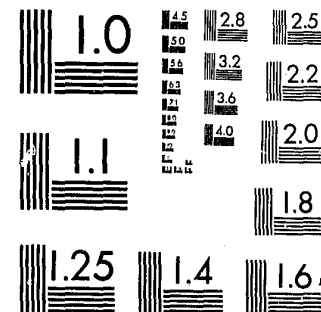


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A ~~Comparison~~ of Correctional Standards  
Published by the U. S. Department of Justice (DOJ)  
and the Commission on Accreditation of  
Corrections (CAC) Formerly Sponsored by  
the American Correctional Association (ACA)

U.S. Department of Justice  
National Institute of Justice

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# NCJRS

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## I. Introduction

The report has two purposes. One purpose is to highlight differences existing between standards published in 1977 by Commission on Accreditation of Corrections (CAC) of American Correctional Association (ACA) and those published in 1980 by the U.S. Department of Justice.<sup>(1)</sup> (2) A second purpose is the preliminary analysis of the status of Department of Correctional Services (DOCS) operations vis-a-vis the measure of operation required by either set of standards. The initial part of this report will deal with standards comparability, the latter will discuss DOCS operations in relationship to these standards.

The U.S. Department of Justice, in its press release of December 16, 1980, commented on the relationship between its 352 standards and the 465 standards published by the Commission on Accreditation for Corrections. Furthermore, in a question and answer section, the Department of Justice indicated that "there are no major substantive differences" between the broadly focused Federal and CAC Standards, "only differences in function or emphasis." In this regard, the following paragraph comment on these differences is instructive:

"The Federal Standards are primarily for internal use. They will be used to evaluate Bureau of Prison programs and policies. They will serve as a guide for evaluations of grant applications and litigating decisions. In addition, they are offered as guidelines to promote safe and humane corrections operations. Since CAC accredits the entire correctional facility, its guidelines devote chapters to administration, personnel, information systems, fiscal management and training."

Throughout the above-mentioned press release, there is continued reference to the complimentary aspects of the two sets of standards. For example, the Department of Justice "endorses CAC's accreditation process" and "the publication of the Federal Standards does not alter Bureau of Prison's commitment to accreditation."

<sup>1</sup>Although the 1980 revision of the standards published by the Commission on Accreditation for Corrections is in press, it has not been referred to due to its expected unavailability until late March 1981.

<sup>2</sup>On April 1, 1979, the Commission on Accreditation became fiscally and administratively independent of ACA. However, due to such factors as (a) the Commission's origin through an LEAA Grant to ACA, and (b) the Commission's cooperative working relationship with ACA, the standards published by the Commission have been frequently referred to as ACA Standards.

- 2 -

Finally, a reference to the origins of the Federal Standards is helpful. The Department of Justice press release indicates that whereas the Commission's standards were developed for the purpose of "serving as the basis for accreditation/certification," there was a felt need "for Federal Standards concentrating on issues of interest to the Justice Department -- particularly in litigation, grants management and prisoner detention."

## II. Categorical Review of Two Sets of Standards

### A. Introduction

Attached to this preliminary overview paper is a copy of the table of contents for the DOJ Standards. Also attached is a copy of the table of contents of the ACA Standards.

As was indicated earlier, one difference between the two sets of standards is that since the ACA Standards are for facility accreditation, their contents include various management areas not covered within the Federal Standards. A review of the two sets of standards indicates that whereas there are 21 categories of Federal Standards, there are 29 categories of ACA Standards. The additional eight categories included in the ACA Standards include the following:

- |                                   |                            |
|-----------------------------------|----------------------------|
| 1. Fiscal Management              | 5. Management Information  |
| 2. Personnel                      | Services                   |
| 3. Training and Staff Development | 6. Research and Evaluation |
| 4. Planning and Coordination      | 7. Records                 |
|                                   | 8. Citizen Involvement and |
|                                   | Volunteers                 |

As indicated in the following analysis, DOJ covers five of these areas (Fiscal Management;;Personnel; Training; Records and Volunteers) in abbreviated fashion in its "Administration and Management" section. Only the "Management Information Systems", "Planning" and "Research" categories are not covered in any fashion in DOJ.

### B. Review of the 21 Topic Areas of Standards

In the tables attached to this narrative, each of the 21 topic areas of the Federal Standards will be compared to the corresponding topic area of the ACA Standards. In reviewing these comparisons, one difference between the two sets of standards is that under the ACA Standards, each particular standard has been given one of the following three labels:

1. essential
2. important
3. desirable

Under ACA's system, the Accreditation Commission has set certain compliance requirements as necessary to receive accreditation. Specifically, "three-year accreditation is awarded for compliance levels of 70% with all Desirable Standards, 80% with all Important Standards, and 90% with all Essential Standards."

### III. Status of DOCS Operations in Relationship to DOJ/ACA Standards

The second part of this report will provide a tentative review of DOCS operations in relationship to existing DOJ/ACA standards. This review should not be taken as a substitute for a comprehensive review of DOCS compliance with these standards which would require a system-wide surveying of facilities and Central Office staff in each of the subject areas of the standards. What has been provided below is a general sense of the areas where DOCS operations parallel standards and conversely, a highlighting of areas where it appears more information is needed to make a definitive judgment on the comparability of DOCS procedures with standards.

The method of comparison of the standards presented below is to focus on highlighting differences in the two groups of standards. General areas of agreement will not be highlighted.

#### 1. Inmate Rights

(DOJ 1.01 - 1.14)  
(ACA 280 - 309)

There are 14 DOJ and 29 ACA standards in this group. Most of the standards in both groups are adhered to in practice by DOCS. DOJ places an additional emphasis on providing non-discriminatory treatment for handicapped inmates. ACA has some standards in this group, which might be problematic.

302 - "Written policy and procedure govern inmate classification; provision is made for input from the inmate".

The discussion refers to the fact that status changes alter an inmate's freedom, etc: it is noted that there be written guidelines specifying classification criteria, circumstances of status review, notice to inmates of status reviews, and inmate participation. Also, related are ACA #377 and #378, calling for due process in status reviews, 48 hours notice to inmate of impending review, and inmate participation in such classification hearings (with assistance from staff). DOCS has no such procedures; program committee meetings at the institution following classification are not under a due process model. In addition, initial classification does not operate under a due process model.

#### 2. Physical Plant

(DOJ 2.01 - 2.30)  
(ACA 140 - 149)

There 30 DOJ and 9 ACA standards. Both ACA and DOJ provide comprehensive standards in this area in the relationships of the space, size of the physical plant and condition of the environment.

Both groups call for decentralized units of no more than 500 inmates.

Each set of standards has a square foot space allocation to cell lock-in time for existing facilities. It appears that a number of the DOCS older facilities would have difficulty meeting some of the DOJ or ACA standards in this area. For new facilities only, DOJ (but not ACA) mandates at least 80 square feet of floor space per cell, regardless of cell lock-in time.

A complete review of these standards by qualified staff is required before an accurate picture of the Department's compliance can be made.

#### 3. Sanitation, Safety and Hygiene

(DOJ 3.01 - 3.25)  
(ACA 237 - 252)

Both ACA and DOJ place great emphasis on appropriate fire safety alarm system and inspection. A definitive statement on compliance in this area cannot be made. However, it would appear that general DOCS practices conform to the spirit of these standards. Further analysis will more precisely determine the DOCS level of compliance.

The Sanitation and Hygiene area will require more analysis, but it appears that DOCS practice is general consistent with the standards.

#### 4. Food Service

(DOJ 4.01 - 4.16)  
(ACA 223 - 236)

DOCS Food service practices and religious dietary rules appear to be consistent with most standards in these areas.

The inspection of system-produced products will have to be studied further concerning the impact of these regulations.

The standard concerning the provision of open dining appears to be more of a guideline to be implemented where practicable.

5. Health Care Services

(DOJ #5.01 - 5.51)  
(ACA #253 - 279)

DOCS practice and procedure meet a number of the more demanding medical care standards of both groups. Some standards for provision of care will have to be further examined before a detailed analysis of compliance is possible. DOCS may face additional cost in meeting the standard calling for all staff to be trained in first aid.

6. Security and Control

(DOJ #6.01 - 6.37)  
(ACA #150 - 192)

DOCS security procedures in practice incorporate most of the requirements in both sets of standards for this category. Some additional codification will be necessary. Additionally, both DOJ and ACA standards call for the establishment of a communication control center which would be a monitoring point for emergency systems such as personnel alarms, fire alarms and fire detection system. If centers such as described above were required in each DOCS facility regardless of security level, the potential cost would be high.

7. Supervision of Inmates

(DOJ #7.01 - 7.11)  
(ACA #193 - 199)

DOCS practices are consistent with both sets of standards.

8. Reception and Orientation

(DOJ #8.01 - 8.14)  
(ACA #356 - 364)

DOCS practice appears consistent with both sets of standards.

9. Classification

(DOJ #9.01 - 9.12)  
(ACA #372 - 385)

DOCS classification procedures appear to follow both sets of standards with the recent initiative to establish a security classification ensuring compliance in this important area. Both DOJ and ACA call for inmate participation in a review of classification and require the provision of written reasons for classification decisions. DOJ standards in this category also call for inmate appellate procedure of classification decisions. In regard to this particular standard it would appear that DOJ is proposing a standard that goes beyond current case law which doesn't require DOCS justification of classification decisions.

