York, New Jersey and the Commonwealth of Puerto Rico.

Specific work tasks were to include:

- (I) Data gathering, on-site review consultation and analysis of standards for jail administration and correctional services;
- (II) Assist Region II states in improving inspection procedures and standard rating devices; and
- (III) Preparation of a report documenting findings, and analysis, and containing concrete suggestions for strengthening jail standards and inspection programs.

METHODOLOGY

A work plan with activities time-table was prepared for guiding the four phases of the study. Phase I involved the collection and analysis of legislation, policy directives, descriptive information, and data pertaining to jail standards and inspection in the target jurisdiction. These materials were catalogued and placed in a "resource book" for field consultants. Concurrently, project staff visited with the Commissioners of Corrections in New York and New Jersey to explain the project and enlist their support for the study. Working through the Director, Puerto Rico Crime Commission, the correctional chief was placed on notice of the project's mission and tentative arrangements were made for a field visit to selected local facilities.

Phase II consisted of the identification, retention and briefing of outside consultants to assist staff in field work assignments. Joining the study team in a consulting capacity were:

Jay Friedman
American Foundation Institute of Corrections
Philadelphia, Pennsylvania

Robert J. Russell
Senior Jail Inspector
Michigan Department of Corrections

Thomas Jenkins
President
National Juvenile Detention Association
Baton Rouge, Louisiana

Next, arrangements were finalized for interviews with the Directors and staff of state jail inspection programs in the target sites. The selection of juvenile detention and jail facilities to visit was based on factors of limited financial resources (\$4,100 of the \$11,257 grant was budgeted for consultant services and travel), logistics, and size and type of local institutions. A final decision was reached to visit 23 local detention centers and jails in the three jurisdictions under study. In terms of the sample, 11 were adult jails, 10 were juvenile institutions, 1 women's facility, and 1 youth detention center. Nine of these facilities, were in New York State, 7 in New Jersey, and 6 in Puerto Rico.

Phase III involved visitations to state offices and local institutions identified in the field work plan. The visitations were conducted during the period November 1973 through January 1974 by the study team consisting of two staff and two technical consultants. To maximize these resources the team was divided for coverage of adult and juvenile institutions then rejoined for debriefing meetings.

Phase IV consisted of final exit meetings with project consultants and preparation of the study report by staff.

THE REPORT

The final report is organized as follows: Part I contains separate descriptions of state-wide standards and inspection programs operating in New York, New Jersey and Puerto Rico for adult jails and juvenile detention facilities. The component topics cover legislative authorization, agency organization, standards, intergovernmental relationships, problems and issues and recommendations for improvements. There is also a section with exhibits of descriptive materials collected from field visitations. The final section contains appendix items considered to have value as technical assistance resources.

1. Mattick, Hans W. "The Contemporary Jails of the United States: An Unknown and Neglected Area of Justice" (from Handbook of Criminology, D. Glaser, ed.: Rand McNally College Publishing Company, 1974).
2. Report on Corrections, National Advisory Commission on Criminal Justice Standards and Goals, 1973, U.S. Gov't. Printing Office.
3. See Hopkins

CHAPTER I

The Three State Analysis: Origin, Design and Objectives

ABA Focus on Jail Reform. In response to the minimal interest and progress concerning the state of the nation's local jails and juvenile detention facilities,* the ABA's Commission on Correctional Facilities and Services funded a "special focus" project in this area at the initial level of \$25,000 in the summer of 1972. The overall goal of this Statewide Jail Standards and Inspection Systems Project was to launch a national leadership effort to encourage the establishment and integration of contemporary jail inspection, standards and enforcement systems in all the states. To document the problem the first effort undertaken by project staff was a 50-state survey to determine the nature and extent of authority for upgrading jails and juvenile detention facilities. The results of the survey sharply pointed up the need for comprehensive legislative policy to facilitate institutional reforms in a majority of the states. Accordingly, project activities were centered around a clearinghouse effort to disseminate the better examples of existing legislation, and offer as technical assistance to states interested in a systematic approach to upgrading jail standards, inspection and enforcement machinery.

In conjunction with the A.B.A. Corrections Commission, the project has issued a series of publications in transmitting information about the current posture of jails and juvenile detention facilities.* Documentary reports include the Survey and Handbook of State Standards and Inspection Legislation for Jails and Juvenile Detention Facilities,¹ and an informational series of clearinghouse bulletins focusing on current initiatives in the area, such as the AMA Survey of Medical Facilities in Jails, and case studies on recently enacted jail legislation in Arkansas and Oregon. As a result of a more indepth documentary effort, the project has also published an Operational Profile Handbook, illustrating statewide jail legislation authority and program implementation in Illinois and South Carolina.

LEAA Grant Implementation Strategy. As a logical outgrowth of these technical assistance efforts, project staff in January, 1973, initiated a grant request to the LEAA New York Regional Office to undertake a detailed examination and analysis of existing laws, regulations and apparatus for promulgating and enforcing standards for local jails and juvenile detention facilities in Region II states (New York, New Jersey and the Commonwealth of Puerto Rico).

It was felt that this regional configuration would be particularly enlightening because of the wide range of programs in jail standards administration within the three jurisdictions.

* See Appendix D for Project publication list.

The New York Commission of Correction is empowered with full statutory authority to inspect, set standards and to require compliance to standards. The New Jersey Division of Corrections has partial authority to inspect, and set objectives for jail administration but no power to enforce standards; and in Puerto Rico the Commonwealth prescribes jail policies in administrative directives issued by the Division of Correction.

More specifically, three general work tasks for the study were identified:

- (1) data gathering, on-site review, consultation and analysis of standards and administrative protocol for up-grading jail administration and correctional services;
- (2) assistance to Region II states in improving inspection procedures and standards rating devices;
- (3) preparation of a report documenting findings, analysis, and concrete suggestions for strengthening jail standards and inspection apparatus.

A six-month LEAA discretionary grant in the amount of \$11,257 was awarded through the New York Division of Criminal Justice Services ("New York SPA") to the American Bar Association Fund for Public Education. Work officially began on the project March 1, 1973.

Phase I

The first phase of the project concentrated on the identification and cataloging of resource materials and information, including the most recent developments in jail and juvenile detention legislation, and the review and analysis of relevant policies and practice in the target states. A combined introductory letter and preliminary contact was made with the heads of the corrections departments involved, both adult and juvenile, who in turn appointed department liaison staff to assist in the coordination of field visits with administrators of local facilities in the participant states.

In September 1973, the LEAA project director (Arnold J. Hopkins) and assistant director (Jane McKeown) made initial visits to New York and New Jersey to formally present the tentative work plan to responsible state corrections officials and gain their impressions and perspective on policies and procedures relative to the up-grading of local jails and juvenile detention facilities. Staff met with Corrections Commissioner Peter Preiser (9/26/73) and Morton G. Van Hoesen, Administrator of the Commission of Corrections in Albany, New York. In New Jersey on September 25th staff met with the Director of the Division of Correction and Parole, William H. Fauver, and the Chief of the Bureau of Operations, John Belton. Preliminary arrangements for the Puerto Rico study segment were handled by Dionisio Manzano, the Director, and

corrections staff of the Governor's Crime Commission. At this time, a detailed work plan was finalized, consisting of three basic components:

- (1) organization of field assessment teams for target states, each consisting of ABA staff plus 2 consultants, one to be an experienced jail inspector;
- (2) development of procedural plans for each state, outlining specific areas of responsibility for each of the team members;
- (3) designation of a three member review committee to critique and advise on reports developed by the field assessment teams.

Phase II

A structured work plan was keyed to consulting team functions with documentary source books prepared for each state. Staff then contracted with three consultants to assist with the various implementation phases of the project. In November 1973, Jay Friedman, of the American Foundation Institute of Corrections, Philadelphia, Pennsylvania; and Robert J. Russell, Senior Jail Inspector, Michigan Department of Corrections were invited to assist the project in its study of the policies and practice of upgrading jail and juvenile detention facilities in New York, New Jersey and Puerto Rico. In December 1973, Thomas Jenkins, President of the National Juvenile Detention Association, Baton Rouge, Louisiana, was retained as consultant to assist the project in examining the juvenile detention inspection, standards and enforcement activities of the New York State Division for Youth.

Phase III

Scope of Project Activities. During the period November 1973 through January 1974, project staff assisted by the core consultant team of Messrs. Friedman and Russell, completed the field visit component of the grant. A total of five trips were conducted and 23 institutions were visited, as follows:

<u>Date</u>	<u>Place</u>	<u>Institutions</u>
Nov. 28 - Dec. 1, 1973	Albany, New York	Albany Co. Jail (adult) Schenectady Co. Jail (adult) Saratoga Co. Jail (adult)
Dec. 12 - 15, 1973	Trenton, New Jersey	Burlington Co. Jail (adult) Essex Co. Jail (adult) Essex Co. Youth Facility (juvenile)

<u>Date</u>	<u>Place</u>	
Dec. 26 - 29, 1973	New York City & Albany, New York	Manhattan House of Detention (adult) Rikers Island (Women's Facility) (Youth Detention) Rockland Co. Children's Home (juvenile) Boys Samaritan Shelter (juvenile) Girls Samaritan Shelter (juvenile) Rensselaer County Facility (juvenile)
Jan. 10 - 12, 1974	Albany, New York & Trenton, New Jersey	Mercer Co. Jail (adult) Camden Co. Jail (adult) Burlington Co. Juvenile Detention Facility (juvenile) Mercer Co. Youth House (juvenile)
Jan. 20 - 25, 1974	San Juan, Puerto Rico	San Juan Municipal Jail (adult) San Juan District Jail (adult) Ponce District Jail (adult) Hato Rey Juvenile Detention Facility (juvenile) Rio Piedras Juvenile Detention Facility (juvenile) Ponce Juvenile Detention Facil- ity (juvenile)

Mr. Jenkins assisted staff during the December 26 - 29, 1973 portion of the field visits.

Whenever possible, staff endeavored to meet with state legislators and other concerned policymakers. In New Jersey, for instance, staff met with Carl Moore, Research Associate for Law Revision and Legislative Services Committee of the State Legislature.

In New York, staff was in touch with State Senator John Dunne, concerning his involvement in efforts to enlarge the statutory jurisdiction of the State Commission of Corrections. Additionally, staff met with Senator Edwin Bello in Puerto Rico, to discuss the work of the Senate Prison Reform Committee, as well as with Secretary of Justice Hernandez de Jesus, and Governor Rafael Hernandez Coln concerning the proposed structural changes in the Corrections Department.

Phase IV

This segment of the study was to produce a documentary report and recommendations to assist correctional administrators with improvement

strengthen policies and procedures were the result of a three-step analytical process. First, debriefing sessions involving consultants and project staff were conducted to assimilate theory and practice of statewide jail upgrading efforts in the target jurisdictions. Second, these inputs were refined and a problems and issues was prepared for each statewide program. These work products were further analyzed in the context of program organization, administration, and results. From these analyses a series of proactive recommendations were developed.

Separate treatment is given statewide programs in the following three chapters organized with presentations on the New York approach to upgrading jails and juvenile detention facilities followed by description of the New Jersey system, and concluding with a report on the institution reform efforts in the Commonwealth of Puerto Rico. To complement these case studies, additional information and descriptive material is furnished in the Appendices Section to this final report. The close-out chapter is devoted to specific recommendations for upgrading state-wide standards and inspection systems.

Chapter II

NEW YORK STATE

Part I Adult Detention -- Local Jails

A. Legislative Authorization. The New York State Commission of Correction is a statutory agency with roots back to 1895 when enabling legislation was approved for creation of a State Commission on Prisons. During its seventy-eight year history Commission powers and responsibilities have expanded through numerous legislative amendments. It's growth and substantive changes in jurisdiction and power are the subject of the following chart:

Chronology of Statewide Standards and Inspection Authority

<u>Date</u>	<u>Description of Statutory Provision(s)</u>
1846-	Grant of legislative authority to Prison Association of New York (now the Correctional Association of New York) for inspection of state's penal institutions.
1895-	Creation of State Commission of Prisons with constitutional power to visit and inspect all adult detention facilities (Chapter 1026, Laws of 1895).
1908-	Expansion of Commission jurisdiction to include city jails and municipal lock-ups, and establishment of staff inspector position to perform these functions.
1913-	Position of Chief Inspector established by Laws of 1913.
1914-	Commission empowered to issue condemnation orders closing municipal jails.
1925-	Agency name changed to State Commission of Correction, and designation of Commissioner of Corrections as its Chairman.
1966-	Standards, categories enlarged to include guidelines for treatment and rehabilitation programs in county jails. (Art. 38, 46, par.7a).
1969-	Commission authorized to approve county jail work release programs.
1970-	Commission responsible for training of county jail guards.
1972-	Correctional Medical Review Board established as component of Commission.
1973-	Deleted that Chairman of Commission be state director of corrections. (Chapter 906, Laws of 1972).

Housed within the New York State Executive Department, the Commission policy is determined by seven members appointed by the Governor to staggered terms. Prior to a recently passed Constitutional amendment, the State Commissioner of Corrections was also the Chairman of the Commission. That tie with the State Department of Corrections has since been severed, however, and the Commission now holds an almost completely independent status, responsible only to the Governor.

The members of the Commission include lawyers, educators, businessmen and other private citizens representing, about equally, "up-state" New York and the New York City area. The Commission by vote of its policy board appoints an Administrator of Jail Inspection. The Administrator serves at the pleasure of the Commission, is not a civil service employee, and has the authority to appoint his own staff.

As a result of statutory amendments which became effective in 1973, (NYS Chap. 398) the Commission has been endowed with broad powers and is now responsible for the following major functions;

- (1) promulgation of minimum jail standards;
- (2) annual inspection of approximately 400 correctional units;
- (3) enforcement of compliance with minimum standards;
- (4) investigation of inmate complaints and unusual incidents at local facilities;
- (5) training of local correctional personnel;
- (6) approval of county jail work release programs; and
- (7) final determination of architectural plans for construction and/or renovation of local jails.

B. Organization and Administration The powers legislatively authorized in the Commission of Correction are exercised through its Jail Inspection Unit. The last five years have seen a growth in the size of this Unit's staff from five to twenty-six. As a result of recent legislation, the Unit now submits its budget directly to the legislature instead of through the State Department of Corrections. In 1973, its total requested annual budget was approximately \$500,000.

The present Administrator of the Jail Inspection Unit is Morton Van Hoesen. Mr. Van Hoesen has subdivided the responsibilities of his staff into five main areas:

Training Unit
Facilities & Construction Unit
Treatment & Rehabilitation Unit
Investigation & Inspection Unit
Medical Review Board

Commission functional units and its staffing pattern are displayed in the following chart. (See Page 8.)

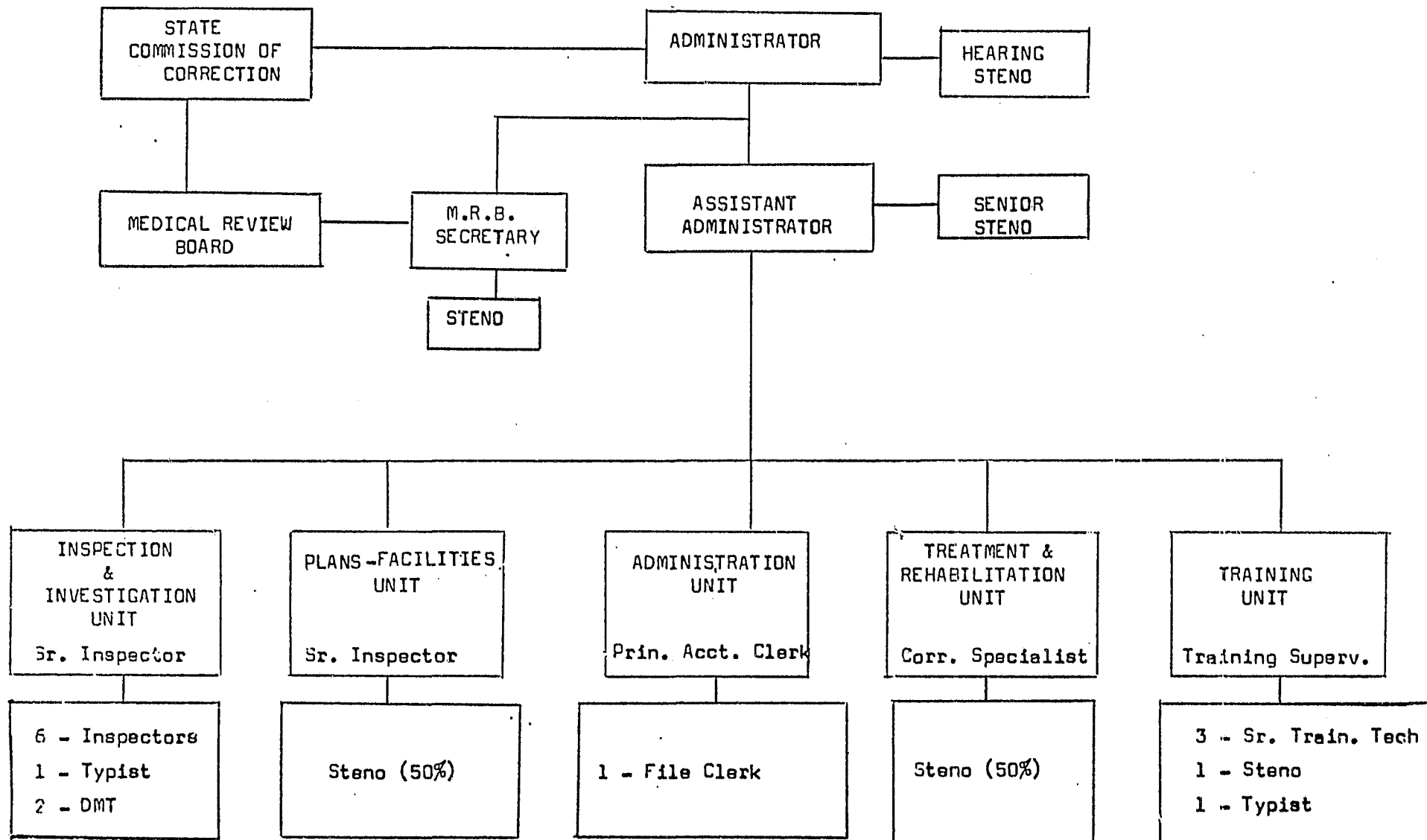
1. Training:

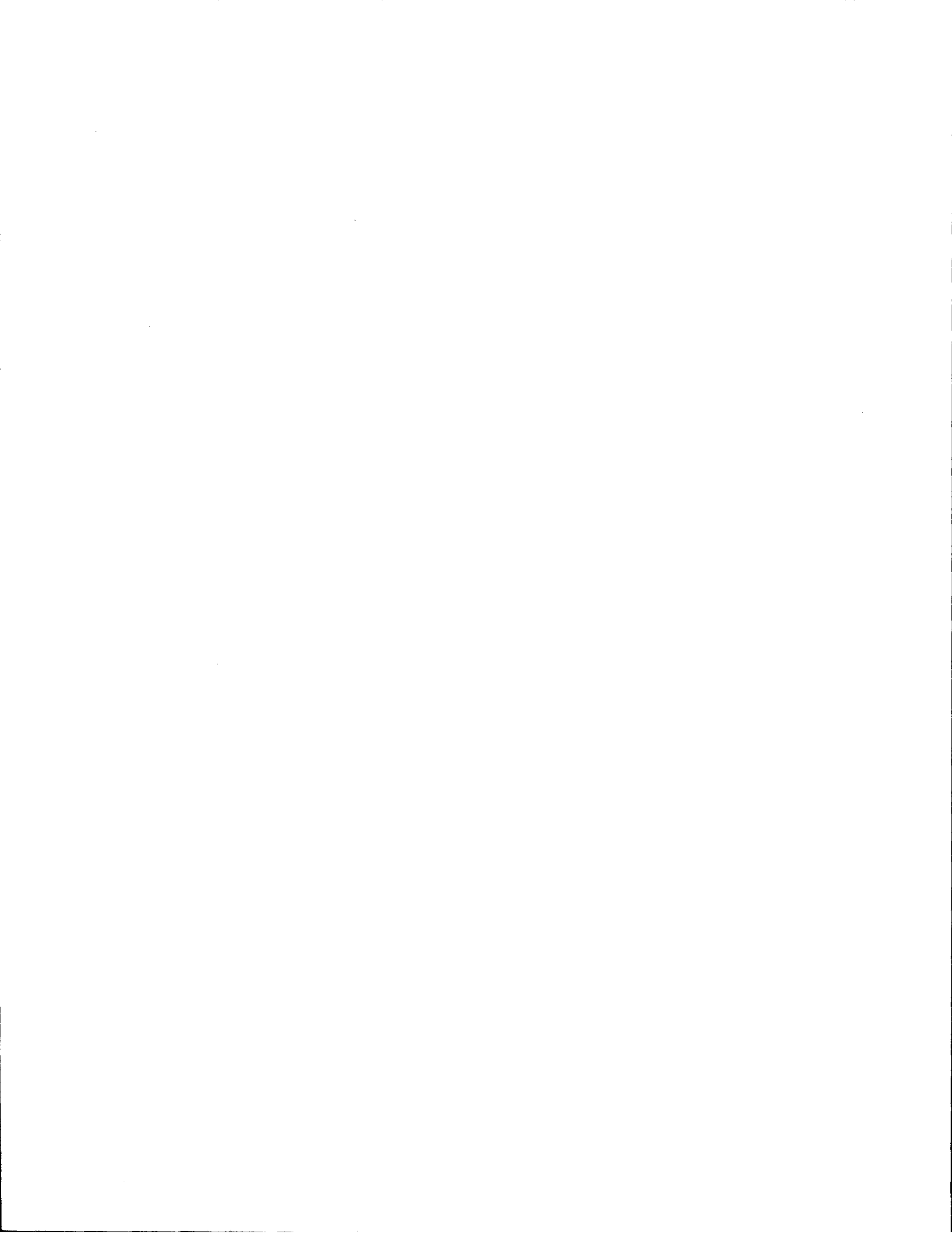
Prior to July, 1971, legislation in New York State provided no mandate for the training of correctional personnel. Now, as a result of Chapter 809, Laws of 1970, an estimated 4,000 full-time county correctional personnel must receive in-service training. Effective in the Summer of 1973, the Training Unit has developed a two-week basic training course, concentrating on the areas of self-defense, first aid and the legal rights of inmates.* The training unit has four staff persons based in Albany, all of whom have M.A. or B.A. degrees, and also uses eight regional consultants to teach various courses.

*Activation of the planning program was delayed pending funding of the activity by the State Legislature.

NEW YORK STATE COMMISSION OF CORRECTION

Revised Organizational Chart
Staff Assignments (Sept. 1, 1973)





Correctional officers are in residence at Albany for the two-week training period. Their salary is continued by the parent agency during this time, with room and board at the training academy (a reconverted Seminary, a portion of which is rented by the Commission) paid for by the Commission. A diploma is awarded at the end of the training period.

At the present time, the training courses are viewed as "Phase I" of an overall program, which will eventually become more advanced and specialized as personnel complete the basic program. Demographic statistics have been compiled on the correctional officers who have been through the program, and the training staff anticipates a better adaptation of courses to the needs of correctional officers as these profiles are further developed. To date, the profiles show that the average correctional officer trainee is 36 - 39 years old, with a 9th to 10th grade education and an approximately 12 minute attention span. One major area of interest to the training unit staff, based on the knowledge gained from the data on trainees, is to develop uniform standards for the employment of local correctional personnel, to include such factors as age, education and health.

2. Facilities and Construction

This unit of the Commission is available to assist architects in planning new jails or major alterations to older facilities. In accordance with requirements of New York State Correctional Law, Section 46, the unit provides basic construction and planning guidelines and reviews architects' preliminary sketches to determine if they are suitable. The principal guidelines are contained in a Commission publication issued in May 1968 and titled, "Outline Data and General Requirements to be of Service in the Design and Construction or Renovation of City, Town and Village Detention Facilities".

While the unit does have site selection authority, it does not approve the choice of architect. Two major factors are involved in site selection approval: (i) proximity to court and (ii) access to the general public.

The overall policy of this unit is a flexible stance toward county plans--to allow a county to individualize concerning such items as food service, dining areas, etc. The Commission's general policy toward dormitory-type cells, however, dictates that these be limited to no more than 30% of the population of a facility. The unit is limited on the pressures it can bring to bear on proposed construction plans since the Commission does not provide subsidies for building or remodeling. However, staff influence plays a part in the negotiation process through consultation and authoritative guidelines of the Commission. Sixty to seventy major modifications or new building requests are reviewed annually by the unit.

3. Treatment and Rehabilitation

This unit derives its authority from New York State Correctional Law, Section 46 (effective 1966) and related Commission guidelines titled "Guide for Implementation and Operation of Treatment Programs." Commission staff interpret these provisions as "principles" rather than "policy" standards as the Guide is couched in permissive terms. A policy to standardize correctional treatment alternatives for jail residents is considered

to be a vital upgrading factor. This additional emphasis would also facilitate the hiring of jail inspectors capable of rating prisoner rehabilitation programs and services. At the present time, this unit consists of a staff of one, but a proposal is pending with the New York SPA for an LEAA grant to support three additional treatment coordinators.

The thrust of the unit is to encourage and support the designation of an individual within each local correctional facility to serve as liaison with community groups in expansion of offender treatment and rehabilitation programs. Eventually, the unit would like to see a service delivery system linking the public and private sections in coordinated jail programs.

