

FIRST/SECOND LINE JAIL SUPERVISOR'S TRAINING MANUAL



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edited by
Betty B. Bosarge, DPA

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This manual is dedicated to the
many loyal men and women
who staff our nation's jails.

Editor's Note: The words "he," "him," "his," "man," and "men," when used in this publication, represent both the masculine and feminine genders, unless otherwise specifically stated. The words "jail," "detention center," and "correctional facility" are used interchangeably throughout this book. Similarly, the words "jail officer," "deputy," and "correctional officer" are used interchangeably.

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FOREWORD

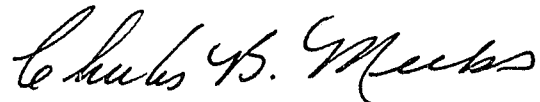
The National Sheriffs' Association has developed the *First/Second Line Jail Supervisor's Training Manual* through a grant from the National Institute of Corrections, U.S. Department of Justice. The material was compiled and written by experts in corrections and jail management and supervision, as well as other disciplines. This publication will stimulate many of you to want to pursue the subject further.

Completion of the *First/Second Line Jail Supervisor's Training Manual* is an important part of your professional development.

The key to success on your job and in pursuing a course of independent study like this is self-discipline. You have to work at it on a regular basis when at times you would prefer to relax.

Make no mistake about it. The position of the jail supervisor has assumed an importance that was not recognized even ten years ago. In the next decade you will see the training requirements and courses of study for those who would aspire to a career in corrections equal in length to the training and study required for other positions in law enforcement.

The way of the world is change. For the professional jail supervisor who aspires to join the ranks of upper level management, this means a continued life-long career of study and continuous training. This course is but a necessary first step.



Charles B. Meeks
Executive Director
National Sheriffs' Association

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Sheriff Don Omodt
Hennepin County
Minneapolis, Minnesota

Sheriff Dick Bowman
Elkhart County
Goshen, Indiana

Sheriff Thomas Morrissey
Buncombe County
Ashville, North Carolina

Donald Amboyer, Jail Commander
McComb County
Mt. Clemens, Michigan

Jeff Eubank, Administrator
Michigan Department of Corrections
Lansing, Michigan

Michael O'Toole
Chief, Jails Division
National Institute of Corrections
Boulder, Colorado

Draft materials for individual chapters were submitted by several professionals in the jail operations field, including: William Collins, attorney-at-law, Olympia, WA; Al T. Hanulik, Charles County Detention Center, LaPlata, MD; Richard Kiekbusch, Prince William/Manassas Regional Detention Center, Manassas, VA; Captain Frank R. Hect and Captain Nagi C. Magrabi, Pima County Sheriff's Department, Tucson, AZ; Stephen I. Saunders, III, Hillsborough County Sheriff's Department, Tampa, FL; Richard Bowman, Elkhart County Sheriff's Department, Goshen, IN; Pete Waters, Maryland Department of Corrections, Sharpsburg, MD; Lt. Hank Rector, Harford County Sheriff's Department, Bel Air, MD; Don Ravis, Harrison County Sheriff's Department, Gulfport, MS; Charles A. Felton and Mark F. Fitzgibbons, Pinellas County Sheriff's Department, Largo, FL; Carl Peed, Chief Deputy, Fairfax County Sheriff's Department, Fairfax, VA; Wayne, R. Hill, Ph.D., Management and Behavior Consultants, Traverse City, MI; Anna Laszlo, Special Projects/Programs, National Sheriffs' Association, Alexandria, VA; Karen Albert, Arlington County Sheriff's Department, Arlington, VA; Ray Gordon, Whatcom County Sheriff's Department, Bellingham, WA; David W. Wantz, Indiana Central University, Indianapolis, IN; Peter H. Christianson, Contra Costa Sheriff's Department, Martinez, CA; Captain Kenneth Kocharvar, Cuyahoga County Sheriff's Department, Cleveland, Ohio; and Dr. Kenneth Kerle, Jail Consultant, Washington, D.C.

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CHAPTER ONE

THE FIRST LINE SUPERVISOR IN TODAY'S JAILS

Who is the first line supervisor in the modern jail and what are his duties and responsibilities? What personal qualifications, professional skills, and leadership traits should he possess to be an effective supervisor of others?

The first line supervisor is, in reality, a "split personality"—he serves as a **BRIDGE** between line and staff officers. His allegiance is to **BOTH** groups, with his loyalty sometimes existing as a series of trade-offs between the two groups; this situation results because the first line supervisor must represent the concerns of management to the line personnel while at the same time serving as the line's representative to the command staff.

In some organizations, the natural conflict which exists between line and staff is described as "us versus them," with the line officers recognizing themselves as the "us" and management described as "them." Teetering on the fence between these two camps is the first line supervisor. But the supervisor's position does **NOT** have to be a precarious one. If he has well developed personal skills which enable him to communicate effectively with **BOTH** line and staff, as well as with the inmate population, then he can establish a positive atmosphere in the jail in which all personnel work together harmoniously for the good of the institution. **The key ingredient in developing this harmonious working relationship among the various interest groups in the jail is the professionalism of the first line supervisor.**

What do we mean by professionalism? This term means that the first line supervisor considers his job to be a serious responsibility and acts accordingly. He takes a **leadership role** in assuring that the jail functions smoothly and that proper legal requirements are followed. In other words, he is considered to be a person others will follow. He knows how to take command in a crisis situation and does not play favorites. He sets a good example for the officers who serve under his command.

The qualities of leadership in a correctional setting are similar to the leadership qualities expected in other organizations—the military, businesses, churches, and other government agencies. A leader works through people to get a particular job done, whether the job provides a human service or seeks to make a profit. A leader must be intelligent. He must understand organizational goals and apply them to the work performance of the line officer. His role as a guide is to interpret policy and procedure and assist the worker in understanding what management wants accomplished.

Skill at communication is one of the most important qualities of leadership. **A leader verbally orders, directs, listens, and**

responds. He reads instructions from the commanders and writes memos concerning suggestions from the line officers. His correct interpretation of what is told to him is as important as the correct meaning of the messages he gives to subordinates. A leader will think about what he has to say and assemble the right words so that his message is understood clearly. If he possesses effective communication skills, then his listeners will comprehend what he is telling them—either verbally or in writing.

Another primary quality of leadership is **skill at solving problems.** The effective leader knows how to identify and analyze a problem to solve it.

This chapter analyzes the duties and responsibilities of a first line supervisor in a modern jail or detention center, examines the "qualities" of an effective first line supervisor, and describes the personal and leadership traits which supervisors should possess.

DUTIES AND RESPONSIBILITIES OF FIRST LINE SUPERVISORS

The duties and responsibilities of first line supervisors in modern jails can be broken down into eight broad categories, as follows:

1. Managing the security function and conducting security inspections;
2. Making decisions and taking the initiative where no firm guidelines exist, as well as delegating authority to subordinates;
3. Deploying personnel and directing them in the performance of their assigned tasks;
4. Coordinating personnel and providing direction in emergencies and crisis situations;
5. Managing personnel (motivating, evaluating, and guiding them);
6. Coordinating officer training programs and providing guidance to training division personnel about staff training needs;
7. Assisting with the development of the jail budget and other jail projects (such as architectural design needs and planning for a new wing) when requested to do so by the jail administrator or sheriff; and
8. Serving as a communicator who can work effectively with superiors, inmates, and citizens.

Each of these categories is explained in detail in this chapter.



Managing The Security Function And Coordinating Security Inspections

The most important duty of the first line supervisor is to safeguard the jail's security program. To do this, the supervisor must:

1. Continuously assess the need for specific fixed security posts;
2. Staff the posts properly;
3. Plan for and staff roving security posts, as well as out-of-the-ordinary security assignments (such as inmate movements to chapel, hospital details, court details, etc.);
4. Know the jail's weak points from a security perspective and take care to make certain that these weak points are given extra attention by officers on patrol;
5. Make certain that contraband is not being introduced into the jail by visitors, trustees, or by means of mail and packages sent to inmates;
6. Make certain that both formal and informal inmate counts are conducted several times during each shift; and
7. Patrol the cellblocks to ensure that officers assigned to security functions are alert and performing their tasks properly.

His duties also include constant inspections of the jail facility, the officers, and the inmates for security and safety breakdowns. These inspections should be followed immediately by efforts to remedy the security and safety defects or problems.

Making Decisions And Taking The Initiative Where No Firm Guidelines Exist, As Well As Delegating Authority To Subordinates When Warranted

The first line supervisor must enforce jail policies and procedures, but sometimes events occur for which there are no firm guidelines. As a leader, the supervisor must assess the situation, decide upon the most workable solution, and then take action.

For example, the Rattlesnake County Jail in Fangville, Texas, has a policy regarding sick leave for employees. The policy lists the steps which employees are to follow when they must stay home or be hospitalized because of an accident or illness. However, it does **not** advise sergeants of the correct steps to follow if an employee comes to work sick. Sergeants are expected to assess the situation and use their own best judgment in making a decision about whether the employee should remain at work or be sent home. One day last week Officer Ollie Jackson showed up for rollcall with a bad cough, sore throat, runny eyes and nose, and stomach problems. He told Sgt. Rocky Rambo, his supervisor, that he didn't want to stay home and use up his sick leave on "a dumb cold" in case he really got sick and needed the days off. To Sgt. Rambo, it appeared that Officer Jackson might have the flu instead of a simple cold. Sgt. Rambo told Officer Jackson to go home and get well and that his post would be covered by another officer for the next few days. "I would rather have you go home and recover than work and possibly end up with pneumonia," Sgt. Rambo said.

This is but one example of how supervisors must take the initiative and make the proper decisions in the absence of firm policy guidelines. Permitting Officer Jackson to work would not only contribute to a more serious illness for him—and an eventually longer period of recuperation—but might also result in serious colds (or flu) for other staff members and inmates.

In addition to knowing when and how to take the initiative in making decisions, **the supervisor must also know when to delegate authority to a subordinate.** For example, with one less officer on duty during the shift when Officer Jackson was sent home, Sgt. Rambo will have to make certain that the security function is not compromised because of the manpower shortage. He decided to increase his own patrols of the various posts during that shift, but to do this he had to delegate some of his other duties to an officer. Sgt. Rambo asked an officer who was originally assigned during that shift to take an inventory of the jail's weapons storage room to instead serve as "assistant sergeant" and handle officer reports, counts, and assist with inspection duties so that he could concentrate all his attention on security. This is a proper delegation of authority.

Those of you who have been working as first line supervisors know that in order to accomplish your many tasks, you must rely upon your officers to not only do their jobs effectively but sometimes to do some of your work as well. By delegating authority, the supervisor shows that he has trust and faith in his subordinates to assist him. Since he is only ONE person, others must be identified who can perform tasks, be directed to do the work, and, finally, receive guidance from the supervisor to make certain that the job is done correctly.

But there are risks in delegating, since the supervisor is allowing another employee to act for him through trust. If this trust is misplaced, then the supervisor carries full responsibility. A supervisor who gets "burned" this way may decide not to delegate any longer. However, refusing to delegate adds to his own responsibilities and increases his chances of becoming ineffective because of too much work. Supervisors who do not delegate offer the following common excuses:

1. They believe that line personnel cannot assume authority to make decisions;
2. They fear that their own prestige may suffer if someone else can do the same job; and
3. They do not desire to see officers become proficient in supervisory responsibilities.

Not only is it important to delegate, but a supervisor must do it **correctly.** When the issue is giving someone else the right to decide for you, then the supervisor must develop his personnel so that they reach the level of expertise required to entrust them with responsibility.



If the supervisor has trained a line officer to become more effective and capable, then delegation will be easier. For example, a first line supervisor may decide to delegate his responsibility to collect the entire institution's inmate count slips to an officer who collects them regularly on one housing unit. The officer is qualified and trained, knows the routine, and the supervisor has delegated to the appropriate level. **A supervisor should not delegate too high. Instead, he should choose the lowest level at which the task can be accomplished effectively.** As a result of such a decision, the officer delegated the job may develop a better way to accomplish the task.

Deploying Personnel And Directing Them In The Performance Of Assigned Tasks

The first line supervisor is responsible for staffing all duty posts on his shift, matching employees to the posts and assignments where they perform best. If he faces a shortage of personnel at the beginning of a shift due to absences or a crisis in the jail which requires that some of his officers help another squad, then he must decide how to re-deploy his personnel most effectively so that jail security is maintained at all times.