10. Inmate Rules and Discipline

(DOJ #10.01 - 10.20)  
(ACA #310 - 339)

The area of inmate rules and disciplinary procedures is provided extensive coverage in these standards. Two areas discussed in both sets of standards appear to be problems for DOCS. Those areas include possible cross-examination of witness, representation at disciplinary hearings and requirements for the expunging of records if inmates are found not guilty. These categories of standards require a more technical review.

11. Special Management Inmates

(DOJ #11.01 - 11.24)  
(ACA #200 - 222)

DOCS practice appears to be consistent with most standards in this category. A more precise review of standards in this area will probably show a major degree of compliance.

12. Mail and Visiting

(DOJ #12.01 - 12.16)  
(ACA #340 - 355)

DOCS practice appears consistent with the DOJ standards in most areas.

13. Inmate Money and Property Control

(DOJ #13.01 - 13.05)  
(ACA #365 - 371)

DOCS practice appears generally consistent with the DOJ standards.

14. Inmate Work Programs

(DOJ #14.01 - 14.11)  
(ACA #386 - 392)

There are 11 DOJ and 7 ACA Standards. Both groups of standards appears to require a more extensive codification of procedure than presently existing but it does not appear that these standards incorporate principles that DOCS has been endeavoring to implement.

15. Religious Services

(DOJ #15.01 - 15.04)  
(ACA #430 - 436)

There are 4 DOJ and 7 ACA Standards. The Department appears to be in line with both groups of standards.

16. Recreation and Inmate Activities

(DOJ #16.01 - 16.06)  
(ACA #419 - 429)

There are 6 DOJ and 11 ACA Standards in this area. DOCS practices appears to be consistent with both sets of standards; however, further documentation and codification of these practices may be required.

17. Educational and Vocational Training

(DOJ #17.01 - 17.16)  
(ACA #393 - 408)

DOCS appears to consist with these standards with the exception of the need for some documentation and development of procedures. DOJ stresses the need for equality of program opportunity for the handicapped.

18. Library Services

(DOJ #18.01 - 18.09)  
(ACA #409 - 418)

DOCS practices are consistent with the majority of these standards. ACA standards require more support of library operations than is believed to be provided by DOCS at the present, especially in some of the smaller facilities.

19. Social Services and Counseling

(DOJ #19.01 - 19.04)  
(ACA #437 - 444)

DOCS operations are to be consistent with the DOJ standards. Some additional analysis will be required to determine the final level of DOCS compliance with these standards, particularly in the area of drug and alcohol counseling.

20. Release Preparations and Temporary Release

(DOJ #20.01 - 20.08)  
(ACA #445 - 455)

DOCS practice appears to be comparable with both sets of standards.

21. Administration and Management

(DOJ #21.01 - 21.19)  
(Numerous ACA Categories including 149 Standards)

The 19 DOJ standards require written policy and procedures in various areas. Generally, the Department has existing directives concerning these topics.

21. Administration and Management (Continued)

A major problematic area in the DOJ standards concerns staff training, which requires the following:

- a. Provision of 40 hours of orientation prior to job assignment for all new employees and additional 40 hours of training during their first year of employment
- b. All employees who work in direct and continuing contact with inmates receive 80 additional hours during the first year of employment in specified areas
- c. All employees receive a minimum of 40 hours per year of training in respective areas

Major Categories Covered in Both ACA and DOJ Standards. Based on the 21 DOJ standards categories, the summary table below indicates the number of the corresponding category in the ACA Standards.

<u>DOJ STANDARD CATEGORY</u> <u>(in numerical order)</u>	<u>ACA CATEGORY</u> <u>STANDARD NUMBER</u>
1. Inmate Rights	16.
2. Physical Plant	9.
3. Sanitation, Safety, and Hygiene	14.
4. Food Services	13.
5. Health Care Services	15.
6. Security and Control	10.
7. Supervision of Inmates	11.
8. Reception and Orientation	19.
9. Classification	21.
10. Inmate Rules and Discipline	17.
11. Special Management Inmates	12.
12. Mail and Visiting	18.
13. Inmate Money and Property Control	20.
14. Inmate Work Programs	22.
15. Religious Services	26.
16. Recreation and Inmate Activities	25.
17. Education and Vocational Training	23.
18. Library Services	24.
19. Social Services and Counseling	27.
20. Release Preparation and Temporary Release	28.
21. Administration and Management	1. (entitled "Administration, Organization and Management")

DOJ  
Department of Justice

(Commission of Accreditation)  
of ACA  
(American Correctional Association)

Comparison

1. Inmate Rights  
(Standards 1.01 - 1.14)  
A. Safe and Healthful Environment

1.01 Safe and healthful living place for inmates includes "protection from personal injury, disease, property damage, and personal abuse or harassment."

16. Inmate Rights  
(Standards 280 - 309)

287 - "Written policy and procedure requiring a healthful environment include, but are not limited to:"

(seven basic areas are covered, including the following two:

"1. single cell occupancy, or closely supervised multiple occupancy in dormitories"  
"5. compliance with all state and federal fire and safety regulations")

The other five areas include generalized references to cleanliness, plumbing, light/heat/ventilation, diet and clothing.

This standard is "essential."

DOJ specifications are detailed in subsequent sections of standards. ACA discussion section on 287 requires compliance with "federal and state health and safety regulations." Also, "independent safety and sanitation inspections should be conducted annually." ACA also has detailed specifications in subsequent sections of standards.

DOJ  
1. Inmate Rights (Contd.)

B. Non-discrimination/Equality of Opportunity

1.02 Policy and procedures "assure right of inmates to be treated in a manner that does not discriminate based on race, religion, national origin, sex, handicap or political beliefs and to provide inmates with essential equality of opportunity in programs, work assignments and classification."

References are made to Federal legislation including a) Rehabilitation Act of 1973 - Section 504, and b) Architectural Barriers Act of 1968.

C. Medical and Dental Care

1.06 "Each facility develops and implements policies and procedures to ensure the right of inmates to medical and dental care services and treatment needed to maintain basic health."

ACA

294 - "Written policy and procedure ensure that inmates are not subjected to discrimination based on race, religion, nationality sex or political belief."

This standard is "essential."

288 - "The institution fulfills the right of inmates to basic medical and dental care."

In the discussion six areas are listed as constituting minimum levels for quality of care. The first two areas, which have implications for care at reception, include:

1. "Assessment of health needs and general condition of the inmate at admission."
2. "Thorough physical examination by or under the supervision of a licensed physician upon admission."

Other areas include provision of services by trained staff under licensed professionals' supervision, access to emergency care around-the-clock, "inmate access to medical and dental personnel, and access to a licensed facility."

This standard is "essential."

Comparison

DOJ includes "handicap" as a condition which may not be the basis for discrimination. Of related reference are DOJ standards on existing and new facilities (2.22, 2.23) which pertain to facilities for handicapped inmates and visitors. ACA standards on physical plant do not refer to provision for the handicapped. However, under Medical and Health Care Services, ACA Standard #274 states "administrative policy provides for housing and programs for disabled and infirm inmates in facilities appropriate to their needs." (Essential)

DOJ specifications are detailed in subsequent sections of standards. ACA also has detailed specifications in other sections. ACA's discussion section in this overview standard #288 pays special attention to thorough assessment and exam upon admission.



1. DOJ  
Inmate Rights (Cont.)  
D. Classification

No specific reference, in this section, to policies and procedures governing inmate classification. However section 9 of Federal Standards contains 12 standards on classification.

ACA

302 - "Written policy and procedure govern inmate classification; provision is made for input from the inmate (Essential)".

The discussion section notes that since changes in an inmate's status affect his degree of freedom, etc., there should be written guidelines governing such status changes (criteria, frequency of status reviews). Also mentioned is "notice to inmates when their status is being reviewed, inmate participation in decisions affecting them, and availability of guidelines to inmates affected by them."

Comparison

DOJ does not include reference to classification in the inmate rights section but both ACA and DOJ devote specialized attention to this issue in subsequent sections.

ACA's Standard 302 stresses certain due process for inmate status changes.

E. Disciplinary Hearing Rights

DOJ does not refer to such rights in this section but devotes a later section 10 (Inmate Rules and Discipline) to this area. (However, in this later section, DOJ does not differentiate between two types of hearings and has only one reference (10.16) to major disciplinary hearings where inmates may request counsel representation and facilities are encouraged to consider appropriateness of such requests.)

299, 300 - Differentiates between plans for handling minor violations (#299), and major violations (#300). Includes references to cross examination of witnesses (#300), expunging of record if guilt is not established (#333), and representation by counsel substitutes (#281, #330) at major hearings. There are no references to presence of counsel at major hearings.

ACA stresses certain elements of due process at major hearings. Only DOJ broaches the issue of presence of counsel at such proceedings.