It is contemplated that revisions to Commission treatment standards would involve the upgrading of qualifications for jail inspectors to influence and guide the range and quality of offender services in local facilities. Formerly this position required five years as a correctional officer in New York State. The new qualifications are based on the following:

- M.A. degree in Criminal Justice or similar field with no experience; or
- B.A. degree in Criminal Justice or similar field with one year criminal justice experience; or
- A.A. degree, with two years experience in a criminal justice field.

4. Investigation and Inspection

This unit presently consists of four jail inspectors and is responsible for the annual inspection of approximately four hundred correctional units in New York State, as follows:

- 22 State institutions
 - 8 major New York City Corrections Department institutions
 - 4 half-way houses operated by the New York City Corrections Department
- 57 county jails
 - 4 county penitentiaries
 - various city jails
 - city lockups
 - village lockups
 - court detention pens
 - hospital facilities for inmates
 - police precinct holding facilities

Thus, the unit has the responsibility for inspection of all correctional facilities within the state, whether state-owned or county, city, or village-operated. The unit cooperates on a voluntary basis (no formal interagency working agreements) with other state and local agencies which also have authority to inspect correctional facilities, including the Fire Department, Health Department, county grand juries and judges.

C. Standards

The investigation and inspection unit's primary responsibility is that of monitoring and enforcement of Commission minimum jail standards. Standards developed by the Commission are submitted to the Secretary of State, who has the power of review and final approval. The standards are not reviewed by the Attorney General. The approved standards then become part of the official compilation of Rules and Regulations of New York State, with the full force and effect of law.

Specifically, the Commission can exercise authority in Chapter 398, Laws of New York (its 1972 enabling legislation) to enforce compliance with its rules and regulations in one of two procedures. Pursuant to section 48, paragraph 7 the closing of any local correctional facility which is "unsafe, unsanitary, or inadequate to provide for the separation and classification of prisoners required by law or which has not adhered to or complied with the rules and regulations promulgated with respect to such facility by the Commission...provide certain procedural safeguards for issuance of the condemnation citation are followed. While this action may be contemplated for apparent wholesale violations tantamount to gross substandard conditions, facility non-compliance with a specific rule or regulation can be subject of court litigation initiated by the Commission under section 50, paragraph 4.

Over its sixty-five year history the Commission has issued closure orders against three jails. The Civil Jail in New York City (Debtor's Prison) was closed voluntarily on June 15, 1972, the Auburn County Jail was closed through section 48 proceedings, and a citation was issued against the Richmond County Jail. Presently there is legislation pending which alleges substandard conditions at the Manhattan House of Detention (The Tombs) in a federal case titled RHEM v. Malcolm.

The full text of Chapter 398, Laws of New York (approved 6/5/73) is provided in Exhibit #1 to this final report.

The current policies of the Commission of Correction is embodied in "Minimum Standards and Regulations for Management of County Jails and Penitentiaries" (revised September 14, 1972) and a comparison publication for the operation of city jails, town and village lockups (issued July 1971). In the context of operating procedures, the major categories subject to state-wide regulations are: (I) construction and renovation, (II) admission and discharges, (III) security and supervision, (IV) correspondence, (V) prisoner personal hygiene, (VI) discipline, (VII) good behavior credits, (VIII) visits, (IX) food services, (X) health services, (XI) prisoner employment, (XII) work release, (XIII) Classification of prisoners, (XIV) sentence of intermittent improvement, (XV) sanitation, (XVI) commissary, (XVII) personnel standards, (XVIII) records, (XIX) gifts and gratuities, (XX) local parole, (XXI) trusty prisoners, and (XXII) unusual incidents. A separate section is devoted to guidelines for the operation of treatment programs in county jails.

The general tenor of these rules and regulations can be characterized as permissive rather than mandatory. Operating procedures standardized for jail security and custody functions are of the latter variety; whereas standards relating to prison care and treatment are couched in discretionary terms. (i.e. should, may). Given the same terms in jail, physical plant, housing capacity and staffing patterns, there is little distinction in the scope and thrust of operating policies. Consequently, the standards pose little difficulty to the large institutions located in major urban areas but compliance by rural-based facilities is a problem. A faulty classification system sensitive to these factors is not evident. Further, no rating system has been devised by the Commission to determine objectively faulty compliance with required and optional standards. Such a device would prove valuable in efforts to strike a balance in custody and treatment program requirements on qualitative terms.

The jails in New York State are classified for inspection purposes by size: small, medium and large. It is the policy of the unit to inspect all jails at least once a year, with some follow-up during the same year for those in need of corrective action. Visitations are unannounced and begin in the Spring of each year in the farthest parts of the state, enabling Commission jail inspectors to be close to Albany and New York City during the winter months.

The inspection procedure followed by the unit allows each inspector to map out a work route for himself which includes inspections both leaving and returning to Albany, subject to the approval of the unit chief. While inspectors do not have assigned territories, the same inspector usually does not visit the same institutions each year.

In preparing for an annual inspection, the Commission member of the area to be visited is informed, and past inspection reports of the facilities to be visited are reviewed, together with any reports of unusual incidents or complaints about the particular facilities. Inspectors usually visit a facility alone, except when inspecting a large institution, in which case the inspection may be handled by a team of inspectors.

At the institutions to be inspected, the inspector asks to see the officer-in-charge and requests an escort for the inspection. The basic inspection procedure is as follows:

- spot check of jail records, particularly to determine if inmates are housed in proper classification sections
- spot check of envelopes containing inmates' valuables
- spot check visitors' log
- spot check physicians' records
- ask questions, take complaints from inmates
- check storage of prescription medicine
- physical tour of facility, including visiting area, housing sections, and sampling of food.

The inspection report itself is written in narrative form, with little or no area allowed for a check-off system. Usually ten days after the inspection report is submitted to the Administrator the report is released to the press in Albany. The Administrator is considering implementing the practice of also releasing the reports to relevant local newspapers.

A copy of the inspection report is also sent to the county sheriff responsible for the concerned facility. If the inspection report is unsatisfactory, the sheriff is requested at that time to make certain specified improvements in order to meet the Commission standards. The Commission recently has been taking a much firmer stand on this. The sheriff now has ten days after receipt of the report to make, or agree to make, the necessary improvements. The responsible inspector follows up on the action taken, and may make a return visit to the facility in question. If no action is taken by the county sheriff or county legislators within the specified time, the sheriff is sent a letter of citation by the Commission. The experience of the Commission has been that once this proceeding is initiated, the county usually complies with the recommendations and makes the necessary improvements to the facility (e.g. responses of Rockland and Putnam Counties to recent letters of citation). Several facilities, such as the Civil Jail in New York City, have closed down voluntarily instead of investing funds in needed improvements.

If a sheriff does not comply with a letter of citation, the Commission, using its subpoena powers, may order the sheriff to appear before it. The sheriff must show cause why required improvements have not been made. The Commission may then issue a "closing order" (i.e. an order to shut down the jail) to the county legislators, county sheriff and other individuals concerned. This has in fact occurred in the case of Cayuga County and when the county appealed the closing order, the Commission's decision was subsequently upheld in court.

(1) There are generally 355 state and local confinement facilities subject to inspection by Commission staff. An annual inspection of each institution has been an ongoing objective of the state agency. The information reported below indicates the objective has not been achieved according to data recorded in Commission Annual Reports for 1970-1972.

Formal Inspections

<u>Year</u>	<u>No. of Inspections</u>
1970	242
1971	269
1972	309

Apparently jail inspectors are involved in other administrative duties which limit their field activities. Another reason given for not meeting the inspection objective was the additional time required to rate county jail training programs.

(2) The practical consequence of achieving the Commission's goal "to upgrade jails and improve operations" was looked at by project staff in these ways. Interviews were conducted with jail inspectors to ascertain their views regarding current faulty rating procedures and ways the process could be improved. With cooperation of the Administrator, inspection reports of the Commission were reviewed, discussion on the subject were held with local jail officials as part of the visitation schedule, and experience of the project consultant was utilized. From these perspectives a preliminary analysis of the state-wide jail inspection function has indicated that:

- (1) Continuing efforts are needed to maximize the standard-setting, enforcement, and technical assistance aspects of the Commission's regulatory function;
- (2) A jail certification and subsidy arrangement should be explored to assist and sustain compliance by local units of government with statewide standards:

- (3) To conform with enlightened views on jail administration, the updating of existing standards is recommended in areas of prisoner care and treatment, employment qualifications for local jail officers, and coordination of inspection procedures with government institutions responsible for public health and safety; and
- (4) Ways and means be explored to facilitate participation of local government officials in the promulgation of standards and delivery of support service to jail staff.

5. Medical Review Board

This board was established as an appendage to the Commission under Chapter 906 of the Laws of 1972. Organized in January 1973, the Medical Review Board began operation in May 1973. It is composed of five members (doctors, psychiatrists, lawyers) and it falls under the overall direction of the Commission. Administrative services for the Board is provided by Commission staff with work presently being done by inspectors from the Investigation and Inspection Unit. The primary function of the Board is to investigate any death from whatever cause that occurs inside an institution. The Board is not involved in inspecting medical and health care services in local facilities. The jurisdiction of the Board also covers deaths of inmates in state correctional institutions.

The policy of the Board is that it requires immediate notification by telephone of a death at a facility, followed by a detailed written report, which must include death certificate and autopsy report. The report is then followed up by an inspector, who checks the seriousness of the situation through an on-site visit. Findings by the Board of a suspicious nature lead to formal hearings in cooperation with the District Attorney and the state police. Each case that is investigated is assigned to a specific Board member, although all members of the Board receive information on all cases. The cases are reviewed by the Board, which meets periodically as a number of cases accumulate. When the Board members are satisfied of the validity of the documentation concerning the causes of death, the case is closed.

The Board is required to report to the Commission at the end of each year concerning the cases investigated. In 1973, 73 deaths, including 33 suicides, were investigated. At present, legal advice and opinions for the Board are being rendered by counsel of the State Department of Corrections or the Attorney General. The Commission is considering providing in-house or consultant legal expertise specifically for the Board.

The Commission views the investigations of the Medical Review Board as confidential in nature and, as yet, no reports of the Board have been made public.

To gauge the extent of the diffusion of the legislative mandate governing Commission activities: (i) guidelines and policies issued by the agency were collected and studied, and (ii) field visits conducted to confinement facilities in selected locations. Publications available for review are listed below.

- Memorandum of Guidelines for Work Release (Rev. 10/18/71).
- Outline Data and General Requirements to be Observed in the Design and Construction or Renovation of City, Town and Village Detention Facilities (Rev. 11/6/72).
- General Requirements to be Observed in the Construction of County Jails (May 1968).
- Memorandum of General Plumbing Requirements (June 12, 1973).
- Annual Report of the New York State Commission of Correction For The Year 1970, 1971, and 1972.
- Minimum Standards and Regulations for Management of City Jails-Town and Village lockups (Rev. June 5, 1973).
- Minimum Standards and Regulations for Management of County Jails and Penitentiaries (Rev. September 14, 1972).
- Chapter 398. Laws of New York (approved June 5, 1973).

D. Relationship between Commission on Corrections and Local Correctional Institutions. The annual inspection function of the Commission is obviously the primary point of contact between Commission staff and local correctional personnel. Almost without exception, the jail administrators with whom the team talked commented positively on the need and authority for the State inspection function. All seemed eager to point out that because the inspections were unannounced and also very thorough, the jail had to be ready at any time for a visit from the "state people". Equally important as the thoroughness of these inspections, however, seemed to be the fact that the local personnel were fully aware of the compliance authority that the Commission could wield. The study team was informed by many of the jail administrators that they relied on the inspection service to assist them in obtaining improvements for their jails such as increased staff, additional resources and needed structural modifications. For instance, at the Schenectady County Jail, Sheriff Barney Waldron pointed out that the jail had needed a new heating system for years but until the Commission threatened to close the facility unless the existing system was replaced, no

action had been taken by the county government. When faced with having to board and transport prisoners to an adjoining county facility, the county legislators seem relatively willing to comply with the Commission's less expensive improvements. The inspection/enforcement authority thus seems to allow for a cooperative working relationship between the Commission and the local jail administrators.

A second and more recent area in which the Commission is building a cooperative relationship with the local jails is through the training of local correctional personnel. By providing a realistic and relevant basic training program geared to the needs of the local jail personnel, the State Commission is both providing a service and creating a feeling of mutual respect between the state and local jailers, as well as fulfilling an important need.

Recent revisions to the New York Corrections law, which mandates that local correctional officers receive basic training within one year of their employment (with very few exceptions), contained the potential to aggravate the delicate balance in state/local relations. Instead, the reaction the study team gathered from talking to local correctional personnel about the training courses was generally enthusiastic. The reluctance of senior personnel, who felt that practical on-the-job experience was the only "training" necessary, appeared to have been overcome to a large extent by the favorable reports brought back by the junior officers. For instance, the study team found that at the Albany County Jail (one of the largest but least impressive county facilities visited), out of the total correctional officer staff of eighty-six, forty had already been through the training program.

Part of the success of the training program would appear to be due in no small measure to its Director. Recognition of the varied responsibilities of the correctional officer has led him to provide courses in "Phase I" of the program in such diversified areas as understanding and dealing with the drug offender, the alcoholic, the legal rights of the corrections officer and the offender, and observation techniques and report writing. In addition, the Director has encouraged the sheriffs to provide basic orientation training at their own facilities for all newly hired corrections officers. There are indications that some sheriffs have responded to this component of the program. If the future phases of the program are carried out (administrative and supervisory training, matron training, treatment aspects of corrections), this aspect of New York Commission on Corrections' activities will go a long way towards professionalizing local correctional personnel and building a cooperative working arrangement with the counties. The training approach coupled in the progressive standards for employment of jail personnel should significantly affect efforts to upgrade the caliber of the institutional work force.

Another area in which the Commission has built a working relationship with county personnel is by providing general guidelines and technical

assistance in the construction and design of new facilities, and major remodeling of older ones. This has been done through Commission staff consultation, review of work plans, and policy guidance in the form of requirement guidelines.

Here again the Commission has had to maintain a delicate balance between state and local authority. While the Commission is empowered with site selection approval and requires correctional authorities to obtain formal Commission approval in writing before proceeding with new construction, the counties retain the right to select their own architects, and also hold the purse strings. The Commission has chosen to take a flexible stance on new construction, allowing the counties to individualize to a large extent, while at the same time gaining experience and expertise in the overall area of correctional facility design and architecture.

Thus the Commission is rapidly becoming the statewide resource agency in this area, toward which the counties are increasingly turning for advice and consultation, not only for major construction, but also for minor modifications and repairs. For instance, at the Saratoga County Jail, Sheriff Bowen showed the study team a parking area which he wished to turn into a recreation yard. He mentioned that he had been in touch with the Commission concerning advice about types of fencing to be used.

It would appear, therefore, that while developing policy in the area of construction and design (e.g., dormitory cells to be limited to no more than 30% of the facility population) and providing minimum standards and guidelines (e.g., minimum size of cells, proximity of courthouse), the Commission has deliberately chosen not to overly infringe on local government authority in this area in favor of building a long term cooperative relationship. In turn, at least at the facilities the team visited, the jail personnel have come to respect the Commission's advice in this area and to increasingly seek it out.

The other functions of the Commission contain the potential to build the same kind of relationship, but have either been slower to develop or have been too recently implemented to permit conclusions to be drawn. Specifically, the treatment and rehabilitation emphasis of the Commission appears to have met with resistance on the part of many county jail administrators. The counties seem to be reluctant to incorporate community-oriented groups in the jails' activities. It may take a longer period of time for the Commission to change jail administrators' viewpoints in the matter. The potential nevertheless exists for the Commission to build a cooperative relationship in this area of total system planning.

Only during the past year has the Commission begun to serve as a channel for grievances from county jail inmates. This would seem to

fill a long-standing need, as well as to bring the Commission into more frequent contact with residents of local facilities. On the one hand, this function provides an outlet for the inmates and, on the other, it takes some of the burden off the local jail administrators. Moreover, the Commission is in a position to gain a better perspective about all facets of county jail operations. Here again the Commission must strike a delicate balance, but the study team heard no reports of unfairness or undue interference with regard to the Commission's activities in this area.

The process, nature, and disposition of inmate complaints is not documented in general reports of the Commission. What is known is that over a 3-year period (1970-1972) only twenty grievances were filed.

The last but very important area in which the Commission is filling an important need is in the Medical Review Board investigation of institutional deaths. By requiring immediate reporting from the counties of deaths in their facilities, the Commission is removing another burden from the local correctional administrator, who has neither the time, resources or manpower to undertake a complete and objective investigation. Given the Commission's overall track record in other functional areas, it would appear likely that the Commission could also develop a cooperative relationship with correctional officials in this area which has traditionally been left to their discretion. The memory of Attica, which was one of the causal factors in adding this section to the revised New York State legislation, seems to have also given weight to the Commission's investigative authority.

To observe the extent to which statutorily authorized procedures concerning local detention facilities have filtered down to the local level, the project study team visited a sampling of local adult correctional institutions in New York State. At each institution, the team spoke at length with the sheriff or correctional officer in charge and received a tour of the facility. The team specifically attempted to determine the nature and consequences of the relationship between the State Commission on Correction and the local jail. In the course of these visits, the study team found that many of these jails shared common problems and needs.

E. Issues, Problems and Recommendations.

The conclusions of the four study team members concerning issues, problems and recommendation pertaining to the New York State Commission on Correction's legislative authority to facilitate local jail reforms fall into three broad categories: (i) general philosophy or policy, (ii) in-house procedures, and (iii) future development of the Commission.

1. General Policy

The study team unanimously concluded that the Commission, with its exceptionally strong statutory mandate, has the potential for exerting

great influence over local correctional facilities through policy determinations over their construction, organization and operations. Perhaps because of its comprehensive responsibilities to effect interdisciplinary reforms, however, the Commission has yet to grasp its unique powers to achieve an overall philosophy for local corrections in New York State. The Commission thrust has instead centered on a series of standards and guidelines in distinct areas, such as construction, inspection, and training, which do not appear anywhere in a unified form.

In addition, and perhaps because of its statements of policy along subject matter lines, gaps become more apparent. More specifically, this can be seen in the following areas:

Construction guidelines: The Commission allows a great deal of leeway to the counties for the construction of new facilities. While this is understandable, particularly in light of the fact that county officials control the funds, the Commission could adopt standards for a "total system planning approach as described in the Corrections Report of the National Commission of Criminal Justice Standards and Goals (pp. 273-308). As stated previously, the present policy of the Commission mandates that dormitory cells be limited to no more than 30% of the inmate population. No policy exists at the present time concerning other equally important aspects of new correctional construction, such as inside versus outside cells and natural lighting versus artificial.

From discussions with the Administrator and his staff in Albany, the study team learned that many counties tend to overestimate the size of their future inmate population when drawing up plans for new facilities. It would seem feasible for the Commission to exert firmer "total system" planning requirements for new construction, such as demographic inmate profiles and realistic crime generating offense processing statistical projections. Since the Commission must also approve remodeling requests, a greater input at the new construction stage would benefit both sides in the long run--work would be cut down for the Commission and costs would be lowered for the counties.

Treatment Guidelines: While the Commission has taken an important step forward by assigning staff to work in this usually neglected aspect of local corrections, this appeared to be the weakest of its functions. The treatment unit appeared to need greater policy direction in developing its influence in this area, consistent in the Commission efforts to minimize the extensive permissiveness of the guidelines. Making this transition would enhance the ability of new jail inspectors, hired under higher qualifications, to rate more effectively local compliance with standards for inmate rehabilitation services and programs.

Inmate Grievance Guidelines: Inmate grievances reach the Commission in a variety of ways. During an annual inspection, the jail inspector may hear grievances from inmates he talks to, the inmates may write

directly to the Commission, grievances may be referred from other agencies, and concerned citizens may forward grievances to the Commission. The Commission has not as yet formalized this process. In order to assure that the inmate with a serious problem is heard and to facilitate screening out minor matters, a step-by-step procedure should be developed in this area. While the Commission now follows-up on and gives answers to all grievances, and also keeps a special file on these, this function could eventually become unwieldy and unduly time-consuming, once all parties are fully aware of its existence, unless properly formalized.

2. In-house Procedures

This section encompasses issues, needs and recommendations which directly relate to the in-house operations of the Commission itself.

Office interaction: All of the study team members commented upon what appeared to be a lack of communication among the various staff units. While it was pointed out that the Investigation and Inspection Unit cooperates with the Facilities and Construction Unit, little communication seemed to be ongoing with the other units, i.e., Training and Treatment and Rehabilitation. Since all these activities are interrelated, it would seem to the staff's advantage to meet with each other more regularly.

This could be accomplished in a variety of ways, including monthly or weekly staff meetings, more intra-office contacts, or reciprocal review of work products.

Treatment Coordinators: As has been mentioned, the treatment and rehabilitation unit needs to be strengthened and the Commission appears to be aware of this. Plans are underway to hire three new treatment coordinators, and it is suggested that the Commission be selective in choosing individuals who can work well with both community groups and correctional authorities to mobilize resources and action in this area.

Jail Inspectors' and Inspection Reports:

Several of the study team members suggested that the jail inspectors should spend more time in the field and less time in the office completing inspection reports. Since the inspection reports are made available to the press ten days after an annual inspection, it would appear that the inspectors must spend a great deal of time writing narrative reports on inspected facilities. In order to speed up this process and to free the inspectors for more field work, a check-off rating system could be incorporated into the inspection report, leaving a smaller summary section to be written in narrative form. The study team has observed this method in other states, where it would appear to allow for better statistical compilations when departmental annual reports are prepared, as well as to facilitate and quickly compare reviews of inspection ratings from previous years.

The Commission has already undertaken a study of possible improvements in this area. As part of an LEAA grant to the Justice Studies Group at Syracuse University to evaluate the Commission's training program, the Commission's inspection reports are also being evaluated toward the possible end of incorporating a check list system.

3. Future Development of Commission:

The potential exists in New York State for strong leadership by the Commission on Corrections in upgrading local correctional facilities and staff programs. Whether or not the Commission will move in this direction remains to be seen. The following points, however, reflect the study team's observation on the possible future development of the Commission.

Professionalization of Jail Staff: This Commission has already taken important steps forward in this area, both through its basic training program for correctional officers and the development of minimum employment standards for local personnel. Most county sheriffs, however, still retain appointment authority over their jail staff. Several New York State counties, such as Nassau and Suffolk, have provided civil service protection for local jail staff. While civil service requirements would not provide an answer to all the problems entailed in professionalizing jail staff, it would be a step towards alleviating such aspects as racial imbalance and salary inequities. The study team noted, for instance, that two neighboring counties in upstate New York, Albany and Schenectady, provided widely divergent starting salaries for correctional officers. At the Albany County Jail, line officers received \$6,700 as a beginning salary and the study team was told that the beginning level would probably be increased to \$7,600 during this year. In contrast, officers at the Schenectady County Jail receive an initial salary of \$5,400.

Subsidies and Certification: In essence, the Commission is already providing a form of subsidy to local correctional facilities by underwriting the cost of room and board and instructors for officers participating in the basic training program. It is conceivable that subsidies could be used in the future to cover part of the costs of facility improvements and frequent program initiatives as well as the salaries of correctional officers in training. If this in turn were tied-in with certification by the Commission of local facilities, the Commission would be in a much stronger bargaining position to demand stricter and more uniform standards for local jail operations.

Closer cooperation with other state regulatory agencies: While other state agencies (Fire Department & Health Department) also inspect county jails in New York State,* there appears to be no coordination between their inspections and those of the Commission.

*This requirement of local jails is found in Section 5100.4, par. (r) of the Commission standards for management of county jails and penitentiaries (rev. 9/14/72).

There would seem to be a real opportunity for the Commission to benefit from expertise in such areas as public health and hygiene and fire safety, should the Commission move toward closer cooperation with these agencies in the future.

Public Relations: The Commission has attempted to make its services known to the public, both through release to the press of its inspection reports and the publication of an annual report. Another way in which the Commission could better relate to the public would be through the disclosure, where litigation is not contemplated, of its special investigation findings. At the present time, there is no access, even for the immediate family, to the results of the Commission's investigations of death or unusual occurrences at correctional facilities. It would seem that a more concerted effort in the future to better relate to the public and thereby activate their interest in local corrections could assist the Commission in its efforts to upgrade and improve local facilities.

New York City Branch Office: One of the problems the Commission faces is the geographical and, to a certain extent, philosophical division between upstate correctional facilities and those in the New York City area. Facilities in the vicinity of New York tend to be larger, have a different type of inmate population, are more demanding in terms of inspectors' time and, of course, are geographically distant from the Commission's offices in Albany. The Commission has been giving consideration to establishing a branch office in New York City which would be better able to handle these more specialized problems. This is another area of possible future development for the Commission, and while it has its advantages it also has potential drawbacks: lack of uniformity in requirements for local institutions and further separation of upstate New York and New York City.

Selection of Commission Members: The future development of the Commission to a certain extent depends on the energy and competencies of the members of the Commission, who are chosen by the Governor. One way in which its future could be more securely guided would be an amendment to the authorizing legislation specifying a sound balance in areas of expertise for Commission members. This has been done in other states such as Arkansas, where the legislation creating a similarly autonomous Criminal Detention Facilities Board specifies a composition of a county judge, a sheriff, a municipal police chief, a circuit judge, a prosecuting attorney and two citizens of the state who hold no public office. The assurance of an appropriate "mix" of continuing expertise and viewpoint on the New York State Commission would provide a firmer base for future activities.