The supervisor must develop daily, weekly, and monthly personnel assignment schedules, allocate days off and vacation periods, provide for a sufficient number of court escorts, and still be prepared to cope effectively with emergency situations. For example, Sgt. Rambo schedules his officers so that a maximum number of them work on "heavy" booking days (Fridays and Saturdays are the most popular days for party fights, drunken brawls at honkytonks and bars, serious traffic violations, and assaulting officers in Fangville and Rattlesnake County, generating many new clients for the Rattlesnake County Jail). He schedules a smaller number of officers for "lighter" days (on Sundays and Mondays the citizens of Fangville and Rattlesnake County generally recuperate from the weekend and behave themselves).

The first line supervisor must know his personnel and their individual skills and abilities, as well as their weak points, so that he can assign them to the posts where they will work most effectively. Sgt. Rambo knows, for example, that the best assignment for Officer Ollie Jackson is the control room of the "direct supervision" podule in the jail's new wing, since Officer Jackson has a pleasant personality and gets along well with inmates, but is firm in upholding the jail's rules and regulations; he is not a "pushover." Sgt. Rambo also knows that Officer Jackson shows initiative, constantly checks for security problems, and is cool and calm, exhibiting leadership skills during an emergency.

In contrast, Officer Ty Washington, who is "putting in time" as a jail officer to earn money while he works on his bachelor's degree in petroleum engineering, has a hot temper, makes it evident that he feels inmates are getting what they deserve, and prefers to spend his time in the control room trying to sneak in some textbook reading when he thinks Sgt. Rambo is not around. However, as a future petroleum engineer, he does have a good eye for spotting things that are out of the ordinary, such as a crack in a window, a bar that has been loosened, or a cut in a perimeter fence that has been camouflaged in preparation

for an escape attempt. Although Officer Washington is not an effective officer in a direct supervision podule of a jail, he **IS** an effective perimeter patrol officer. Thus, Sgt. Rambo has assigned him to a walking patrol of the outside perimeter where he has no contact with inmates. Sgt. Rambo calls him in every two hours to do a walking patrol of the jail housing areas, looking for security problems.

In these two examples, Sgt. Rambo has demonstrated effective supervision by knowing the skills and abilities of his personnel, as well as their weaknesses, in order to assign them where they can perform most effectively.

Jail supervisors must make staff assignments within the constraints of staffing allocations. **The many sensitive security posts in the jail must be matched with the most appropriate officer to staff each post.** By carefully analyzing each officer's skills and abilities, the supervisor can identify those who work best supervising people and those who have a technical orientation who could serve best by working with equipment and controls. Still other officers will have special aptitudes (such as bookkeeping experience) which qualify them for such assignments as record keeping, classification, and the medical unit.

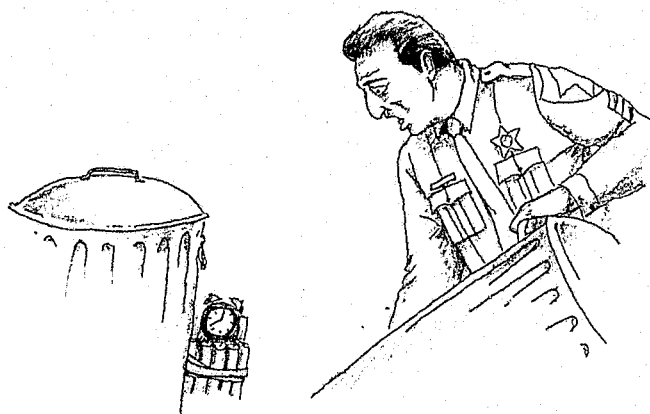
A common trap supervisors sometimes fall into is to permanently label an officer because of a prior incident in which he erred in judgment. If you fall into this trap, then you will limit your own ability to assign officers to various posts throughout the jail. Why not give the officer some training and a second chance instead?

Another supervisor's opinion of an officer may prejudice your decision to assign him to a post, further limiting your staffing options. As a supervisor, you should judge each officer on his abilities, training, and performance record, not upon a reputation that may be undeserved.

When a new assignment is given, the supervisor must observe the officer carefully and help him when necessary. The officer must feel that he is supported and encouraged to perform and not left to himself to learn all the facets of the new job. By observing officer performance, supervisors must often make reassignments until an officer settles in and feels comfortable in one particular post.

Matching officers to the posts where they perform most effectively is extremely important because of the concept of vicarious liability resulting from negligent assignment. This results when the supervisor makes little effort to match the post to the officer. The supervisor may also fail to assure that the officer has been trained in that particular job. A common reason why officers fail to perform adequately is because they are inexperienced. An officer who is recognized by supervisors as a poor performer must be made to understand what is expected of him. In addition, he must be shown what good performance involves. **Training is the key to decreasing supervisory liability.**

The environment of a jail and its operation are unique. It must be staffed on a continuous basis, 24 hours a day, seven days a week. Inmate programming, custodial control, and main-



tenance services must be integrated into one smoothly functioning operational system. When staff shortages occur, it isn't only one post that goes unmanned—the entire system loses its ability to function efficiently. When you are faced with shortages of line custodial personnel, then you must make up the difference by reassigning officers from other areas to maintain basic security posts. This causes disruption in services and puts additional pressures on both staff and inmates.

Supervisors need an adequate number of officers assigned to their squad or shift to manage each identified post. Since you often find yourself forced to operate with an insufficient number of officers, creative management is a skill which you must develop. However, your ability to staff your shift adequately could also be hampered by departmental limitations on overtime hours and collective bargaining agreements. Thus, you can see that your ability as a supervisor to make assignments and staff the jail in an adequate fashion is hindered by many factors not under your direct control, making your job exceedingly difficult at times.

To man fixed posts, each supervisor must have a planned schedule that allows for an authorized complement of officers daily. Because fixed security posts in a jail are inflexible, the supervisor has few options. For example, an inmate housing unit officer directly supervising inmates in a living area must be on site continuously, while an officer assigned to supervise an inmate sanitation crew cleaning the jail may be pulled off this assignment if he is needed on a fixed security post (of course, the inmate work crew assignment should also be cancelled—never leave inmates unsupervised!). **The potentials for liability and the goals of correctional management dictate that security posts be staffed at all times.** Other non-essential posts should go unfilled when the shift is understaffed. This is necessary because unsupervised inmates may attempt to escape, damage property, or harm themselves or others.

Because of the fixed routine of activities in most jails, many non-security posts can be designed to operate on the proportionate needs principle. This allows some flexibility for the supervisor in manning these posts, yet also calls for some creativity on his part. For example, if a specific job requires 30 hours of work a week, the supervisor may assign an officer to three 10-hour days or split the job between two officers. To match the need with the resources may also call for one officer fulfilling two or more areas of responsibility. The officer may be assigned to work the first three hours of his shift supervising inmates in the

jail legal library, then assist for the next two hours in the security of inmate meal service; during the remainder of his eight-hour shift, he will be assigned to supervise inmates at recreation. As a result, the supervisor is getting the maximum amount of work from available staff, in proportion to the operational needs. Second, the variety of jobs given to officers breaks the monotony experienced in confinement facilities.

Jail policies specifying that certain posts shall be manned at all times are ineffective unless supervisory personnel comply with them. A first line supervisor has the primary responsibility in staffing these fixed posts since he must:

1. Assign the officer to each specific post to be covered;
2. Direct the officer in his performance of the duties and responsibilities required by the post;
3. Supervise the officer so that the post is continuously managed properly; and
4. Stress the need to the officer to document everything which occurs on the post.

The first line supervisor must also make certain that employees know how to perform their tasks once they are assigned to a post. To be effective in this role, the supervisor must not only be skilled at performing the tasks himself, but he must also be able to teach employees how to perform the tasks. **In directing others, the supervisor must be an effective communicator**—he must know how to praise and gently prod the employee as the officer who is learning a new assignment grasps each step of the required procedures and begins to perform effectively.

A major problem in giving directions to officers is assuming that they comprehend what you are saying when your instructions are not clear or complete. For example, Sgt. Rambo should not expect Officer Martinez to know what he is expected to do if he is given this instruction: "Reclassify inmate Wobegone from administrative segregation to lower custody housing." Does that mean inmate Wobegone is to be classified as medium security, minimum security, or trusty status? Or does it mean he is to be placed back in the general population of maximum security where he was housed before the fight with inmate North which landed him in administrative segregation? Sgt. Rambo, to be effective at giving directions, should have stated: "Remove inmate Wobegone from administrative segregation and place him back into the maximum security general population, but first check with Lt. Dick Bradley to see if there is a bunk for him on Block B since it wouldn't be wise to send him back to his old cell in Block A."

Most directions to employees are given verbally. Thus, **the supervisor must be clear and concise when he directs the line officer to perform a specific task.** To complement the oral directions, a supervisor may ask someone (a designated trainer or senior officer) to demonstrate through example the behavior needed to accomplish a particular procedure. Or the supervisor may choose to personally demonstrate how the task is to be performed in order to emphasize its importance, especially if the task is technical and complex. For example, the correct proce-

dures for an inmate search or pat-down are best conveyed by demonstration. The officer may be asked to play the role of the inmate being searched by the supervisor. Then the supervisor should switch roles so that the officer has an opportunity to search him.

One of the key ingredients in staffing and directing properly is to **develop relationships of trust with subordinates.** Know the officers assigned to your squad or shift and know their individual skills and abilities. Then assign them to posts where they can best utilize their skills and provide them with the directions they need to perform the necessary tasks. Know how to communicate effectively so that your personnel understand exactly what it is that you expect them to accomplish. If you follow these steps, then you ought to greatly lessen vicarious liability problems for yourself stemming from accusations of negligent supervision.

Coordinating Personnel And Providing Direction In Emergencies And Crisis Situations

The supervisor is usually the first person to take command during emergencies and crisis situations which occur on his shift. These emergency and crisis situations include, but are not limited to:

1. Fires;
2. Burst pipes and flooding;
3. Destruction from storms (e.g., portion of roof torn off, heavy rain water pouring into booking area through sallyport door, wall collapse during tornados, broken windows from heavy winds and hail, fire caused by lightning, etc.);
4. Gas leaks from furnace or kitchen lines;
5. Electrical power failures due to line problems or lightning strikes;
6. Man-made disasters (e.g., helicopter or plane crash on or near jail property; train derailment or tank truck crash and leakage of dangerous chemicals near jail, possibly necessitating evacuation; accident with radiation leak at nuclear power plant near jail, etc.);
7. Inmate disturbance, fight, riot, or hostage-taking incident;
8. Inmate assault upon an officer;
9. Inmate death, by accident, suicide or homicide;
10. Serious injuries to inmates, either deliberately inflicted by inmates or accidental;
11. Sabotage by inmates or friends of inmates on the outside (e.g., bombs planted on outside wall, extensive tampering with locks, emptying of fire extinguishers, stuffing of toilets to cause flooding, cutting of perimeter fence near recreation area, etc.);
12. Officer death or serious injury, either from accidents or natural causes (e.g., electrical shock or heart attack) or deliberately inflicted by inmates (e.g., strangling, puncture wound, stabbing, etc.);

13. Escapes, either from the jail facility itself or from work gangs and transportation details;
14. Attempted escapes;
15. Rape of one inmate by another or by a gang; and
16. Job action by unionized employees, who either do not show up for the shift at all ("sickout") or stage a walk-out, leaving the supervisor with unmanned security posts.

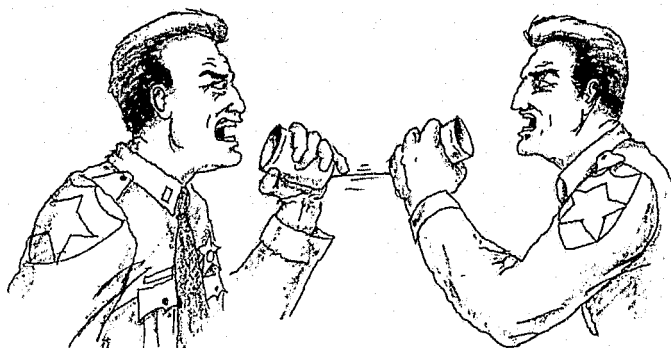
You can probably envision, or perhaps you have experienced, many other types of emergencies and crisis situations. No matter what the emergency involves, however, **it is your duty as the first line supervisor to take immediate command of the situation (if you are the ranking officer on the scene) and direct subordinates in handling various assignments to bring the crisis under control.** If one of your supervisors arrives on the scene to assume command, then you must know how to relinquish command and take and follow orders yourself, setting an example of leadership for your subordinates.