<u>DOJ</u>	<u>ACA</u>	<u>Comparison</u>
<p>2. <u>Physical Plant</u>            (Standards 2.01 - 2.30)            Three categories are specified: (a) existing facilities (2.01-2.06), (b) existing and new facilities (2.07-2.23), and (c) new facilities only (2.24-2.30). Only standards applicable to long-term corrections (non-detention) are reported below.</p> <p><u>A. Existing Facilities</u>            (Facility and Cell Size)            (2.01 - 2.06)</p> <p>2.01 - facilities with more than 500 inmates have "decentralized units of no more than 500 inmates each."</p> <p>2.04 - single rooms or cells "have at least 60 square feet of floor space." If the inmate is required to spend more than 10 hours per day in room or cell, there is "at least 80 square feet of floor space."</p> <p>2.06 - "separate day room for each cell block. Day space is of a regular and functional configuration and not a corridor in front of the rooms or cells."</p>	<p><u>Physical Plant</u>            (Standards 140 - 149)            Two categories are specified: (a) new or existing facilities (140-146), and (b) new only (147-149).</p> <p><u>A. New or Existing Facilities</u>            (Facility and Cell Size)(140-146)</p> <p>140 - facilities with more than 500 inmates have "decentralized units of not more than 500 inmates each (Essential)."</p> <p>142 - If not more than 10 hours per day locked in, "cell floor area of at least 60 square feet." If more than 10 hours per day, "at least 80 square feet of floor space (Important)."</p>	<p>Both sets of standards have one group of specifications for new facilities only. ACA has only one other category (new or existing facilities) whereas DOJ has two other categories (existing, and "existing and new").</p> <p>Agreement on size of decentralized units</p> <p>Agreement on 10 hour per day lock-in time cut-off for 60 vs. 80 square feet of floor area. However, ACA rates this standard (142) in the second of the three priorities, as being "important" rather than being in the first priority ("essential").</p>

DOJ

B. Existing and New Facilities  
 (Other Issues, i.e. Capacity,  
 Dormitories, etc.)(2.07-2.23)

2.07 - "Each facility has a  
 "rated capacity" in accordance  
 with these standards. Population  
 of each housing unit does not  
 exceed its "rated capacity."  
 This capacity "may be periodically  
 revised in accordance with these  
 standards."

Room Specifications (All units -  
 dorms, rooms, cells)

- 2.08 - natural light  
     - lighting (at least 30 foot  
         candles)  
     - heating and ventilation  
     (re: American Society of Heating/  
     Refrigeration/Air Conditioning  
     Standards)  
     - acoustics ("noise levels not  
         to interfere with normal  
         human activities" (decibel  
         ranges specified for daytime  
         and night-time))

ACA

A. New or Existing Facilities (Cont.)  
 (Other Issues, i.e. Capacity,  
 Dormitories, etc.)

- 141 - "The population using housing or program  
 units does not exceed the designed capacity  
 of the facility (Essential)."

- 143 - ("Essential" for each room or cell)  
     - natural light (discussion states source  
         within 20 feet of cell)  
     - lighting (at least 20 foot candles)  
     - no reference to heating  
     - ventilation - "circulation of at least 10 cubic  
         feet of fresh or purified air per  
         minute"  
     - acoustics ("noise levels not to interfere  
         with normal human activities" - no decibel  
         ranges specified)

Comparison

General agreement on this issue. ACA's  
 discussion suggests examining original  
 facility plan to determine designed  
 capacity but "in no case should the present  
 use of the facility exceed designed use  
 standards."

Disagreement on artificial lighting level -  
 ACA is more lenient.

Only DOJ refers to professional heating  
 and ventilation standards.

<u>DOJ</u>	<u>ACA</u>	<u>Physical Plant (Continued)</u>	Page 6
<u>A. Existing and New Facilities (Cont'd)</u>	<u>A. New or Existing Facilities (Cont'd)</u>	<u>Comparison</u>	
<u>Room Specifications (Continued)</u>			
<p>- "Toilets, showers, wash basins, drinking fountains and hot and cold running water accessible to all inmates, in numbers specified by nationally recommended applicable codes." Reference to applicable codes including "Basic Building Code, Standard Building Code, and Uniform Building Code."</p>	<p>- "Toilet facilities"  - Hot and cold running water, unless there is ready access to them"  - Showers (discussion states "showers should be provided so that each inmate can bathe daily")</p>	<p>DOJ specifies plumbing components according to applicable building codes whereas ACA does not refer to such codes.</p>	
<u>Dormitories</u>			
<p>2.13 - "Dormitory living units house no more than can be safely and effectively supervised in a dormitory setting with a minimum of 60 square feet of floor space per inmate (excluding activity space)."</p>	<p>144 - "Where used, dormitories house no more than 50 inmates each, and have:  - at least 10 cubic feet of fresh or purified and recirculated air per minute per person  - access to hot/cold running water  - one locker per person  - adequate toilet, shower facilities  - lighting at least 20 foot candles  - minimum square feet floor area of 60 square feet  - noise level does not interfere with normal human activities  - clear floor-to-ceiling height of eight feet  - no double or triple bunking  - clear observation/supervision lines of sight for staff. ("Important")</p>	<p>- DOJ would allow more than 50 inmates (at 60 square feet floor space per inmate) whereas ACA has a 50 person capacity)"</p> <p>- DOJ ( in 2.08) did not differentiate, in specific living conditions (lighting, etc.) between cells and dorms whereas ACA has specific standards for cells (142-3) and one for dorms (144). Whereas 143 and 144 are consistent on ventilation, lighting, etc. both 142-3 and 144 do not refer to professional standards (DOJ does refer to such standards in 2.08).</p>	

<u>DOJ</u>	<u>ACA</u>	<u>Comparison</u>
A. <u>Existing and New Facilities (Cont'd)</u>	A. <u>New or Existing Facilities (Cont'd)</u>	
<u>Provisions for Handicapped Inmates and Visitors</u>		
2.22 - "Handicapped inmates are housed in a manner which provides for their safety and security. Handicapped inmates are housed in cells or housing units which are accessible to and usable by them, and which provide the maximum possible integration, with the rest of the population. To the maximum extent feasible, institutional programs and activities are accessible to and usable by handicapped inmates confined in the facility." Discussion section refers to pertinent Federal legislation.	No references to handicapped in the section on physical plant. However, in the section on Medical and Health Care Services, ACA Standard #274 specifies that "administrative policy provides for housing and programs for disabled and infirm inmates in facilities appropriate to their needs. (Essential)." The discussion section refers to separate housing for such inmates.	ACA, in its physical plant section, does not comment on provisions for the handicapped. However, as indicated under standard #274, disabled inmates are to receive appropriate housing and programs.
2.23 - "Visiting rooms or other areas of the facility used for public visiting are accessible to and usable by handicapped persons."		

<u>DOJ</u>	<u>ACA</u>	<u>Comparison</u>
<u>C. New Facilities Only</u>	<u>B. New Facilities Only</u>	
<u>Location</u>		
2.24 - "Within 50 miles of a civilian population center (at least 50,000 persons) that can provide services to support correctional programs and objectives."	147 - "The facility is located within 50 miles of a civilian population center that can provide services to support correctional goals (Essential)."	ACA discussion section notes that such location allows, among other things, "for recruitment of personnel having racial or ethnic origins similar to those of inmates."
<u>Use of Dormitories</u>		
2.26 - "New facility planning provides cells and rooms designed for single-occupancy and provides for the use of dormitories only in camps, pre-release programs, and other minimum-security areas of the institution."  Discussion section encourages use of rooms, as opposed to cells.	148 - "New prison planning precludes the use of dormitories as part of the mainline population housing (Essential)."  Discussion section allows dorm housing "may be used in camps, pre-release programs and in other minimum-security areas of the institution or its satellites. Also, where used, the total number of inmates per dorm is not-to-exceed 50.	As was the case also in standard 144, ACA does not approve of more than 50 inmates per dormitory. DOJ (see earlier standard 2.13) permits in dorms "no more inmates than can be safely and effectively supervised with a minimum of 60 square feet of floor space per inmate excluding activity space."
<u>Size of Facility</u>		
2.30 - "The facility is designed to accommodate no more than 500 inmates."	"The facility is designed to accommodate no more than 500 inmates (Essential)."	Discussion sections of both sets of standards indicate that the facility should be small enough to maintain security "without excessive regimentation surveillance equipment or repressive hardware."

<u>DOJ</u>	<u>CAC/ACA</u>	<u>Comparison</u>
<u>B. New Facilities Only (Cont'd)</u>		
<u>1. Square Footage Per Cell or Room</u>		
2.27 - "All cells and rooms have natural light and, at a minimum, 80 square feet with no less than 7 feet between walls and no less than 8 feet between the floor and ceiling."	No equivalent reference under new facilities only. However, earlier ACA Standard #142, for "new or existing facilities", provided for at least 60 square feet floor area (if not more than 10 hours per day lock-in time) and at least 80 square feet floor area (if more than 10 hours per day lock-in time). ACA classified 142 as "Important".	DOJ is more stringent, indicating at least 80 square feet floor area (regardless of lock-in time per day or any other variables, for that matter). ACA's earlier standard 142 specified 80 square feet floor area only if cell lock-in time per day exceeds 10 hours per day.
<u>2. Special Purpose Cell or Room</u>		
These cells or rooms must have 80 square feet of floor space, a maximum rated capacity of one inmate, a bed, and "toilet, wash basin and drinking fountain fixtures." Discussion section indicates fixtures should be "vandal resistant" so as "to prevent injury to the confined person." An earlier standard (2.10) stated that these provide "for persons who are uncontrollably violent or self-destructive."	No reference to such cells or rooms.	