Chapter II
(Continued)

New York State

Part II Juvenile Detention

A. Legislative Authorization:

The New York State Office of Detention Services, formerly under the Department of Social Services has been part of the New York State Division for Youth since July 1971. The office of Detention Services is statutorily authorized to coordinate and supervise detention facilities and programs in accordance with guidelines set forth in New York Social Services Law. New York State law defines detention as "the temporary care of alleged/adjudicated juvenile delinquents and persons in need of supervision deprived of their liberty pursuant to applicable provisions of the law." The various aspects of detention are governed by the statutory requirements of the Family Court Act, County, Social Services, and Executive Laws, and the State Board of Social Welfare.

The intent of New York State legislation is clear: it gives no individual the authority to detain children whose parents do not want them at home, children who do not wish to reside at home, or those who frequent questionable places or use questionable language. These cases are inappropriate for detention. The philosophy behind the legislation may be summarized as "a child cannot be detained unless absolutely necessary; if necessary, it must be for the shortest time possible".

The New York State Family Court Act of 1962 requires legal designation of the places used for juvenile detention. The Act was amended in September 1971, to prohibit the use of any facility housing adults accused or convicted of crimes for juvenile detention. Jail placement of juveniles may be authorized, however, by the Office of Detention Services in individual special cases. The Act sets the age limits for boys and girls, both "persons in need of supervision" and delinquents, from seven to sixteen years of age.

The Social Services Law, as well as the rules of the New York State Board of Social Welfare, define a variety of different kinds of facilities as appropriate for the detention of children. Further statutory provisions (County, Social Services and Executive Laws) require that all detention facilities be established and operated pursuant to these rules and those of the Division for Youth, which must approve all facilities.

There are two broad categories of juvenile detention facilities in New York State, "secure" and "non-secure", and there are several types within these categories.

Non-secure Juvenile Detention: Each county is required by law to provide non-secure juvenile detention facilities, of which there are four types. The first two are substitute family resources, operated by couples in their own residences, caring for no more than six children. Prior to county certification of these types of detention homes, a "home study" is prepared by an authorized agency according to the rules of the Board of Social Welfare. The "home study" is then forwarded to the Office of Detention Services for review and approval. If approved, the county issues a certificate and a copy of the contract, specifying per-diem payments to be made for each child, which is forwarded to the Office of Detention Services. The local Family Court then requests a legal order of designation from the appropriate judicial department, a copy of which is also forwarded to Detention Services. The Office of Detention Services is empowered to reimburse the county for 50 percent of the per-diem cost of care for each child and 50 percent of the county's payments for reserved accommodations for these types of facilities. (Table 4, Sec. 592, Executive Law of New York).

Where counties are unable to locate appropriate private homes, the Board of Social Welfare rules provide for the establishment of agency-operated boarding facilities. This type of facility is usually a family-style house, staffed by a couple employed by the county. Operation of this type of facility is subject to approval by the Office of Detention Services. If the facility, staff and program is approved, the Office of Detention Services reimburses the county for 50 percent of the operating costs.

The last type of non-secure detention is the group-care facility, designed to accommodate a larger number of children in a "large family" situation. This facility may be rented by the county and if approved by the Office of Detention Services, reimbursement is available at the rate of 50 percent of operating costs.

Secure Juvenile Detention: This category of juvenile detention facilities is defined as buildings with secure construction, hardware and procedures whose use is designed for children who are very aggressive, destructive, or apt to run away.* While statutory authorization allows counties to join together to provide regional secure detention facilities, this has not yet happened.* At the present time, only seven New York counties have secure detention facilities, Buffalo, Monroe, Onandaga (in up-state New York), and Westchester, Suffolk, Nassau, and New York City (down-state New York).

*Article 5, Section 218A, "General Powers of Board of Supervisors".

For those counties without immediate access to a secure facility, the rules of the Board of Social Welfare allow for the establishment of a temporary type of secure facility--a 48 hour hold-over facility. This is permitted for those counties where the nearest available approved secure facility is more than one and one-half hours away under normal travel conditions. The hold-over facility may not be used for longer than the period specified or in any way as a substitute for a secure institution. The Office of Detention Services reimburses 50 percent of the operating costs of both these types of secure facilities.

In addition, the Division for Youth, Office of Detention Services, is authorized by statute to provide care for juveniles in those areas where there is need for secure detention and the local community is unable or unwilling to provide a facility and program.

B. Organization and Administration:

The Office of Detention Services of the New York State Division for Youth is located in Albany, New York, and has a three-member professional staff, one director and two detention consultants. The Administrator reports to the Director of Special Services, who in turn reports to the Executive Deputy Director of the Division for Youth. It is the responsibility of this Office to evaluate the facilities and programs of the State's seven secure detention facilities and its seventy non-secure detention facilities. The state has been divided into two sections, each of which is the responsibility of a detention consultant. Periodic inspections are made by the consultants of the physical condition and programs of the institutions within their jurisdiction, although these visits are not always at regular intervals. The consultants, as well as the director, are, however, always readily accessible by telephone in times of need or for emergencies.

C. Standards:

Standards regulating juvenile detention facilities are found in sections of the Laws of New York dealing with the Family Court Act, Board of Social Welfare, Department of Social Services, County Government, and Corrections. The principle legislation governing confinement of juveniles is titled, "Facilities For The Detention Care of Children" as Title 18, Part 9 of the Social Services Law (approved September 30, 1970). A classification scheme is used to define eight types of residential facilities: (i) secure detention (ii) non-secure detention, (iii) holdover detention, (iv) boarding home, (v) agency boarding home, (vi) group care facility, (vii) non-secure institutional facility, and (viii) secure institutional facility. Separate standards are defined for each class of institution and community facility in the following categories:

Location and Resident Capacity	Food Services
Housing Plan	Medical Health Care
Sleeping Rooms and Bathing Facilities	Casework Service
Sanitation	Staffing Pattern
Personal Hygiene	Records and Reports
Recreation and Education Programs	Per Diem Reimbursement Rates

Special conditions of operation are specified for state certification of all facilities administered by private agencies. Programs and policies germane to the care and treatment of juveniles (pre-and post adjudication) are integrated as part of the certification process. The content is specific and replete with mandatory language. The burden of compliance is weighted on factors of type of facility, length of stay, and resident capacity. Accordingly, the more stringent standards are those relating to secure detention facilities. There is heavy emphasis on recordation of services rendered, disciplinary incidents, and immediate treatment. However, this is the only measure of accountability other than periodic visits to inspect the facility. Operating procedures for programs and services are left to the discretion of facility administrators and staff. Also, the cognizant state regulating agency has authority to waive stipulated prohibitions such as the jailing of children.

As stated previously, the Office of Detention Services is authorized to reimburse to the counties per diem not to exceed 50% of the operating costs of juvenile detention facilities. No reimbursement is allowed for capital construction costs. Reimbursement rates are set by the Division for Youth's fiscal unit and are figured on the basis of an institution's daily operating costs for the prior year. The Office of Detention Services reviews and approves all reimbursement rates for facilities within its jurisdiction. The Department of Social Services reimburses institutions geared for the long term care of juveniles.

Reimbursement of funds to facilities not in compliance with detention standards as set forth in the rules of the Board of Social Welfare and other provisions of the law, may be withheld by the Office of Detention Services. At the same time, the Office of Detention Services has discretionary authority to make exceptions to its enforcement of detention standards if the compliance would work extreme hardship on the jurisdiction concerned.

D. Relationship of Office of Detention Services to Local Detention Facilities:

The quality and dedication of the staff of the Office of Detention Services is impressive. In turn, their interest and involvement seems to be reflected in the attitude of the local detention administrators, who regard the Office more as an advisory and consulting resource than as an inspection and enforcement unit. For instance, the administrators of two facilities the study team visited in the New York City area, Rockland County Children's Shelter and Nassau County Children's Shelter, both commented that they are in touch by telephone once or twice a week with their area consultant in Albany. In particular, the Administrator of the Nassau County Children's Facility, indicated that he often "took his problems" to his area consultant.

While the Office of Detention Services thus seems to have built up a cooperative working relationship with local juvenile detention administrators, the Office has been less successful in convincing counties with insufficient or nonexistent detention facilities to cooperate with each other. Although required by law, approximately ten New York State counties do not provide any detention services for children, either secure or non-secure. Thus, children are perhaps being detained unnecessarily in secure facilities in neighboring counties, or in unapproved foster homes, or, even though statutorily prohibited, in jails. Virtually the only sanction the Office of Detention Services can use is essentially negative--nonpayment of 50% of per diem operating costs. This is, of course, only a powerful weapon over those counties which operate detention facilities, not over those without any detention facilities whatsoever.

In an effort to provide better and more accessible detention facilities, especially in the rural areas of New York State, the Office of Detention Services has for several years recommended regional secure juvenile detention facilities. In this regard, a study was prepared by the National Council on Crime and Delinquency in 1971, entitled "Regional Detention: Secure Juvenile Detention Needs in Upper New York State." The tradition of county autonomy, however, prevailed over the study's careful analysis of optimum location and size of regional facilities. To date, the Office of Detention Services has been unsuccessful in selling the idea of regional detention to any group of counties.

Consequently, under its statutory authorization to provide care in those areas where there is a need for secure detention and the local community is unwilling or unable to do so, the Office of Detention Services is opening the first state-operated secure juvenile facility in spring of 1974. This facility, which will consist of two remodeled cottages on the grounds of a state training school in Ulster County, will be under direct operational control of the Office of Detention Services. The opening of this new facility, which will fulfill a regional detention function, may place the Office of Detention Services in an awkward position with regard to its relationship with local detention authorities. It was the feeling of some individuals who were interviewed by the study team that the new facility will not meet all of the Office of Detention Services' own standards for juvenile detention. If this is indeed true, the Office of Detention Services may have a difficult time enforcing standards at other detention facilities, and may be jeopardizing its future working relationship with local communities.

E. Issues, Problems and Recommendations:

The recommendations of the study team concerning juvenile detention in New York State concern improvements in the in-house policy and procedures of the Office of Detention Services, the needs and concerns of local detention administrators, and amendments to existing legislation.

While the study team was most impressed with the quality and dedication of the detention personnel who were interviewed, (both staff of the Office of Detention Services and local detention administrators and their staff) obvious needs exist, some of which have already been recognized by the individuals involved.

1. In-House Policy and Procedures. The primary in-house need of the Office of Detention Services is an expanded staff. In order to competently supervise and serve as "area consultants" for the number of detention facilities in New York State (7 secure and 70 non-secure), a professional staff larger than three would seem to be necessary. A doubling of the consultant cadre is considered reasonable to insure fulfillment of pertinent statutory responsibilities.

The size of the staff is directly related to the second observation of the study team, which is the need for greater emphasis upon enforcement of existing standards for juvenile detention. This became obvious to the study team during the field visit portion of the project. Such items as size of staff, space requirements, recreational facilities, and food service appear to vary widely. For example, one non-secure detention facility had twice the number of staff as another even though the maximum capacity of both was the same. Part of this problem may arise from the fact that while rules governing secure detention appear to be specific and adequate, specific rules for non-secure detention do not exist. Since abuses can occur in both types of facilities, a need exists for the Office of Detention Services to provide greater guidance, indeed a specific set of standards, in this area.

Related to enforcement of standards, the Office of Detention Services should develop a clearer, more precise policy concerning special exceptions to standards. The Office of Detention Services has substantial discretionary authority to make exceptions to its enforcement of detention standards and written policy guidelines need to be developed. At present, there appears to be an absence of policy with regard to procedures for withholding reimbursement payments for detention facilities not in compliance with statutory requirements. In particular, the exceptional circumstances under which the Office of Detention Services may allow jail placement of juveniles should be carefully spelled out.

Another in-house procedure of the Office of Detention Services which needs to be expanded and strengthened is the system by which local administrators report to the Office the number of children being detained. At the present time, a daily, or even weekly, roster of children in detention, their offenses, ages, dates of admission, etc., is not being supplied to the state office. Instead, these facts come to the attention of the Office of Detention Services when the local facilities submit their requests for reimbursement, attaching the list of children. In the facility visited by the study team, the administrator indicated that he

submitted census figures to his area consultant "weekly or every ten days or so." It would seem that a more direct and current method for keeping track of children in detention could be developed by the Office of Detention Services.

2. Needs and Concerns of Local Detention Administrators

The most impressive aspect of juvenile detention in New York State is the quality of personnel. All the directors of facilities visited by the study team had advanced degrees, usually in the field of social work, and the rest of the personnel seemed equally equipped for their specific jobs, through education and/or substantial experience. The single greatest need, however, according to all the personnel the study team talked to, is a systematic in-service training program for detention workers to better equip them for the specialized problems they encounter. While some consideration has been given to instituting such a program, the Office of Detention Services has not as yet moved in this direction.

Another need voiced by several administrators was for the establishment of regional shelters for the placement of children in need of supervision who are now being held in secure detention facilities. It was pointed out to the study team that in some of the more remote counties in New York State, the only existing institutions for the detention of children are secure facilities, which must handle both dependent and neglected children as well as those classified as juvenile delinquents.

All of administrators the study team interviewed seemed to feel that the New York State Division for Youth, and specifically the Office of Detention Services, could provide more services to local detention facilities, and at the same time, a stricter enforcement of detention standards. In this regard, Mr. Cuccurrullo, Administrator of the Nassau County Children's Shelter, felt that a push from the state level in such areas as shorter time limits on detention and greater standardization of detention practices among the counties could greatly assist the local facilities in providing better care and services for detained children.

3. Amendment of Existing Legislation.

There is a considerable lack of uniformity and vagueness in existing legislation pertaining to the detention of children in New York State. Statutory provisions for juvenile detention are found in a variety of sections of the New York State Law, including County Law, Executive Law, and Social Services law. Important provisions governing juvenile detention are also found in the Family Court Act, and the majority of specific detention standards are set forth in rules of the New York State Board of Social Welfare. It would be helpful to all parties concerned if this variety of legislation could be collected and codified in one section.

Additionally, no provisions exist at the present time for periodic review and revisions of existing legislation and regulations. This is particularly important with regard to the rules of the Board of Social Welfare, which are specific in some areas and vague and permissive in others. These rules should be reassessed and updated at regular intervals to assure continuing compliance with current developments in the field of juvenile detention.

Chapter III

New Jersey

A. Legislative Authorization:

New Jersey State law authorizes the State Board of Institutional Trustees and its chief executive officer, the Commissioner of Institutions and Agencies, to visit all county and city jails or places of detention "for the purpose of inspecting and observing the physical condition thereof, methods of management and operation thereof, the physical condition of inmates, the care, treatment and discipline thereof, and also to determine whether such persons so admitted or committed are properly and adequately boarded, lodged, treated, cared for and maintained." In addition, "the Commission or the State Board may be such report with reference to the result of such observation and inspection and recommendation with reference thereto as they may determine". (N.J.R.S. Chap.30:1-15).

While the above section of the legislation does not specify how often facilities should be inspected, another section states that "The Commissioner and the State Board shall . . ./visit and inspect each institution at least semi-annually, at periods which shall not be fixed in advance" (30:1-13). A further section (30:1-14) specifies that "the extent and results of such supervision and inspection shall be included in the annual . . . / report of the Commissioner..."

The legislation also suggests vague standard-setting authority in the Commissioner by authorizing him to issue regulations, orders and directions shall be accepted and enforced by the executives of the institutions (30:1-12). Authority for those actions are limited "to institutions under his [The Commissioner's] jurisdiction." It is questionable whether county jails fall within his services. However, it may be argued that Section 30.1-14. granting the Commissioner supervision of any institution or organization receiving state financial aid satisfies the issue of jurisdiction. Of course this provision would only apply to jails receiving state funds. The only compliance mechanism built into the legislation is a provision whereby the Commissioner or the State Board may institute a civil action in any court of competent jurisdiction against the executive of an institution which is found in violation of the laws relating to institutions and to the care of inmates (30:1-16).

In practice, this New Jersey legislation has been interpreted to mean inspections, not at specified intervals, of all correctional institutions in the state (both state and locally operated), including juvenile detention facilities, without any guidance from state-mandated minimum standards, and with no legal enforcement power.

B. Organization and Administration:

The State Board of Institutional Trustees sets broad policy for the Department of Institutions and Agencies. The Commissioner of Institutions and Agencies is the chief executive officer

of the Board and is appointed by the Governor. Under the Department of Institutions and Agencies, and responsible for all correctional facilities and related services in the state, is the Division of Corrections and Parole, directed by William H. Fauver. The Division is subdivided functionally into five bureaus:

Bureau of Parole
Bureau of Operations
Bureau of State Use Industries
Bureau of Programs
Bureau of Community Services

The study team interviewed and spent considerable time with John Belton and William Jenison, chief and senior inspector, respectively, of the Bureau of Operations. This Bureau is responsible for inspecting all of the 330 correctional institutions in New Jersey, which are categorized as follows:

- 10 major correctional institutions (state-operated)
- 27 county jails (county-operated)
- 267 lockups (locally-operated)
- 4 group centers
- 17 juvenile detention facilities (county-operated)
- 3 community treatment centers (state-operated)
- 2 service centers (state-operated)

State funds at the present time provide the Bureau of Operations with one senior inspector and two corrections captains. State Law Enforcement Planning Agency grant funds (federal allocations) have added two senior inspectors to the staff to provide consulting service on plans, programs and training. It is possible that state funding for this Bureau may increase during 1974.

Inspection: The inspection schedule of the Bureau is spaced throughout the year. Because of the limited size of the staff, county jails and juvenile detention facilities are inspected not more than once a year and smaller facilities, such as lock-ups, may be visited less frequently. The Bureau staff informed the study team that only twice in the history of the Department of Institutions & Agencies had all correctional facilities been inspected within one year.

Inspections are generally handled by individual inspectors, rather than by teams of inspectors. During the inspection, major emphasis is placed on the structural adequacy and physical conditions of the institutions.

The inspection reports, prepared in written narrative form, are submitted to the chief of the Bureau of Operations. Recommendations made in the report are discussed and after consultation, any glaring deficiencies on the part of the institution are specified. The inspection report, together with noted deficiencies, is then submitted to the Director, Division of Corrections and Parole, for his signature.* Copies of the final report are sent to the cognizant institution administrator and responsible local government officials. If a county institution is involved, a copy of the report is also sent to the Chairman of the Board of Freeholders. Return visits are usually made by inspectors within three to four months to facilities having deficiencies for which corrective action is recommended.

In addition to inspections conducted by the Bureau of Operations, other state and local government agencies also inspect correctional institutions in New Jersey. On the county level, health and fire officials conduct inspections, as well as county grand juries.* While the State Department of Education is responsible for checking on educational programs provided at juvenile institutions, no formal coordination in this effort is made with the Bureau.

C. Standards:

Absent statutory authority for setting standards the Bureau of Operations has adopted administrative guidelines for jail administration keyed to its inspection report form. At the present time, the Bureau has prepared for agency approval two jail policy documents: "Recommended Minimum Standards for County Jails, Penitentiaries and Workhouses" in New Jersey, as well as "Recommendations for the Construction and Management of Municipal Lockups." The recommended minimum standards for county jails incorporate suggested standards of the Federal Bureau of Prisons, the American Correctional Association, and the National Board of Underwriters.

The existing legislative authority enabling the Department of Institutions and Agencies to seek civil court action on issues of management and failure to meet responsibilities on the part of local correctional administrators has never been exercised. No legal proceeding has ever been instituted by the Department to force local administrators to comply with recommendations made by the Bureau of Operations. Of course, this is complicated by the fact that no mandatory minimum standards exist to be enforced. The inspectors of the Bureau of Operations feel that all they can do is suggest changes ("persuasive consultation") to local administrators and persist with follow-up visits to the facilities in efforts to encourage responsible officials to remedy administrative and operational deficiencies.

* See Exhibit #2 for copy of Inspection Check Sheet.

Investigation of Unusual Incidents: In addition to its routine inspections, the Bureau of Operations also investigates reports of unusual incidents at correctional institutions. These reports do not come automatically to the Bureau, but rather are brought to its attention by relatives of inmates, or by the local administrators themselves. The complaints are generally channelled through the Director of the Division of Correction and Parole and are assigned to a particular inspector in the Bureau for further investigation. It was the impression of the study team that most of the complaints handled by the Bureau concern state institutions, and few, if any, investigations are conducted at local facilities.

Training: Training of state and local correctional officers is conducted by a training unit housed within the Division of Corrections and Parole. This unit has a full-time staff of thirteen assigned to the Training Center at Skillman, New Jersey. All expenses incurred by personnel participating in the program are paid for by the state. The state also reimburses the salaries of correctional personnel from state-operated institutions while in training, but does not reimburse salaries of local correctional personnel.

The training program covers a three-week, in-residence period. Correctional personnel are separated into pre-service and in-service groups and twenty-two specialized courses are provided for county and state personnel. At the present time this program is being funded by a \$350,000 grant from SLEPA and over two hundred county correctional officers have been trained since October 1972. Funds have been appropriated for a formal evaluation of the training program.

Legislation (Senate Bill 707) is presently pending to make training a mandatory requirement for state and county correctional personnel. In the meantime, the training unit staff meets regularly with such groups as the state Sheriffs' Association, to make them aware of the program. In turn, correctional administrators have been letting the training staff know who in their facilities requires training.

D. Relationship of Bureau of Operations to Local Correctional Personnel.

One perception of the Bureau of Operations, its relationship with local correctional authorities, is that while there may be some local opposition to state-mandated standards for local correctional institutions, local administrators are generally cooperative and receptive to annual inspections of their institutions. In contrast, it was the overall impression of the study team after on-site visits to a sampling of local institutions in New Jersey that there is no meaningful ongoing relationship with the state inspection apparatus and that local institutions were usually left to their own upgrading devices. For instance study team interviews with key officials at the Essex County Jail in Newark, and the Burlington County Jail in Mt. Holly stated that they regarded inspections as a perfunctory sort of visit,

and didn't view the Bureau of Operations as a source of information or professional consultation. Instead, the respondents favored going to the President of the New Jersey Sheriffs' Association with special problems, or county freeholders for consultation.

In the case of juvenile detention facilities in New Jersey, the study team encountered the same lack of state-local cooperation as well as institutional insularity. The administrators of the Union County, Mercer County and Burlington County Juvenile Detention Centers all felt that they would turn for advice in any problem area to their responsible county freeholders. None of the individuals interviewed felt that any professional detention home consultation was available to them.

The study team thus concluded from visits with administrators of local facilities that state level impact on their operations was not significant and that local units had little regard for the inspection service.

E. Issues, Problems and Recommendations:

The problems observed in New Jersey appear to result to a large extent from its inadequate authorizing legislation for jails and juvenile detention facilities. Consequently, the issues, needs and recommendations generated by the project study team in this state focus largely on legislative amendments. The other areas in which observations were made--in-house policy and procedures, and needs of local administrators--are substantially dependent on changes in New Jersey's legislation.

1. Legislative Revisions: The existing legislation is vague and ambiguous. In order to enable the Division of Corrections and Parole to conduct meaningful and thorough inspections, the legislation should provide for: (i) establishment of a statewide inspection service with appropriate responsibilities and resources to facilitate jail improvements. (ii) clear authorization to set definitive standards for administration of jails and juvenile detention facilities; and (iii) specific enforcement powers, both administrative and legal, in cases of noncompliance with minimum standards.

The Bureau of Operations is aware of these deficiencies and would like to see other changes in the legislation as well. In an interview with the chief of the Bureau, the study team found that in-house discussion had been held concerning possible legislation providing for state takeover of county jails housing pre-trial and sentenced offenders. This would mean upgrading county jail staff salaries to parity with state institutional counterparts, as well as upgrading physical plants and services. Related to this, the Bureau has also discussed the feasibility of legislation authorizing state subsidies to counties to correct deficiencies, and the feasibility of legislative authority to transfer county sentenced offenders, presently housed in local jails, to state facilities where appropriate treatment and rehabilitation services are available.

Another area where legislation would better enable the Bureau of Operations to provide services to local facilities would be through authorization of state technical assistance in staff training, new construction and major renovations.

2. In-House Policy and Procedures: The primary in-house need observed by the study team is for a broader policy stance by the Division of Corrections and Parole, filtering down to the Bureau of Operations. Both state and local authorities in New Jersey appear to take a very narrow view of adult and juvenile detention--to "safely keep" those detained in correctional institutions.

As part of a broader policy, the Bureau of Operations could, with the help of reform legislation and an increased staff, provide firmer leadership and technical assistance resources to initiate and sustain jail upgrading efforts. Hampered, however, by "recommended" minimum standards for local jails and no policy whatever for juvenile detention facilities, the Bureau of Operations' effectiveness appears quite limited at the present time. As part of the field visit component of the project, the study team observed numerous incidences of uncorrected violations of nationally recognized detention standards in New Jersey. Examples include the indiscriminate housing of detainees and sentenced prisoners together in the Burlington County Jail and the absence of published rules for inmates and disciplinary procedures at the Essex County Jail. Also observed were discrepancies at several juvenile detention facilities, such as the detention of delinquent children together with children classified as PINS (persons in need of supervision) at the Mercer County Juvenile Detention Facility, and the inappropriate placement of mentally disturbed or physically handicapped children in need of facility detention. At all these institutions the administrators were well aware of these on-going problem situations, but did not feel able to make the necessary changes. With the authority to fix and enforce minimum standards for detention in New Jersey, the Bureau of Operations could begin to make progress in these and other improvement areas.