As the supervisor who leads others, **you are always setting an example.** But what kind of an example do you set? Are you calm under fire? Can you give orders clearly and concisely so that your officers will immediately take the correct action? Do you know by heart your jail's policies, procedures, and operational plans for emergency and crisis situations? Do you know when the situation is "bigger" than your squad can handle effectively, thus warranting additional assistance from other units in the jail, sheriff's department, or outside police agencies (depending upon the size of your jail and the number of personnel available, either from the duty roster or on call for emergencies)? Do you take steps to protect lives first and property second? Do you know how to direct your officers to carefully preserve evidence at crime scenes or what may turn out to be a crime scene (e.g., the staged "suicide" which actually is a homicide)? Are you a leader or do you rely upon one of your subordinates, such as Corporal Mickey Macho, to actually take control of the situation and give orders?

Your employees look to you for leadership and guidance. If you are afraid to take command, this will be evident to them. Your nervousness will be visible in your shaky voice, trembling hands, indecisiveness, and lack of firm, positive immediate directions and action. **Subordinates will not trust nor will they follow a supervisor who fails to lead them in a crisis situation.** After all, in many crisis situations in jails, such as fires and riots, their lives depend upon your leadership skills.

Case Study 1:

Sgt. Peggy Sue Winchester was in command of the swing shift at the Turkey County Jail when the duty officer at Control Station C called to tell her two women inmates were tearing each other to shreds in the women's dormitory, which housed 27 inmates, and that she did not want to go in and break it up because her partner was on her lunch break in another wing of the jail. Over the telephone Sgt. Winchester could hear the noise as the other women in the dorm screamed and cheered on the fighting inmates.



Sgt. Winchester immediately summoned six officers from non-essential posts and went to the dorm with them. She instructed the officers to wade into the fight and pull apart the fighting inmates. Once this was accomplished and the two inmates were brought forward, Sgt. Winchester told two of the officers to take the women out of the dorm immediately and place them in segregation cells maintained to house inmates who have been fighting. She also issued an order to the other inmates to go stand by their bunks immediately and remain in that position for a formal count. The inmates all complied. But as they were moving toward their bunks, inmate Shawna Jackson, a prostitute and drug addict, turned toward Sgt. Winchester and began screaming obscenities.

"As soon as you outta here, we gonna burn down this pigpen!" she threatened. Pulling out a pack of matches from her blouse, she yelled: "Burn, baby, burn!" Some of the other inmates began to cheer.

If you were Sgt. Winchester, what would you do now? Do you think Sgt. Winchester handled the initial situation correctly? If not, what would you have done differently if an incident like this one occurred on your shift?

Remember, you are expected to lead your subordinates in resolving the emergency or crisis situation. They look to you for guidance. But as a leader, **you must also be able to recognize when the situation is beyond your control and know when to call for additional help.** Many lives may depend upon the decisions you make.

Managing Personnel (Motivating, Evaluating, And Guiding Them)

How does a supervisor know if he is effectively managing personnel? One way is to **observe their performance.** But many answers also come through **feedback**—whether it is positive or negative.

Feedback is a communication device which gives the supervisor more answers than observation alone provides. A reciprocal process in which the supervisor gives as well as receives, feedback enables the supervisor to communicate with his subordinates on a one-to-one level, thereby getting to know them as individuals, not simply as "wooden soldiers" standing guard at the various posts in the jail. With an on-going feedback process in operation, the supervisor not only has better control of his area of responsibility, but he is also able to manage his shift more effectively and evaluate the performance of his subordinates in order to determine which of them need more training in specific areas, who needs to be assigned to another post, and who may be the cause of potential problems. Feedback also helps him

learn which officers would make good supervisors themselves, who should be encouraged to apply for specialized training in order to increase his skill levels, and who should be commended for outstanding performance when the sheriff holds his annual awards banquet for employees.

An officer whose supervisor continuously solicits feedback generally will respond positively to the supervisor since he knows that his needs are being addressed, his concerns are real to the supervisor, and his ideas are being considered by the supervisor as legitimate suggestions. More importantly, the line officer must come to understand that **the supervisor DESERVES feedback**, since no supervisor wants or needs any surprises—especially the nasty types of surprises which are always showing up in the jail environment. With good information flowing to him continuously from the line, the supervisor can judge what must be passed up the chain-of-command to his own superiors so that effective action can be taken to avert potential problems.

Feedback also helps the supervisor recognize signs of stress in his officers. When officers behave erratically, are irritable, short-tempered, or their attendance begins to suffer, then the supervisor knows something is wrong. However, not everyone displays these outward signs of stress; some employees may be versed in masking the pressures of the job or their personal lives. Thus, we can see the value of feedback through one-on-one communication. **An effective supervisor will KNOW his workers to the extent that he can recognize subtle signs of stress and take action to remedy the problems causing the stress.**

Case Study 2:

Officer Ignatius Bradley, who is Sheriff Ted Bradley's nephew, was assigned to Sgt. Rocky Rambo's squad on the day shift at the Rattlesnake County Jail. He was an ideal employee who gave 100 percent effective performance each day he worked, Sgt. Rambo wrote in his evaluation report. Because of his ambition and drive and his understanding of inmates, Officer Bradley was assigned to the jail's psychiatric ward. His performance was impeccable and Sgt. Rambo relied upon him to get the job done with very little need for direct supervision. Officer Bradley's attendance for his six months on Sgt. Rambo's squad was perfect.

But at a scheduled shift change, Officer Bradley, because of his lack of seniority, was transferred to the graveyard shift from the very busy day shift which he obviously enjoyed. Very soon after the transfer, his new supervisor, Sgt. Sam Tomahawk, noticed that Officer Bradley was calling in sick often and coming to work late most of the time. He also seemed to lack interest in taking responsibilities. When Sgt. Tomahawk attempted to question him, Officer Bradley clammed up and said "nothing was the matter." Puzzled, Sgt. Tomahawk met with Sgt. Rambo in an attempt to find out what was wrong with an officer who came to his shift with excellent recommendations. Sgt. Rambo, who was also puzzled about this unexpected decline in Officer Bradley's performance, agreed to talk with him privately in order to help Sgt. Tomahawk solve the problem.

During his conversation with Sgt. Rambo, Officer Bradley candidly explained that he was under severe stress from a variety of problems at home. He had serious financial problems because of the unwise spending habits of his wife, who "lived to shop," and when he took away her credit cards, she stopped speaking to him to punish him. The marriage may end up in the divorce

court, Officer Bradley said, as he didn't know how much more he could take of his wife's coldness and hostility. In addition, his 11-year-old son, Pierre, had been diagnosed with AIDS from a blood transfusion he received four years ago after his school bus was involved in a serious accident with a train. Officer Bradley said his wife was also ignoring Pierre and "treating him as if he is a dangerous animal who should be put in a cage." He said he is reluctant to come to work and leave his son alone with his wife because of the way she mistreats him. His five other young children have become withdrawn because of the hostility in the family, and one of his daughters, who is 13, has started to hang out with a rough crowd of troublemakers.

Officer Bradley said that in order to help himself "escape" from these family problems, he tried to keep busy on the job. This was no problem when he was assigned to the psychiatric ward on the day shift, as managing the inmates provided plenty of work for him to do and no chance to think about his own problems. But the graveyard shift was deadly to him. Almost all of the inmates on his cellblock slept soundly, and since he was assigned to the jail's new direct supervision podule, he could see into all the cells from the control room and didn't even have to walk a patrol beat as officers in the older wings of the jail had to do. Thus, with nothing much to do except watch the inmates sleep, Officer Bradley spent time dwelling on his family problems. The problems became magnified and more unsolvable the longer he thought about them. He reacted by withdrawing mentally from work.

All this came as a surprise to Sgt. Rambo. He thought he knew the officers who were assigned to work for him. But, on second thought, he realized that he had not spent any time at all when Officer Bradley was assigned to his squad getting to know the man personally. All their discussions had involved problems in the psychiatric ward and inmate case management issues.

If you were Sgt. Rambo, what advice would you give to Sgt. Tomahawk regarding methods of helping Officer Bradley? What would you do if you were Sgt. Tomahawk?

It must be remembered by supervisors that stress can be caused in many ways. While the jail officer is subject to stressful situations on the job, his personal life must also be taken into account. For this reason, supervisors must know as much as they can about their subordinates. By communicating one-on-one (and often in private) with all line officers—and not limiting these conversations solely to on-the-job issues and problems—a supervisor demonstrates that he is interested in both their professional and personal concerns.

For example, in the case study involving Officer Bradley, the best course of action for Sgt. Tomahawk to take would be to attempt to help the officer solve some of his family problems, since it is these problems which are contributing to his poor work performance. At the same time, it would be helpful to move him to a more active post on the graveyard shift, such as the booking area. In this case Sgt. Tomahawk will be able to obtain assistance from the Rattlesnake County Sheriff's Department Employee Assistance Program, which will provide help in straightening out Officer Bradley's financial problems, a chaplain to help with marriage and family counseling, and County social service programs to provide a visiting nurse and teachers for his son, Pierre. It will only be after steps are taken to help Officer

Bradley deal with his personal problems that Sgt. Tomahawk can begin helping him to improve his work performance; first, the burdens that are oppressing him must be lifted to some extent. In this case, with the proper intervention, a good officer can be salvaged by a concerned supervisor. Here, too, there is additional help available from a fellow supervisor, since Sgt. Rambo has volunteered to befriend Officer Bradley.

The supervisor may be the only person in the entire organization the employee feels comfortable talking to, since fellow officers often don't want to listen to someone complain about the same problems they are experiencing and management personnel generally are too far removed to pay much attention to the line officer—until he gets into trouble.

How can a supervisor know how to motivate subordinates? First, he should pay attention to the factors of individual pride in a job well done and a sense of personal accomplishment. The supervisor can make the depressing jail environment productive and positive by recognizing and rewarding special achievements by his officers. In addition, supervisors who encourage line officers to solve problems will motivate them to perform more effectively. Officers will want to be successful and do the best job possible if the supervisor makes them feel it's important.

Rewards motivate, as behavioral scientists point out, yet rewarding an officer for extraordinary performance in a jail may prove to be difficult since supervisors cannot provide monetary awards as is common in private industry. However, the supervisor can praise an officer's behavior and performance. When an officer is learning a new task and through practice comes fairly close to the expected level of performance, the supervisor should step in to recognize that performance. **Praise motivates.** As the supervisor initially praises the officer for his performance, the officer will begin to praise himself when he improves through practice. Thus, the officer eventually will be motivating himself to perform well.

The jail supervisor who treats all his subordinates fairly and contributes to a comfortable working environment will accomplish more towards motivating officers than a special program aimed at morale building could do. A supervisor who generally follows a democratic leadership style—except when it is necessary to become authoritarian in emergency situations—gets his subordinates involved in the management of the shift by promoting discussion, accepting suggestions, and giving feedback. This alone is a major motivating factor since people will keep going if they get feedback on the results of their work.

Some supervisors believe that motivating employees to perform efficiently can be accomplished through a comprehensive disciplinary process. It is true that punishing those who do something wrong will have an immediate impact upon the person punished and also upon the other employees witnessing the punishment. The results, however, may be an increase in the amount of time supervisors spend "policing" their officers and the alienation of officers whose view of their work place may change from friendly to hostile. Is this what you want on the shift you supervise?

Appraising or evaluating subordinates is an effective way to motivate them, since an evaluation provides the supervisor with an opportunity to recognize good work and correct problem areas at the outset. Everyone wants to be recognized and rewarded. Theoretically, the evaluation process appears to be a sound supervisory tool to motivate employees. In practice, however, agencies conduct appraisals of employees yearly or semi-annually. Infrequent evaluations defeat the motivating force of feedback, which is a vital learning tool. To recognize good or bad work months after the employee's performance significantly reduces its motivational impact. Praising or reprimanding should take place—in private if possible—immediately after the behavior to produce the best results. A supervisor is effective if he daily appraises performance and utilizes feedback and follow-up toward the dual result of learning and motivation.