Miscellaneous (Administrative  
Segregation Cells)

Introduction:

In each set of standards, the section on physical plant did not include a reference to administrative segregation cells. The only possible reference in the physical plant section is to larger square foot floor area. (DOJ 2.04 - 80 square feet if lock-in exceeds 10 hours per day in existing facilities; ACA 142 - at least 80 square feet if lock-in exceeds 10 hours per day in new or existing facilities). However, DOJ specified that in new facilities, all cells are to have at least 80 square feet. The specialized segregation cell references in later chapters are as follows:

DOJ

11.07 - "Physical living conditions in administrative segregation units are approximately equivalent to the physical living conditions of the general population; exceptions are permitted only where shown by a preponderance of the evidence to be necessary to protect the life and safety of persons or the security and order of the institution."

ACA

203 - "Written policy and procedure provide that, inmate behavior permitting, the disciplinary detention and administrative segregation units provide living conditions that approximate those offered the general inmate population; all exceptions are on a test of clear and convincing evidence. (Important.)"

Discussion section states that both types of special units should provide for various features (total of eight features listed) including:

- single occupancy, floor area at least 80 sq. feet
- above-ground toilets in each room
- admission of natural light
- light of at least 20 foot candles per room
- specified ventilation (10 cubic feet)
- access to hot and cold running water

Comparison

The ACA-prescribed room features for SHU-type rooms are quite similar to those specified in the earlier standard 143 for cells or rooms in new or existing facilities, especially in terms of major considerations (at least 80 square foot of floor space, etc.). ACA assigned this standard the second priority ("Important").

- Excerpt from Section on Special Management  
Inmates Which Is Applicable to Physical Plant  
Section



3. Sanitation, Safety and Hygiene  
(Standards 3.01 - 3.25)

A. Inspections

a. Inspections by Units of Government

3.01 - facility is "inspected at least annually by Federal, state or local sanitation, safety, and health officials and complies with all applicable laws and regulations of the governing jurisdiction."

b. Internal Inspections

3.03 - "Written policy and procedure require at least weekly sanitation and safety inspections of all facility areas by a designated trained staff member."

c. Fire Inspection and Equipment Testing

3.05 - This standard's reference to NFPA Life Safety Code states "a system of fire inspection and testing of equipment by an appropriate fire safety official at least quarterly."

ACA

14. Sanitation, Safety and Hygiene  
(Standards 237-252)

#238 - institution is "inspected at least annually by federal, state and/or local sanitation, safety and health officials. (Essential)."

No equivalent reference

#240 - ACA's reference to Life Safety Code states "fire inspection of the facility by a qualified authority at least semi-annually (Essential)".

Comparison

Both standards cover the same inspection components.

DOJ is more rigorous in this area.

Other standards (DOJ 3.02, AQA #237) refer to each facility having available to it the services of a "qualified fire and safety officer." This individual may perform the fire inspections although this is not made explicit. DOJ mandates quarterly while ACA mandates semi-annual inspections.

B. Fire Safety

DOJ

ACA

Comparison

a. Overall Policy

3.05 - "Written policy and procedure set forth specific fire prevention regulations and practices to ensure the safety of staff, inmates and visitors, in accordance with the most current edition of The Life Safety Code of NFPA (National Fire Protection Association)." These include but are not limited to the aforementioned quarterly inspections by fire safety officials and "an adequate fire protection service."

The discussion refers to a chapter on "Detention and Correctional Occupancies" in the forthcoming 1980 edition of NFPA's Life Safety Code.

240 - "Written policy and procedure specify the institution's fire prevention regulations and practices (Essential)."

The discussion's reference is to The Life Safety Code including the aforementioned semi-annual inspections by fire safety officials, availability of hoses or extinguishers.

Strict attention is devoted to NFPA's Life Safety Code.

b. Specialized Components

1. Equipment

3.06 - Facility has "automatic fire alarm, preferably connected to the local fire department, an automatic fire detection system tested on a regular basis", and appropriately located hoses or extinguishers, as per NFPA

No specialized references to alarms and detection systems, but see #240 reference, in discussion, to Life Safety Code's provisions for "adequate fire protection service (Essential)."

NFPA apparently stresses appropriate protection systems (alarms, detectors) which are directly or indirectly referred to in the standards.

DOJ

ACA

Comparison

2. Fire and Safety Staff

3.02 - "Facility has available to it and makes use of the services of a qualified fire and safety officer and an appropriate specialist in the environmental health field on a continuing basis."

237 - Institution "has available to it the services of a qualified fire and safety officer (Essential)."

Discussion specifies "a minimum of three years experience in fire prevention and safety work. "

The stress in both sets of standards is on qualified officers. ACA specifies the minimum qualifications.

3. Fire Evacuation

3.08 - "The facility has a written evaluation plan in the event of fire or major emergency and conducts regularly scheduled fire drills in all areas of the facility on a quarterly basis."

Discussion notes that drills "should include evacuation of inmates except where there is clear and convincing evidence that institutional security would be jeopardized."

241 - "The institution has a fire evacuation plan that calls for quarterly fire drills (Essential)."

Discussion notes that "at least two designated exits permit the prompt evacuation of inmates and staff."

Reference, in both sets of standards, to existence of more than one exit and instruction to staff and inmates of this and other information components pertinent to prompt evacuation in case of fire. Only DOJ explicitly provides an "escape clause" permitting adjusting (or possibly even waiving) drills including inmate evacuation according to security concerns.

Sanitation, Safety and Hygiene (Continued)

<u>DOJ</u>	<u>ACA</u>	<u>Comparison</u>
<u>3. Clothing and Linen, Laundry, Bathing</u>		
<u>a. Bedding, Linen and Towels</u>		
3.18 - "Facility provides for the issue of clean bedding, linen and towels to new inmates."	247 - "Written policy and procedure provide for the issue of suitable bedding and linen to new inmates, with provision for exchange on a weekly basis (Essential)."	Differences in number of clean towels provided daily. ACA specifies weekly linen change and DOJ concurs, under Laundry Section Standard 3.20.
Discussion notes that "a clean towel should be provided daily."	Discussion notes that "two clean towels should be provided daily." Also, "a reasonable cleaning schedule for blankets, pillows, mattresses."	
<u>b. Laundry</u>		
3.20 - "There are sufficient laundry services to allow daily clothing changes for all inmates and weekly linen changes. In small facilities where laundry services cannot accommodate daily clothing changes, laundry services allow clothing changes at least three times per week and weekly linen changes."	249 - "There are sufficient laundry services to provide daily clothing exchanges for all inmates (Essential)."	Stress is upon daily clothing exchange with exception (small facilities) specified by DOJ
	Discussion calls for "receipt of clean clothing daily."	
	<u>Personal Laundry</u>	
	250 - "Laundry facilities are available for inmates' personal use (Desirable)."	
	Discussion refers to inclusion of such items as "tubs, household washing machines, etc." Also, facilities for inmates to wash personal clothing.	Only ACA calls for personal laundry.
3.10 - "The facility has exits which are distinctly marked and continuously illuminated, and kept clear and in usable condition."		

DOJ

ACA

Comparison

c. Bathing

3.32 - "There are sufficient bathing facilities in the housing area to permit inmates to shower upon entry and, if not daily, at least three times per week."

251 - "There are sufficient bathing facilities in the housing areas to permit inmates to shower at least three times per week (Essential)."

Discussion allows for variation in bathing practice according to "availability of facilities and custodial considerations." The following specifics are noted:

(1) "Hot and cold water shower facilities should be available in the proportion of at least one shower unit to approximately 15 inmates".

(2) "Ideally, each inmate should be permitted to shower less than three times per week."

Both sets of standards call for the mandated showers at least three times per week without exception. ACA specifies a shower unit to inmate ratio.

DOJ

4. Food Services

DOJ (section 4)

A. Inspection of In-System Grown Food

4.04 - "Food products that are grown or produced within the system are inspected and approved by the appropriate government agency, and there is a distribution system that ensures prompt delivery of foodstuffs to institutional kitchens."

B. Religious Diets

4.06 "Where there is a requirement of inmates' religious beliefs that they adhere to dietary laws, reasonable provision is made for such diets."

C. Time-sequency of Meals and "Hot" Nature of Meals

4.08 - "At least three meals, two of which are hot meals, are provided at regular meal times during each 24-hour period with no more than 14 hours between the evening meal and breakfast."

D. Types of Dining Facilities

4.10 - "Meals are served under conditions that minimize regimentation, and space is provided for group dining."

Discussion includes following:

- 1) provision where possible for "open" dining room hours-same wording is used as was used in parallel ACA Standard #233.
- 2) "as a standard practice, full cutlery service should be provided under a control system."

ACA

13. Food Services  
(Standards 223 - 236)

225 - Same as Federal Standard 4.04. #225 is classified as "essential."

Covered under other ACA Standards chapters.

230 - "Written policy provides for no more than 14 hours between evening meal and breakfast, and a minimum of two hot meals every 24 hours (Essential)."