Another major policy thrust, which needs attention by the Bureau of Operations and the Division of Corrections and Parole as a whole, is creating a cooperative working relationship between state and local correctional personnel. The nonexistence of such a relationship at the present became obvious through study team interviews of local jail and juvenile detention administrators. These individuals indicated that they rarely, if ever, turned to the "state people" for advice and assistance with local problems. The Bureau of Operations could take steps with local problems. The Bureau of Operations could take steps toward developing such a mutually beneficial relationship in two ways:

(i) through the promotion or sponsorship of statewide meetings of detention and jail administrators where a forum would be provided for

the expression of common needs, with the opportunity to explore joint problem-solving approaches; and

(ii) through the attendance by a representative of the Bureau at the meetings of the New Jersey Sheriffs' Association and the New Jersey Association of Children's Institutions and the dissemination of information resulting therefrom.

If these steps were taken, combined with more positive substantive guidance, the Bureau of Operations would have something more valuable to offer to local administrators, who in turn would be more receptive to a state-level agency providing the types of assistance they need.

Given the fact that the needed legislative revisions are unlikely to occur overnight, the Bureau of Operations could tighten up and expand in several easily implementable ways. For example, a more detailed and specific inspection report form could be developed, combining both the check list and narrative report format. At the present time, no standardized inspection form is in use. Thus, reports tend to reflect the individualized perspective of the inspector. In conjunction with revising the inspection report format, more emphasis could be given in the reports to matters other than physical structure, sanitation and security. From a review of inspection reports for the past several years, the study team found that few of the several violations it noted were pointed out and little concern was evidenced about the quality of programs or administration. Also, administrative issuance of the "maximum standards" now underway could be accelerated, even in advance of more comprehensive authorizing legislation.

While the study team found little community involvement in local correctional facilities, it became aware of the existence of a fair number of corrections-oriented citizen groups, including the legislatively-appointed Commission on County Facilities, the New Jersey Association on Corrections, the Coalition for Penal Reform and the Turrell Fund (a private foundation of considerable size with a long history of interest in juvenile delinquency and youth corrections problems). If the Bureau of Operations could build a communications network with these organizations, inroads might be made towards overcoming the present objections of many local administrators toward community volunteers in their facilities and a number of modern program innovations.

3. Needs of Local Correctional Administrators: The study team made three general observations which fall in this category:

(i) the need for increased training and professionalization of correctional staff;

(ii) the need for firmer operational guidelines to assist local correctional administrators in carrying out their tasks; and

(iii) the almost desperate need for a statewide communications network among local administrators.

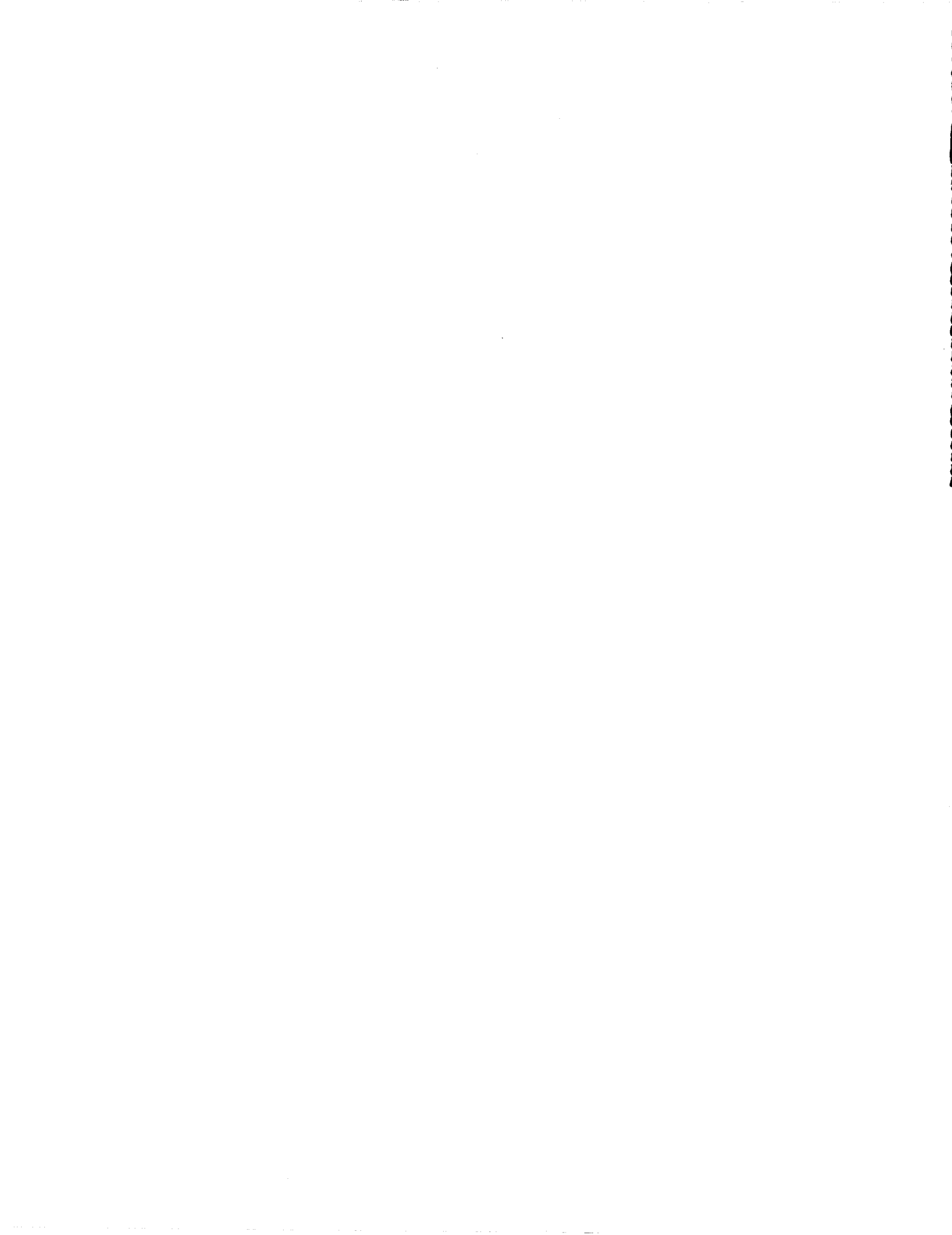
While the state is making some headway in training local correctional officers, much more needs to be done towards professionalizing these jobs. On the adult detention side in New Jersey, county jails are operated by elected sheriffs or by wardens appointed by the sheriff, many of whom do not have a corrections orientation. This tends to generate a high degree of turnover which contributes little to the continuity of jail management and to treatment or improvement programs which may have been instituted. To avoid this, some counties such as Mercer have moved toward the creation of a county department of corrections, directly responsible to the county board of freeholders, which removes all jail administration responsibilities from the sheriff and places them with a full-time superintendent of corrections hired by the freeholders. While this may be seen as an extreme measure, it does assure that an experienced person is in charge and accountable for all correctional services in the county.

Training seems to be an even greater concern on the part of juvenile detention administrators in New Jersey. This may be alleviated to some extent in the near future, since 1974 is the first year a juvenile detention officer training program is being offered at the state training academy in Skillman. It would be useful for the state to consider setting out specific employment requirements for juvenile detention officers, since the study team observed a wide variation in job-related experience in this area.

The need most often voiced to the study team by correctional administrators was for the creation of some sort of an informational exchange among themselves. This was especially obvious with the juvenile detention administrators interviewed. For all practical purposes, this group must administer their facilities without advice, support or assistance from anyone, since the state does not provide recommended guidelines for juvenile detention. A given juvenile detention facility will thus be as progressively administered as the amount of time its administrator can devote to reading the latest national literature in the field, or to attending meetings of the New Jersey Children's Association, or to addressing the concern evidenced by a local juvenile judge. It would seem entirely feasible, and mutually beneficial to all, for the State Bureau of Operations to fill the role of an intermediary, assuring that current information was available to everyone, and promoting a data and problem-sharing exchange among counties.

On the adult detention side, the traditional role of the Sheriffs' Association in New Jersey is strongly imbedded, and some of the sheriffs interviewed did not evidence as strong a desire for information-sharing.

Whether or not the need is fully recognized, however, it is still substantial. The Sheriffs' Association is more likely to offer advice and consultation to the individual sheriff in the areas of custody or security orientation than information in such presently neglected areas as correctional program development and jail operation and management. Hence, the Bureau of Operations could play an equally helpful role with regard to local jails in New Jersey by simply channeling new and relevant information to their administrators.



Chapter IV

Puerto Rico

Part I Adult Detention--Local Jails

A. Legislative Authorization:

The Laws of Puerto Rico, Title 4, Section 551, provide that the Secretary of Justice is authorized, with approval of the Governor of Puerto Rico, "to prescribe rules and regulations for the management and administration of the municipal and district jails, the penitentiary and all other penal institutions of Puerto Rico." The rules and regulations so prescribed are to have the force of law, and the statutes specify penalties of fines and/or imprisonment of their violations (Section 552).

The Secretary of Justice is also empowered by statute to appoint or review all members of the Penal Guard and to prescribe rules and regulations affecting their appointment, qualifications, and duties.

B. Organization and Administration:

All correctional facilities and programs for adult offenders in Puerto Rico (individuals over 18 years of age) are under the administration of the Division of Correction of the Department of Justice.* The Division of Correction is headed by a director, Norberto Garcia, who is directly responsible to the Secretary of Justice. The Division has four assistant directors, one in charge of each of its four functional units-- Classification and Treatment, Custody, Rules and Regulations, and Agricultural Programs.

At present, the prison system in Puerto Rico consists of the following facilities, all operated by the Division of Corrections:

- State penitentiary
- Industrial School for Women
- Institution for Youthful Offenders
- 7 District Jails
- 6 Minimum security camps
- 1 Halfway house
- 17 Municipal jails

Other than the state penitentiary, the minimum security camps and the halfway house, all the existing facilities lodge sentenced and unsentenced offenders. The present system does not provide for any special detention centers for persons awaiting trial, the majority of which are detained in the district jails.

*A table of organization for the Division of Correction is provided in Exhibit #3.

Until recently, the Commonwealth of Puerto Rico had twenty-six municipal jails and six district jails. The Division of Corrections has been encouraging municipal governments to close the municipal jails. Operational costs are high due to the low inmate population and necessary services are difficult to provide because of the distant and isolated locations of many of the municipal jails.

In general, misdemeanants in Puerto Rico are confined to municipal jails for terms of imprisonment of less than thirty days, and to district jails for terms of thirty days to one year. Convicted felons are sentenced to the state penitentiary.

In 1973, the Division of Correction converted the San Juan municipal jail into a district jail, thus raising the total number of district jails to seven. The district jails are spread geographically throughout the island, as follows:

Metropolitan area	-San Juan District Jail
North area	-Arecibo District Jail
South area	-Ponce District Jail
	-Guayama District Jail
East area	-Humacao District Jail
West area	-Aguadilla District Jail

District Judges decide to which district jail inmates shall be sent. It is estimated that the average detained population in district jails is 60% of the total jail population (currently estimated at 1,264 persons).

At present, the correctional system in Puerto Rico is the subject of examination by the Governor's Penal Reform Council and a reorganization plan is under development through a \$475,000 study project financed by the Puerto Rico Crime Commission. Discussions are underway to raise the Division of Corrections to cabinet-level status with a director or secretary directly appointed by the Governor. Additionally, in April 1965 the Department of Justice adopted a Four Year Master Plan approved by the Legislature with funding in the amount of \$26 million for the construction of six multi-purpose correctional facilities for Puerto Rico which included, among other things, the replacement of district jails with regional institutions. The location of these regional institutions has been determined by research on the origin of the penal population, the location of the communities these institutions will serve, and their relative proximity to public agencies rendering services to the penal population. One regional center has already been constructed in the San Juan area and will serve as a combination detention/commitment facility.

Inspection: Inspection of district and municipal jails are conducted out of the Classification and Treatment Unit of the Division of Correction. This unit is headed by the Deputy Director for Classification and has a staff of seven, of whom two handle educational programs and five conduct inspections. Each of the five inspectors is assigned certain correctional institutions for which he is responsible and generally makes monthly visits to the district jails in his jurisdiction. Monthly inspections usually consist of approximately two hours spent in observing the administration and operation of the facility. The primary method for determining compliance with Division directives is through interviews with institution personnel and inmates.

In contrast, the relationship of the Division of Correction and municipal jails "is very loose." No routine, regularly scheduled inspections are made of municipal jails. On the average, municipal jails are visited once a year by an inspector from the Division, who then reports his findings to the mayor of the municipality. In short, no adequate inspection enforcement system exists for these facilities.

C. Standards: Regulations for district jails in Puerto Rico date from 1907, with more recent additions and revisions. Regulations on jail administration and operations have been issued separately by the Division in the past, and have been kept uncompiled and unorganized. The Division of Correction is presently working on a resource manual for jail rules and regulations in order to centralize policy guidelines in this area. At the present time, separate Divisional directives cover such functions as:

1. receiving and discharging
books and records
clothing
photographs and identification
classification
good time
bail
2. transportation of inmates
3. visiting
disciplinary action
inmate rules
furlough procedures

4. segregation
 commissary
 medical services
 use and control of narcotic medicines
 inmate appeals

The Division exercises minimal enforcement powers over the municipal jails. While the divisional inspector may make recommendations to the local jail administrator or mayor of the municipality, he cannot compel any changes. Because of the age, condition and small capacity (many only handle two to three inmates) of the municipal jails, municipalities are gradually closing them down voluntarily, with the encouragement of the Division of Correction. A phase-out strategy for those facilities is in the planning state under direction of the Corrections Specialist for the Puerto Rico Crime Commission.

With the exception of the municipal jails, all other correctional institutions in Puerto Rico are under direct operational control of the Division of Correction and thus any recommended changes as a result of an inspection are easily controlled. However, while recommendations for changes are readily enforceable, actual implementation of costly modifications in operation or procedure depend on funds granted by the Commonwealth legislature to the Division. With construction underway on the new regional jails, expensive changes in district jails are unlikely to occur in the meantime.

Training: In the Commonwealth at the present time, a high school degree is required for custodial positions in correctional facilities. For classification and treatment personnel, the educational requirement is a Bachelor's degree. Since all facilities are directly controlled and operated by the Division of Correction (with the exception of the municipal jails), the starting salary for jail guards is uniform throughout the island--\$350 per month.

Training for correctional officers is presently funded through a grant from the Puerto Rico Crime Commission (LEAA State Planning Agency). The training program is operated out of the San Juan central office of the Division of Correction by a correctional training unit. A permanent training program is being considered in proposed legislation recommended by the Governor's Penal Reform Committee.

D. Relationship of Division of Correction to Local Correctional Personnel:

Unlike the two other states covered in this report, Puerto Rico does not have to contend with the usual tug-of-war between state and local control of correctional facilities. Because almost every facility is directly operated by the Division, the relationship existing between central office personnel and local correctional personnel appears to be that of employees working together for the same organization and purpose. This is reinforced through the uniformity in jail standards and operational procedures throughout the island. Since all written policy and

regulations are promulgated by the central office of the Division of Correction and applied consistently to all correctional facilities, local personnel are part of an overall network, not isolated into semi-autonomous county correctional systems. In addition, the control exerted by the central office over transfers and placement of local correctional personnel tends to make the ties to the Division of Correction stronger than in states where jail personnel are hired by the local jail administrator for their particular facility.

Overall, the study team was favorably impressed by the existing Commonwealth correctional system and future plans for organization and program improvements. While there are problems to be ironed out, the general relationship between the central office and local personnel was a cooperative and helpful one.

E. Issues, Problems and Recommendations:

As a preface to this section, it should be stated that the Commonwealth of Puerto Rico seems well aware of its problems and needs in the area of adult detention and local jails, and is well on the way to solving them. The study team met with a variety of officials in Puerto Rico--the Governor, the Secretary of Justice, a Senator, a Representative and the Executive Director of the Puerto Rico Crime Commission--all of whom were not concerned about, and committed to, the task of upgrading local correctional facilities on the island.

At the present time a Penal Reform Council appointed by the Governor is studying corrections in the Commonwealth, and the Crime Commission has financed a massive study of prison reform closely following the standards, and priorities of the National Advisory Commission on Criminal Justice Standards and Goals.* In addition, the Department of Justice, Division of Corrections, has begun to implement a long-range Master Plan for Correctional Facilities, first approved in 1965.

Thus it becomes clear that the correctional system in Puerto Rico is in a state of transition and, in many ways, seems more advanced than the two other systems viewed by the study team. As mentioned earlier in this section, the first phase of the Master Plan for Correctional Facilities is already underway with the construction of the San Juan regional jail. It is expected that a total of six new regional jails will eventually replace the outdated and inadequate present system of seven district jails. The total cost estimated for this construction program (which includes other correctional facilities besides regional jails) is \$26 million.

* See Corrections Report National Advisory Commission on Criminal Justice Standards and Goals, pp. (1973) (containing 129 "black letter" standards, with commentary, on all facets of correctional system operation).

1. Legislative Revision: The study of prison reform financed by the Puerto Rico Crime Commission has recommended the formation of a superagency to coordinate all aspects of corrections on the island, including probation and parole. This would create an independent, cabinet-level corrections department, with a director appointed by the Governor. The present Division of Correction is looking toward a legislative plan to implement the findings of the prison reform study. It is hoped that the recommendations will receive serious consideration by the legislature and by the Governor's Penal Reform Council.

2. In-House Policy and Procedures: In the interim period, between the existing state of adult detention in Puerto Rico and what it will become, the study team has made a variety of recommendations focusing on the possibility of expanding the role of the central office of the Division of Correction. Since the correctional system in Puerto Rico has the already-mentioned advantages of direct control of institutions and staff and uniformity in policy pronouncements, the Division of Correction is in an ideal position to provide firmer guidelines for standards enforcement and jail inspection. This would eliminate subjective reporting on the part of the jail inspectors and provide the inspectors with workable tools to facilitate checking on and enforcing existing rules and regulations.

Guidelines for Jail Standards Administration: While jail standards do exist in many states, to the best of the study team's knowledge no one has made an attempt in any jurisdiction to provide "guidelines" for jail standards which explain the meaning, importance and mechanisms for implementation of standards. Since the Commonwealth has the potential for progressing beyond most other statewide jail systems (at least as they presently function), the study team feels that "guidelines" for jail standards may be one area the Division of Corrections wishes to consider.

Compilation of Directives and Standards: Insofar as jail standards are concerned, the Division greatly needs to compile and edit its directives in this area. It appeared to the study team, notwithstanding that the standards were written in Spanish and translations were not readily available, that the Division's directives were often repetitive and overlapping. The Division is, in fact, presently attempting to combine the standards into an easily usable manual.

Manpower and Training Needs: The largest problem the Division of Correction faces and will continue to face for some years to come is the lack of professionally trained manpower. This fact was recognized by many of the individuals the study team interviewed and was highlighted as the obstacle frustrating a more "philosophical foundation" for progressive corrections in Puerto Rico. This problem has resulted in staff shortages

across the board in the correctional system, including the administrative and custodial level.

In response to this need, the Puerto Rico Crime Commission has established a policy to stimulate the growth of professional development among all criminal justice staff. The study team has recommended that the existing correctional training program, presently funded by the Crime Commission, be permanently adopted as a function of the Division of Correction. In addition, the training program should be expanded, as specialization increases, to prepare correctional officers to handle the variety of problems which have become commonplace in Puerto Rico's jails, as well as in other states. This is especially true of the problem of drug addiction, which is estimated by the Director of Correction to involve fifty percent of the Commonwealth's total inmate population.

Chapter 4

Puerto Rico

Part II

Juvenile Detention

A. Legislative Authorization:

Three agencies in Puerto Rico are directly responsible for the prevention, control and treatment of juvenile delinquency. These are the Police Department, the Juvenile Court and the Department of Social Services. The Department of Social Services is responsible under Commonwealth Law No. 171 for the custody, care and social rehabilitation of (i) children who are referred by the Juvenile Court and (ii) children referred by the local offices of the Social Services Department for neglect or an unhealthy home environment.

B. Organization and Administration:

Since July 1969, the Social Treatment Centers Program, operated by the Department of Social Services, has replaced the former Bureau of Institutions, operated by the Welfare Division of the Department of Health. This program decentralized the administration of juvenile institutions into two regions, the northeast region and the southwest region, with a central office in San Juan. The central office, headed by an Assistant Secretary under direct supervision of the Secretary of Social Services, is responsible for the overall direction and supervision of the program. At the present time, the program covers 16 social treatment centers, of which 4 are juvenile detention centers.

Juvenile detention centers in Puerto Rico are defined as homes providing temporary detention and care of children referred by the Juvenile Court who require special custody in physically restricted facilities, and who are provided evaluation and diagnostic services to enable the judges to determine individualized dispositions.

The Department of Social Services of the Commonwealth of Puerto Rico is empowered to administer all juvenile detention centers in Puerto Rico. Statutory provision mandates that children shall be held by the Department of Social Services, not the Department of Justice, prior to court hearing. Juvenile detention thus has been completely separated from the Justice Department's Division of Corrections which exercises no authority over it.

The central office of the Department of Social Services is located in San Juan. As indicated, the Department of Social Services has divided the island into two regions--the northeast and the southeast, each of which contain one principal metropolitan area, San Juan and Ponce. A regional office has been established in each of these geographical sectors. The Northwest Regional office has a staff consisting of a regional director, four coordinators (all social workers), one recreation coordinator, two social workers in charge of group homes, and three secretaries.

This regional office is responsible for ten juvenile institutions, including two detention centers in the San Juan area. The Southwest Regional office has a slightly smaller staff, consisting of a regional director, three coordinators, and one school coordinator. This office has jurisdiction over eight juvenile facilities, including two detention center, in Ponce and in Humacao. All staff, both in the central and regional offices, are employees of the Department of Social Services.

There are thus a total of four juvenile detention centers in Puerto Rico: two in the northern part of the island, in the metropolitan San Juan area (Hato Rey and Rio Piedras), one in the southeast portion of the island (Humacao), and one the south, in the city of Ponce. Only two of these centers receive girls, Ponce (which is co-ed) and Rio Piedras (which contains only girls). The age range covered in the four detention centers is from seven up to eighteen. In theory, the permissible maximum stay for a child in detention is thirty days. Most of the children referred to juvenile detention are classified as incorrigible (i.e., have not been accused of specific criminal behavior). After adjudication, approximately 50% of the older children go to training schools, while the younger ones are usually sent to group homes. The remaining 50% are returned home on probation or, perhaps, in unsupervised status. Intake and discharge statistics for the Social Treatment Centers over a 5-year period is displayed in the following chart: (See No. 8)

Inspection: The central office of the Department of Social Services maintains 7 specialists who inspect the detention centers* at regular intervals--at least quarterly, and usually once a month. Each of the specialists is experienced in one of the following areas:

- administration
- social treatment
- education
- home life
- nutrition
- juvenile legal affairs
- intake

None of the specialists cover the health or medical care area since the Department of Health conducts yearly inspections of all juvenile institutions.

As each central office specialist visits a detention center, he consults with the detention center staff regarding the area in which he is specially trained. The specialists, for instance, during an inspection

* These specialists also inspect other juvenile facilities than the detention centers

SOCIAL TREATMENT CENTERS
ENROLLMENT DATA AND REFERRAL SOURCE
FISCAL YEARS 1968-72

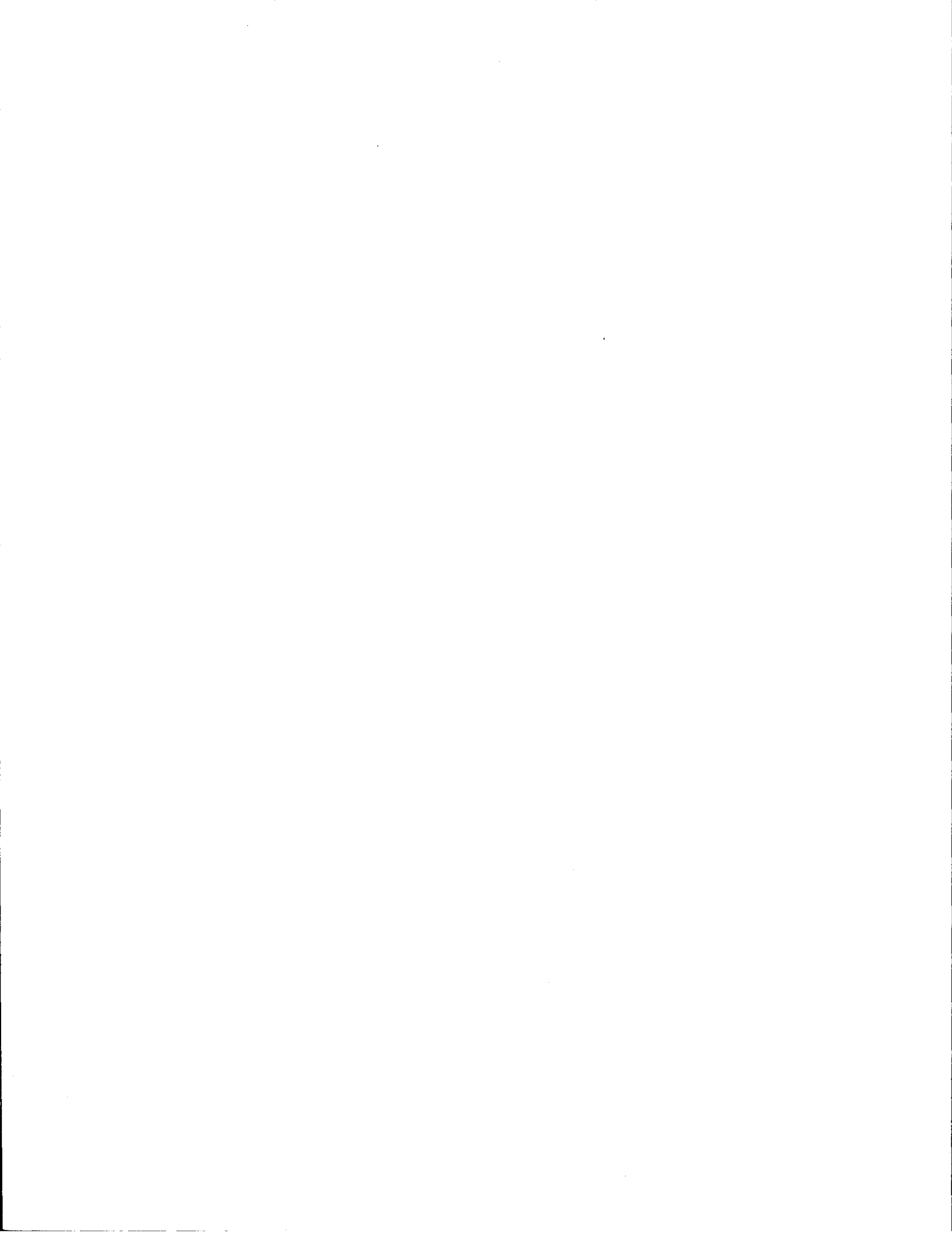
D A T A	FISCAL YEARS				
	1968	1969	1970	1971	1972
REGULAR ENROLLMENT					
Enrollment at the beginning of the year	1,427	1,299	1,280	1,284	1,276
Admissions during the year	2,055	2,123	2,504	2,556	2,744*
Total enrollment during the year	3,482	3,422	3,784	3,840	4,020
Releases during the year	2,183	2,142	2,459	2,573	2,623
Enrollment at the end of the year	1,299	1,280	1,325	1,268	1,389
SPECIAL ENROLLMENT <u>1/</u>					
Enrollment at the beginning of the year	55	55	55	49	22
Admissions during the year	1,454	1,333	1,563	1,630	1,490
Total enrollment during the year	1,509	1,388	1,618	1,679	1,512
Releases during the year	1,454	1,333	1,569	1,657	1,464
Enrollment at the end of the year	55	55	49	22	48
REFERRAL SOURCES **					
Juvenile Courts	1,757	1,901	2,177	2,303	2,424
Social Service Local Offices	107	166	131	147	134
Transfers among Social Treatment Centers	166	-	139	75	112
Other Sources	25	106	57	31	74

* Includes Group Home for Girls in Río Piedras

** For regular enrollment only

1/ Includes minors referred by Police to juvenile detention homes for a maximum of 48 working hours (pre-hearing detention) and minors in need of shelter referred by local Department of Social Services units for a maximum of three months.