Coordinating Officer Training Programs And Providing Guidance To Training Division Staff About Training Needs

The first line supervisor has a very significant role in the training and development of personnel assigned to his squad. He coordinates training programs for his subordinates and provides guidance to training division personnel regarding both recruit and in-service training needs. His duties as a trainer include:

1. Orienting and training recruits as well as officers newly assigned to his unit or who have been given new jobs in which they are inexperienced (e.g., an experienced booking officer has been assigned as a patrol officer on your squad and must be given on-the-job training since patrol is vastly different from the booking process);
2. Thinking ahead about training needs so that potential problems can be avoided (e.g., as the shift supervisor, you have been noticing a growing panic among your officers about AIDS—they have been reading articles in newspapers which focus upon incidents in which suspects being taken into custody by police officers bite the officers and then tell the officers that they have AIDS and hope the officers will become infected and die; now is the time to ask the training division of the sheriff's department to conduct an in-service program for all employees dealing with AIDS and infectious diseases);
3. Participating in staff training needs assessment meetings and providing information for training program improvement based upon performance problems you have observed, issues that frequently arise and which could be answered by an in-service training program, evaluations of the recruit training program and on-the-job follow-up training for recruits, and special areas of training which would benefit both officers and the operational capabilities of the entire jail staff (e.g., suicide prevention, hostage rescue operations, etc.); and
4. Planning for training for individual officers in your unit in order to help them overcome existing weaknesses or improve professionally by increasing their skills.

In addition, as a first line supervisor, you must often provide training yourself, particularly if the jail's budget does not permit

extensive in-service training programs. Two of the most common types of training provided by first line supervisors are **individual "hands-on" training in particular job skills** (e.g., how to take a formal count, pat-search an inmate or visitor, search a cell, etc.) and **rollcall training** in which you teach important points to your entire squad at once in a classroom setting.

For example, Sgt. Peggy Sue Winchester of the Turkey County Jail recently had a former classification officer, Jorge Martinez, assigned to her shift. Officer Martinez said he was not certain how to correctly search a cell for contraband, so he asked Sgt. Winchester for advice. Sgt. Winchester hid various items of contraband in an empty administrative segregation cell and then showed Officer Martinez how to turn the cell upside down in order to find all the contraband and homemade weapons. She gave him a list of hiding places commonly used by inmates and asked him to study it overnight. She also taught him how to search the cell without making a mess for the inmate to clean up and without destroying his personal property. When Officer Martinez reported to rollcall the next day, Sgt. Winchester told him she would give him a substitute on his post for two hours so that they could practice searching the cell again. In the meantime, Sgt. Winchester had once again hidden contraband throughout the cell. As Officer Martinez searched the cell by himself, Sgt. Winchester offered encouragement, advice, and praise. She then asked him to critique his own performance and ask questions about search procedures which were still unclear to him. By the end of the training session, Officer Martinez said he now felt comfortable searching a cell.

Meanwhile, out at the Rattlesnake County Jail in Fangville, Sgt. Rocky Rambo was conducting rollcall for his shift. He had read a very informative article about how to handle inmates with infectious diseases in the current issue of *The National Sheriff* magazine and had typed and photocopied a summary of the article's key points for his officers. He gave a brief oral presentation of the article's contents to his subordinates and then encouraged them to ask questions of the staff physician, Dr. Rusty Scalpel, who attended the rollcall to help with the training.

From these examples, you can see that the first line supervisor is also a training officer who helps his personnel improve their performance. What specific training programs can you initiate in the unit you supervise? What are the training needs of your personnel? How much of the training can you deliver yourself, either one-on-one or at rollcall?

Assisting With The Development Of The Jail Budget And Other Jail Projects

As a first line supervisor, you, more than anyone else in the jail, know what is needed on the operational level in order for the jail to function efficiently. Therefore, you should participate actively in staff planning meetings, offering suggestions backed up by facts and valid data.

In many jails, first line supervisors are asked to provide information for the development of the annual operating budget. To provide useful information, you must continually be aware of the following components of a jail operational budget and your unit's role in the overall operation:

1. **Personnel:** This is, perhaps, the largest single item in the jail budget. Some questions you need to ask yourself include: Is your unit sufficiently staffed to fulfill its duties effectively? If you need more personnel, what posts would they fill? Are these posts essential security posts which must be staffed? If you need personnel for support functions (e.g., library, recreation program, kitchen help, etc.), must these posts be filled because of court orders? If not, could you obtain volunteer help from the community to staff these posts if sufficient funds for jail employees are not made available?
2. **Overtime:** Are your officers working overtime in excess of the allocations in this year's budget? Has this been due to an unusual one-time-only emergency situation (e.g., riot, natural disaster, political demonstration with mass arrests) or is it an everyday occurrence? If it is common for you to assign overtime because of staff shortages and heavy workloads, then you will need to request more money in the next fiscal year's budget for overtime.
3. **Uniform/Equipment Allowance:** In what condition are the uniforms and equipment provided to your personnel? Are the uniforms old and patched up? Do your officers look sloppy? Is their uniform equipment (e.g., batons, flashlights, leather) in good shape? Do you need to request funds for replacements?
4. **Jail Equipment:** Are equipment replacements needed? What about repairs? Will additional equipment be helpful to your unit in performing its work more effectively (e.g., a VCR for individualized training film viewing, a personal computer for more efficient processing of inmate data and report writing, breathing masks for CPR, etc.)?
5. **Security Problems:** What security problems have you or your officers noticed which ought to be remedied? For example, if your officers have reported that plexiglass screens in the non-contact visiting area are easily removed by inmates and visitors, shouldn't you recommend that the jail replace these screens with a more secure system?
6. **Training Needs:** Do your officers need training in a specific area, such as the legal rights of inmates, control of infectious diseases, self-defense, control of narcotics, etc.? If so, what type of training do you recommend? How much would it cost to staff your shift with substitute officers while your personnel receive training?
7. **Inmate Equipment/Supplies:** Your officers are most familiar with the condition of the equipment in cells. Does plumbing need replacement? Are metal bunks secure or have inmates worked various components loose in attempts to procure metal for shanks? Do mattresses need to be replaced? In what condition are the blankets and uniforms issued to inmates? Are replacements needed?

Depending upon the size of your jail, there are many more areas in which you may be asked to provide information and

recommendations for the annual operational budget. But no matter whether your contributions to the planning process are small or large, you should not give suggestions "off the top of your head." Rather, you should be **prepared to document each budgetary need**, explaining, for example, why an additional officer is needed and why a new prisoner transport van is essential. The jail administrator or sheriff must present the budget request to a county governing board which may be very stingy about giving tax revenues to the jail when roads need to be repaired and sewer lines need to be installed for new subdivisions. Therefore, the more justification the sheriff has for each budgeted item, the easier it is for him to persuade the legislative body that the item is needed. Your task as a first line supervisor is to provide the sheriff with the information which justifies the need.

Along with providing input for budgetary decisions, the first line supervisor may be asked to contribute suggestions to architectural review committees which are either renovating the existing facility or planning a new jail. Here, the first line supervisor is, perhaps, the most important contributor to the planning process, for no one knows more about jail security needs and inmate management than he does.

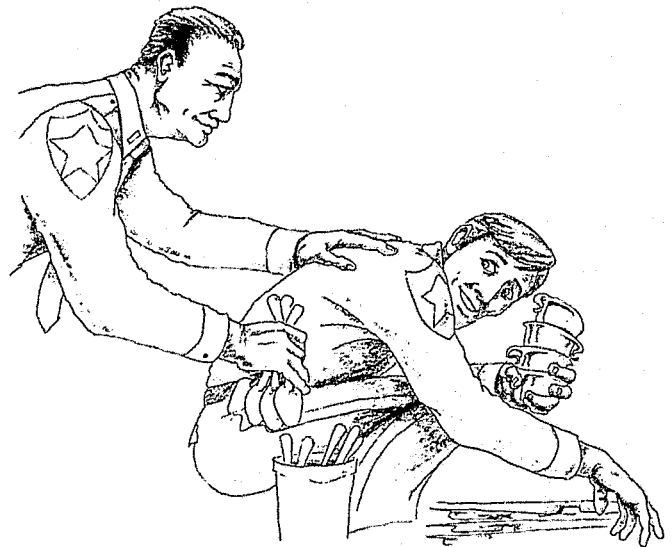
Serving As A Communicator Who Can Work Effectively With Superiors, Subordinates, Inmates, And Citizens

The first line supervisor is a community relations officer. Earlier in this chapter we stressed the need for effective communication skills in the supervision of subordinates. These skills are equally essential in fulfilling another important role of the supervisor—that of communicating with superiors, inmates, and citizens and resolving problems which are brought to his attention by these groups.

The first line supervisor serves as a bridge between higher ranking officers in the jail and sheriff's department (the command staff) and the line officers who report to him. He interprets the policies and decisions made by the command staff to the rank and file officers, and he must do this professionally, even when he may disagree with a policy or decision. In this role, the first line supervisor represents management to the line personnel. At the same time, however, he represents the line personnel to the command staff, communicating their needs, recommendations, and grievances to management.

How do you, as a first line supervisor, walk this tightrope? Experienced supervisors advise that you should walk it as if you are carrying a box of old, unstable dynamite across the high wire and down below is a moat full of boulders and hungry crocodiles. Meanwhile, it seems as if the wind coming at you has reached gale force and you may be blown off the wire any second. In other words, walk very carefully, putting one foot in front of the other slowly and cautiously. Never put your mouth into high gear before you flick the "on" switch for your brain.

These words of advice also apply to your relationships with inmates and citizens. As a supervisor, you will often be called upon to intervene in conflicts between inmates and the officers you supervise. In these situations, you must make an effort to obtain both sides of the story and then make a fair decision based upon factual information. Do not be the type of supervisor who automatically assumes that officers are ALWAYS right and in-



mates are ALWAYS wrong. Such rigid and biased thinking can land you in court in this era of unlimited litigation. There generally are two sides to every story.

As a community relations officer you will also be called upon to help inmates handle problems in the "outside" world, particularly if you work in a smaller jail which does not have an abundance of service programs for inmates and their families. This may involve directing the inmate's family to the proper county or church-sponsored social agencies for financial assistance, help with housing problems, etc., or comforting the inmate with kind words when a tragedy strikes a friend or relative on the outside. There will also be times when you can advise inmates about possible assistance for their personal problems, such as a visit with a chaplain, social worker, or psychologist. Your goal as a supervisor is to always treat the inmates and their families as fellow members of the human race, setting a professional, but compassionate, example for your subordinates.

At the same time, you should constantly explain to your subordinates that **fair treatment of inmates is not only required by law, but also lessens security problems in the jail.** An inmate population which is treated fairly and justly is less likely to engage in disturbances, illegal acts, fighting, and assaults upon officers, although there are always exceptions when dealing with a criminal population.

The key rule to remember here is: Treat the inmates in the same way you would want to be treated if you were on the other side of the bars.

THE PERSONAL TRAITS OF A SUPERVISOR

The personal traits of a supervisor will be rated differently by the line officers and the management—each will look at him from a different perspective. From management's point of view, the supervisor will be successful if there are no escapes and no major incidents or disruptions. But from the line level, the supervisor will be measured by his personality. Since the jail is a place of confinement, the personalities of both inmates and employees play a major role in communication. Officers interact with inmates, one another, and with their supervisor on a daily basis, and everyone gets to know everyone else.

A supervisor who is effective possesses positive personality traits. One trait that stands out above all others is **patience**, since it is the trait which is most often taxed in the jail environment. For example, the supervisor needs to stand back and patiently wait for a new officer to develop his skills and grow into a professional. This growth period requires much guidance and understanding from the supervisor, who will answer hundreds of questions asked by the officer. The supervisor has to make an effort not to attempt to solve each of the officer's problems, but instead help the officer solve them himself. At the same time, the supervisor is teaching the officer, by example, how to be patient with inmates, who can be very impatient and demand solutions to problems immediately. **The supervisor is the role model.** Because he is patient with the officer who is learning his job, the officer in turn learns to be patient with inmates.

Decisiveness is a trait that separates successful supervisors from the failures. The ability to make a decision and not let questions go unanswered or problems remain unsolved, decisiveness requires that the supervisor knows when he must step in and assist officers through clear directions and commands. If a supervisor falters or is inconclusive in seeking a resolution to a problem, then his authority is questioned and his effectiveness becomes damaged.

Another trait valuable to the art of supervision is a **sense of humor**. Operating a jail is a serious business; inmates are potentially dangerous and the consequences of their actions are evident through case studies of hostage situations, riots, suicides, and escapes. In this tense and unnatural environment, a supervisor can do much to ease the pressures placed upon his subordinates by properly injecting some humor into the daily routine. While a sense of humor is not considered to be a vital trait, the supervisor can often use humor to break the monotony, since routine tasks may lead to boredom and officers can begin to feel worthless. The supervisor can help relax the tension by occasionally using humor to help maintain the mental health of the line officers.

Two supervisory traits which attract respect and support from the line officers are **fairness** and **consistency**. A supervisor cannot show favoritism in his assignments, evaluations, or discipline.