233 - "Written policy specifies that meals are served under conditions that minimize regimentation (Essential)."

Discussion includes following:

- 1) "where possible, there should be "open" dining room hours thus eliminating traditional waiting lines and forced seating by housing unit, shop assignment, etc."
- 2) full cutlery served, based upon a control system, generally should be provided.

Comparison

No exceptions are provided under either set of Standards to having in-system grown or produced food meeting government inspection levels.

Recognition of need to provide for religion-based dietary practices of inmates.

Neither set of standards allows for exceptions for reasons which conceivably could include fixed shift schedules of C.O.'s, etc.

Both sets of standards stress "civilianizing" of dining room conditions. No references are made to possible security implications or manpower cost implications of "open" dining room hours.

Food Services (Continued)

DOJ

ACA

Comparison

E. Inspections/Standards

4.12 - "Food service facilities and equipment meet health, safety and protection standards and the requirements of all applicable laws and regulations of the governing jurisdiction."

235 - "Facilities and equipment used by food service personnel meet established safety and protection standards and requirements (Essential). "

Discussion refers to "all standards and requirements of Federal OSHA and state and local codes."

ACA specifically refers to Federal OSHA requirements as being mandated.

DOJ

5. Health Care Services  
(Standards 5.01-5.51)

A. Introduction

Due to the highly technical nature of these standards, DOJ's December 16, 1980 press release on this section is presented as follows:

"Health Care Services - These standards are an amalgam primarily of ACA standards and American Medical Association standards, and are quite detailed in nature. They bear on manpower necessary for the provision of day-to-day health care and coverage, including the requirement of certain skilled personnel and the elimination in part of inmates from providing health care and coverage. Medical and dental coverage, including consultants, must be provided on a 24-hour emergency basis. Screening is performed on all incoming inmates. Chronic and convalescent care is provided. Screening and referral for care are provided to mentally ill or retarded inmates."

The following standards are selected for comparison with parallel CAC/ACA standards due to legal and manpower training considerations:

ACA

15. Health Care Services  
(Standards 253-279)

Page 18

Comparison



DOJACAComparison5. Health Care Services (Continued)B. Access to Physicians

5.21 - "To assure accessibility and availability of all levels of care appropriate to inmate needs, the health authority arranges for a physician to be available at least once each week in smaller facilities and more frequently in larger facilities to respond to inmate complaints regarding services which they did or did not receive from other medical providers."

No equivalent ACA standard.

DOJ mandates inmate access to physicians in order to respond to service-related complaints. This obviously prevents agencies from only allowing service-related contact between inmates and health providers who are other-than-physicians.

C. Provision for Abortions and Female Health Care

5.49 - "In facilities where women are housed, there are medical services to meet the health needs of women, including the availability on a regular basis of an obstetrician, gynecologist, and family planning services. Comprehensive counseling, assistance and treatment are provided to pregnant inmates in keeping with their expressed desires in planning for their unborn children, whether for abortion, adoption services, or to keep the child. Accommodations for all necessary pre-natal and post-natal care and treatment are made available, including arrangements for children of inmates to be born off institution grounds."

273 - "In institutions for women, there are medical services to meet the special health care needs of women (Essential)."

Discussion notes that "obstetrical, gynecological, abortion, family planning, health education and child placement services should be available as needed."

Under female health care, both sets of standards recognize the specialized health care needs of females and deal with the issue of abortion. DOJ recognizes the women's various options (abortion, adoption, or keeping the child) in planning for the unborn child. ACA notes that abortion services are "available as needed". DOJ calls for birth of an inmate's child off institution grounds.

DOJ

ACA

Comparison

5. Health Care Services (Continued)

D. Staff Emergency Training

5.22 - "Facility personnel are trained in emergency health care procedures. Written standard operating procedures and training of staff incorporate the following elements:"  
(This standard refers to such features as administration of first aid, procedures for patient transfer to facilities or health care providers, etc.)

5.23 - "All staff with custodial and program responsibilities receive current training in basic first-aid equivalent to that defined by The American Red Cross."

5.24 - "At least one person per shift who is readily accessible to all housing and operational units has current training in basic life support CPR (cardiopulmonary resuscitation)."

271 - "Personnel who have received training in emergency first-aid procedures are available on each shift (Essential)."

Discussion section notes indicates that "personnel who have received training in emergency first-aid procedures are available on each shift (Essential)."

DOJ appears to be somewhat more demanding by, for, example, requiring that all C.O.'s and program staff have basic first-aid training.

E. Frequency and Conditions of Sick Call

5.20 - "Sick call is conducted by a physician and/or other qualified health personnel and is available to each inmate at a minimum of four times per week. In small facilities of less than 100 inmates, sick call is held once per week at a minimum. Where sick call is not conducted by a physician, inmates are referred to a physician for treatment where appropriate."

Only ACA reference in this area is in standard #262, which indicates that "written policy and procedure specify that appearance at daily sick call is an inmate right and not a privilege. (Essential)."

ACA would appear to be more rigorous in this area through its reference to "daily sick call." In contrast, DOJ mentions a minimum of four sick calls per week to each inmate (excluding those at small facilities with populations below 100).

DOJ

ACA

Comparison

5. Health Care Services (Continued)

F. Receiving Screening

5.15 - "Written policy and procedure provide that receiving screening is performed on all inmates by qualified health personnel or a specially trained C.O. upon admission to the facility before the inmate is placed in the general population or housing area." The collection of various data is specified.

Preliminary Health Evaluation

259 - "Written policy and procedure provide for a preliminary health evaluation of each new inmate immediately upon arrival and before the inmate enters the institution's general population. (Essential)"

Discussion allows for exclusion of within - system transfers.

260 - "The preliminary health evaluation is performed by a member of the health care staff (Essential)."

Discussion permits this evaluation to be completed by medical assistants under supervision of a licensed physician.

These two sets of standards both discuss the use of comprehensive health evaluations or appraisal data collection. Whereas DOJ mandates completion of the "appraisal" within 14 days after facility admission, ACA mandates completion of the "comprehensive health evaluation within 10 days of admission (excluding weekends and holidays)."

G. Health Appraisal Data Collection

5.16 - "Health appraisal data collection is completed for each inmate within 14 days after admission to the facility with the physician having the option of waiving this for within-system transfers who had an appraisal 90 days prior to admission to the current facility."

Discussion notes that this collection includes various medical tests and examinations. Also, it was noted that "collection of health data and medical exam should be viewed as the completion of the health appraisal."

Comprehensive Health Evaluation

261 - "A comprehensive health evaluation including, but not limited to, a medical history, physical exam and prediagnostic tests, is made of each inmate within ten days of admission, excluding weekends and holidays (Essential)."

Discussion for 261 states that the medical history taken during the comprehensive evaluation is data which a doctor may refer to during later medical exams conducted during the inmate's confinement.

<u>DOJ</u>	<u>ACA</u>	<u>Comparison</u>
6. <u>Security and Control</u> (Standards 6.01 - 6.37)	10. <u>Security and Control</u> (Standards 150-192)	
A. <u>Central Control</u>		
6.08 - "The facility maintains a control center to ensure order and security."	158 - "The institution maintains a control center to ensure order and security (Essential)."	It would appear that both sets of standards call for this security and communications control center <u>regardless of the facility's level of security.</u> It would also appear that this is a comprehensive human and hardware center system, which greatly <u>transcends</u> merely providing a ranking staff member with telephone access to on-duty staff.
Discussion specifies around-the-clock staffing. Also, it is the facility communications center and it monitors the operation of various systems (including fire alarm, automatic fire safety detection).	Discussion specifies around-the-clock staffing. Also, it is the facility communications center and it monitors the operation of various systems.	
B. <u>Inspection and Maintenance of Security Devices</u>		
6.12 - "Written policy and procedure require at least weekly inspection and maintenance of all security devices."	162 - "Written policy and procedure require at least weekly inspection and maintenance of all security devices (Essential)."	Both sets of standards mandate this type of security device maintenance system.
	Discussion states that - - emergency keys are to be checked at least quarterly - fully operational maintenance of "all bars, locks, windows, doors and other security devices"	
C. <u>Post Orders</u>		
6.28 - "Written post orders for every custodial position which are reviewed and updated at least annually."	ACA Standards #177 and 178 are identical to DOJ Standards 6.28, 6.29	Both sets of standards stress updating of post orders so that they reflect current post responsibilities and requirements.
6.29 - "Written policy and procedure requiring that personnel review the appropriate post order prior to assuming their post and that they sign and date the post order."		