Source: Department of
Social Services



of a center select cases at random to assess the quality of the record keeping, the organization of the case material and to generally offer a professional consultation. Similarly, education specialists observe classes at the detention centers, supervise the instructors, and review curriculum and lesson plans. Home life and nutrition specialists generally review sanitary conditions, consult with housekeeping staff and plan diets and menus, while the social treatment specialists may bring information to the detention center staff regarding new programs and new department policies.

In addition to the usually once-a-month inspection by central office specialists, a member of the regional office staff, designated a regional detention coordinator, makes weekly visits to the detention centers in his jurisdiction. The regional detention coordinator looks at all aspects of the institutions--social work, administration, nutrition, etc.--and submits monthly reports of his observations to the auxiliary secretary of the Department of Social Services.

In practice, the coordination of efforts between the central office and the regional office generally results in central office specialists functioning as consultants in their areas of expertise and providing advice and help to detention staff for specific problems, while regional detention coordinators serve more as general inspectors of the overall conditions of the centers.

C. Standards Written regulations for juvenile detention centers are prepared by central office specialists, with the approval of the Department of Social Services, and provided to detention center staffs. The detention regulations are quite specific in areas such as discipline, procedures, in-house rules, education requirements and menu needs. More general provisions are made in areas such as housekeeping and homelife. While no specific enforcement provisions exist pertaining to juvenile detention centers, the Department of Social Services does have certification authority over all juvenile institutions. Therefore the power to close deficient facilities would seem to exist, at least theoretically. Since there are only four detention centers on the island, and all are usually full to their capacities, the Department is constrained in exercising this authority for practical reasons.

Training: Training for local detention staff is conducted out of the central office of the Department of Social Services in San Juan. Because of the small size of the island, local staff find no hardship in attending periodic training sessions at the central office. Training appears not to be overly formalized, but rather each particular program area (e.g., home life, nutrition, etc.) is handled by the central office specialists in that area. The Department also uses the periodic training sessions for local staff as a means of conveying new information and

developments in particular problem areas of juvenile detention, such as alcoholism, drug addiction and psychiatric services. Local staff may also be informed of new or revised Departmental policy positions at these meetings.

D. Relationship of the Central Office to Local Personnel:

Since all local juvenile detention personnel are employees of the Department of Social Services, the relationship between the central office of the Department and local personnel is a close and cooperative one. The study team found through interviews of local detention administrators that their attitude toward the central office staff was one of looking toward professional advice and consultation. Inspections were viewed not as anxiety-producing experiences demanding strict adherence to the letter-of-the-law, but rather as opportunities to share common problems and to have work critically reviewed and evaluated by experts.

In addition, it was obvious to the study team that a major reason for the close working relationship between central office and local personnel was a shared concern about children in trouble. Children were seen as having problems rather than as being delinquents, and helping these children was viewed as the primary staff objective.

E. Issues, Problems, and Recommendations:

A major observation of the study team which influences several recommendations, is that cultural standards for construction, sanitation and furnishings may be different in Puerto Rico than in many other states.

Condition of Facilities: The study team found, without exception, that the buildings used for the four detention centers in Puerto Rico were out-of-date and inadequate for that purpose. For instance, of the four detention centers, one is housed in a converted hospital and another has been located in temporary quarters since 1965. All the facilities were sparsely and plainly furnished, with little attention to decor or overall appeal to children. In addition, not all parts of the facilities were fully sanitized. While the study team found that kitchens and classrooms were invariably sanitary, other areas such as the showers and windows left something to be desired. While it may be true that the excellent attitude of detention center staff toward the children outweighs these factors, the study team felt that some improvement was warranted in this area.

F. Relationship Between Central and Local Personnel:

As noted previously, a good working relationship exists between the central office and local personnel. However, a duplication of effort appears to exist with regard to the inspection function. For instance, all juvenile detention facilities are visited regularly by both the central

office specialists and by a detention coordinator from the regional office. While the central office inspectors are experts in particular areas and each of their inspections is limited to reviewing functions within their expertise, the regional detention coordinator inspects the institution as a whole, covering areas already reviewed by the central office inspectors. Not only is this duplicative, but the study team found that the regional detention coordinators often feel inadequate to the task and lacking in specialized knowledge, particularly in areas such as education and nutrition. The study team found that a more efficient use of staff time could be helpful and that a variety of alternatives exist as to how this might be effectuated. For example, the specialists at the central office who are now functioning as consultants and inspectors could be used to train detention home personnel in particular areas and to develop overall policy for those areas. Similarly, regional detention coordinators who are presently responsible for routine factual inspections of detention facilities could either become more specialized in selected areas or be replaced by technical experts.

Another problem area, recognized by the Department of Social Services, is the need to coordinate regulations and detention standards issued from the central office. At the present, individual standards are written by central office specialists and regional detention coordinators would like to see them integrated or a set of specific regulations easily used by all. It was also pointed out to the study team that some of the standards, particularly those pertaining to housekeeping and home life requirements, were too vague and need to be recast in more specific terms.

Manpower and Training: The major problem for juvenile detention as it presently exists in Puerto Rico is the same as that facing adult detention on the island: lack of professionally trained staff. While the study team was favorably impressed with the education and professionalism of juvenile detention administrators and social workers, the custodial staff needs more specialized training to cope with the increasingly complex problems of juveniles. The study team was told that the five most common problems detention workers must cope with are: drug addiction, prostitution, alcoholism, sexual deviation and psychotic behavior. It would appear, therefore, that an obvious need exists to prepare detention workers to handle these kinds of problems.

The overall general impression of the study team about juvenile detention in Puerto Rico corresponds with the current philosophy of the Puerto Rico Juvenile Court: every attempt appears to be made to remove children from the operation of penal law and to separate juvenile detention from criminal justice activities. Thus the orientation of the Department of Social Services is seen to be one of concern for helping children

rather than detaining them for punishment. All the detention facilities the study team visited offered structured academic classes as well as able instruction in well-supplied arts and crafts workrooms. Doctors were in attendance, even if only on a part-time basis, and all facilities had access to some sort of psychiatric services. While the juvenile detention system in Puerto Rico as a whole may leave much to be desired, it appeared to the study team that the Department of Social Services is taking major steps toward improvement.

Chapter 5

CONCLUSION AND SUMMARY RECOMMENDATIONS

Upgrading policies and programs in public institutions anchored by tradition is a difficult and delicate mission. This truism was borne out in the study of statewide programs for improvement of jails and juvenile detention facilities in New York, New Jersey and Puerto Rico. In concluding the project it was apparent that institutional reform efforts became emeshed in social, economic, and political realities. Reform by mandate -- either statutory, judicial, or administrative -- does not per se achieve sustained improvements in public-service institutions. However, applied in tandem these forces can be mobilized and directed to facilitate positive results. It is in this spirit of cooperation that the following recommendations are made for program and policy improvements in the target jurisdictions.

State of New York: Commission of Correction

Organization

- Expansion of Commission membership to allow for representation of jail administrators and elected officials from counties of different size and population density.

Administration

- Reorganization of agency and staffing pattern to emphasize clearinghouse and technical assistance functions complementary to jail inspection responsibilities.
- Expansion of staff or redistribution of workload priorities to effectively service responsibilities for oversight of county jail treatment programs and processing to disposition complaints from jail inmates.
- Establishment of new program component to develop and refine a master plan for upgrading of jails and state correctional facilities.

Policies and Programs

- Require inputs from local jail and county government officials to proposed revisions in Commission rules and regulations for jail administration and operations.
- Preparation of guidelines and inspection rating forms for monitoring of phased implementation of Commission standards.
- Undertake a study of the feasibility and cost benefits in providing state financial aid to subsidize county jail physical plant and program improvements.

- Explore the concept and mechanics for a jail certification program.
- Consider establishment of a field office in New York City to coordinate the delivery of inspection and support services to area correctional facilities and jails.
- Mount a public information program to communicate the work of the Commission.
- Take on an advocacy role in critical issues affecting local jails, their residents and staff.

State of New York: Office of Detention Services

Organization

- Initiate efforts to codify state laws relating to juvenile detention policy and practice toward the objective of improved coordination and uniformity in the standards and inspection service.
- Consider expansion of staff to more effectively handle the support service needs of local juvenile detention facilities.

Administration

- Develop a capacity and capability in the Office of Detention Services for an automated information system for tracking the flow of detention residents and reimbursement grants.

Policy and Programs

- Reassess and make changes necessary to improve the quality and definition of rules governing non-secure detention.
- Adopt and implement policy and procedures for the award, withholding, and assessment of detention reimbursement payments.
- Activate a program of specialized in-service training for detention workers.
- Reconsider the need for regional shelters for placement of children from rural counties in need of supervision as an alternative to present disposition limitations.

State of New Jersey: Bureau of Operations

Organization

- Address the critical need for comprehensive legislation to authorize the promulgation and enforcement of statewide standards for jails and juvenile detention facilities with adequate support services.

- As an interim measure the responsible policy-makers should consider adoption of proposed administrative standards prepared by the Bureau of Operations.

Administration

- Expansion of Bureau staff with qualified personnel to provide consultation to county jail and detention officials in programs of medical and health care, improvements in physical plant, and food service.

Policy and Programs

- Work towards improvement of the present inspection rating device to include a system for assessment of jail programs and services.
- Activate a communications program for county jail administrators to facilitate exchange of information, data and resources.
- Develop specific policies and procedures for the administration of juvenile detention facilities.

Commonwealth of Puerto Rico: Division of Corrections

Administration

- Consider creation of a task force as resource coordination to include representatives of state-level agency administrators responsible for delivery of medical and health care, fire safety, drug treatment programs and mental health services.

Policy and Programs

- Advocate salary increases for the prison guard consistent with their duties and responsibilities in the administration of district jail programs and services.
- Reorganize and systematize policies of the Division relating to district jail operations.
- Undertake the development of procedural guidelines for implementation of definitive standards for district jails.
- Advocate the need for, and pursue approval of, legislation to upgrade correctional personnel through contemporary pay scales, staff development opportunities and other incentives to improve qualifications and capabilities of the Division workforce.

Commonwealth of Puerto Rico: Department of Social Services

Administration

- Organize and staff a study group to reassess the role and function of Central office and regional inspectors to minimize duplication of services to support juvenile detention activities.
- Accelerate and expand efforts to provide specialized training to custodial staff in skills necessary to cope with the increasingly complex problems of juveniles.

EXHIBIT 1

New York State Law On Commission of Correction

LAWS OF NEW YORK.—By Authority

CHAPTER 398

AN ACT to amend the correction law, chapter three hundred fifty-four of the laws of nineteen hundred seventy-one entitled, "An Act to repeal section 75.20 of the penal law and subdivision seven-b of section forty-six of the correction law, relating to alternative local reformatory sentence of imprisonment for young adults" and chapter one hundred sixty-three of the laws of eighteen hundred forty-six entitled, "An Act to incorporate the Prison Association of New York", in relation to the state commission of correction, and repealing section sixteen, article three, and section six hundred nine of the correction law relating thereto

Became a law June 5, 1973, with the approval of the Governor. Passed on message of necessity pursuant to Article III, section 14 of the Constitution by a majority vote, three-fifths being present

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section sixteen, article three and section six hundred nine of the correction law are hereby repealed.

§ 2. Such law is hereby amended by adding thereto a new article, to be article three, to read as follows:

ARTICLE 3

STATE COMMISSION OF CORRECTION

Section 40. Definitions.

42. *State commission of correction; organization.*
44. *Correction medical review board; organization.*
46. *Administrator of commission and board.*
48. *Functions, powers and duties of the commission.*
50. *Additional functions, powers and duties of the commission, its members and employees.*
52. *Functions, powers and duties of the board.*

§ 40. Definitions. As used in this article the following terms have the following meanings:

1. "Commission" means the state commission of correction.
2. "Local correctional facility" means any county jail, county penitentiary, county lockup, city jail, police station jail, town or village jail or lockup, court detention pen or hospital prison ward.
3. "Correctional facility" means any institution operated by the state department of correctional services, any local correctional facility, or any place used, pursuant to a contract with the state or a municipality, for the detention of persons charged with or convicted of a crime.

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

4. "Municipal official" means (a) the sheriff or, where a local correctional facility is under the jurisdiction of a county department, the head of such department, and clerk of the board of supervisors, in the case of a county jail; (b) the sheriff or other officer having custody or administrative jurisdiction and the clerk of the board of supervisors, in the case of a county penitentiary; (c) the clerk of the board of supervisors in the case of a county lockup; (d) the mayor and the city clerk, in the case of a city jail or police station jail; (e) the supervisor and town clerk, in the case of a town jail or lockup; (f) the mayor and village clerk, in the case of a village jail or lockup; (g) the clerk of the board of supervisors of the county wherein located and the officer having custody or control, in the case of a court detention pen or a hospital prison ward.

5. "Board" means the correction medical review board.

§ 42. State commission of correction; organization. 1. There shall be within the executive department a state commission of correction. It shall consist of the commissioner of correctional services, who shall be chairman, and seven other persons to be appointed by the governor, by and with the advice and consent of the senate. The governor shall designate one of the appointed members as vice-chairman.

2. The appointed members shall hold office for terms of five years; provided that of the seven members first appointed, two shall serve for a term of two years, two shall serve for a term of three years, two shall serve for a term of four years, and one shall serve for a term of five years, from January first next succeeding their appointment. No appointed member shall serve for more than ten years. Any appointed member of the commission may be removed by the governor for cause after an opportunity to be heard in his defense.

3. Any appointed member chosen to fill a vacancy created other than by expiration of term shall be appointed for the unexpired term of the member whom he is to succeed. Vacancies caused by expiration of term or otherwise shall be filled in the same manner as original appointments.

4. No appointed member of the commission shall qualify or enter upon the duties of his office, or remain therein, while he is an officer or employee of the department or any local correctional facility or exercises any administrative supervision over a local correctional facility.

5. Each appointed member of the commission shall be entitled to receive one hundred dollars for each day's attendance at meetings of the commission, or of any of its committees, or while engaged in any other official business of the commission, not exceeding in any one year the sum of five thousand dollars, and also his actual expenses, necessarily incurred while engaged in the performance of the duties of his office.

6. The commission shall meet at least once each month, and shall cause a record to be kept of its proceedings. Four appointed

members regularly convened shall constitute a quorum, and in the absence of the chairman, the vice-chairman shall preside.

§ 44. Correction medical review board; organization. 1. There shall be within the commission a correction medical review board. It shall consist of the chief physician of the department of correctional services and four other persons to be appointed by the governor by and with the advice and consent of the Senate. The governor shall designate one of the appointed members as chairman. One appointed member of the board shall be a physician duly licensed to practice in this state and a specialist in the* forensic pathology, forensic psychiatry, or internal medicine. One appointed member of the board shall be an attorney admitted to practice in this state and nominated by the bar association of the state of New York.

2. The four appointed members of the board shall hold office for five years; provided that of the four members first appointed, one shall be appointed for a term of two years, one shall be appointed for a term of three years, one shall be appointed for a term of four years and one shall be appointed for a term of five years from January first next succeeding their appointment. Any appointed member of the commission may be removed by the governor for cause after an opportunity to be heard in his defense.

3. Any member chosen to fill a vacancy created other than by expiration of term shall be appointed for the unexpired term of the member whom he is to succeed. Vacancies caused by expiration of term or otherwise shall be filled in the same manner as original appointments.

4. The members of the board shall receive no compensation for their services but each member shall be entitled to receive his actual and necessary expenses incurred in the performance of his duties.

§ 46. Administrator of commission and board. 1. The commission shall appoint an administrator who shall be the executive officer of the commission and the board and who shall serve at the pleasure of the commission. The administrator shall receive an annual salary to be fixed by the commission within the amount available therefor by appropriation; and he shall be entitled to receive reimbursement for expenses actually and necessarily incurred by him in the performance of his duties.

2. The administrator may appoint such assistants, officers and employees, committees and consultants for the board as he may determine necessary, prescribe their powers and duties, fix their compensation and provide for reimbursement of their expenses within amounts appropriated therefor.

3. The administrator may, from time to time, create, abolish, transfer and consolidate bureaus and other units within the commission and the board not expressly established by law as he may determine necessary for the efficient operation of the commission and the board, subject to the approval of the director of the budget.

* So in original.

4. The administrator may request and receive from any department, division, board, bureau, commission or other agency of the state or any political subdivision thereof or any public authority such assistance, information and data as will enable the commission and the board properly to carry out its functions, powers and duties.

§ 48. Functions, powers and duties of the commission. The commission shall have the following functions, powers and duties:

1. Advise and assist the governor in developing policies, plans and programs for improving the administration, programs, effectiveness and coordination of correctional facilities.

2. Make recommendations to administrators of correctional facilities for improving the administration, programs, effectiveness and coordination of correctional facilities.

3. Visit, inspect and appraise the management of correctional facilities with specific attention to matters such as safety, security, health of inmates, sanitary conditions, rehabilitative programs, disturbance and fire prevention and control preparedness, and adherence to laws and regulations governing the rights of inmates.

4. Establish procedures to assure effective investigation of grievances of, and conditions affecting, inmates of local correctional facilities. Such procedures shall include but not be limited to receipt of written complaints, interviews of persons, and on-site monitoring of conditions.

5. Ascertain and recommend such system of employing inmates of local correctional facilities as may, in the opinion of said commission, be for the best interest of the public and of said inmates and not in conflict with the provisions of the constitution or laws of the state relating to the employment of inmates.

6. Promulgate rules and regulations establishing minimum standards for the care, custody, correction, treatment, supervision, discipline, and other correctional programs for all persons confined in local correctional facilities.

7. Close any local correctional facility which is unsafe, insanitary or inadequate to provide for the separation and classification of prisoners required by law or which has not adhered to or complied with the rules or regulations promulgated with respect to any such facility by the commission pursuant to the provisions of subdivision six; provided, however, that before such facility may be closed, the commission shall cause a citation to be mailed to the appropriate municipal official at least twenty days before the return day thereof directing the authorities of the municipality designated to appear before such commission at the time and place set forth in the citation, and show cause why such local correctional facility should not be closed. After a hearing thereon or upon the failure to appear, such commission is empowered to order such facility designated in the citation closed within ninety days, during which time the municipality may review such order in the manner provided in article seventy-eight of the civil practice law and rules,

in the supreme court. Ninety days after the order to close has been served by a registered letter upon the appropriate municipal official if no court review has been taken, and ninety days after the order of such commission has been confirmed by the court, in case of court review, such facility designated in the order shall be closed, and it shall be unlawful to confine or detain any person therein and any officer confining or detaining any person therein shall be guilty of a class A misdemeanor.

8. For the purpose of providing for adequate care, custody, correction, treatment, supervision, discipline and other correctional programs for all persons confined in local correctional facilities, the commission shall establish, maintain and operate a basic correctional training program for such personnel employed by local correctional facilities as the commission shall deem necessary. Such program shall be completed by such personnel prior to their undertaking their duties or within one year following the date of their appointment; provided, however, the commission may exempt from such requirement (i) personnel employed by any local correctional facility which, in the opinion of the commission, maintains and operates a basic correctional training program of a standard equal to or higher than that established, maintained and operated by the commission, and (ii) such personnel employed by any local correctional institution as of the effective date of this section who, in the opinion of the commission, possess sufficient qualifications for the care, custody, correction, treatment, supervision and discipline of persons confined in local correctional facilities. The cost of such program shall be borne by the commission within the amount available therefor by appropriation; provided, however, that the salary and actual expenses of personnel engaged in such program shall be borne by the local correctional facility employing them.

9. Approve or reject plans and specifications for the construction or improvement of local correctional facilities.

10. Collect and disseminate statistical and other information and undertake research, studies and analyses, through the personnel of the commission or in cooperation with any public or private agency in respect to the administration, programs, effectiveness and coordination of correctional facilities.

11. Make an annual report to the governor and legislature concerning its work and the work of the board during the preceding year, and such further interim reports to the governor, or to the governor and legislature, as it shall deem advisable, or as shall be required by the governor.

12. Accept, with the approval of the governor, as agent of the state any grant, including federal grants, or any gift for any of the purposes of this article. Any moneys so received may be expended by the commission to effectuate any purpose of this article, subject to the same limitations as to approval of expenditures and audit as are prescribed for state moneys appropriated for the purposes of this article.

13. Enter into contracts with any person, firm, corporation, municipality, or governmental agency.

14. Adopt, amend or rescind such rules and regulations as may be necessary or convenient to the performance of the functions, powers and duties of the commission.

15. Do all other things necessary or convenient to carry out its functions, powers and duties expressly set forth in this article.

§ 50. Additional functions, powers and duties of the commission, its members and employees. 1. The commission, any member or the administrator thereof, or any employee designated by the commission or administrator must be granted access at any and all times to any correctional facility or part thereof and to all books, records, and data pertaining to any correctional facility deemed necessary for carrying out the commission functions, powers and duties. The commission, any member or the administrator thereof, or any employee designated by the administrator may require from the officers or employees of a correctional facility any information deemed necessary for the purpose of carrying out the commission functions, powers and duties.

2. In the exercise of its functions, powers and duties, the commission, any member or the administrator thereof is authorized to issue and enforce a subpoena and a subpoena duces tecum, administer oaths and examine persons under oath, in accordance with and pursuant to civil practice law and rules.

3. In any case where a person in charge or control of a correctional facility or an officer or employee thereof, shall fail to comply with the provisions of subdivision one, the commission may apply to the supreme court for an order directed to such person requiring compliance therewith. Upon such application the court may issue such order as may be just and a failure to comply with the order of the court shall be a contempt of court and punishable as such.

4. In any case where any rule or regulation promulgated by the commission pursuant to subdivision six of section forty-eight or the laws relating to the construction, management and affairs of any local correctional facility or the care, treatment and discipline of its inmates, are being or are about to be violated, the commission shall notify the person in charge or control of the facility of such violation, recommend remedial action, and direct such person to comply with the rule, regulation or law, as the case may be. Upon the failure of such person to comply with the rule, regulation or law the commission may apply to the supreme court for an order directed to such person requiring compliance with such rule, regulation or law. Upon such application the court may issue such order as may be just and a failure to comply with the order of the court shall be a contempt of court and punishable as such.

§ 52. Functions, powers and duties of the board. 1. The board shall have the following functions, powers and duties:

(a) Investigate and review the cause and circumstances surrounding the death of any inmate of a correctional facility.

(b) Visit and inspect any correctional facility wherein an inmate has died.

(c) Cause the body of the deceased to undergo such examinations, including an autopsy, as in the opinion of the board, are necessary to determine the cause of death, irrespective of whether any such examination or autopsy shall have previously been performed.

(d) Upon review of the cause of death and circumstances surrounding the death of any inmate, the board shall submit its report thereon to the commission and, where appropriate, make recommendations to prevent the recurrence of such deaths to the commission and the administrator of the appropriate correctional facility.

2. Every administrator of a correctional facility shall immediately report to the board the death of an inmate of any such facility in such manner and form as the board shall prescribe, together with an autopsy report, if any.