A supervisor who distances himself from the line officers in off-duty activities makes it much easier for himself to be fair; by avoiding off-duty socialization as much as possible, he will also avoid the appearance of showing favoritism to an officer with whom he is friends. This does not mean that the supervisor should avoid jail-sponsored recreational activities, such as ball teams, picnics, and occasional shift parties or holiday parties with families present. Rather, we are talking here about one-on-one friendships which may lead to jealousy on the part of other employees and which could present problems for the supervisor if the time comes (as it inevitably will) when he must discipline or reprimand his friend.

Consistency is also a very important trait. A supervisor who is unpredictable from one day to the next and who varies his pattern of supervision causes confusion for his subordinates. Consistency follows fairness, since officers should know what

to expect from a supervisor. A supervisor who is consistent makes it easy for the line officers to react to problems in the jail since they understand his methods and perform their jobs accordingly. If, however, a supervisor cannot be "read" because he issues contradictory orders and commands, then the officers become frustrated, leading to disorganization in the line-supervisor relationship.

As we have emphasized throughout this chapter, **the first line supervisor, to be effective, must also be a leader. A leader must be accepted by those who are being led. To be accepted, the supervisor must develop a relationship of mutual trust with his line officers.** The goal of the supervisory leader is to help his officers perform their work to the best of their abilities. The supervisor who leads helps the officers reach their full potential. He sets an example for the officers to follow and protects them from the many pitfalls inherent in their jobs. The trust between the supervisor and the officers on his squad must be established by mutual respect, that is, respect which is earned, not created by the position. This takes work. Furthermore, this relationship is not automatic and develops only through interaction between concerned parties who are seeking to cooperate with each other to get the job done right.

The implication that leadership is an inborn quality that pertains to a select group of people is a half truth. People can develop or be developed into leaders. The very concept of leadership dictates that people fall into two groups: those who are leaders and those who are followers. But this relationship succeeds only when the followers affix their loyalty to the leader who knows the most effective way to satisfy their needs and wants. How successful he will be as a leader is measured by his ability to satisfy the needs of his followers.

Since leadership deals primarily with people, the types of leaders can be distinguished not by **WHO** they lead, but by **HOW** they lead.

A positive approach to leadership is one that inspires followers to perform. In this approach, the supervisor develops skills in his subordinates by **teaching, helping, and encouraging** them. A positive leader enlists the workers to participate in their own development.

Conversely, the repressive, or negative, leader seeks to achieve results by dictating orders, commanding, issuing decrees, and expecting compliance to rules that go unexplained.

Leadership principles center upon the leader. He is the one who has the ability to capture the imagination of his followers and gain their loyalty. The leader in the jail inspires officers to do more than they thought they could do. Through his personality and charisma, he encourages officers to perform, and most importantly, he gives support to them, praises them for their achievements, challenges them to assume greater responsibilities, and inspires them to grow as individuals.

In a correctional environment the leader acts as a role model for all persons under his command. He is a professional, and must work to maintain that image. He must continue to learn himself by participating in formal education programs, associ-

ating with other professionals in the correctional field, and attending training workshops and seminars. To lead effectively, he must keep current his understanding of issues that affect him and his organization. Being a member of professional organizations will assure that he doesn't lose sight of new information that will help him develop personally and professionally.

Leaders must work to maintain their professional image and cannot rely on "luck." There is no such thing. The jail supervisor has a better chance at succeeding if he organizes his work and his life in an intelligent manner. He needs to learn how to delegate authority effectively. Most importantly, he must possess a keen awareness of the needs and wants of others. While being self-disciplined and setting high standards for himself, he must also instill this trait in those he leads. He also has to be able to recognize the strengths and weaknesses in his own character, for it is only when a person has a good insight into his own makeup that he will be able to look into others and evaluate their potential, then begin to develop it. That is the true meaning of leadership.

SUMMARY

1. The first line supervisor serves as a **BRIDGE** between line and staff officers; in this role he must communicate effectively with both groups.

The key ingredient in developing a harmonious working relationship among the various interest groups within the jail is the professionalism of the first line supervisor. Professionalism requires that he take a leadership role in assuring that the jail functions smoothly and that proper legal requirements are followed.

2. The most important duty of the first line supervisor is to safeguard the jail's security program.

In addition to staffing all posts properly, the supervisor's security duties include constant inspections of the jail facility, the officers, and the inmates for security and safety breakdowns. The inspections should be followed immediately by efforts to remedy the security and safety defects or problems.

3. The first line supervisor must make decisions and take the initiative where no firm guidelines exist, as well as delegate authority to subordinates when warranted.

As a leader, the supervisor must assess the situation, decide upon the most workable solution, and then take action.

4. The first line supervisor is responsible for staffing all duty posts on his shift, matching employees to the posts and the assignments where they perform best.

If he faces a shortage of personnel at the beginning of a shift due to absences or a crisis in the jail which requires that some of his officers help another squad, then he must decide how to re-deploy his personnel most effectively so that jail security is maintained at all times. The supervisor must know his personnel and their individual skills and abilities, as well as their weak points, so that he can assign them to the posts where they will work most effectively. Matching officers to the posts



where they perform most effectively is extremely important because of the concept of vicarious liability resulting from negligent assignment. Training is the key to decreasing supervisory liability. The potentials for liability and the goals of correctional management dictate that security posts be staffed at all times. But jail policies specifying that certain posts shall be manned at all times are ineffective unless supervisory personnel comply with them. One of the key ingredients in staffing and directing properly is to develop relationships of trust with subordinates.

5. The supervisor must coordinate personnel, and provide direction in emergencies and crisis situations.

The supervisor is usually the first person to take command during emergencies and crisis situations which occur on his shift. As the leader of others, the supervisor is always setting an example—his employees look to him for leadership and guidance.

6. The supervisor manages personnel by motivating, evaluating, and guiding them.

A supervisor can find out if he is motivating, evaluating, and guiding personnel effectively by means of the communication device called feedback. With feedback, the supervisor gives as well as receives, and communicates with employees on a one-to-one level, thereby getting to know them as individuals. Feedback also helps the supervisor recognize signs of stress in his officers. An effective supervisor will know his workers to the extent that he can recognize subtle signs of stress and take action to remedy the problem causing the stress.

7. The first line supervisor has a very significant role in the training and development of personnel assigned to his squad.

He coordinates training programs for his subordinates and provides guidance to training division personnel regarding both recruit and in-service training needs. In addition, the supervisor must often provide training himself, particularly if the jail's budget does not permit extensive in-service training programs. Two of the most common types of training provided by first line supervisors are individual "hands-on" training in particular job skills and rollcall training in which the supervisor teaches his entire squad at once.

8. The first line supervisor should assist with the development of the jail budget and other jail projects.

More than anyone else in the jail, the first line supervisor knows what is needed on the operational level in order for the jail to function effectively. When asked to give suggestions, the supervisor should document each budgetary need.

9. The first line supervisor is a community relations officer who must work effectively with superiors, subordinates, inmates, and citizens.

The first line supervisor represents management to the line personnel, but at the same time, he represents the line personnel to the command staff, communicating their needs, recommendations, and grievances to management. In addition, the supervisor will often be called upon to intervene in conflicts between inmates and officers. In these situations, he must make an effort to obtain both sides of the story and then make a fair decision based upon factual information.

10. A supervisor who is effective possesses positive personality traits.

Among these traits are:

- A. Patience;
- B. Decisiveness;
- C. A sense of humor;
- D. Fairness;
- E. Consistency;
- F. Leadership skills; and
- G. Ability to develop relationships of mutual trust and respect with his subordinates.

CHAPTER TWO

CORRECTIONAL LAW

To anyone working in corrections in the late 1980s, questions of offender rights and staff duties are common topics of conversation. But these issues are not as controversial as they were a few years ago. As recently as the 1960s, the question of "inmate rights" was debated, for the most part, by academicians and legal theoreticians; inmates in jails and prisons had few rights and courts had little interest in enforcing those rights which did exist.

Until the late 1960s, the management of America's prisons and jails was left almost entirely in the hands of prison and jail administrators. Little accountability was demanded of those responsible for the operation of America's correctional facilities. The public's attitude was, and often continues to be, "out of sight and out of mind." Aside from an occasional riot or other scandal, the media and legislative bodies tended to expect little of corrections. The courts maintained a "hands-off" policy that said: "Prisons should be run by prison administrators; the courts don't know how to run a prison and therefore should defer to the judgment of those who do."

Perhaps because correctional administrators were seldom held accountable for what occurred in their facilities, they also frequently failed to hold staff accountable for what occurred. The result too often was that many jails and prisons became physical and operational hell-holes. Staff use of force against inmates (with few serious limitations) was a recognized management tool. Medical care, if provided, was often haphazard and unprofessional, with inmates even providing treatment to one another at times. The physical conditions in the facilities became appalling. Plumbing leaked badly and filth and vermin were everywhere. Cell blocks were uncooled in summer and unheated in winter. Inmates would be locked up in truly solitary confinement in unfurnished cells for extended periods of time for trivial reasons; they had inadequate clothing and nutritionally inadequate diets.

Confronted with truly shocking conditions and practices that could not be justified under any civilized theory of correctional practice, the courts re-examined the hands-off doctrine and recognized that the U.S. Constitution did indeed extend into the prison and jail. Total deference to "professional correctional judgment" is not warranted if that judgment, in reality, condones brutality, gross medical neglect, and conditions which seriously threaten the lives and health of the prisoner, the courts began to hold.

During the 1970s, there was a huge growth in the number of court rulings interpreting the constitutional rights of inmates. In addition, the courts began to impose new duties and liabilities on prison and jail employees. It is little exaggeration to say that the nature of inmate rights in some areas changed almost monthly

as different courts decided similar cases in different ways, broke new ground, and clarified earlier pronouncements.

The impact of court decisions on corrections in America has been tremendous. Probably no other factor or combination of factors has contributed so much to improvement in corrections in this century. Brutality is now recognized as illegal. Funds for new facilities and more staff—previously unavailable—have become available as courts ordered unconstitutional facilities improved or closed. The attention of legislatures, citizens, and the media focused on corrections as courts declared facility after facility across the nation to be unconstitutional. The accountability which was previously non-existent now became a reality. Correctional administrators quickly realized that unless practices and conditions improved and conformed to the developing law, the administrator and staff would answer for their failures in court, under a potential penalty of monetary damages. Even jail, for contempt of court, became a problem facing correctional administrators who failed to comply with the court rulings.

The rush of new law slowed in the early 1980s as the U.S. Supreme Court decided a number of cases more conservatively than had many lower courts. The Supreme Court began to slow down the rate at which lower courts were expanding inmate rights. During these years, courts also began to define inmate rights in a more uniform manner. By 1985, the tremendous expansion of rights which occurred in the 1970s had ended.

While new constitutional issues continue to develop and evolve in corrections, the pace is much slower than previously. Much of the serious litigation now filed by inmates concerns whether established rights have been met: Was a disciplinary hearing properly carried out; does the jail provide adequate access to the courts; does the jail adequately provide for basic human needs of the offender; and was excessive force used against an inmate? The principles on which these and other inmate claims are based are now fairly clear. Today, a typical inmate suit raises the question of whether the principles formulated by the courts in the 1970s were properly applied in a given situation.

PRINCIPLES OF CORRECTIONAL LAW FOR SUPERVISORS

Since legal rights are now an integral part of the corrections profession and since violation of these rights, even if done inadvertently or out of ignorance, can carry serious consequences, **it is imperative that the correctional supervisor recognize the reality of "inmate rights" and understand what the U.S. Constitution or laws and jail regulations require of both staff members and inmates.** The supervisor who lacks such knowledge is ill-equipped to supervise. **A supervisor who is ignorant about legal principles increases the potential liability exposure of the line employees, himself, and his agency.**

Chapter Three of this Manual discusses specific rights of inmates in detail and describes the types of suits they most often bring against jail employees and the agency. But there are some general principles which a supervisor should understand.

First, the rights of inmates, staff, or other persons involved with the jail are created and defined by several potential sources. Under the American form of government, the courts have the responsibility of interpreting the U.S. Constitution. State courts also are charged with interpreting state statutes and state constitutions. Since most inmate rights litigation involves constitutional issues—either state or Federal—the paramount role of the courts is obvious.

Rights are also established by state legislatures and the U.S. Congress. But interpretation and enforcement of these statutory rights—the duty of seeing that the intent of the legislature is met—again rests with the courts. In some situations, state courts (and occasionally even Federal courts) also are responsible for enforcing regulations adopted by governmental agencies, i.e., seeing that the agencies follow their own rules.