<u>DOJ</u>	<u>ACA</u>	<u>Comparison</u>
7. Supervision of Inmates (Standards 7.01-7.11)	11. Supervision of Inmates (Standards 193-199)	
A. <u>Inmates in Continual Locked Status</u>		
7.05 - "Written policy and procedure require that each inmate confined in continual locked status, such as administrative segregation or disciplinary detention, be personally observed by a staff member at least every 30 minutes, but on an irregular schedule. Closer observation may be required for those inmates who are violent, suicidal, mentally ill or who demonstrate unusual or bizarre behavior."	No equivalent standard by ACA in this section.	DOJ sets specific time schedules for observation of inmates in various types of lock-in status.
<u>Inspections by Staff</u>		
7.08 - "Line supervisory staff tour every area of the facility daily, including holidays and weekends, and submit a written report, when indicated, to an administrative official for review."	ACA Standards #197 and #198 are identical, in their wording, to DOJ Standards 7.08 and 7.09. These ACA Standards are classified as essential.	ACA, in discussion, notes the importance of:  a) line supervisory staff's assessment of inmate morale and quality of care and supervision, and  b) inmate informal access to key staff. Both sets of standards stress the importance of these visits.
7.09 - "The chief executive officer, his/her assistant, the chief custodial officer, the chief medical officer and other department heads visit the facility's living and activity areas at least weekly. "		

<u>DOJ</u>	<u>ACA</u>	<u>Comparison</u>
8. Reception and Orientation (Standards 8.01-8.14)	19. Reception and Orientation (Standards 356-364)	
A. <u>Summary Admission Report</u>	359 - This standard has the same wording as DOJ Standard 8.03. This standard is classified as "essential."	Both sets of standards concur on the importance of data collection as presented in the summary admission report.
8.03 - "Written policy and procedure require the preparation of a summary admission report for all new admissions."		
This report consists of various components including staff recommendations.		
B. <u>Orientation Manual for Non-English Speaking Persons</u>		
8.08 - "New inmates promptly receive an orientation manual which describes the facility's procedures, programs, rules, regulations as well as rights to which inmates are entitled... Where the number of non-English speaking persons is significant and there is another language known to a substantial number of them, the orientation manual is made available in that language."	363 - "Written policy and procedure provide that new inmates receive orientation in their own language; completion of orientation is documented by a statement that is signed and dated by the inmate. (Essential).  Discussion notes that orientation "includes formal classes, distribution of brochures on facility programs, rules and regulations, and discussions of programs and procedures."	Both sets of standards stress orientation in the native language with ACA more stringent in terms of specifying activities which must be carried out in the given inmate's native language.
C. <u>Program at Classification</u>		
8.14 - "Written policy and procedure provide that a daily program including education and work is provided for inmates during the reception and orientation period. During orientation, inmates are also exposed to available program options including, where appropriate, basic literacy programs designed to help the inmate achieve a sixth grade reading level and substance abuse programs, such as specialized programs designed to treat drug dependency."	362 - "There is a program for inmates during the reception period."  Discussion section refers to admission process-related activities (testing, etc.) "as well as education, work and recreation programs." Also mentioned are provision of reading materials, availability of religious services, and exercise on the same schedule as regular population.	

<u>DOJ</u>	<u>CAC/ACA</u>	<u>Comparison</u>
9. <u>Classification</u> (Standards 9.01-9.12)	21. <u>Classification</u> (Standards #372-385)	
A. <u>Written Plan for Classification System</u>		
" 9.01 - Inmates are classified according to a written plan which sets forth the objectives of the classification system, specifies methods for achieving the objectives, and provides a monitoring and evaluation mechanism to determine whether the objectives are being met. The classification system helps to insure that inmates participate in appropriate and integrated programs that will assist them during their incarceration and subsequent release to the community. The classification system considers an assessment of risk and the efficient management of the inmate population. The system provides that no inmate receives more supervision than required and that no inmate is kept in a more secure status than potential risk requires. The classification plan is reviewed at least annually and updated as necessary. "	372 - "A written plan for inmate classification specifies the classification system's objectives, details the methods for achieving the objectives and provides a monitoring and evaluation mechanism to determine whether the objectives are being met. The plan is reviewed at least annually and updated as necessary (Essential)."  This ACA standard's discussion consists of excerpts from the second half of DOJ Standard 9.01.	Both sets of standards recognize the importance of a comprehensive classification system with a built-in monitoring/evaluation mechanism.
<u>Manual</u>		
9.02 - "There is a classification manual containing all classification policies and detailed procedures for implementation. It is made available to all staff involved with classification and all inmates and is reviewed at least annually and updated as necessary."	373 - This ACA Standard is worded in the exact same manner as DOJ Standard 9.02. It is classified as "Essential."  Discussion includes reference to "specific procedures relating to inmate transfer from one program to another and from one institution to another."	Both sets of standards recognize the importance of a comprehensive manual.

<u>DOJ</u>	<u>CAC/ACA</u>	<u>Comparison</u>
9. <u>Classification (Continued)</u>		
B. <u>Due Process at Classification</u>		
<u>Status Reviews</u>		
9.08 - "Program and status review of each inmate occurs at least every 12 months, or more frequently as needed...Inmates are permitted to request reviews of their progress and status and to request changes in their housing and program assignments."	376 - "Written plan for inmate classification specifies that the program and status review of each inmate occurs at least every 12 months. (Essential)."	Both sets of standards recognize a) the need for annual program and status reviews, and b) the inmate's right to initiate such reviews
	379 - "Written policy and procedure provide that inmates can initiate reviews of their progress, status and programming. (Important)."	
<u>Procedures for Determining and Changing Status of Inmate</u>		
No equivalent DOJ general statement on need for explicit system for altering an inmate's status.	377 - "Written plan for inmate classification specifies criteria and procedures for determining and changing the status of an inmate (Important)."	
	Discussion section notes the importance of having the review process (whether it involves facility transfer or program changes involving higher custody) "inclusive of due process safeguards."	



DOJ

CAC/ACA

Comparison

9. Classification (Continued)

Classification Hearings

9.09 - "Written policy and procedure provide that all inmates are afforded the opportunity to appear and participate in their classification reviews and to receive written reasons for the classification review decision. Notice is given to the inmate 48 hours prior to the classification review."

9.10 - "Written policy and procedure set forth a specific process by which inmates can appeal classifications."

Classification Hearings

378 - "Written policy and procedure require that all inmates appear at their classification hearings and are given notice 48 hours prior to these hearings (Essential)."

Discussion includes reference to inmates being able to receive staff assistance in preparing for hearing.

DOJ

10. Inmate Rules and Discipline  
(Standards 10.01-10.20)

A. Distinction Between Major and Minor Rule Violation Hearings

All Federal Standards on due process in disciplinary hearings process refer to "disciplinary hearings", with only one reference (standard 10.16) to "major disciplinary hearings." That reference is a discussion section on inmate requests for representation by counsel at major disciplinary hearings.

B. Elements of Due Process at Major Hearings

Representation

- by staff member

"10.16 - Inmates may have, at their request, the services of a staff member of their choice to represent them at disciplinary hearings and question all witnesses. "

- by counsel

Discussion section of 10.16 notes that "where the inmate requests representation by counsel at major disciplinary hearings and where counsel agrees to abide by institutional policies and procedures, facilities are encouraged to consider the appropriateness of such representation."

ACA

17. Inmate Rules and Discipline  
(Standards 310-330)

ACA Standards explicitly differentiate between major rule violation hearings (#325-333) and minor rule violation hearings (#334-339). This was also reinforced in the earlier Inmate Rights section (#280-309) which differentiated between plans for handling major rule violations (#300) and minor rule violations.

-by staff member

#330 - "written policy and procedure allow inmates, at their request, the services of a staff member to represent them at disciplinary hearings (Essential)."

ACA standards do not discuss the inmate's representation by counsel at major hearings, only "counsel substitutes"(see #281).

Comparison

Although DOJ has one reference (10.16) to major disciplinary hearings, it does not prescribe different procedures for two types of hearings. One implication may be that DOJ tends to view a predominantly uniform level of due process for rule violations which reach the level of subsequent processing into the facility's disciplinary hearing system.

Whereas both sets of standards recognize the inmate's right to representation by staff at major hearings, only DOJ (Standard 10.16) raises the limited possibility of representation by counsel.

Cross-Examination of Witnesses

No specific references in DOJ Standards to inmate cross-examination of witnesses. However, DOJ 10.16 indicates that the staff member representing the inmate "questions all witnesses."

In the earlier section on inmate rights, Standard #300, governing the plan for handling major hearings, noted in discussion that "inmates should be allowed to confront and cross-examine adverse witnesses, provided there is no threat to institution security" (The standard itself was classified as "Essential".) However, this was not repeated in the section on Inmate Rules and Discipline; ACA #331 allows inmates "to call witnesses and present documentary evidence in their defense at disciplinary hearings. (Essential)."

Only ACA explicitly discusses the inmate's limited right to "confront and cross-examine adverse witnesses."

Expunging of Record if Guilt Not Established

10.20 - "Written policy and procedure provide that where an inmate is found not guilty of an alleged rule violation, all documentation relating to the alleged violation is removed from all the inmate's files."

333 - "Written policy and procedure provide that the disciplinary report is removed from all files on inmates found not guilty of an alleged rule violation. (Essential)."

Both sets of standards concur on this issue.

DOJ(Department of Justice)11. Special Management Inmates  
(Standards 11.01-11.24)A. Disciplinary Detention

11.01 - disciplinary detention "provides for inmates who require temporary separation from the rest of the inmate population because of serious violations of conduct regulations."

11.02 - placement in disciplinary detention for a major rule violation occurs "only after a hearing by the disciplinary committee."