§ 3. Chapter three hundred fifty-four of the laws of nineteen hundred seventy-one entitled "An Act to repeal section 75.20 of the penal law and subdivision seven-b of section forty-six of the correction law, relating to alternative local reformatory sentence of imprisonment for young adults", is hereby amended to read as follows:

"AN ACT to repeal section 75.20 of the penal law [and subdivision seven-b of section forty-six of the correction law], relating to alternative local reformatory sentence of imprisonment for young adults"

Section 1. Section 75.20 of the penal law [and subdivision seven-b of section forty-six of the correction law are] is hereby repealed.

§ 2. Until January first, nineteen hundred seventy-four, (a) the state commission of correction shall have the function, power and duty to issue certificates of certification to reformatories established for the care, custody, treatment and training of young adults sentenced to local reformatory sentence of imprisonment under section 75.20 of the penal law. No such certification shall be issued unless the commission is satisfied that the reformatory has established education and other rehabilitative programs specifically designed for young adults and has adequate personnel and other resources for administering such programs;

(b) the state commission of correction may at any time withdraw such certification from such reformatory and in such case no additional persons shall be sentenced to such institution under the provisions of section 75.20 of the penal law unless and until such certification is restored. In the event of withdrawal of certification, any person confined in the institution under a local reformatory sentence shall forthwith be returned to the court that committed him for re-sentencing and such court may impose any other

sentence applicable. In such case, the term or period of the new sentence shall be credited with all credits due and accumulated under the term or period of the local reformatory sentence.

§ 3. *Any reformatory established and certified by the state commission of correction for the care, custody, treatment and training of young adults sentenced to a local reformatory sentence of imprisonment under section 75.20 of the penal law that is in operation on December thirty-first, nineteen hundred seventy-three shall continue in operation for the care, custody, treatment and training of young adults sentenced thereto prior to January first, nineteen hundred seventy-four. At any time on or after January first, nineteen hundred seventy-four the state commission of correction may withdraw certification from any such reformatory and in such case the provisions of subdivision (b) of section two of this act shall apply.*

§ [2] 4. *This act shall take effect January first, nineteen hundred seventy-four, except that sections two and three shall take effect September first, nineteen hundred seventy-three.*

§ 4. *State commission of correction and correction medical review board abolished. The state commission of correction established and continued by section sixteen and article three of the correction law as repealed by this act and the correction medical review board established by section fifty-two of the correction law as repealed by this act are hereby abolished.*

§ 5. *Continuity of state commission of correction and correction medical review board. The state commission of correction in the executive department established by this act shall be deemed and held to constitute the same entity as the state commission of correction abolished by this act. The correction medical review board in the state commission of correction in the executive department established by this act shall be deemed and held to constitute the same entity as the correction medical review board abolished by this act.*

§ 6. *Transfer of functions. All the functions and powers possessed by and all obligations and duties of the state commission of correction and of the correction medical review board and the secretaries thereof abolished by this act are hereby transferred and assigned to, assumed by and devolved upon the state commission of correction in the executive department and the correction medical review board in the commission established by this act and the administrator of the commission and board in accordance with and pursuant to the provisions of this act.*

§ 7. *Transfer of employees. Upon the transfer of functions to the state commission of correction in the executive department and the correction medical review board pursuant to this act, provision shall be made for the transfer thereto of such employees of the state commission of correction and the correction medical review*

board abolished by this act and the department of correctional services who are engaged in carrying out such functions as the commissioner of correctional services and the administrator of the commission and board may deem necessary for the exercise of the functions of the state commission of correction in the executive department and the correction medical review board in the commission in accordance with the provisions of section seventy of the civil service law.

§ 8. Transfer of records. The state commission of correction and correction medical review board abolished by this act shall deliver to the state commission of correction in the executive department and the correction medical review board in the commission, respectively, established by this act all their books, papers, records and property.

§ 9. Continuity of authority. For the purpose of succession to all functions, powers, duties and obligations transferred and assigned to, devolved upon and assumed by it pursuant to this act, the state commission of correction in the executive department and the correction medical review board in the commission established by this act shall be deemed and held to constitute the continuation of the state commission of correction and correction medical review board abolished by this act.

§ 10. Completion of unfinished business. Any business or other matter undertaken or commenced by the state commission of correction or the correction medical review board abolished by this act or the secretaries thereof, pertaining to or connected with the functions, powers, obligations and duties hereby transferred and assigned to the state commission of correction in the executive department or the correction medical review board in the commission established by this act, and pending on the effective date of this act, may be conducted and completed by such state commission of correction in the executive department or correction medical review board in the commission or administrator of the commission and board, as the case may be, in the same manner and under the same terms and conditions and with the same effect as if conducted and completed by the state commission of correction or correction medical review board abolished by this act or the secretaries thereof.

§ 11. Continuation of rules and regulations. All rules and regulations, acts, determinations and decisions of the state commission of correction or correction medical review board abolished by this act in force at the time of such transfer, assignment, assumption or devolution shall continue in force and effect as rules, regulations, acts, determinations and decisions of the state commission of correction in the executive department or correction medical review board in the commission, as the case may be, established by this act, in accordance with the context thereof, until duly modified or abrogated by such commission of correction in the executive department or the correction medical review board, as the case may be, pursuant to and in accordance with this act.

§ 12. Terms occurring in laws, contracts and other documents. Whenever the state commission of correction or the correction medical review board abolished by this act or the secretaries thereof are referred to or designated in any law, contract or document pertaining to the functions, powers, obligations and duties hereby transferred and assigned to the state commission of correction in the executive department or the correction medical review board in the commission established by this act, such reference or designation shall be deemed to refer to such state commission of correction in the executive department or the correction medical review board in the commission or the administrator of the commission and board, as the context requires.

§ 13. Existing rights and remedies preferred. No existing right or remedy of any character shall be lost, impaired or affected by reason of this act.

§ 14. Pending actions and proceedings. No action pending at the time when this act shall take effect, brought by or against the state commission of correction or the correction medical review board abolished by this act or secretaries thereof shall be affected by any provision of this act, but the same may be prosecuted or defended in the name of the state commission of correction in the executive department or correction medical review board in the commission or the administrator of the commission and board, as the case may be, in accordance with the applicability of the subject matter of the action to the functions transferred to such commission, board or administrator, as the case may be, and the proper party shall, upon application to the court, be substituted as a party.

§ 15. Transfer of appropriations heretofore made. All appropriations or reappropriations for the functions herein transferred heretofore made to the department of correctional services or segregated pursuant to law, to the extent of remaining unexpended or unencumbered balances thereof, whether allocated or unallocated and whether obligated or unobligated, are hereby transferred to and made available for use and expenditure by the state commission of correction in the executive department and correction medical review board in the commission established by this act for the same purposes for which originally appropriated or reappropriated and shall be payable on vouchers certified or approved by the administrator of the commission and board on audit and warrant of the comptroller. Payments for liabilities for expenses of personal service, maintenance and operation heretofore incurred by the state commission of correction and correction medical review board abolished by this act in connection with the functions herein transferred, and for liabilities incurred and to be incurred in completing its affairs in relation to the functions transferred herein, shall also be made on vouchers or certificates approved by the administrator of the commission and board established by this act on audit and warrant of the comptroller.

§ 16. Section six of chapter one hundred sixty-three of the laws of eighteen hundred forty-six entitled, "An Act to incorporate the Prison Association of New York," is hereby amended to read as follows:

§ 6. The said executive committee by such committees as they shall from time to time appoint shall have power[, and it shall be their duty] to visit[, inspect and examine,] all the prisons in the state, and annually report to the legislature their state and condition, and all such other things in regard to them as may enable the legislature to perfect their government and discipline. [And to enable them to execute the powers and perform the duties hereby granted and imposed, they shall possess all the powers and authority that by the twenty-fourth section, of title first, chapter third, part fourth of the Revised Statutes are vested in the inspectors of county prisons, and the duties of the keepers of each prison that they may examine shall be the same in relation to them, as in the section aforesaid, are imposed on the keepers of such prisons in relation to the inspectors thereof; provided that no such examination or inspection of any prison shall be made until an order for that purpose to be granted by the chancellor of this state, or one of the judges of the supreme court or by a vice chancellor or circuit judge, or by the first judge of the county in which the prison to be examined shall be situate shall first have been had and obtained, which order shall specify the name of the prison to be examined, the names of the persons members of the said association by whom the examination is to be made, and the time within which the same must be concluded].

§ 17. Section forty-two of the correction law, as added by section two of this act, is hereby amended to read as follows:

§ 42. State commission of correction; organization. 1. There shall be within the executive department a state commission of correction. It shall consist of [the commissioner of correctional services, who shall be chairman, and] seven [other] persons to be appointed by the governor, by and with the advice and consent of the senate. The governor shall designate one of the appointed members as [vice-chairman] *chairman*.

2. The [appointed] members shall hold office for terms of five years; provided that of the seven members first appointed, two shall serve for a term of two years, two shall serve for a term of three years, two shall serve for a term of four years, and one shall serve for a term of five years, from January first next succeeding their appointment. No [appointed] member shall serve for more than ten years. Any [appointed] member of the commission may be removed by the governor for cause after an opportunity to be heard in his defense.

3. Any [appointed] member chosen to fill a vacancy created other than by expiration of term shall be appointed for the unexpired term of the member whom he is to succeed. Vacancies

caused by expiration of term or otherwise shall be filled in the same manner as original appointments.

4. No [appointed] member of the commission shall qualify or enter upon the duties of his office, or remain therein, while he is an officer or employee of the department or any local correctional facility or exercises any administrative supervision over a local correctional facility.

5. Each [appointed] member of the commission shall be entitled to receive one hundred dollars for each day's attendance at meetings of the commission, or of any of its committees, or while engaged in any other official business of the commission, not exceeding in any one year the sum of five thousand dollars, and also his actual expenses, necessarily incurred while engaged in the performance of the duties of his office.

6. The commission shall meet at least once each month, and shall cause a record to be kept of its proceedings. Four [appointed] members regularly convened shall constitute a quorum, and in the absence of the chairman, the vice-chairman shall preside.

§ 18. This act shall take effect on the first day of September next succeeding the date on which it shall have become a law, except that section seventeen of this act shall take effect on the effective date of an amendment to the constitution contained in a concurrent resolution entitled "Concurrent Resolution of the Senate and Assembly Proposing an amendment to section five of article seventeen of the constitution, in relation to the chairmanship of the state commission of correction."

STATE OF NEW YORK }
Department of State } **:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN P. LOMENZO
Secretary of State

EXHIBIT 2

New Jersey Jail Inspection Check Sheet

STATE OF NEW JERSEY
 INSTITUTIONS AND AGENCIES
 Department of Correction & Parole
 Trenton, New Jersey

INSPECTION CHECK SHEET
 For
 STATE INSTITUTIONS & COUNTY JAILS

Name of Institution _____ Date _____
 County _____ City _____ Official in Chg _____ Title _____
 _____ Supervising Agency _____
 Sheriff _____ Term Expires _____
 How Long in Office? _____ Supervising Board _____
 Director _____ Chairman, Buildings Committee _____
 _____ Population of County _____
 Of the City _____ Institution Built _____ Remodeled _____
 Capacity: Men _____ Women _____ Juvenile, Male _____ Female _____ Total _____

	<u>Male</u>	<u>Female</u>	<u>Total</u>
Cells	_____	_____	_____
Dorms	_____	_____	_____
Juveniles	_____	_____	_____
TOTAL	_____	_____	_____

Population - Day of Inspection:

	<u>Male</u>	<u>Female</u>	<u>Total</u>
<u>ADULTS:</u>			
Sentenced	_____	_____	_____
Sent'd. Awaiting Transfer	_____	_____	_____
Await'g. Trial or Hearing	_____	_____	_____
Other	_____	_____	_____
<u>JUVENILES:</u>			
Sentenced	_____	_____	_____
Sent'd. Awaiting Transfer	_____	_____	_____
Awaiting Trial or Hearing	_____	_____	_____
Other	_____	_____	_____
TOTALS:	_____	_____	_____

Unsentenced, who have been incarcerated:

Over 3 months, Day of Inspection	_____
Over 6 months, Day of Inspection	_____
Over 9 months, Day of Inspection	_____

Average Daily Population for period _____
Highest Daily Count _____
Lowest Daily Count _____

Average Time of Residence _____

Total Man Days _____
Total Adult Commitments _____
Total Juvenile Commitments _____
 Total Male Juvenile Commitments _____
 Total Female Juvenile Commitments _____

Number of Escapes _____
Number of Suicides _____
Number of Deaths (Other) _____

Longest Sentence being served, Day of Inspection: _____

BUILDINGS AND EQUIPMENT:

Materials used in Construction:
Walls _____ Ceilings _____ Stairways _____
Floors _____ Partitions _____
Institution Fire Resistant? _____ Fire Extinguishers Provided? _____
Type _____ Number _____ Inspection Date _____
Stand Pipes & Hoses? _____ Number _____ Emergency Exits _____
Adequate? _____ Any Fire or Safety Hazards? _____

Toilet in every cell? _____ Sufficient number in each section? _____
Lavatory in every cell? _____ " " " " " " ? _____
Showers and Sinks in each section? _____ Hot and Cold Drinking
Water Available? _____ If not, what provisions provided? _____
Plumbing in Good Repair? _____

Types of Beds? _____ Condition? _____
Furniture in Cells? _____ List _____
Condition? _____ Institution have own Laundry? _____ Where
located? _____ Adequate? _____ Is there a Steril-
izer for clothing & bedding? _____ Sufficient Storage Space? _____

SPECIAL FEATURES: Receiving and Discharge Room? _____
Dining Room? _____ Recreation Room? _____ Class Rooms? _____
Consultation Rooms? _____ Visiting Area? _____ Describe _____
Chapel? _____ Other _____

Is Sewage system satisfactory? _____ Type? _____
Any changes, improvements or remodeling contemplated? _____

List defects in design which make supervision difficult _____

Is there a Padded Cell? _____ Where Located? _____
How Often used? _____

HEAT LIGHT AND VENTILATION:

Heating plant adequate? _____ Type _____
 Heat Regulated? _____ How? _____ Degrees? _____
 Are corridors well lighted? _____ Adequate window lighting? _____
 If Not, is electric light provided day and night? _____
 Ventilation by window only? _____ What Other Facilities? _____
 Color of interior paint in cells, & nurseries and corridors? _____
 Are windows screened against insects? _____

KITCHEN:

Is there a Kitchen in Institution? _____ If not, where are meals prepared? _____
 Type of ventilation? _____ Screened against insects? _____ Well lighted? _____ Describe eating utensils _____ Condition? _____
 Where and How Washed? _____
 Is there adequate pantry space? _____
 Condition? _____ What provisions for disposal of garbage? _____ How Often? _____

ADMINISTRATION:

How often do officials visit institution? _____ Total number of custodial employees? _____ Patrons _____ Others _____
 Do employees appear neat and competent? _____ Uniformed? _____ Uniform supplied? _____
 How many hours weekly? _____ How many Shifts? _____ Are there written rules for employees? _____ Operational Procedures? _____
 Employees under Civil Service? _____ If not, how processed? _____
 Employees Fingerprinted? _____ Where? _____ Who has final say re fingerprints? _____
 Medical examination given employees? _____

List Personnel Below:

TITLE	TOTAL	HRS. OF DUTY	SALARY	VACANCIES

How many in Temporary Status? _____ Parmanent? _____ Should Additional personnel be employed? _____ In What capacity? _____
 Is there any evidence of disregard for the legal rights of prisoners? _____ Do Officials require proper writs for detention? _____
 Do records supply reasonably adequate information? _____

Indicate by an X, types of records maintained:

Personal Commitmt History & Disch'g	Mail	Cash & Prop'ty	Inmate Expend.	Visitors	Medical	Viol.& Punish.

ADMINISTRATION (Cont'd.):

Condition of records? _____ Prisoners fingerprinted? _____ Where? _____
Photographed? _____ Where? _____ Agencies prints cleared _____
Receipt given for cash and property? _____ Where is cash kept? _____
Property? _____
Do inmates sign orders for disbursement of funds? _____ Is there
an inmate store? _____ If not, where are items purchased? _____
What disposition of profits? _____

CUSTODY & SECURITY:

Does design of institution provide reasonable security against
escapes? _____ If not, explain _____
Are windows screened against contraband? _____ Adequate? _____
Are there firearms stored inside institution? _____ Where and are
they safely stored? _____
Are firearms carried in proximity to inmates? _____ If yes, explain

Are proper key records kept? _____ If there proper control? _____
If not, explain _____
Keys ever in possession of inmates? _____ If yes, explain _____
How are knives, tools and
other dangerous articles controlled? _____
Means of communication in
event of emergencies? _____
How often are inmates' housing units patrolled? _____
Is a record kept? _____ How? _____ How frequently are
shakedowns made? _____ How often are prisoners counted?
When? _____
Are there written plans and procedures available to meet emergencies
in event of disturbances, escapes, fire, etc? _____
Any form of In-service training for employees? _____ Type, hours
and how conducted? _____
How many completed course last year? _____ Describe prisoner's
visiting facilities _____ Supervised? _____
How? _____ Frequency of visits? _____
Who permitted? _____ Visitors required
to furnish I.D.? _____ How? _____ Items visitors per-
mitted to leave? _____ Money? _____
Permitted to mail? _____ Are packages inspected? _____ Is written
authority secured from prisoner for inspection of mail & packages? _____
Any laxity observed in control of trustees? _____ If
yes, explain _____
Give details of escape on reverse side since last report. Ditto
re suicide or deaths other than suicide.
Hobby work permitted? _____ If yes, what control on hobby tools? _____
Effective? _____

INMATE CONTROL AND DISCIPLINE:

Is there classification segregation of prisoners? _____ Age? _____
Sex? _____ Unsentenced apart from sentenced? _____ Trustees? _____
What instructions given new admissions? _____
Were inmates orderly on day of inspection? _____ Any complaints
offered by prisoners? _____
Is effective and constant supervision maintained? _____ If no, ex-
plain _____
Is there any evidence of mistreatment of prisoners? _____ Are in-
mates complaints given prompt consideration? _____ Are officials
available for interviews? _____ Written requests? _____ On the spot
interviews permitted? _____ Who selects trustees? _____
Who approves? _____ Any special privileges allowed? _____
If yes, explain _____
Who establishes disciplinary policies and procedures? _____
Who administers? _____ Are written charges submitted? _____
Are all charges processed through the Disciplinary Court? _____
If not, explain _____
Is person charged heard before decision rendered? _____
If prisoner claims physical abuse or possible mitigating circum-
stances, are his claims investigated before decision rendered? _____
What types of punishment? _____
Describe punitive segregation facilities _____
What is limit for punitive segregation? _____ Any dietary restric-
tions? _____ What? _____ Are prisoners in
punitive segregation visited by the doctor? _____ How often? _____

HOUSEKEEPING AND SANITATION:

Are adequate cleaning supplies available? _____ Any evidence of
vermin? _____ Method used for eradication? _____
How often white goods laundered? _____ All or only part? _____
If only part, explain _____ Personal clothing?
Any odors detected? _____ Type? _____
Are windows clean? _____
Floors? _____
Floors need repainting? _____
If so, what areas? _____
Walls defaced? _____ Where? _____ Need
repainting? _____ Where? _____
Any corrosion of Bars? _____ Where? _____
Does new prisoner get clean linen, soap, toilet paper, towel?
Was there any accumulation of food or any other unnecessary articles
in cells or dorms? _____ Where? _____
Is institution clothing provided? _____ Any undisposed trash in evi-
dence? _____ Where? _____
Condition of bedding? _____
Were plumbing fixtures clean? _____ What areas not clean? _____

HOUSEKEEPING AND SANITATION CONT'd.:

Any sign of corrosion of plumbing fixtures? _____ Where and type? _____
How often is bathing required? _____ Shave? _____ What is
general appearance of prisoners? _____ If not good, ex-
plain _____

MEDICAL AND HEALTH SERVICES:

Name of physician: _____ Full or Part time? _____
On call? _____ How often visits? _____
Any other employees? _____ What capacity? _____ Are all new ad-
missions given medical examination? _____ By whom? _____
How soon after admission? _____ Is there a daily doctor
call? _____ Time? _____ What routine tests given? _____
Are prisoners approved by doctor before assignment to kitchen? _____
Describe extent and adequacy of hospital and medical facilities of
facility: _____

How are contagious diseased patients handled? _____ Does doctor
inspect kitchen, housing units, etc. for sanitation? _____ How
often? _____ Any Narcotics? _____ What control? _____
_____ Any Barbituates? _____ Pills or liquid? _____
Kinds? _____ Where stored? _____
What controls? _____ Who orders dis-
pensing? _____ How dispensed and by who? _____
_____ Written records and inventories kept? _____
What provisions for dental work? _____
medical records maintained on all inmates? _____ Adequate? _____

FOOD:

What type of basic menu? _____ Who prepares? _____
Who approves? _____ Who checks food for palatability, adequacy
etc.? _____ All meals? _____ Written record? _____ How many meals
per day? _____ When served? _____ Does physician check for
nutritional balance of diet? _____ How often does head of institu-
tion check food? _____ Were portions adequate on day of inspec-
tion? _____ Menu adhered to? _____ Served in an
appetizing manner? _____ Menu nutritiously balanced? _____ Good variety?
_____ Is there a dining room for inmates? _____ If not, how
served? _____ Supervised by
guards? _____ Is same meal served employees as inmates? _____
If differs, how? _____ Is there cook employees? _____ How
many? _____ Steward? _____ If no employec cooks, who prepares food?
_____ Are inmates properly supervised working in the
Kitchen? _____ By whom? _____ How are knives controlled? _____

FOOD (Cont'd.):

Show menu served on day of inspection:

Breakfast:

Dinner:

Supper:

INMATE EMPLOYMENT:

List number of prisoners employed and area, on day of inspection:

What supervision over outside institution workers? _____
Are workers paid? _____ How? _____
Earn time off sentence? _____ How _____
Any indications of irregularities in employment of prisoners? _____

INMATE ACTIVITIES:

Is there a religious program? _____ Describe: _____
Is there designated clergymen? _____ Explain _____
Full time? _____ Part time? _____ On Call? _____ Are prisoners per-
mitted to contact religious advisors of their own choice? _____
Is there a Chapel? _____ Where and describe? _____

Educational opportunities? _____ List: _____

Is there a library? _____ Where? _____ Outside source? _____
Hobby work permitted? _____ In cells? _____ Other area? _____
List program: _____

Were there any recommendations made in last inspection report? _____

List:

Any implemented _____ List:

Recommendations now being made: List:

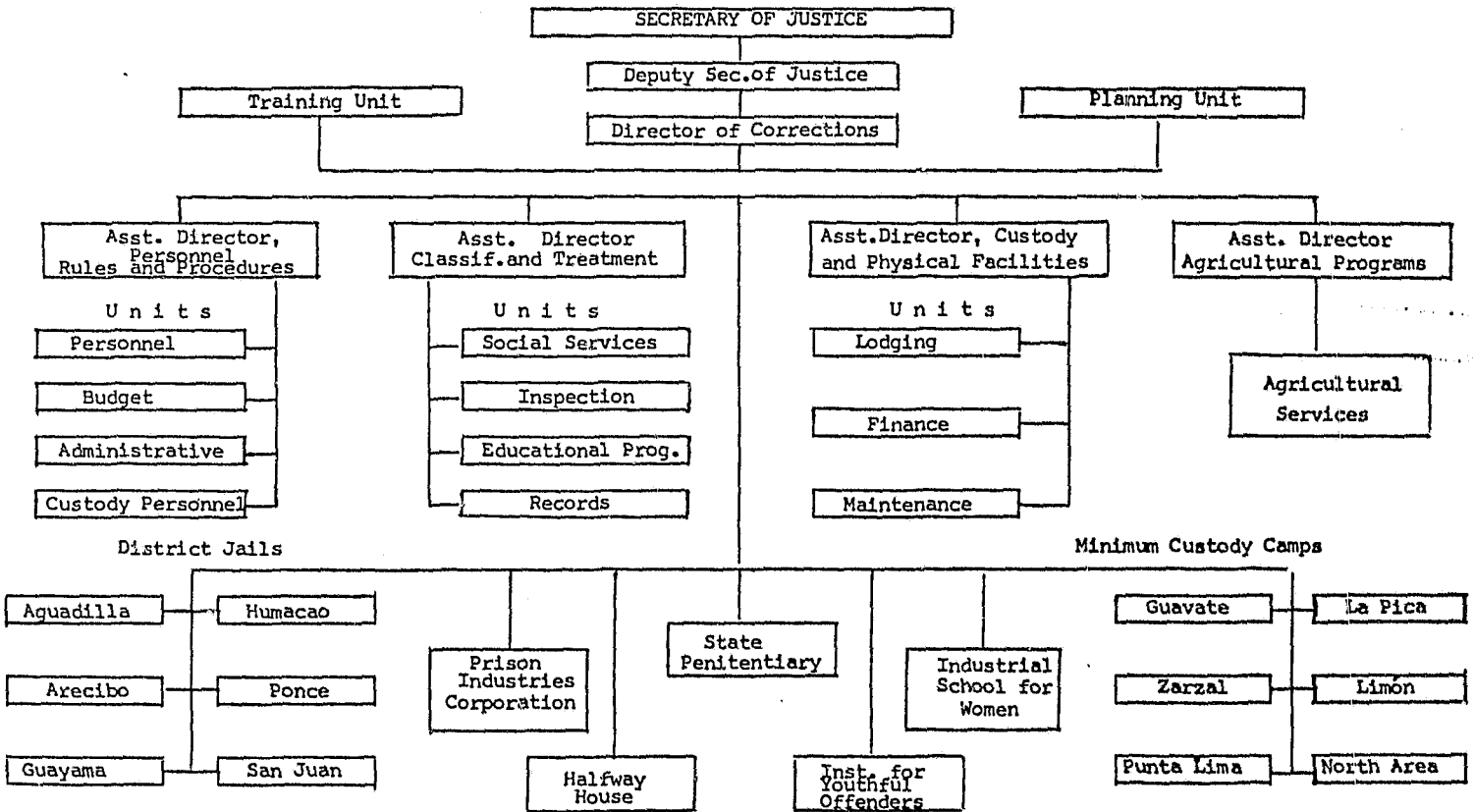
Inspection made by:

EXHIBIT 3

Puerto Rico Division of Corrections
Organization Chart

DEPARTMENT OF JUSTICE
Division of Corrections

ORGANIZATION CHART



APPENDIX A

Model Jail Standards And Inspection Enabling Act

Prepared by Prof. Harvey S. Perlman

OVERVIEW

I. Introduction

The tendency of many "model acts" promulgated in the past has been to resolve the more critical and obvious issues involved without providing material on the details eventual enactment requires. Perhaps this is true because of the fear that detail must be worked out on a state by state basis in that the traditions, customs, constitutional requirements, and legislative reactions will differ. However, any model act will undergo or ought to undergo serious study by those wishing to utilize it in their particular jurisdiction and the more issues which can be resolved by the drafters of the model act the more useful that act becomes. In that context, the draft submitted herewith attempts to consider not only the major issues of jail inspection but the procedures necessary to make it work. This overview is an attempt to outline the major issues involved and how jail inspection would operate if the proposed draft were enacted.