In those areas where inmates have rights, correctional agencies and staff members have a corresponding duty to uphold those rights. The inmates' right of access to the courts generally requires the correctional agency to provide the means of attaining such access (attorneys, law libraries, etc.). The right to be free from cruel and unusual punishment requires, among other things, that jails and prisons provide adequate medical care. Many other examples could be given.

How, then, are staff members and supervisors expected to know what their duties are in a particular situation in order to assure that inmate rights always are met? Staff members surely cannot be expected to read and analyze the many corrections cases Federal and state courts across the U.S. continue to decide. Nor can they be expected to determine what significance, if any, a decision from a court from the other side of the nation should be given, especially if the court's decision conflicts with existing agency policies or practices.

Do not despair: there is an answer. **The two main sources of knowledge of inmate legal rights are: (1) training; and (2) agency rules, policies, and procedures.**

Training should provide the supervisor with a basic understanding of the legal rights of both inmates and correctional officers. But training alone cannot provide the details often needed. Nor is a training program attended months ago able to provide the immediate guidance and information necessary to deal with today's problems.

For day-to-day, on-the-line guidance, the supervisor's primary resource must be rules, policies, and procedures. In some cases, these guidelines can provide specific answers to questions while in other cases they provide at least general guidance.

Correctional supervision can no longer be based on unguided "seat-of-the-pants" judgment calls. **"Ignorance of the law" is no excuse or defense and in fact can increase liability exposure.** The failure to follow or enforce the rules of one's

own agency may result in constitutional violations or may at least demonstrate negligence. In some circumstances, supervisors may be exposed to liability for acts committed by employees they are supervising, even though the supervisor did not take direct part in the act which violated an inmate's rights. This so-called **"vicarious liability"** can be found for such things as negligent supervision, where a supervisor fails to supervise properly. As a result, the unsupervised staff member violates the rights of an inmate.

The responsibility for keeping rules, policies, and procedures current with the developing law ultimately lies with the chief administrative officer of the jail—the sheriff or the jail manager. But legal counsel should be available to assist in this task as well. Where counsel is not available, state or national agencies or organizations can be excellent resources for necessary advice and guidance.

In some areas of inmate rights, there is little or nothing supervisory staff can do to increase or decrease liability exposure. For instance, if insufficient funds are provided for medical care, staff cannot begin diagnosing and treating inmate medical problems.

However, most inmate rights issues exist at the operational level. What staff members do or do not do can make or break a potential lawsuit. It is here that the supervisor becomes of critical importance. Proper supervision and direction of staff members can assure that many violations simply do not happen. In other cases, problems can be identified and either corrected or lessened so that potential liability exposure is kept to a minimum. Employees not capable of meeting job requirements can be identified through proper supervision and terminated, if necessary.

THE JAIL AND THE COURTS

People held in jails are, almost by definition, involved with the courts to one degree or another. And, to an increasing degree over the last 15-20 years, jail employees also are involved with courts and with the rights of inmates. If the jail officer refuses to believe that the courts are concerned about the rights of inmates, then he himself may be put on trial for negligence or violation of an inmate's constitutional rights.

Because jail employees may be required to defend their actions in court, it is important for the supervisor to know how the courts work and the types of suits inmates bring. Understanding how courts work in the area of inmate-initiated litigation allows the employee to recognize such litigation, at least to a certain degree, as simply an integral part of the jail's operations.

The majority of jail inmates are most concerned about their criminal trial; in this context the jail employee plays only a minimal role. In addition, some inmates also may be involved in *habeas corpus* proceedings, which challenge the legality of their confinement. Because a *habeas corpus* petition questions the legal basis for confinement, it usually does not involve the jail employee directly. Since most *habeas* petitions are filed by prison inmates, the jail employee most likely will seldom see a *habeas* case.

The Civil Rights Act, 42 USC, Section 1983

It is civil rights litigation which will most often involve jail employees and which will directly name jail employees as defendants. The civil rights case is brought by the inmate under a Federal statute—the Civil Rights Act of 1871. This Reconstruction-era law was originally known as the Ku Klux Klan Act and was passed in an attempt to protect the rights of blacks in the South following the Civil War. The law, which appears now as Title 42, Section 1983, of the U.S. Code (hence the common nickname for suits under the law: “1983 actions”), was put to little use for any purpose until the mid-twentieth century. Then it became the vehicle for much of the civil rights litigation in the 1950s and 1960s involving racial discrimination. In the late 1960s, however, the Act became the primary means by which courts began to examine practices and conditions in our nation’s prisons and jails.

The Civil Rights Act itself is a relatively simple law:

“Any person who, under color of any statute, ordinance, regulation, custom, or usage, of any state, or territory, subjects, or causes to be subjected, any citizen of the United States or other person with the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceedings for redress.”

A phrase-by-phrase review of the law may make its meaning somewhat clearer.

“ANY PERSON WHO . . .”—The word “person” obviously includes individual jail staff members. Not so obviously, however, the word also includes municipal corporations (cities and counties, school districts, etc.). But this is a relatively recent refinement of the definition of “person.” The state itself (and state agencies) still are not seen as “persons” for purposes of the Act, and neither were cities and counties until a 1978 U.S. Supreme Court decision, *Monell v. Department of Social Services of New York City*, which reversed an earlier decision of the Court and re-defined the word “person” as used in the Act to include municipalities. In reversing its earlier opinion, the Court re-examined the legislative history of the statute and the deliberations of Congress shortly after the Civil War, and decided that Congress had intended to include municipalities within the definition of “person.”

Therefore, where a violation of an inmate’s civil rights is found to stem from official LOCAL government policy (broadly defined), the government itself faces liability.

“ . . . UNDER COLOR OF . . .”—The phrase “under color of law,” means that the defendant must have been acting in some way on behalf of the government before any liability can be found. Thus, if someone acting in a purely private capacity violates the rights of another person, the injured party may not sue under the Civil Rights Act for redress. The phrase “under color of state law” is broadly interpreted and would include virtually anything a jail employee might do in the context of employment.

“ . . . SUBJECTS, OR CAUSES TO BE SUBJECTED . . .”—Generally speaking, a defendant must actually cause the violation of an inmate’s rights before liability can be found under the Civil Rights Act. While this sounds as though it should be true of any kind of lawsuit, the concept of *respondeat superior* makes an employer automatically liable for damages caused by employees in other types of suits (e.g., torts). This concept does not apply in Section 1983 actions, however.

But liability can attach in a Section 1983 action to someone who DID NOT DIRECTLY CAUSE a violation of the plaintiff’s rights. Under what has come to be known as “vicarious liability,” supervisory staff can be found liable for the actions of their subordinates when an affirmative link can be shown between actions of the supervisor and actions of the subordinate.

As an example, courts have found that a failure to train an employee, if serious enough, can expose the supervisor (who failed to train the employee properly or completely) to liability. In theory, the supervisor “caused” the violation because if the employee had been properly trained, he would have known not to take the actions which actually violated the rights of the plaintiff. In one case, for example, a jury found no liability against a police officer who shot a suspect in violation of the suspect’s rights, but imposed liability on the city which employed the officer for what the jury believed to be inadequate training. The jury believed the officer had acted in good faith and hence should not be liable, even though the officer, in reality, “caused” the violation.

Other sources of vicarious liability can come from such things as negligent supervision, improper direction, negligent hiring or retention, and other sorts of supervisory conduct which can be linked, through the conduct or misconduct of a jail employee, to the violation of an inmate’s rights. Such supervisory failures can also be the basis of a tort action.

“ . . . RIGHTS, PRIVILEGES, OR IMMUNITIES SECURED BY THE CONSTITUTION OR LAWS . . .”—Suits under the Civil Rights Act are not limited to questions of constitutional law, but also can include suits for violations of rights guaranteed by Federal statute. By far the most common Civil Rights Act suits in the jail or prison context are for alleged constitutional violations.

“ . . . SHALL BE LIABLE . . . AT LAW . . . IN EQUITY . . . OR OTHER PROPER PROCEEDING . . .”—Suits under the Civil Rights Act can be for damages (“at law”) or for an injunction (“in equity”) or even for a simple declaration of what the rights of the parties are, where no other form of relief is sought.

Most of the civil rights actions which have received the greatest attention and have defined and redefined the rights of offenders have sought only injunctive relief. An **injunction** is simply an order of the court to the defendant requiring the defendant either to do something (e.g., “begin holding hearings before imposing disciplinary sanctions”) or to stop doing something (e.g., “stop holding inmates in unlighted, unheated cells”).

Even if a defendant is found to have violated the rights of a plaintiff, if the defendant can show that the right which was violated was not "clearly established" at the time of the violation, then no damages may be awarded. When this "good faith" defense is shown, the defendant is entitled to what the courts refer to as "**qualified immunity**" and will not have damages levied against him. This concept of qualified immunity has been very important over the last 15 years as corrections litigation became common and inmate rights were expanded dramatically by the courts. But in this latter half of the 1980s and on into the 1990s, as the growth of new rights slows down and more and more offender rights become "clearly established," there may be an increase in the number of cases in which damages are awarded.

Damages in civil rights cases can be of three types: NOMINAL, COMPENSATORY, and PUNITIVE.

Nominal damages are awarded where a violation of a clearly established right is shown, but the plaintiff does not sustain any real damages. In such a case, the court will award the plaintiff \$1.00.

Where the plaintiff can prove the existence of actual damages (e.g., lost wages, other monetary loss, pain and suffering, mental anguish, etc.), then an award of compensatory damages will be made. These are intended to repay the plaintiff for losses actually suffered.

In extreme cases, where the evidence shows the defendant acted recklessly or with "callous indifference" to the rights of the plaintiff, then the jury may award punitive damages. Punitive damages are intended to punish the defendant for the severity of the wrong-doing and to make an example of the defendant as a deterrent to other persons in similar situations (punitive damages are sometimes called "exemplary" damages). Punitive damages cannot be awarded against a government entity, however, although nominal and compensatory damages may be.

Prison and jail administrators often have defended their actions in civil rights cases by arguing that they did everything they could, within the limits of their budgets. Since they do not have the power to increase their budgets, they argue that they should not be held liable if they were not able to meet every requirement of the Constitution. But, because constitutional rights would be meaningless if the legislature could make them appear or disappear depending upon the size of an appropriation, the courts have refused to accept a lack of money as a defense in a civil rights action.

There can be no doubt that the skyrocketing growth of inmate rights during the decade of the 1970s remade much of American corrections. Despite the sometimes painful nature of that growth, corrections is much improved because of the intervention of the courts. As active as the courts have been in corrections, however, there still are far more inmate lawsuits which are resolved against the plaintiff-inmate and in favor of the defendant-administrator than vice-versa.

In 1982, prisoners filed over 16,000 civil rights actions in the Federal district courts. Civil rights filings in 1984 made up

over seven percent of all the civil cases filed in Federal courts. A study of four district courts showed that inmates won only 1.5 percent of their cases. Attorneys involved in the defense of prisoner cases for state or local government will attest to the fact that the overwhelming majority of prisoner cases results in a judgment for the defendant and that these judgments are reached without going to trial.

Defense Of A "Pro Se" Case

Most prisoner cases are filed by the inmate himself without the help of an attorney, or *pro se*. Typically, an attorney representing a government agency or employee involved in a prisoner suit will ask the court either to dismiss the case for failing to state a claim or to grant a motion for summary judgment in favor of the defendant.

A motion to dismiss for failure to state a claim argues that even if all of the facts the plaintiff alleges in the complaint to have occurred are accepted as true, the plaintiff still is not entitled to any relief because no rights of the plaintiff have been violated. Since a large number of inmate suits are frivolous or nearly so, many suits are dismissed by the courts as failing to state a claim.

In this regard, it should be noted that the typical inmate suit is filed without the plaintiff being required to pay the customary filing fees. This is permitted by the courts because the typical inmate-plaintiff usually is indigent and cannot afford to pay such fees. Indigency, once established, allows the case to proceed in what is called an *In Forma Pauperis* status, with filing fees and other court-imposed expenses waived.

In an *In Forma Pauperis* (IFP) case, the court reviews the complaint in granting the IFP status to determine if the complaint is frivolous on its face, i.e., if it is clear that the plaintiff can prove no facts which would entitle him to relief. If the court finds the complaint to meet the "frivolousness" test, the complaint may be dismissed without requiring any answer or other action by the defendants. However, because complaints filed by prisoners *pro se* must be liberally construed in favor of the plaintiff at this stage of litigation, courts usually are reluctant to dismiss such cases as frivolous.