B. Administrative Segregation

11.03 - administrative segregation is for "an inmate whose continued presence in the general population poses a serious threat to life, property, self, staff, other inmates or to the security or orderly running of the institution." It is used for cases involving:

- a) segregation pending investigation or trial for a criminal appeal
- b) segregation pending transfer
- c) inmate's request for, or requirement that the inmate needs, segregation for his own protection
- d) cases in which behavior in disciplinary detention indicates "that the inmate requires close supervision and separation from the general population, upon release from disciplinary detention."

ACA12. Special Management Inmates  
(Standards 200-222)A. Disciplinary Detention

200 - This standard has exactly the same wording as DOJ 11.01.

The reference to the required disciplinary committee hearing is contained in the discussion section of ACA #4200.

B. Administrative Segregation

201 - "Written policy and procedure provide for administrative segregation for inmates with serious behavior problems and for inmates requiring protective custody. (Essential)."

The discussion section emphasizes protective custody, but does not explicitly mention placement pending investigation for transfer. Also, transfer from disciplinary detention is not referenced.

Comparison

Both sets of standards concur.

Both sets of standards concur.

General concurrence on purposes of administrative segregation.

DOJ

ACA

Comparison

11. Special Management Inmates (Continued)

C. Review of Inmate Status

11.06 - "The status of inmates in administrative segregation is reviewed by the classification officer or other authorized body at least every seven days for the first two months, including an interview of the inmate, where appropriate. The status of inmates in administrative segregation beyond two months is reviewed at least every 30 days; that review includes an interview of the inmate."

D. Programs in Segregation

11.08 - "Written policy and procedure provide that inmates in administrative segregation have access to programs and services that include, but are not limited to; education, commissary, library services, social services, counseling, religious guidance and recreation."

C. Review of Inmate Status

No equivalent statement in this section. However, discussion section of 201 (purposes of administrative segregation) states that "each case should be reviewed frequently with the goal of terminating the separate housing assignment as soon as possible." Also, of direct relevance is that in the earlier Classification Section, standard #382 noted the following:

"Written policy and procedure provide that inmates in administrative segregation are reviewed by the classification committee or other authorized staff group every seven days for the first two months and at least every 30 days thereafter (Essential)." The discussion further notes (a) that the review ascertains whether "reasons for initial placement in the unit still exist, and (b) the inmate should appear at the hearing."

D. Programs in Segregation

ACA #218 is the same as DOJ 11.08 and is regarded as "Essential."

In this section and a related standard (ACA #382, in Classification Section), both sets of standards concur on the need for scheduled reviews of the status of inmates in administrative segregation.

Concurrence on this issue by both sets of standards.

DOJ

12. Mail and Visiting  
(Standards 12.01 - 12.16)

Mail

"Written policy govern inmate correspondence."

"There is no limit on the volume of mail on inmate may send or receive or on the length, language, content or source of mail or publications, except where there is a reasonable belief that the limitation is necessary to protect public safety or institution security. .... No publication is rejected solely because its content is ... political, social or sexual."

"Written policy provide that

(a) "inmates are notified where mail written by or addressed to them is rejected or censored....

(b) "inmates are permitted to send sealed letters to specified persons" (including attorneys).

(c) mail will be forwarded following release or transfer.

(d) inmates will have access to telephone facilities.

Other standards (which do not specify policy statements) concern package inspection; mail delivery; mail censorship; and the State's provision of postage.

ACA

18. Mail and Visiting  
(Standards 340 - 355)

The ACA standards generally cover the same areas as the DOJ standards.

Comparison

In the area of mail and visiting, the same areas are generally covered in both ACA and DOJ standards. The principal differences are

(a) The relative importance attached to certain specific points. In certain cases, the DOJ Standards mandate a requirement (such as the facility provide information on the means of transportation to a facility) while ACA suggests that this is only Desirable (not Essential)

(b) The degree of specificity provided by the DOJ Standards in various areas where ACA only states a general standard.

Visiting

"Visiting is governed by a written policy" which is reviewed annually.

"The facility devotes sufficient space, time and personnel to maximize visiting opportunities,..." (This standard includes provision for physical contact).

"Written policy specify conditions for extended visits" and "special visits of specified persons."

Other standards require "the institution to provide information about transportation to the facility" and that written policy provide for furloughs to visit families.

<u>DOJ</u>	<u>ACA</u>	<u>Comparison</u>
13. <u>Inmate Money and Property Control</u> (Standards 13.01 - 13.05)  "Written policy cover the following areas  (a) property that an inmate can retain  (b) inventory of inmate property  (c) return of property and funds upon release  (d) deposit of funds in an interest bearing account"(another standard governs maintenance of inmate accounts)	20. <u>Inmate Money and Property Control</u> (Standards 365 - 371)  ACA Standards generally correspond with DOJ Standards. In addition, the ACA cites as <u>Essential</u> the provision of independent annual audits of inmate accounts.	ACA Standards are more demanding due to the requirement for independent annual audits of inmate accounts.



DOJ STANDARDS	ACA STANDARDS	COMPARISON
<p>14. <u>INMATE WORK PROGRAMS</u> (Standards 14.01 - 14.11)</p> <p><u>Institutional Work Assignments</u></p> <p>"To the greatest extent possible, a job should be provided for each inmate who wants one. Jobs are to be genuine and no more inmates assigned to a task than the job requires"</p> <p>"Whenever possible, inmate work-assignments provide experience relevant to the current job market and the inmate work day be structured to approximate the work day in the community"</p> <p>Written policy and procedures in following areas:</p> <ol style="list-style-type: none"> <li>1. Compensation Schedule</li> <li>2. Furlough and work release programs</li> <li>3. Compliance with all applicable Federal State and local work safety laws and regulations</li> </ol> <p>NOTE: "Inmates working on furlough or work release may be required to reimburse the jurisdiction for a reasonable share of its cost for their room and board"</p>	<p>22. <u>INMATE WORK PROGRAMS</u> (Standards 386-392) <u>Essential Standards</u></p> <p>"There are sufficient employment opportunities for inmates"</p> <p>"Inmates are paid for work performed"</p> <p>"Inmates employed by public or private organizations are compensated at the prevailing rate"</p> <p>Among the <u>Important Standards</u>, "There is a written plan for providing incentives to inmates in work programs"</p>	<p>Both standards emphasize the provision of a work assignment to each inmate who wishes one and that the wages be sufficient to allow for canteen purchases and savings for release</p> <p>DOJ standards more detailed and demanding</p> <ol style="list-style-type: none"> <li>a) DOJ requires written policy and procedure statements in various areas</li> <li>b) DOJ requires non-traditional work assignments for female inmates</li> <li>c) DOJ requires provision of employment for handicapped inmates</li> </ol>

<u>DOJ</u>	<u>ACA</u>	<u>Comparison</u>
15. <u>Religious Services</u>  (Standards 15.01 - 15.04)  Written policy and procedure to "ensure access to all inmates who are affected or wish to be affiliated with religious denominations or groups."  "Religious program staff have access to all areas of facility" and "a chaplain or a designated staff member coordinates and supervises the facility's religious programs,"  "There is a systematic approach to determine the personnel requirements to the religious programs to ensure all inmates access to staff and services,"	26 - <u>Religious Services</u>  (Standards 430 - 436)  <u>Essential</u> standards require each of cited DOJ standards.  In addition, ACA has <u>essential</u> standards in the following three areas:  (a) "Written policy and procedure ensure the inmates have access to religious publications and have opportunities to adhere to the dietary and other requirements of the various faiths."  (b) "The institution provides facilities and equipment for the conduct of religious programs for inmates."  (c) "Written policy and procedure provide for inmates to have personal contact with representatives of their respective faiths upon request, pursuant to institution visitation rules and regulations."	ACA are more demanding as indicated by the three additional <u>Essential</u> standards.

<u>DOJ</u>	<u>ACA</u>	<u>Comparison</u>
15. <u>Religious Services</u>  (Standards 15.01 - 15.04)  Written policy and procedure to "ensure access to all inmates who are affected or wish to be affiliated with religious denominations or groups."  "Religious program staff have access to all areas of facility" and "a chaplain or a designated staff member coordinates and supervises the facility's religious programs,"  "There is a systematic approach to determine the personnel requirements to the religious programs to ensure all inmates access to staff and services."	26 - <u>Religious Services</u>  (Standards 430 - 436)  <u>Essential</u> standards require each of cited DOJ standards.  In addition, ACA has <u>essential</u> standards in the following three areas:  (a) "Written policy and procedure ensure the inmates have access to religious publications and have opportunities to adhere to the dietary and other requirements of the various faiths."  (b) "The institution provides facilities and equipment for the conduct of religious programs for inmates."  (c) "Written policy and procedure provide for inmates to have personal contact with representatives of their respective faiths upon request, pursuant to institution visitation rules and regulations."	ACA are more demanding as indicated by the three additional <u>Essential</u> standards.