II. Major Issues of Jail Inspection

The thrust for jail inspection is clear; many jails presently maintained by local subdivisions of state government, i. e. cities,

counties, etc., are locations for housing persons awaiting trial or already convicted of minor offenses under conditions which offer little hope for personal improvement and in all likelihood contribute to the level of criminal activity. A jail or other facility utilized in the criminal justice system represents a major investment of resources. Change does not and cannot occur overnight. Many local officials resist jail reform efforts not out of disagreement with the scope of change required but with the speed with which it is demanded. As a practical matter, improvements in local jails must be implemented on a gradual but steady basis. Proposals for immediate and abrupt reform will be met with strong resistance and may result in longer delays than would otherwise have been the case.

On the other hand, the plight of those confined or detained in these jails during the progress of reform cannot be overlooked. The inmates of these facilities will continue to bear the hardship resulting from conditions in the jails during any period of gradual reform. The jail it must be remembered houses persons awaiting trial for whom the presumption of innocence is still applicable. It also serves to confine juveniles and minor offenders for short periods of time. A reform package taking as short a period of time as six months will have little if any effect on the persons

confined at the inception of the reform program. It is thus necessary to balance the interests of those confined for speedy relief and the interests of those in control who insist on more gradual reform. It is a delicate balance indeed.

An additional major concern in drafting a jail inspection act is to insure that the enforcement sanctions are realistic. Many states have some provisions which purport to insure humane and progressive conditions in jails but which have largely been ignored for lack of effective remedies. In large measure, existing remedies have been left to the persons in control of the facility rather than to those who are directly affected thereby. Whatever system of legal devices adopted to promote upgrading local jails, enforcement will only be assured if inmates and persons outside of government agencies are provided with legal tools to force compliance.

A third issue, inevitably tied to jail inspection, involves the appropriate level of government to administer the jails themselves. Several studies have suggested that the functions now served by local jails ought to be relocated within state departments of corrections and removed from law enforcement agencies which now operate most local jails. An act such as that proposed herein to provide state inspection and standards for jails is admittedly a middle ground recognizing local administration with some state

control. While this may not be the most appropriate long-range conclusion it is probably the most realistic short-run reform. However any such act should be designed in recognition that a long-range solution may well include state administration. In any event, drafters should recognize that the jails of today will hopefully not be the jails of tomorrow and that smaller jurisdictions, which now operate such facilities, will not have the financial resources to maintain a modern jail with progressive correctional programs. Any jail inspection act should thus be drafted in a manner which will not encourage the maintenance of jails which cannot be justified on a correctional or financial basis.

III. The Proposed Act.

The proposed act establishes a State Jail Standards Office within the state department of corrections. The Office is primarily responsible for establishing standards for jails, certifying those jails which do not comply with the standards, and approving plans for the construction or remodeling of jails.

The interest in gradual reform is reflected in the following provisions:

Upon the effective date of the Act, the Office would begin the process of developing standards for jails. It would utilize the expertise of other state departments where appropriate and would



CONTINUED

1 OF 2

consult with an advisory committee comprised of individuals who have a direct interest in jails as well as members of the public at large. The Office would have one year to adopt such standards. Adoption however does not make the standards effective. Formal standards, once adopted, do not become effective for one year. During this one year period the Office would inspect jails and give those in charge thereof recommendations for changes which would bring the jails into compliance with the standards. The Office would file a written report and give the administrative head of the jail an opportunity to respond. The report would indicate what changes would have to be made.

A jurisdiction would be entitled to appeal any such required change to the Director of Corrections. An appeal to the Director would stop any action to enforce the standards on the jail in question. All of this activity however would take place in the year after the standards had been adopted but before they were effective. The same procedures would apply when standards were modified or additions made thereto.

One year after the standards are adopted they become effective, which means that local jails must be in compliance with them. The Office would then undertake a certification procedure and would certify those jails which are in compliance. The Office could certify a jail, grant a temporary certification renewable in

thirty day periods, or refuse to certify a jail. The Office is given authority to issue temporary certification if the jail is in substantial compliance with effective standards and plans are being deliberately pursued to reach full compliance. This reflects the policy for gradual rather than abrupt reform. A decision refusing to certify a jail is also appealable to the Director of Corrections but such an appeal does not stay the decision not to certify the jail. Thus the jail would remain uncertified throughout the appeal.

The enforcement provisions are designed to give interested parties immediate access to relief. The act requires the immediate transfer of persons out of an uncertified jail to a jail which is certified. Additional remedies provide that if persons are confined in an uncertified jail, it shall be deemed a nuisance and a suit is authorized to be brought by any taxpayer of the state or the Office itself. Furthermore, persons confined in an uncertified jail would have an action against the administrative head of the jail and members of the governing body of the jail in tort for damages suffered due to such confinement. Thus personal liability on the persons responsible for such confinement would act as a strong incentive for compliance.

The interest of those confined to immediate relief from degrading conditions existing in many local jails is reflected in the act by the following provisions:

The act provides that notwithstanding the time frame for adoption of standards and certification of jails, if the State Jail Standards Office finds a jail to represent a substantial and serious threat to the health or safety of the inmates thereof the Office can declare the jail uncertified and force the transfer of inmates to another jail. Thus immediate enforcement of some minimal standards is enacted.

Second, the enforcement provisions require transfer from an uncertified jail regardless of whether the inmate requests it and authorizes persons outside the governmental agency to initiate court action to effectuate a transfer. In addition, the act provides for personal liability of jail administrators to the inmate unlawfully confined in an uncertified jail.

The act also attempts to insure that major investments are not made in jail facilities which would turn out later to be in violation of standards either in force or to be proposed. The act requires that the Office approve of construction or remodeling plans before funds are spent by local subdivisions of government for such purpose.

The act provides for a trust fund to be composed of payments made by local subdivisions on the basis of the number of man-days of confinement in their jail. The inspection and certification procedure should thus be self-supporting as the payment represents

a use fee. It may well be decided on the other hand that jail inspection is sufficiently important to be paid for out of the general tax fund. The enactment or rejection of the trust fund concept does not effect the other provisions of the act.

MODEL JAIL STANDARDS AND INSPECTION ENABLING ACT

Section 1. Findings and Purpose

(1) The legislature hereby finds and declares that:

(a) Many persons each year are confined in jails operated by local subdivisions of government;

(b) The purpose of such jails in confining such individuals lies in assuring their presence for trial, if they have not yet been convicted of an offense, and in assisting them to return to the community as law-abiding citizens;

(c) The above purpose can best be promoted by assuring that any such place of confinement is safe, decent, and habitable, and that rehabilitative services and programs are available to promote the ends of confinement;

(d) Many jails do not now effectively promote the above purposes but serve merely to confine persons under conditions which breed further criminal activity and disrespect for law and society;

(e) The effect of local jails on the level of criminal activity and the treatment of those confined awaiting further judicial activity are matters of state-wide concern.

(2) The purpose of this Act is to authorize and empower the [State Department of Corrections] to promulgate and enforce

standards respecting local jails, to upgrade the conditions and programs thereof, and to insure that such jails promote their legitimate purposes as found herein.

Section 2. Definitions

As used in this Act unless the context otherwise requires:

(1) "Jail" or "local jail" shall mean any institution or facility operated by a [village, city, county, township,] or other subdivision of local government, or combination thereof, for the partial or total detention or confinement of persons charged with or convicted of any criminal offense or for the partial or total detention or confinement of juveniles awaiting judicial consideration of their status or detained or confined pursuant to the order of a court.

(2) "Office" shall mean the State Jail Standards Office.

Section 3. Establishment of State Jail Standards Office

(1) There is hereby established within the [State Department of Corrections] a State Jail Standards Office.

(2) The State Jail Standards Office is hereby authorized to:

(a) Develop, promulgate, and enforce standards for the management, operation, personnel, and programs of all local jails in this state.

(b) Inspect at any time each local jail in this state.

(c) Certify in accordance with section 7 of this act, those local jails in compliance with the standards of the Office.

(d) Provide technical assistance to the administrative head of any local jail and to any subdivision of government which operates a local jail.

(e) Administer the State Jail Standards Trust Fund as created by section 12 of this act.

(f) Exercise such powers and perform such duties as are necessary for carrying out its functions under this act.

(3) Unless otherwise specifically provided, the State Jail Standards Office shall comply with the State Administrative Procedure Act [§§ . . .] in the exercise of its powers and functions under this act.

Section 4. Standards for Local Jails

(1) The State Jail Standards Office shall, no later than [one year from the effective date of this act] promulgate standards governing all aspects of local jails including but not limited to the following:

(a) Physical aspects such as location, design

(including provisions for fire and life safety and privacy), construction (including materials and colors), equipment, and maintenance (including health and sanitary conditions).

(b) Administrative aspects such as administrative organization, personnel (including qualifications, selection, training, and supervision), and records.

(c) Programmatic aspects such as prisoner management and discipline, prisoner employment, education, academic and vocational training, food, and security.

(2) Standards relating to medical treatment, administration of drugs and controlled substances, sanitation, food preparation and service, dietary criteria and other health related procedures shall be developed in cooperation with the [State Department of Health].

(3) Standards relating to structural standards and safety features shall be developed in cooperation with the [State Fire Marshall's Office].

(4) The Office may establish categories of local jails and promulgate different standards for each category. Categories, if established, shall relate to the extent of use, the type of persons generally confined therein, and the general length of such confinement.

(5) The Office shall regularly review the standards

once promulgated and shall make such modifications, deletions, or additions as it deems warranted.

(6) Standards for local jails shall become effective one year from their formal adoption unless the Office designates a date beyond one year as the effective date of a particular standard. No standard shall be used for certification purposes until it has become effective in accordance with this section.*

Section 5. State Jail Standards Advisory Committee

(1) There is hereby established a State Jail Standards Advisory Committee to consist of [seven] members composed as follows:

(a) [Three] members selected by the Director of Corrections.

(b) One member selected by each of the following organizations:

*The administrative procedure act provides for a formal process of adoption of rules and regulations and standards. In states without such an act, it would be wise to provide some evidence of "adoption" such as filing with the Governor or other state official.

- (i) [State League of Cities]
- (ii) [State League of Counties]
- (iii) [State Sheriff's Association]
- (iv) [State Chiefs of Police Association]
- (v) [other].

(2) The State Jail Standards Advisory Committee shall meet regularly and advise the State Jail Standards Office on proposed standards and on the exercise of the functions of the Office.

Section 6. Inspections

(1) The State Jail Standards Office shall as soon as reasonably possible after final adoption of the initial set of standards and at least annually thereafter, inspect every local jail subject to its jurisdiction for the purpose of determining whether the local jail is in compliance with the applicable standards.

(2) The Office shall have full access to the grounds, buildings, books and records belonging to or relating to any local jail and may require the person in charge of such jail to provide information relating thereto.

(3) Within thirty days of each inspection, the Office shall prepare a written report of its inspection which shall include:

(a) The extent to which the jail is not in compliance with the applicable standards and the measures required to bring the jail into compliance.

(b) The estimated cost of measures required to bring the jail into compliance.

(c) The availability of technical assistance, if any, to assist the administrative head in implementing measures to bring the jail into compliance.

(4) The report shall be furnished to the administrative head of the local jail who shall have 30 days to provide written comments and additional information relating to the jail or the inspection report. Such comments and information shall become part of the report. Thereafter, the report shall be made public and furnished to the following:

(a) The administrative head of the jail.

(b) The local governing body or bodies for the geographical area served by the jail,

(c) Each magistrate, judge, or other official authorized by law to confine persons in the jail including the Director of the Federal Bureau of Prisons in any case where the jail has contracted to house federal prisoners.

(d) The [Director of the State Department of Corrections].

(e) The Governor and the Legislature.

(f) Any general circulation newspapers and magazines, and any radio and television stations circulating in the geographical area served by the jail.

(5) A local jurisdiction may appeal a finding of the State Jail Standards Office within thirty days from receipt of the inspection report. Such appeal shall be to the [Director of Corrections] who within 10 days of the filing of such appeal shall hold a hearing. Within 30 days of the hearing the [Director] shall affirm, reverse or modify the determination of the Office and shall notify the Office and local jurisdiction of his decision in writing. No court shall reverse a decision of the [Director] which is based on substantial evidence and is not arbitrary or capricious.

Section 7. Certification of Jails

(1) On and after one year from the adoption by the State Jail Standards Office of standards for jails, no local jail shall be used to confine or detain any person unless such local jail has been certified by the Office to be in compliance with all applicable standards made effective pursuant to section 4 of this act.

(2) Whenever the Office finds that a jail is in substantial compliance with the standards and that plans are being diligently pursued to bring the jail into full compliance, the Office may

issue a thirty day certification to the jail. Such temporary certification shall be renewable for additional thirty day periods provided that modifications continue to be diligently pursued.

(3) Whenever the Office refuses to certify a local jail or withdraws certification of a local jail or refuses to renew a temporary certification, it shall submit to the jurisdiction involved in writing its reasons for its actions and its suggestions for modifications which would justify certification.

(4) A local jurisdiction may appeal a decision of the State Jail Standards Office relating to certification within thirty days from receipt of the reasons for denying certification. Such appeal shall be to the [Director of Corrections] who within 10 days of the filing of such appeal shall hold a hearing. Within 30 days of the hearing the [Director] shall affirm, reverse or modify the determination of the Office and shall notify the Office and local jurisdiction of his decision. No court shall reverse a decision of the [Director] which is based on substantial evidence and is not arbitrary and capricious.

Section 8. Effect of Appeal to [Director of Corrections]

(1) An appeal pursuant to section 6 of this act to the [Director of Corrections] from the findings or recommendations

of an inspection report shall have the effect of staying during the pendency of the appeal any action which would result in the jail becoming uncertified.

(2) An appeal pursuant to section 7 of this act to the [Director of Corrections] from a decision of the State Jail Standards Office refusing to certify, withdrawing certification, or refusing to renew a temporary certification shall not serve to stay the effect of such decision and the jail shall be considered uncertified until the Director reverses such decision or until the jail is brought into compliance with such standards.

Section 9. Enforcement

(1) No person shall be confined in a local jail unless such jail is certified by the State Jail Standards Office pursuant to section 7 of this act.

(2) Persons confined or ordered confined in an uncertified local jail shall be immediately transferred to the nearest available appropriate certified local jail and there detained at the expense of the jurisdiction which is responsible for his confinement.

(3) The detention or confinement of persons in an uncertified local jail shall constitute a nuisance which may be enjoined at the suit of the [Director of Corrections], the State

Jail Standards Office, or any taxpayer in the state.

(4) The detention or confinement of any person in an uncertified local jail shall constitute unlawful detention of such person and shall give rise to a civil suit for damages in accordance with the applicable common law principles against the administrative head of the jail and the governing body responsible for the jail. Once a cause of action is proven under this subsection, damages shall be awarded as proven but not less than \$100 for each day of such unlawful confinement.

(5) This section shall become effective on and after one year from the adoption by the State Jail Standards Office of standards for jails, provided that, for purposes of section 10 of this act, this section shall become effective on the effective date of this act.

Section 10. Immediate Enforcement

Notwithstanding any other provision of this act, if the State Jail Standards Office shall determine at any time that the conditions of a local jail represent a substantial and serious threat to the health or safety of persons confined therein or do not meet minimal standards of human decency, the Office shall declare such jail an "uncertified jail". Whenever a jail is declared to be uncertified pursuant to

this section the procedural requirements set forth in sections 7 and 8 of this act and the enforcement provisions of section 9 of this act shall apply.

Section 11. Construction or Remodeling Existing Facilities

(1) No [village, city, county, township], or other subdivision of government or combination of such subdivisions shall build a new jail or spend more than one thousand dollars in any two-year period toward remodeling or modifying an existing local jail without first submitting the plans for such construction or remodeling to the State Jail Standards Office.

(2) Within sixty days after receipt of the plans, the Office shall either approve the plans as submitted or suggest modifications in the plans. In reviewing the plans submitted, the Office shall consider not only whether the planned improvements would be in compliance with existing standards but whether the improvements provide for long-range progress above and beyond existing requirements. No such construction or remodeling shall begin without the approval of the Office. If the Office does not either approve or suggest modifications in the plans within sixty days, it shall be deemed to have approved the plans as submitted.

(3) In the event that the Office does not approve the plans as submitted it shall submit to the jurisdiction involved

in writing its reasons for nonapproval and its suggestions for modifications in the plans which would meet its approval.

(4) A jurisdiction may appeal a decision of the State Jail Standards Office within thirty days from receipt of its written reasons for not approving the plans. Such appeal shall be to the [Director of Corrections] who within 10 days of the filing of such appeal shall hold a hearing. Within 15 days of the hearing the [Director] shall affirm, reverse, or modify the determination of the Office and shall notify the office and local jurisdiction of his decision. No court shall reverse a decision of the [Director] which is based on substantial evidence and is not arbitrary and capricious.

(5) No officer, department or other expending agency shall expend or contract to be expended any money, or incur any liability, or enter into any contract which, by its terms, involves the expenditure of public funds in violation of this section. Any contract, verbal or written, made in violation of this section shall be null and void. Any official whose duty it is to allow claims and issue warrants therefor, or to make purchases, incur indebtedness, enter into contracts for or on behalf of the jurisdiction involved, who issues warrants or evidences of indebtedness or makes any purchase, incurs any indebtedness or enters into any contract for or on behalf

of the jurisdiction involved contrary to the provisions of this section shall be liable to the jurisdiction involved for such violations in the full amount of such expenditures. Suit may be brought either by the jurisdiction, by any taxpayer thereof, or by the [Director of Corrections] for the benefit of the jurisdiction involved for any amount for which any official may be liable as provided in this section.

Section 12. State Jail Standards Trust Fund

(1) There is hereby established a State Jail Standards Trust Fund. The corpus of the fund shall be created as follows:

(a) On the effective date of this act, the [State Treasurer] shall transfer to the State Jail Standards Trust Fund the sum of [one hundred thousand dollars (\$100,000.00)] which shall constitute the initial corpus of the fund.

(b) On the last day of each month each subdivision of government operating a jail shall pay into the State Jail Standards Trust Fund [fifty cents (\$0.50)] per person per day for each person confined in the jail during the preceding month.

(2) The State Jail Standards Office shall derive its operating income from the State Jail Standards Trust Fund and may expend such funds for any purpose consistent with the function and duties of the Office pursuant to this act.

(3) The State Jail Standards Office shall not expend more

than 75 percent of the corpus of the State Jail Standards Trust Fund in any fiscal year.

(4) The State Jail Standards Office shall account to the Legislature annually on the expenditures made from the Trust Fund.

INSPECTION REPORT -- OPERATIONS

CSO-128 Rev. 3/76

NAME OF FACILITY			DATE
ADDRESS: STREET	POST OFFICE	ZIP	TELEPHONE
SHERIFF OR CHIEF OF POLICE		FACILITY ADMINISTRATOR	
CHAIRPERSON -- GOVERNING BODY			
INSPECTED BY		FROM THE OFFICE OF JAIL SERVICES	
WITH ASSISTANCE FROM:			

NORMAL CAPACITY	Male	Female	TODAY'S COUNT	Male	Female	Juvenile
During the past 12 months, has the local health department, fire marshal, labor department, or like agencies made contact with this facility?						
						<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, who?						when?
Are copies of the reports available?						
						<input type="checkbox"/> Yes <input type="checkbox"/> No
<u>Rule 521. Review of concepts. (46.8CL)</u>						
(1) Has new construction or extensive remodeling been completed since last inspection?						
						<input type="checkbox"/> Yes <input type="checkbox"/> No
Is it anticipated?						
						<input type="checkbox"/> Yes <input type="checkbox"/> No
Comments:						

<u>Rule 532. Safety and security</u>	
(1) Are existing detection and alarm systems operative?	<input type="checkbox"/> Yes <input type="checkbox"/> No
(2) Are existing security systems operative ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
(3) Are traffic systems being used as designed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
(5) (applies to combustible additions only) Is detection system working?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is 2 hour separation maintained?	<input type="checkbox"/> Yes <input type="checkbox"/> No
(6) Is the integrity of the security perimeter maintained where other gov. functions are housed in the facility?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Comments:	

<u>Rule 533. Separations.</u>	
Are security separations maintained?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Comments:	

<u>Rule 534. Administrative section.</u>	
(1) Are spaces inside inmate occupied area used for administrative and clerical functions ?	<input type="checkbox"/> Yes <input type="checkbox"/> No
(2) Is conference room available for use?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Comments:	

Rule 536. Public accommodations.

(2) Does public have uncontrolled access to inmate occupied areas?

Yes

No

Comments:

Rule 537. Visiting areas.

(1) Are visiting facilities used as designed?

Yes

No

Comments:

Rule 538. Entrances.

(1) Is security garage used as designed?

Yes

No

(4) Are weapons receptacles used?

Yes

No

Comments:

Rule 540. Processing areas.

(1) Is processing area used as designed?

Yes

No

(2) Is processing area used to full potential?

Yes

No

(4) Is search/shower used as designed?

Yes

No

(5) Is ID space used as designed?

Yes

No

Comments:

Rule 541. Storage areas.

(1) Is processing storage used as designed?

Yes

No

Comments:

Rule 543. Medical treatment and infirmary.

(3) Are components used as designed where an infirmary is provided?

Yes

No

Comments:

Rule 544. Corridors and vestibules.

(2) Is there free passage for all movable equipment within all corridors?

Yes

No

(3) Are doors locked at security vestibules?

Yes

No

Comments:

Rule 545. Laundries. (45.405CL) (801.5)

(1) Is laundry equipment properly maintained?

Yes No

Comments:

Rule 546. Commissaries.

Is a commissary provided?

Yes No

Description and Comments:

Rule 551. Arsenals.

Is arsenal secured?

Yes No

Comments:

Rule 552. Guard Stations.

(1) Are guard stations provided on each floor

Yes No

Comments:

Rule 553. Monitoring, communication and surveillance systems.

(1) Is monitoring equipment operating?

Yes No

Is it used?

Yes No

Comments:

Rule 555. Detoxification cells.

(1) Is detoxification cell(s) used?

Yes No

(6) Are surfaces slippery?

Yes No

Comments:

Rule 557. Holding Cells.

(1) Are holding cells used for temporary detention?

Yes No

(4) Are surfaces slippery?

Yes No

Comments:

Rule 558. Segregation cells. (801.2CL)

(1) Is segregation cell(s) used as designed?

Yes No

Comments:

Rule 559. Segregation cell interiors and vestibules.

(3) Is security mattress provided?

Yes No

Comments:

Rule 563. General cells and areas.

(3) Are light, soft toned colors used throughout?

Yes No

(5) Are litter stretchers provided?

Yes No

Comments:

Rule 564. High Security cells and areas.

(2) Is high security equipment securely fastened to walls or floor?

Yes No

Comments:

Rule 571. Exercise area.

(1) Are exercise areas used?

Outside? Yes No
Inside? Yes No

Comments:

Rule 572. Outside exercise area fences.

Is exercise area fencing secure?

Yes No

Comments:

Rule 573. Activity areas.

(1) Is activity area(s) used?

Yes No

Comments:

Rule 574. Multi purpose room.

(1) Is multi purpose room(s) used?

Yes No

Comments:

Rule 577. Kitchens.

Who is directly responsible for operation of food service? (Title) _____ (Name) _____

Means of locating: _____

(3) Is kitchen used as a passageway for non-food personnel?

Yes No

Comments:

Rule 578. Kitchen lighting, ventilation and water.

(1) Average light level in food preparation area? _____

List substandard areas: _____

(2) Indication of air movement problems?

Yes No

(a) If yes, is it due to dirty or clogged filters or fan blades?

Yes No

(b) If no to (a), does ventilation system need further review?

Yes No

Are outer openings screened?

Yes No

Are outer openings secured?

Yes No

Comments:

Rule 583. Electrical power and lighting.