In cases where the complaint alone would entitle the plaintiff to some relief, defense counsel may add additional facts to those alleged in the complaint. Once these additional facts are added, defense counsel then argues that in light of all the facts, the defendants are entitled to judgment in their favor. These additional facts are added through written affidavits.

Where the complaint and the affidavits of the defendants show that there are no material facts at issue (i.e., the parties agree on what happened, but disagree as to the legal significance of what happened), then the court can grant a **SUMMARY JUDGMENT**, based solely on the written materials presented by the parties. Many inmate cases are dismissed through the summary judgment process.

If neither a motion to dismiss nor a motion for summary judgment succeeds in having the case dismissed, it will proceed toward trial. However, even at this stage a significant number of cases drop by the wayside as plaintiffs for various reasons

fail to keep the case moving (generally speaking, it is the responsibility of the plaintiff, not the defendant or the court, to bring a case to trial). Thus, it is not uncommon for inmate suits to be dismissed by the court for "want of prosecution."

State Courts Can Hear Section 1983 Cases

Although the Civil Rights Act is a Federal statute, and creates a "cause of action" in Federal court, courts have also interpreted the Act to allow civil rights actions to be brought under Section 1983 in state court. Therefore, an inmate who feels his Federal constitutional rights have been violated may sue either in Federal or state court. As a practical matter, however, very few inmate civil rights suits are brought in state courts. The reason for this may be a generally held feeling that Federal judges and juries are more receptive to inmate claims than are state courts, which generally sit in the same city or county as the institution out of which the suit may have come and therefore have little sympathy for such claims.

TORT ACTIONS

The other type of inmate lawsuit which may directly involve jail employees is known as a "tort suit." A "tort" is defined as a **CIVIL wrong**, as opposed to a criminal wrong. A tort is committed when a person breaches a duty of care (other than a breach of contract) which the individual owes another person; as a result of that breach, the second person is injured. The law allows the injured party to sue the wrong-doer (known as a "tort-feasor") for damages. Tort actions typically are brought in state court, although tort actions against Federal officials would be brought in Federal court.

The law gives everyone a variety of duties of care towards other persons. Some of these duties are defined by statute or regulation, while other duties are defined and created by the courts through what is known as the **COMMON LAW**.

Perhaps the most common duty of care familiar to everyone is the duty a driver owes to use reasonable care in the way he drives his car. Another common example of a duty of care which, if violated, gives rise to a tort action is the duty of reasonable professional care doctors owe their patients. If a doctor fails to use reasonable care in treating a patient and the patient is damaged by the doctor's lack of due care, then the patient may sue the physician for medical malpractice.

Duties of care typically are defined in terms of **NEGLIGENCE, GROSS NEGLIGENCE, or INTENTIONAL WRONGDOING**:

1. **NEGLIGENCE** is a failure to use such care as a reasonable and prudent person would use under the circumstances.
2. **GROSS NEGLIGENCE** is an aggravated form of negligence where the wrongdoer acts with reckless disregard for the probable consequences of his actions.
3. **INTENTIONAL WRONGDOING ACTIONS** occur when a person willfully engages in an act where the chance of harm is so great that the person is held to

have been "aware" that harm will occur. Note that under this definition of "intentional" action, the person may not actually, in his own mind, have intended harm to occur.

Tort actions do not involve constitutional rights, but deal with actions and duties which typically are not protected by the U.S. Constitution.

The remedy available in a tort action is money damages. Generally, only compensatory damages are available. In some cases, however, punitive damages may be allowed. Generally, though, **gross negligence or intentional misconduct must be found before punitive damages can be awarded.** Some jurisdictions do not allow awards of punitive damages at all or limit them to relatively narrow situations.

Some other common examples in corrections where tort actions may arise include the following:

1. **Medical malpractice.** This usually would involve only jail medical staff, and would not involve correctional officers.
2. **A negligent failure to protect the inmate from harm at the hands of other inmates.** This might include such conduct as inadvertently leaving a gate or cell door open or placing a weak, vulnerable inmate in the same cell with an inmate known to be predatory.
3. **Damage or loss of inmate property,** at least where the jail has taken direct control over the property. The jail is not typically liable for what happens to inmate property at the hands of other inmates unless direct negligence on the part of jail employees can be shown. Waivers which attempt to release jail employees from liability in the handling of property will typically be rejected by the courts if the result of applying the waiver would be to excuse staff negligence.
4. **Negligent supervision of offenders.** Some jurisdictions allow victims of crimes committed by persons under some form of custodial supervision (jail trustees, work releasees, etc.) to sue the supervising authority for the negligent placement or supervision of such offenders. However, most jurisdictions either do not allow this type of suit or limit it to relatively narrow situations.
5. **Failure to follow jail rules.** When a jail employee fails to follow jail rules, policies, or procedures and an inmate is damaged as a result of that failure, then the failure to follow the rules may, in and of itself, be seen as negligence. In this situation, the jail rule will be seen as establishing the appropriate duty of care. Cases which involve a failure to follow rules or procedures are very difficult to defend, especially if the breach of the rule is serious or shown to be a chronic problem. Such cases are seen as showing negligence both at the line and supervisory levels, since good supervision presumably would have either prevented the incident, identified and corrected it, or at least prevented it from becoming a chronic occurrence.

IMMUNITY

In certain situations governments or government employees can assert defenses in lawsuits which say, in essence: "It makes no difference if the plaintiff was injured as a result of my wrongdoing; I am IMMUNE from damages because . . ." If the jail employee defendant can meet the requirements for the particular immunity defense he claims, then the damages aspect of the case will be dismissed, even if the jail employee injured the inmate plaintiff.

Immunity defenses, however, generally are not applicable in cases which seek injunctive or declaratory relief instead of damages.

What Are The Reasons For Immunity Defenses?

Immunity defenses may be created by court decisions or by legislative acts. They reflect a policy decision that the area of government operation protected by the immunity defense is so important that it should be allowed to function free of any concern about damage lawsuits.

Two very common, very strong, and virtually complete areas of immunity are **JUDICIAL** and **LEGISLATIVE IMMUNITY**.

Judicial immunity is perhaps the best example of the value of the concept of immunity. The business of judges literally is to make decisions in conflict situations. As reversals of judicial decisions on appeal show, judges do make mistakes. If every appeal from a judge's decision could include a direct allegation that the judge was negligent in making the decision and therefore should pay damages to the appellant, then judges—especially trial judges—would spend more time defending decisions than making them. This situation, it is felt, would deter qualified people from wanting to become judges and thereby dramatically decrease the quality of the judiciary.

That the state legislature (and individual legislators) are immune from suit answers the question correctional employees often ask when they are sued on an issue which ultimately reflects deficiencies in the budget appropriated by the legislature. If lack of funds is no defense to violating an inmate's constitutional rights, and yet the jail administrator defendant is not given the funds necessary to implement the right, why, then, should the jail administrator be liable? The answer is that since the inmate's rights are violated, liability must attach somewhere. Because the legislature is immune from suit, the liability rests with the jail, which has the final responsibility for implementing prisoners' rights. In cases, however, where legislative action is clearly necessary in order to comply with a court order, the courts usually will tend to be somewhat tolerant of an individual jail administrator defendant's inability to act.

Immunity Defenses In The Correctional Context: Civil Rights Cases

There are only two immunity defenses that typically are available to correctional staff in civil rights actions, and one of

these is not consistently recognized by courts across the United States.

The most common defense is known as the **GOOD FAITH** defense. If a defendant in a civil rights action can show that his actions did not violate a "clearly established" constitutional right, then the defendant is immune from damages. However, the burden of establishing the "good faith" defense rests with the defendant. In other words, the inmate plaintiff does not have to prove that a right was clearly established in order to be awarded damages. It is up to the jail employee defendant to establish that the right was **NOT** clearly established in order to avoid being assessed damages.

The "good faith" defense recognizes the rapid change that has occurred in the civil rights area over the last 20 years. It also recognizes that government officials should not be required to be predictors of the future course of constitutional law. It is unfair to hold a government agency or governmental officials momentarily responsible for violating a constitutional right which literally may not exist until a court with jurisdiction over the defendants declares that the right exists.

If a right is clearly established, then the governmental official is assumed to be aware of the right ("the defendant knew or should have known . . ."). Ignorance of emerging constitutional rights may be an excuse (as far as damages are concerned), but ignorance of clearly established constitutional rights is not.

What, then, is a "clearly established" constitutional right? Courts are still struggling with this question, but certain types of court decisions are uniformly recognized as "clearly establishing" constitutional rights. Some of these "clearly established" constitutional rights are:

1. **Decisions of the U.S. Supreme Court.** Since the Supreme Court is the final arbiter and interpreter of the U.S. Constitution, no court could establish a constitutional right any more clearly than can the Supreme Court. Therefore, when the Supreme Court decides the nature of a particular constitutional right, that right is clearly established.
2. **Decisions of the Federal Court of Appeals with jurisdiction over a facility.**
3. **Decisions of a state's supreme court interpreting the Federal Constitution in that jurisdiction.**

The other form of immunity that at least some courts recognize in civil rights actions is called **QUASI-JUDICIAL IMMUNITY**. Under quasi-judicial immunity, if an employee of an administrative agency such as a jail or prison performs a function like that of a judge, then immunity will attach.

This concept has been applied by some courts, but not all, in order to immunize correctional employees who preside over disciplinary hearings, at least where the hearing process contains appropriate procedural protections designed to help assure the fairness of the proceeding.

Immunity Defenses In Tort Actions

Different immunity defenses exist in tort cases, but there is a general trend among state courts to narrow the scope of these defenses and more and more make a state and local government (and governmental employees) liable for their torts in the same way private parties would be.

There is no "good faith" defense in tort actions.

SOVEREIGN IMMUNITY: Now almost solely of historic interest, the concept of sovereign immunity said that the sovereign (the state, the government) can do NO wrong and therefore is never liable for its torts. This concept has been abolished or substantially limited in almost every state in the nation. Most states have abolished sovereign immunity through legislative action.

DISCRETIONARY IMMUNITY: Many state courts still recognize an immunity defense for discretionary acts of government officials. The policy basis for this immunity defense is the same as for other government immunity defenses: governmental officials need to make many discretionary decisions in order to carry out the functions of government and to make the necessary evolutionary changes required as society evolves. If such decisions are subject to being second guessed by the courts and officials are subject to paying damages when decisions turn out to be incorrect, then the overall quality of government will be harmed. On the other hand, purely "ministerial" acts (acts which require no real discretionary choices) do not need to be so protected and therefore are not immune.

In applying this rule, courts realized that almost any governmental decision, in actual fact, involves some discretion. Thus, the discretionary decision immunity defense applied literally would result in very few governmental actions not being immune. This would have the effect of virtually re-establishing the concept of sovereign immunity. To avoid having the exception (discretionary immunity) swallow the rule (no sovereign immunity), courts are more and more frequently limiting what is seen as a discretionary decision to those decisions relating to the creation of basic policy (e.g., "we will have a work release program;" "we will have two officers on duty at all times in the cell block"). Decisions made in carrying out the policy are not seen as discretionary for purposes of the immunity defense (e.g., "inmate Smith is placed in work release"; "the placement of Officer Jones on duty was negligent because Officer Jones had a known tendency to use excessive force").

The trend towards narrowing the scope of the discretionary immunity defense is primarily a court-generated trend. In some situations, legislatures have stepped back in to redefine and re-establish some portions of the discretionary immunity defense. As an example, the California Legislature generally has immunized jail and prison officials from suits arising from actions of persons under custodial supervision (negligent release, negligent supervision litigation). However, an exception is made in California where there is a serious threat to an identifiable victim; this threat must be communicated to the jail staff, which then has a duty to warn the victim.

Given the general trend to narrow discretionary immunity defenses, this defense today probably has little or no applicability to the day-to-day operational decisions jail employees must make, regardless of whether those decisions are made by the newest correctional officer or the chief jail administrator. It is only when those decisions can be described as being in the nature of making a policy that the discretionary immunity defense will protect jail employees in tort situations.

VICARIOUS LIABILITY

VICARIOUS LIABILITY for supervisors, or what might be considered **INDIRECT LIABILITY**, has been alluded to earlier in this chapter. It will be discussed here in more detail.

Issues of vicarious liability can arise both in civil rights cases and in tort litigation. In general, to establish vicarious liability in the civil rights area, the level of supervisory failure must be greater than is necessary to establish liability in the tort area. Roughly speaking, the comparison is between gross negligence or deliberate indifference in the civil rights area as opposed to simple negligence in the tort area.