<u>DOJ</u>	<u>ACA</u>	<u>Comparison</u>
16. <u>Recreation and Inmate Activities</u> (Standards 16.01 - 16.06)  Written policy and procedure statements that  (a) "Provide for a comprehensive recreational program away from the inmate's cell or room that includes leisure time activities."  (b) "Permit inmates to participate in community activities, provided the inmates' custodial status allows them to leave the facility."  "The program provides an opportunity for at least one hour of physical exercise per day (away) from the inmate's cell in an area which is designated for recreation and frequent opportunities to exercise outdoors, weather permitting."  "The facility employs a full-time qualified recreation director. In smaller facilities, a part-time staff member or a volunteer may perform this function."  "The recreation program includes both cultural and athletic activities."  "There is a systematic approach to determine the personnel requirements for the recreational program to ensure inmates have access to staff and services."	25. <u>Recreation and Inmate Activities</u> (Standards 419 - 427)  <u>Essential</u> standards include all of the cited DOJ standards.  In addition, <u>Essential</u> standards exist in the following areas:  (a) that the comprehensive recreational program includes activities "comparable to those available in the community."  (b) that "facilities and equipment are maintained in good condition, are suitable to the planned recreation activities and are available in proportion to the inmate population."  (c) written policy and procedure provide that "the recreational needs and interests of inmates be assessed on a continuing basis."  (d) "written policy and procedure provide for a specific program of inmate activities."  (e) "there is a systematic approach to determine the personnel and financial requirements needed to support inmate activities."  It is also noted that the ACA standards do not provide for part-time or volunteer recreation supervisors at small facilities.	ACA standards are more demanding as illustrated by cited additional <u>Essential</u> standards.

DOJ Standards	ACA Standards	Comparison
17. <u>Education and Vocational Training</u> (Standards 17.01 - 17.16)	23. <u>Education and Vocational Training</u> (Standards 393-408)	DOJ and ACA are comparable With certain notable differences including
No Written Policy Statements Required	No Written Policy Statements Required	a) DOJ standards on educational services for Spanish speaking inmates and handicapped inmates
"There is a certified comprehensive and continuous educational program available to all inmates that extends through the high school level which is suited to the inmates needs and abilities".	All standards are cited as <u>Essential</u>	b) ACA standards on the need for educational counseling and specialized educational equipment
"At least every three years, the educational and vocational training programs are assessed systematically against stated objectives by qualified individuals, professional groups and trade associations"	Generally, the areas covered parallel the DOJ standards	
"There is an annual equivalent of education and vocational training programs against stated objectives" (Persons conducting evaluation not stated)		
"Educational supervisors and instructors as well as vocational instructors are licensed or certified by the State or other appropriate body"		
Additional standards concern the use of community resources; the use of inmates as teachers; and other areas		

DOJ Standards	ACA Standards	Comparison
<p>18. <u>Library Services</u> (Standards 18.01-18.09)</p> <p>Standards apply to general and law libraries.</p> <p>"The facility provides library services to all inmates and the facility has a qualified staff member who coordinates and supervises library services. In smaller facilities, trained volunteer staff may be used to perform this function:"</p> <p>"Foreign language materials be available for non-English speaking inmates "</p> <p>"The parent agency has a full time staff member, preferably qualified in library science, to coordinate and supervise the library services for all institutions in the system"</p> <p>"Library services be available five days a week, including evenings"</p> <p>"The library must provide for the acquisition and circulation of materials.</p> <p>"The library participates in available inter-library loan programs"</p>	<p>24. <u>Library Services</u> (Standards 409-418)</p> <p>Application to law libraries not noted.</p> <p>All standards are listed as <u>Essential</u> with one exception.</p> <p>"Library Services be available daily, including evenings, weekends and holidays"</p> <p>ACA standards also require a Statewide coordinator and facility supervisor (but does not include provision for volunteer staff at small facility)</p> <p>"A written policy defines the principles, purposes and criteria used in the selection and maintenance of library materials"</p>	<p>Overall, it appears that the ACA standards are more demanding with respect to the hours of library operation and written policy and procedures on acquisition and maintenance of materials.</p>

DOJ Standards	ACA Standards	Comparison
<p>19. <u>Social Services and Counseling</u> (Standards 19.01-19.04)</p> <p>"The facility provides a social service program that includes a range of resources appropriate to the needs of the inmates including individual and family counseling and community services"</p> <p>"Counseling is provided by qualified, trained counselors"</p> <p>"Written policy and procedure provide for substance abuse programs for inmates with drug and alcohol addiction problems"</p> <p>"The social services program is administered and supervised by a person qualified and trained in the social and behavioral sciences or a related field"</p>	<p>27. <u>Social Services and Counseling</u> (Standards 437-444)</p> <p>Four standards are cited as <u>Essential</u> including the first three cited DOJ and</p> <p>"Written policy and procedure require regularly scheduled case conferences between counselor and social worker and the social services program supervisor"</p> <p>Among the standards cited as <u>important</u> are</p> <p>a) The DOJ standard on the social work administrator;</p> <p>b) A written policy and procedure governing the caseloads of counselors; and</p> <p>c) The provision of regularly scheduled counseling for inmates</p>	<p>Overall, the ACA standards appear to be more demanding, especially when the ACA standard cited as important are taken into consideration.</p>

DOJ Standards	ACA Standards	Comparison
<p>20. <u>Release Preparation and Temporary Release</u> (Standards 20.01-20.08)</p> <p>"Written policy and procedure govern the temporary release of selected inmates in accordance with applicable statutes".</p> <p>"All sentenced inmates are given the opportunity to participate in a program of release preparation prior to their release from the facility"</p> <p>"Where statutes permit and classification review determines appropriate, inmates are allowed escorted and unescorted leaves into the community" and "work or study release program"</p> <p>"Written policy and procedure specify behavior that is unacceptable during temporary release..."</p> <p>Temporary release programs must include a number of specified requirements including written rules of inmate conduct: complete record keeping system; and program evaluation.</p> <p>In addition to these standards, DOJ states that "to the extent possible, inmates participating in work or study release programs are housed apart from other inmates"</p>	<p>28. <u>Release Preparation and Temporary Release</u> (Standards 445-455)</p> <p>Seven standards are cited as <u>Essential</u>. These <u>Essential</u> standards closely parallel the cited DOJ standards with exception of the separate housing of work and study release inmates.</p> <p>In an ACA standard listed as <u>Important</u>, it is stated that "written policy and procedure require that inmates participating in work or study release are housed apart from other inmates"</p> <p>Other <u>Important</u> standards concern the provision of pre-release services and a graduated release program including the "systematic decrease in supervision and corresponding increase in inmate responsibility".</p>	<p>Overall, the <u>Essential</u> ACA standards and the DOJ standards are roughly equivalent.</p> <p>When the <u>Important</u> ACA standards are taken into account, the ACA standards are more demanding</p>



DOJ Standards	ACA Standards	Comparison
<p>21. <u>Administration and Management</u> (Standards 21.01-21.19)</p> <p>Written Policy and Procedures are required in the following areas:</p> <p>a. Selection, retention and promotion of all personnel on the basis of merit and job-related qualifications</p> <p>b. Equal Employment opportunities for all positions with exceptions only as permitted by law (A separate standard requires an affirmative action plan)</p> <p>c. Provision of 40 hours of orientation prior to job assignment for all new employees and additional 40 hours of training during their first year of employment</p> <p>d. All employees who work in direct and continuing contact with inmates receive 80 additional hours during the first year of employment in specified areas</p> <p>e. All employees receive a minimum of 40 hours per year of training in respective areas</p> <p>f. Provision of legal assistance to chief executive officer</p>	<p>In the ACA Standards, the areas covered by the DOJ Standards category entitled "Administration and Management" are covered in greater depth in the following categories:</p> <p>1. Administration, organization and Management (Standards 1-27)</p> <p>2. Fiscal Management (Standards 28-54)</p> <p>3. Personnel (Standards 55-87)</p> <p>4. Training and Staff Development (Standards 88-104)</p> <p>8. Records (Standards 130-139)</p> <p>29. Citizen Involvement and Volunteers (Standards 456-465)</p> <p>In the general administrative section, ACA includes three categories which are <u>not</u> covered by DOJ in any form:</p> <p>5. Planning and Coordination (Standards 105-112)</p> <p>6. Management Information Systems (Standards 113-122)</p> <p>7. Research and Evaluation (Standards 123-129)</p>	<p>The ACA Standards are considerably more numerous and exhaustive in broad area of administration and management than DOJ</p> <p>DOJ has 19 standards in the area of administration and management.</p> <p>In contrast, ACA has 149 standards under 9 categories, including three categories that are not covered in any form in the DOJ Standards.</p> <p>As such, the ACA are significantly more demanding than the DOJ Standards in this area.</p>

- g. Operation of inmate welfare fund  
(where applicable)
- h. Provision of continuing audits  
of facility fiscal activities  
and periodic post-audit inde-  
pendent review
- i. Provision of information on  
extent and availability of  
programs and services for inmates  
to sentencing and parole  
authorities.
- j. Operation of Volunteer Services  
Program
- k. Maintenance of inmate records  
(A supplemental standard in-  
dicates that "the facility  
maintain a complete cumulative  
case history on each inmate  
which is available in a central  
file")
- l. Inmate access to their files

In the area of training, other standards (which do not specify written policies concern the provision of specialized training + staff involved in segregation and in the use of firearms and chemical agents. It is stated that "the facility's training program for all employees is coordinated and supervised by a qualified employee at the supervisory level, who follows a specific plan reviewed annually".

Other standards govern canteen operation and confidentiality of inmate records.

**END**