- (2b) Are inmate living areas devoid of dark corners? Yes No
 (c) Is exterior lighting sufficient? Yes No
 (d) Is emergency electrical system operative? Yes No

Date last tested: _____

(3) Average light level in cells and corridors? _____

List deficient areas: _____

Comments: _____

Rule 584. Heating and ventilation.

- (2) Does ventilation system control odors? Yes No

Average Temperature: _____

Comments: _____

Rule 585. Plumbing and drainage. (801.5CL)

- (1) Average hot water temperature: _____
 (3) Are drain fasteners in place? Yes No
 (5) Are mop sinks maintained? Yes No

Comments: _____

Rule 586. Windows.

- (2) Is window(s) emergency ventilation system operable? Yes No
 Date that emergency ventilation system was last tested: _____
 (3) Are insect screens functional? Yes No
 (4) Are security screens functional? Yes No

Comments: _____

Rule 587. Hardware.

- (1) Is electric hardware operable? Yes No
 Are override keys available? Yes No
 (2) Are fasteners missing? Yes No
 (4) Is high security hardware operable? Yes No
 (5) Is medium security hardware operable? Yes No
 (6) Is low security hardware operable? Yes No

Comments: _____

Rule 601. Administrative. (45.405CL)

- (1) Is facility open 24 hours a day? Yes No
 (2) Are maintenance employees controlled by administrator? Yes No
 (3a) Is there an officer assigned to each floor where inmates are housed? Yes No
 (b) Are additional officers needed on any floor due to separations? Yes No
 (5) Are juveniles housed? Yes No

If yes, explain: _____

(7) Has a procedure for inmate property control been implemented? Yes No

Comments: _____

Rule 602. Personnel Standards.

- (1) Are recommended personnel standards applied? Yes No
- (2) Is there a probationary period for new officers? Yes No
 If yes, length of time: _____
- (3) Do corr. officers appear to meet physical standards to accomplish correctional objectives? Yes No

Comments:

Rule 603. Staff Training.

- (2) Does the facility have correctional in-service training? Yes No
 Has jail staff received Michigan Department of Corrections training? Yes No

Comments:

Rule 604. Work Stations, Post Orders and Procedures.

- (1) Does the facility have written policies, procedures, and regulations for the operation? Yes No
 Are they available? Yes No
- (2) Are work stations designated and duties in written form? Yes No
 If yes, do they clearly describe post and work station duties? Yes No
 If no, why? _____
- (3) Are they available for officer use? Yes No

Comments:

Rule 605. Unusual occurrences.

- (1) Are Department of Corrections Incident Report Form CSO-237 available at the facility? Yes No

Comments:

Rule 611. Kitchen administration. (801.8CL)

- (1) What times are meals served? Breakfast: _____ Lunch: _____ Dinner: _____
- (2) Request two weeks of current menus. Available Not available but requested.
- (3) When necessary, who prescribes preparation of therapeutic diets? Title: _____
 How often does this occur? Daily Weekly Monthly Seldom
 Have there been any problems in this regard? Yes No
- (4) Are high security inmates fed in their cells? Yes No
 Are other security groups fed in their cells? Yes No
 If dining room is provided, is it being used as designed? Yes No
 Is dining scheduled to reduce overcrowding? Yes No

Comments:

Rule 612. Kitchen furnishings and maintenance.

- (2) Are there any problems in the maintenance of kitchen equipment? Yes No
 If yes, list problems: _____
 Do these problems affect preparation and service of food? Yes No
- (3) Are any of the work surfaces checked, separating or in need of repair? Yes No
 Is it a problem of replacement? Yes No
 Is it a problem or repair? Yes No
- (4) If disposable dishes or ware are used, are they self extinguishing? 109 Yes No
 Are they utilized for a single service only? Yes No
 Are dishes, cups, trays, bowls, etc., clean and free of cracks, chips, undue straining, excessive wear (thin) or dents? Yes No
- (5) How are meals transported to those confined in the facility? Cafeteria Open Plate Covered System Heated Cart Other _____

Rule 612. (Continued)

List item, manufacturer, model number or description of any mechanical equipment used in the transporting of meals to inmates:

- If heated carts are used, are electrical outlets utilized for heat retention of food items? Yes No
 Is meal handling system (carts, covers) approved by NSF or other appropriate body? Yes No Not available
 (6) Are dishes and flatware washed and sanitized after each use? Yes No
 If no, describe operation:
 (6a) Are pots, pans and cooking utensils cracked, chipped, strained, worn thin or dented? Yes No
 (Equipment lacking original items such as handles, integral lids, spigots, etc., or having unsanitary repair are not acceptable.)

Comments:

Rule 615. Food preparation and storage.

- (1) Are covers or lids provided on all items in storage? Dry storage? Yes No
 Refrigerator storage? Yes No
 Frozen storage? Yes No
 (a) Are storage areas proper? Yes No
 (2) What is the temperature in the refrigerators? _____ F _____ F _____ F _____ F
 What is the temperature in the freezers? _____ F _____ F _____ F _____ F
 Are there thermometers in all units? Yes No
 Do thermometers in units correlate with tests? Yes No
 Are zone type thermometers used? Yes No
 (3a) Temperature of meal in kitchen (or steam table - bulk service) _____ F
 (b) Temperature of meal at point of service _____ F
 Average temperature _____ F
 (4) Are home canned goods part of the food program? Yes No
 Is only pasteurized processed milk served for drinking purposes? Yes No
 Where applicable, how is frozen food thawed?

Comments:

Rule 621. Records. (46.11CL) (801.23; 801.22; 801.12; 769.16; 399.5; 51.282; 600.4379; 45.454)

- (2) Has a coordinated record system been adopted? Yes No

Comments:

Rule 622. Inmate records. (769.16CL) (51.282)

- Is C.S.U.A. no. 1 used? Yes No
 Do records include the following? (a) Criminal history (M.S.P. & F.B.I.)? Yes No
 (b) Physical description? Yes No
 (c) Medical records on inmates? Yes No
 (d) Commitments available? Yes No
 (e) Temporary absences recorded? Yes No
 (f) Escapes? Yes No
 (g) Cash and valuables - personal items taken from inmates? Yes No
 (i) Visitors register? Yes No
 (j) Disciplinary actions documented and placed in the inmate file? Yes No

Comments:

Rule 623. Management records and reports (45.405CL) (801.252)

- (1) Does record system show: (a) Operating expenses? Yes No
- (b) Differentiated population information? Yes No
- (c) Accurate and current individual inmate fund records? Yes No
- (2) Are Department of Corrections reporting forms (CAO-132A & B) available and used? Yes No

Comments:

Rule 626. Fingerprints (28.243CL) (28.242CL)

- Are all inmates fingerprinted? Yes No

Comments:

Rule 631. Security Procedures.

- (1) Are security procedures in written form? Yes No
- (a) Are these available to staff? Yes No
- Date last updated
- (2) Are emergency plans in written form? Yes No
- (a) Are these available to staff? Yes No
- Date last updated

Comments:

Rule 632. Searches of inmates and facilities.

- (1) Are strip searches performed before placing inmates in general housing? Yes No
- (a) Are items such as shoestrings, neck ties, belts, etc., removed? Yes No
- (2) Are day parole people thoroughly searched upon returning to medium or high security? Yes No
- (3) Are proper and frequent shakedowns including all cells made? Yes No
- (a) Are they documented? Yes No

Comments:

Rule 633. Keys and locks.

- (1) Are security keys properly secured? Yes No
- (a) Where are extras stored?
- (b) How many sets of security keys?
- (c) Is there proper instruction and accountability in security key use? Yes No
- (2) Are security keys handled by inmates? Yes No
- (3) Are unoccupied cells locked? Yes No
- (4) Are all doors in security area locked? Yes No
- (5) Do inmates have access to security keys or records? Yes No

Comments:

Rule 634. Tools, equipment and hazardous substances.

- (1) Is there a tool control plan? Yes No
- (a) Is it followed? Yes No
- (2) Are maintenance checks made at least twice a week? Yes No

Rule 634.(Continued)

- (3) Is damaged, non or malfunctioning security equipment promptly repaired or replaced? Yes No
- (4) Are flammables, insecticides, etc., safely stored? Yes No

Comments:

Rule 635. Accounting for inmates.

- (1) Are visual checks made of all inmates 24 hours per day at least hourly? Yes No
- (a) Are they documented? Yes No
- (2) Are provisions made for close supervision of suicidal or other problem inmates? Yes No
- (3) Are counts taken at shift changes? Yes No

Comments:

Rule 638. Female inmates. (123.891; 123.892CL) (123.897)

- (1) Is there a written plan for processing female inmates? Yes No
- (a) Is it available? Yes No
- (2) Are matrons employed: Full Time Part Time
- (3) Are female inmates under care and control of matrons at all times? Yes No
- (4) Are female inmates processed and housed separately from males? Yes No
- (6) Do matrons accompany females to court? Yes No

Comments:

Rule 641. Inmate separations. (801.6CL)

- Is there direct staff supervision during processing? Yes No
- Are persons undergoing detoxification properly supervised? Yes No
- (c) Are persons moved from detoxification cells when able to care for themselves? Yes No
- (d) Is there separations of first offenders from recidivists? Yes No
- Is there separations of misdemeanants from felons? Yes No
- Is there separations of sentenced from unsentenced? Yes No
- (e) Is there admin. separation of other inmates? Yes No
- (f) Is there separation of persons charged with a non-criminal offense? Yes No

Comments:

Rule 642. Inmate Classification. (801.6CL)

- (1) Does the facility have a written classification plan? Yes No
- Does it cover the following: (a) Housing separation? Yes No
- (b) Determination of type of security required? Yes No
- (c) Determination of ability? Yes No
- (d) Assignment to training? Yes No
- (e) Assignment regarding physical and mental ability? Yes No
- (f) Post release referrals? Yes No

Comments:

Rule 644. Inmate rules. (51.281; 51.282CL)

- (1) Are inmate rules signed by proper authorities, printed and distributed? Yes No
Date last updated: _____
- (2) Are inmate rules part of regular issue to new inmates? Yes No
- (a) Are inmates given orientation on the inmate rules and institutional expectations? Yes No
- (4) Copy of inmate rules obtained? Yes No

Comments:

Rule 646. Inmate discipline. (801.25CL; 801.26; 750.195; 750.197C)

- (1) Does the facility have a written disciplinary plan? Yes No
Is it available? Yes No
Is it used? Yes No
Date last Updated: _____

Comments:

Rule 648. Inmate treatment program.

- (1) Is there an existing inmate treatment program? Yes No
Consists of: Trusty Work release/day parole Exercise Education Counseling Crisis Intervention
 Vocational Religious Liesure Time Activities

Comments:

Rule 649. Activities outside of cells.

- (1) Are high security inmates permitted: Daily movement outside of cell? Yes No
Are exceptions documented? Yes No
Radio? Yes No
Reading materials? Yes No
Study material? Yes No
- (2) Are other security classifications permitted to leave cells to participate in inmate programs on a daily basis? Yes No

Comments:

Rule 651. Counseling and education.

- (1) Check counseling elements offered: A.A. N.A. Individual Group Family Legal Individual psychotherapy
 Group Psychotherapy Other _____
- (2) Check educational elements offered: A.B.E. G.E.D. Vocational Other _____
- (3) Is there referral procedure? Yes No
- (4) Is there follow-up? Yes No

Comments:

Rule 652. Proposals and implementation of programs.

- (1) Is there a plan for implementation? Yes No
- (2) Is there a timetable for implementation? Yes No
- Is it on file with the Office of Jail Services? Yes No

Comments:

Rule 654. Inmate Visitors. (801.7CL)

- (1) Is there a written visiting policy? Yes No
- (a) Is it in the inmate rules? Yes No
- (2) How are attorney and clergy visits conducted? _____
- (4) Are denied visits recorded? Yes No
- (5) Do visitors register? Yes No
- (6) Are visitors allowed inside inmate living areas? Yes No
- (7) What is the visiting schedule? days: _____ Hours: _____
- (8) Are contact visits allowed? Yes No
- (9) Who is allowed to visit? _____

Comments: _____

Rule 655. Inmate correspondence.

- (1) Is outgoing correspondence inspected? Yes No
If yes, under what conditions: _____
- (2) Is incoming correspondence inspected? Yes No
If yes, what are the exceptions: _____
- (3) What is the procedure for official mail? _____

Comments: _____

Rule 657. Inmate health care. (801.5CL)

- (1) Is there a written plan for medical care? Yes No
Copy available? Yes No
Date last updated: _____
- (2) Is medical screening given new inmates? Yes No
Is a log kept of medical requests? Yes No
Is a log kept of medical transactions? Yes No
- (7) From your observations, are the directions of physician followed? Yes No

Comments: _____

Rule 658. Inmate medicines and controlled substances.

- Is there a procedure? Yes No
- Is it followed? Yes No
- Is there secure storage of medication/drugs? Yes No
- Describe: _____
- Does non-medical staff properly administer prescriptions? Yes No
- Does non-medical staff dispense medication? Yes No
- Is there a monthly audit? Yes No

Comments: _____

Rule 659. Inmate hygiene.

- (1) Are proper provisions made for showers, shaving and other appropriate personal hygiene? Yes No
- (a) Do inmates employed in food service shower daily? Yes No

Comments: _____

Rule 661. Inmate clothing and bedding.

- (2) Are standard jail clothing items provided inmates? Yes No
- (a) How often are clothing items exchanged? _____
- (3) Is laundry service provided? Yes No
- (5) Are clean and soiled clothing, bedding and linen properly handled? Yes No

Comments:

Rule 663. Sanitation.

(1) CLEANLINESS				MAINTENANCE			
(a) Walls	<input type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Needs Work	(a) Walls	<input type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Needs Work
(b) Ceiling	<input type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Needs Work	(b) Ceiling	<input type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Needs Work
(c) Bars	<input type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Needs Work	(c) Bars	<input type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Needs Work
(d) Grills	<input type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Needs Work	(d) Grills	<input type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Needs Work
(e) Light fixtures	<input type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Needs Work	(e) Light fixtures	<input type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Needs Work
(f) Plumb. fix.	<input type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Needs Work	(f) Plumb. fix.	<input type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Needs Work
(g) Floors	<input type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Needs Work	(g) Floors	<input type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Needs Work
(h) Windows	<input type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Needs Work	(h) Windows	<input type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Needs Work
(i) Corridors	<input type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Needs Work	(i) Corridors	<input type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Needs Work
(j) Storage areas	<input type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Needs Work	(j) Storage areas	<input type="checkbox"/> Good	<input type="checkbox"/> Fair	<input type="checkbox"/> Needs Work
(2) Is there effective insect control?				<input type="checkbox"/> Yes	<input type="checkbox"/> No		
(3) Are there offensive odors?				<input type="checkbox"/> Yes	<input type="checkbox"/> No		
(6) Are non-self-flushing drains flushed weekly?				<input type="checkbox"/> Yes	<input type="checkbox"/> No		
(7) Are plumbing fixtures cleaned daily?				<input type="checkbox"/> Yes	<input type="checkbox"/> No		
(8) Are solid waste containers provided?				<input type="checkbox"/> Yes	<input type="checkbox"/> No		

Comments:

Rule 665. Safety.

- (1) Have safety standards been developed and implemented? Yes No
- (3) Are receptacles provided for cigarette stubs, etc.?
 Cleaned daily? Yes No
- Are general waste containers provided?
 Cleaned daily? Yes No

List any observations or recommendations made:

Comments:

APPENDIX C

National Sheriffs' Association Handbook on Inmates' Legal Rights (Excerpt)

1

Personal Safety and Welfare

A primary right of a prisoner relates to his personal safety and welfare. Enforcement of this right is the responsibility of the sheriff and the jail staff, and failure to enforce it may result in legal action against them.

1. The sheriff and the jail staff are responsible for preventing mistreatment of prisoners by jail personnel or by other inmates.
2. It is also necessary to prevent theft or destruction of a prisoner's personal property.

2

No Cruel and Unusual Punishment

A prisoner has the right to be free from cruel and unusual punishment.

1. No beating, striking, whipping, or other acts may impose physical pain on a prisoner.
2. Jail personnel may use only that degree of force which is necessary to defend themselves, to prevent a criminal act by a prisoner, or to maintain order.

3

Healthful Environment

Prisoners have a right to a healthful environment, to include:

1. Nutritious and well-balanced diet.
2. Adequate medical and dental care rendered promptly when needed.
3. An acceptable level of sanitation, including bedding, clothing, and laundry service; provisions for personal hygiene, toilet articles, and an opportunity to bathe frequently; proper ventilation, fresh air, heating in winter months, and light.
4. Reasonable opportunities for physical exercise and recreational activities.
5. Protection against physical or psychological abuse or indignity.

4

Right to Remain Silent

A person in detention retains his right to remain silent.

No duress, harassment or coercion of any kind can be used to obtain information from him regarding the charge on which he is being held.

5

Right to Communicate With Family and Attorney

During the admission process at the jail, a person has a right to communicate with a member of his family (or possibly a close friend) and with his attorney by making a reasonable number of unmonitored telephone calls or in some other reasonable manner.

6

Presumption of Innocence for Prisoners Awaiting Trial

Persons held in custody while awaiting arraignment or trial are presumed innocent until convicted in a court of law, and their rights have generally been found by the courts to be broader than those of a convicted and sentenced prisoner.

7

No Racial Segregation

Any racial segregation in a jail is unconstitutional.

The ban against racial segregation extends to any discriminatory treatment based on an inmate's race. All racial and ethnic groups must be treated equally and have the same opportunities for program selection, work and housing assignments, and access to correctional resources.

8

Discipline Consistent With Due Process

Every jail must have a system for maintaining inmate discipline which is consistent with constitutional requirements for due process.

1. The first step toward such a system is to compile a clear and comprehensive set of rules which explain the required standard of conduct, define behavior which would be in violation of the rules, and indicate the penalty for proven violations.
2. Each inmate should be given a copy of the rules, and they should be read to or explained to inmates unable to read.
3. Jails with sizable populations who speak a language other than English should arrange to have the rules translated.

9

Procedure for Imposing Punishment

The jail should have a formal procedure for imposing punishment for violation of jail rules, and the procedure should be outlined in the handbook of rules.

1. For specified minor violations, summary punishment may be imposed.
2. For other violations, the procedure should include:
 - Written notice to the inmate of the charges against him.
 - An opportunity to prepare a defense to the charges, with the possibility of assistance by legal counsel or some other appropriate person of the inmate's choosing.
 - A hearing before an impartial tribunal.
 - An opportunity to present evidence in his own behalf and to confront and cross-examine witnesses against him.
 - A decision based upon the charge and the evidence produced at the hearing in support or denial of the charge.
 - A permanent record of the proceedings.

10

No Discipline of Prisoners by Prisoners

Inmates should not be subject to a "kangaroo court," a "barn boss" system, or any other arrangement that utilizes prisoners to maintain discipline.

11

Segregated Confinement

An inmate may be placed in segregation at his own request (protective custody), as punishment for violation of a jail rule (punitive segregation), or as an administrative measure (as during an investigation or to prevent self destruction). Regardless of the motivation, segregation has an inherently punitive quality that requires the imposition of special safeguards.

1. Except in emergencies, segregation should be imposed only after a full hearing. No inmate should be kept in segregation more than one hour without the express authorization of the highest ranking official on duty, and the sheriff or jailer must be advised of the prisoner's status at the earliest practical moment.

2. Conditions of segregation should meet the following standards:

- *The cell should be as large as others in the jail. It should be clean, well lighted, and with adequate heat and ventilation. It should be provided with a toilet, bedding, water for drinking and washing. The inmate may be moved to an unequipped cell if it is necessary to prevent suicide or other self-destructive acts or damage to the cell or equipment.*
- *Every segregated prisoner should receive the same meals as those provided to the rest of the jail population.*
- *Under no circumstances should a prisoner in segregation be deprived of normal jail clothing except for his own protection. If such deprivation is temporarily necessary, he should be provided with a one-piece garment and bedding adequate to protect his health.*
- *Segregated prisoners should be able to maintain the same level of personal hygiene as other prisoners. They should be provided with the same toilet articles and have the same bathing and shaving schedule as the rest of the jail population.*
- *Prisoners in segregation should be given an opportunity for exercise and should have the same rights to mail and reading matter as other prisoners.*
- *When a seriously disturbed prisoner is placed in segregation, the medical officer should be notified immediately. All segregated prisoners should be examined by medical personnel upon being placed in segregation or within 24 hours thereafter and also upon discharge from segregation. Regular visits by medical personnel every 24 hours may be omitted if the prisoner can see such personnel at sick call.*
- *The length of segregation will depend on the underlying cause and the inmate's behavior while segregated. Except in the most unusual circumstances (and then only on authorization of the sheriff or jailer) a prisoner should not be kept in segregation as punishment for more than 10 days for any one offense. The cases of inmates in administrative segregation or those in protective custody should be reviewed at least every two weeks.*
- *Writing and visiting privileges should not be denied prisoners in segregation, except in unusual and specific circumstances which do not extend to access to the courts. An uncontrollable prisoner obviously should not be permitted visits under normal conditions. However, if it is felt that a visit may be beneficial, it could take place in some secure area.*
- *A log must be maintained and the staff in charge of the segregation unit should be responsible for recording all admissions, releases, visits to the cell, medical care, disciplinary board action, and any unusual events concerning a segregated prisoner. Such records are essential to the proper jail administration and would be helpful in the event legal action is filed by prisoner or his family.*

12 Consultation With Attorneys

A prisoner has the right to consult with his attorney privately at the place of confinement as often and as long as necessary. If there is a genuine possibility of violence or escape by the prisoner, he may be kept under observation, but his conversation with his attorney cannot be monitored.

13 Correspondence With Attorneys

The right to counsel includes the exchange of correspondence between a prisoner and his attorney. Letters from a prisoner to his lawyer must be mailed without examination or censorship. Incoming mail from the attorney to a prisoner may be examined solely for the detection of contraband but may not be read.

14 Prisoner's Right to Prepare Legal Papers

If a prisoner has no legal counsel he has a right to prepare and file legal papers with the court himself.

1. To this end, he is entitled to have access to law books and other legal materials together with reasonable amounts of writing materials, and to confer with other prisoners about his case.
2. Any documents so prepared must be transmitted to the courts by jail personnel, at public expense if necessary.

15 Access to the Courts

An inmate has a right to unrestricted and confidential access to the courts and to the executive agencies of government. The same rules apply to this kind of correspondence as in the case of a prisoner's attorney.

16 Grievance Procedures

Prisoners in jail are entitled to report grievances to any proper official within the state. The sheriff or jail administrator should have a method for impartial investigation and resolution of any complaints.

17 Crimes Committed in Jail

If a crime is committed in the jail, any prisoner who is a suspect has the same constitutional rights in reference thereto as though the crime were committed elsewhere and he were not confined.

18 Religious Freedom

Prisoners have the right to freedom of religious affiliation and voluntary religious worship, providing that exercise of these rights does not directly interfere with the security and discipline of the jail.

All rules and regulations in this regard must be applied to all religions without distinction or discrimination.

Only in the most unusual circumstances and on advice of counsel should these rights be curtailed.

19 Visitation and Mail

Prisoners should be allowed to visit in private and to correspond with family members, friends, religious advisors, prospective employers, and the news media in keeping with a reasonable jail schedule. Incoming mail may be opened and searched for contraband, but correspondence should not be read unless there is a valid reason to suspect a security violation. Outgoing mail should be left sealed and untouched.

20 Participation in Programs

Prisoners should have the opportunity to participate in education, vocational training, and employment as available, and have reasonable access to a wide range of reading material.

21 Transfer

If an inmate is to be moved out of the jurisdiction under whose authority he is being held, he is entitled to reasonable notice and the opportunity to secure an attorney unless an emergency exists.

APPENDIX D

Statewide Jail Standards And Inspections Systems Project Publication List

DOCUMENTARY REPORTS

WOMEN IN DETENTION AND STATEWIDE JAIL STANDARDS. 40pp.-March 1974

JAIL INSPECTION AND STANDARDS SYSTEMS IN ILLINOIS AND SOUTH CAROLINA: OPERATIONAL PROFILE HANDBOOK. 147pp.-April 1974

SURVEY AND HANDBOOK ON STATE STANDARDS AND INSPECTION LEGISLATION FOR JAILS AND JUVENILE DETENTION FACILITIES. 174pp.-August 1974

MEDICAL AND HEALTH CARE IN JAILS, PRISONS, AND OTHER CORRECTIONAL FACILITIES (A.B.A./A.M.A. Joint Publication). 316pp.-August 1974

CLEARINGHOUSE BULLETINS

- #1 Jail Standards and Inspection Systems Project Brief (rev. 6/74)
- #3 American Medical Association Jail Survey (5/73)
- #4 Arkansas Jail Standards Story (7/73)
- #5 Putting Jail Standards to Judicial Test: Smith v. Hongisto (8/73)
- #6 Oregon Jail Standards Story (2/74)
- #7 Women in Detention and Statewide Jail Standards (3/74)
- #8 The Enforcement of Sanitary and Environmental Codes in Jails and Prisons (6/74)
- #9 Prototype Public Health Standards and Inspection Legislation for Confinement Facilities (5/75)
- #10 Statewide Jail Standards Legislation: Developmental Profiles in Four States (8/75)

ARTICLE REPRINTS

New Guidelines for Inmates in Local and County Jails 1974 (8pp.), from Guidelines for Jail Operations, National Sheriffs Association.

Court Decisions and Jail Improvement - A String in the Reform Bow 1973 (3pp.), from the American County journal of the National Association of Counties (R. Hand, author).

A Vote for the Jail Ombudsman 1974 (2pp.), from Federal Probation (P.F. Cromwell, author).



END