In a vicarious liability situation, a supervisor may be found liable when the actions of another employee actually and directly violate the rights of the plaintiff. Where it can be shown that a supervisory failure set in motion a chain of circumstances which can be said to have actually caused the violation, then liability may be passed back to the supervisor. For instance, where a new jail employee, untrained in the use of force, is found to have used excessive force against an inmate so as to violate the rights of the inmate, then the supervisor's failure to train or negligent assignment of an untrained officer can provide the basis for liability.

Whenever there is a supervisory responsibility which is not carried out, or which is carried out improperly or ineffectively, and it can be argued that because of this failure an inmate's rights were violated, then the supervisor becomes at least POTENTIALLY LIABLE. There are several types of responsibilities a jail supervisor has which can be potential sources for vicarious liability suits filed by inmates:

1. **FAILURE TO TRAIN.** Failure to train is probably the most common vicarious liability issue. Attorneys representing inmate-plaintiffs whose rights have allegedly been violated in some way by line staff often raise the issue of failure to train. In those situations where there is a general lack of training for jail staff, the "failure to train" may be shown to reflect a policy, practice, or custom of the agency and thereby expose the unit of government operating the jail (the city or county) to liability.
2. **NEGLIGENT SUPERVISION.** Where the supervisor knows of a pattern of improper behavior, but fails to act on it, the supervisor may be vicariously liable. Some courts go so far as to impose a "knew or should have known" test, while other courts require a showing of actual knowledge on the part of the supervisor. As one writer has said: "The importance of this principle is that

supervisors cannot shut their eyes and avoid responsibility for the acts of their associates if they are in a position to take remedial action and do nothing."

3. **FAILURE TO DIRECT.** This situation arises when the supervisor does not adequately tell the employee of the requirements and limits of the job to be performed. For instance, if an employee were assigned to handle inmate mail and was not advised of the legal limitations regarding inmate correspondence and in turn improperly censored some mail, then the supervisor might be vicariously liable for a failure to properly direct the employee. In this area, note the value of written policies and procedures and post orders and the need to take steps to assure that employees are aware of those written requirements.
4. **NEGLIGENT ENTRUSTMENT.** In one case, an untrained trusty was given a shotgun and told to guard a work crew. The shotgun discharged accidentally, seriously wounding an inmate. The court held the warden liable based on negligence because he permitted an untrained person to use a dangerous weapon. In general, the concept refers to a supervisory failure regarding an employee's use of equipment or facilities which are entrusted to the employee.
5. **NEGLIGENT ASSIGNMENT.** Putting an employee on the job who is not qualified to perform the responsibilities of the job can create potential vicarious liability exposure. The liability potentially may arise either because the supervisor failed to find out if the employee was qualified for the job or if the supervisor knew the employee was unfit and still allowed the employee to remain in the job. This area comes very close to the last two common areas of vicarious liability: negligent retention and negligent hiring.
6. **NEGLIGENT HIRING.** Failing to perform a proper background investigation typically provides the basis for this allegation. Liability might be based on a failure to carry out a sufficiently detailed background investigation, ignoring the results of an investigation, or placing an employee in a potentially sensitive position prior to the time a background check is completed.
7. **NEGLIGENT RETENTION.** Where the actions of an employee demonstrate that he is unfit for service, the supervisor has an affirmative duty to take whatever steps are necessary to discipline and/or terminate the employee. The concept of negligent retention does not mean that every time an employee fails to follow proper policies and procedures, he should be terminated. But it does suggest that the supervisor has some sort of responsibility to take action. In some situations this action might be limited simply to counseling the employee, while in other more serious situations, or where there is a chronic showing of improper conduct by the employee, termination might be the only appropriate step.

Vicarious liability claims can create conflicts between defendants in a lawsuit. For example, a line officer who was sued

for using excessive force against an inmate may allege that he was not properly trained and therefore liability should rest with—or at least be shared by—his supervisors or the agency. This conflict situation needs to be identified and addressed early in litigation. Sometimes it may be resolved only where separate counsel are appointed for each of the various defendants.

The concept of vicarious liability means that supervisors must in fact supervise. Particularly as more courts embrace a "knew or should have known" approach to vicarious liability, serious supervisory failures which arguably lead to violations of the rights of inmates or even other staff will create serious liability exposure for the supervisor. **Tolerating employee misconduct invites litigation against the supervisor, especially in constitutionally sensitive areas such as the use of force or in the equally sensitive areas of sexual or racial discrimination or harassment involving employees.**

Important to the defense of these cases will be supervisory records. Can the supervisor show what training was given, what its content was, and who attended? Is documentation available to show how an employee was counseled or disciplined for prior misbehavior? Are employees required to read and initial applicable policies and procedures and post orders? Complete and accurate records often will quickly demonstrate that the supervisor was fulfilling the responsibilities of his job, although the opposite result can occur on occasion. For instance, if files are full of complaints regarding the actions of a particular officer, and fail to show any sort of supervisory response, then the case for vicarious liability is strongly made. In general, however, accurate and complete records will be a greater benefit than a handicap.

FORCE AND DEADLY FORCE

Force legitimately can be used by jail employees for a number of purposes. In some situations, the failure to use force even can be the basis of a suit against staff members, e.g., failure to intervene in an assault by one inmate upon another.

Force may be used in self-defense, in the defense of third persons, and in the protection of property. Courts have also recognized that force may be used as a means of enforcing institutional rules for the discipline and control of inmates. In addition, force can be used to prevent a crime, including escape.

The use of corporal punishment—infliction of pain as a punishment for violation of a rule or regulation—is prohibited. Therefore, force **cannot** be used to punish an inmate.

As described in more detail in the discussion of excessive force, which follows this section, **the right to use SOME force in a given situation is not authorization to use ANY AMOUNT of force.** What is "reasonable" force will depend upon the circumstances. Nowhere, however, is the understanding of the limitations on the use of force more important than in the area of deadly force.

Deadly force may be defined as force which will likely cause death or serious bodily harm. Guns and knives will always be considered instruments of deadly force. Other weap-



ons, including night sticks, can be considered instruments of deadly force, depending upon how they are used. Even methods of hand-to-hand combat can be considered as deadly force. For instance, some organizations consider the use of neck holds (or choke holds) to be forms of deadly force since there is a real possibility of death or serious bodily injury which exists if a choke hold or sleeper hold is not properly applied.

Deadly force is typically authorized to be used in specified situations by state statute. Correctional agency policy should reflect the statutory requirements.

In general, several principles regarding the use of deadly force can be stated:

1. As with other forms of non-lethal force, deadly force should be used only when there appears to be no reasonable alternative.
2. Deadly force may be used to prevent death or serious bodily harm.
3. Deadly force may not be used to prevent the destruction of property.

The use of deadly force in the prevention of escapes has been traditionally upheld (again assuming the absence of any alternative means of preventing the escape). However, the law is not clear as to whether deadly force in the escape situation is limited to those situations where there is reason to believe that the use of deadly force is necessary to prevent death or great bodily harm. At least one court has imposed such a requirement and a 1985 decision of the U.S. Supreme Court, *Tennessee v. Garner* (which limited situations in which deadly force could be used in arresting a fleeing felony suspect outside the prison context), further clouds the issue. Until courts reach a consistent position regarding the use of deadly force upon fleeing felons,

line correctional staff are best advised to carefully follow existing agency policies regarding the use of deadly force in escape and other situations.

Excessive Force

It is not illegal to use force in a jail. However, **force which is used when unnecessary or which exceeds that which is necessary to accomplish a legitimate governmental purpose may be illegal and constitute either a tort (assault and battery), a violation of inmate civil rights under the Eighth Amendment or Fourteenth Amendment (cruel and unusual punishment and/or deprivation of due process), or even a crime (assault).**

The most typical type of excessive force litigation alleges a violation of Eighth or Fourteenth Amendment rights. In deciding these cases, courts recognize that force (at times even considerable force) must occasionally be used against jail inmates. Courts also realize that the power to use this force can be abused. The line between appropriate and inappropriate force can be a narrow one, but in close cases, courts will generally give the benefit of the doubt to jail employees, especially when good documentation exists describing the incident in which force was used.

In evaluating constitutional excessive force complaints, courts have developed several criteria which are commonly used. Typically, a court will:

1. Evaluate the need for the application of force (NEED);
2. Examine the relationship between the need for force and the amount that was used (NEED VS. AMOUNT);
3. Examine the extent of the injury inflicted (INJURY); and
4. Ask whether the force was applied in a "good faith" effort to maintain or restore discipline or whether it was used maliciously or sadistically for the very purpose of causing harm (REASON).

Any use of force not meeting these criteria does not necessarily constitute cruel and unusual punishment. **To violate the Eighth Amendment, force must involve "the unnecessary and wanton infliction of pain."** This general definition of cruel and unusual punishment which has been accepted by many courts, in 1984 was broken down and defined by the Tenth Circuit Federal Court of Appeals in *El Amin v. Pearce* as follows:

First, "wanton" requires that the guard had intended to harm the inmate. Second, "unnecessary" requires the force to have been more than reasonably necessary at the time of the use of force to maintain or restore discipline. Third, "pain" means more than momentary discomfort; the attack must have resulted in either severe pain or a lasting injury.

While state laws typically give jail employees the right to use force, these laws also approve the use of force only when it is appropriate and not excessive. Excessive force which was not so serious as to violate the Eighth Amendment still would exceed

that authorized by most state statutes and expose the officer to civil liability for assault or even criminal charges.

Inmates can at times test the limits of officer patience and tolerance. Despite this, the use of force for force's sake in jails is condemned. Brutality, sadism, or maintaining discipline through fear of beatings have no place in American jails. To use force in these ways creates tremendous liability exposure for the officers involved and, in some circumstances, also for supervisors and local government.

Excessive Force: The Supervisor's Responsibilities

The supervisor plays an important role in monitoring the use of force. Because the power to use force is potentially so easily abused and because the use of excessive force—sometimes grossly excessive force—has been unfortunately all too common in American jails, courts will carefully examine excessive force claims.

Excessive force cases, like other forms of litigation, take months or years to get to trial. The case may not even be filed for a year or more after the incident. In trying to defend such incidents, officers and supervisors who are involved may find that their memories have faded over time. "Hard" evidence is typically lacking (although medical records can be useful indicators of the extent of injuries inflicted in a given situation). The case may come down to a battle between the testimony of the plaintiff (and perhaps other inmate witnesses), which typically will be relatively specific as to what occurred, and to staff testimony, which may be relatively vague because of the passage of time.

Critical to avoiding this kind of problem (where a case may be lost largely because of faded memories) are **GOOD RECORDS**. Records can serve to refresh the memories of staff members involved in the incident and, in some circumstances, can even be introduced themselves as evidence. **All jail employees involved in use of force situations should complete detailed reports.** Other portions of this training manual discuss report writing in detail. In this context, however, it is sufficient to say that **the supervisor who evaluates use of force reports should ask the same questions that a court asks in evaluating situations in which force is applied:**

1. What was the need for the use of force?
2. What was the relationship between the need for force and the amount of force that was used?
3. What was the extent of the injury inflicted?
4. Was the force applied in good faith for legitimate purposes or was it applied maliciously and sadistically, for the purpose of causing harm?

Reports which state conclusions only, such as "only necessary force was used . . .," should be returned to the officer for rewriting. Such reports are useless in that they prevent the reader from making any evaluation as to the appropriateness of the force used.

Reports or other information which suggest that excessive force was used against an inmate should be investigated

completely. Obviously, the supervisor's own experience and judgment play an important role here. If an investigation shows that excessive force was used, then corrective action should be taken with the staff members who were involved. If the matter is serious, then disciplinary action up through termination should be considered.

Any repeated use of excessive force by an employee can provide the basis for a claim of negligent supervision or negligent retention of the employee, or even deliberate indifference to the safety needs of inmates. In such cases, the supervisor is thereby exposed to potential liability. Appropriate corrective or disciplinary action can negate these sorts of claims against supervisors.

In situations where the use of excessive force by jail employees appears to be common, a court may find that it is a "custom" of the jail to use excessive force. Once this finding is made, the unit of local government which operates the jail can itself be a defendant in a civil rights action and be held liable for damages.

Case Study:

Rattlesnake County Jail Officer Danny Ray Diligent, while drinking in a roadside bar with friends after work, saw Randy Rotten playing the video game machine. Diligent recognized Rotten as a pretrial detainee he had seen at the jail less than two hours before and who had been in jail for a couple of weeks. "Rotten must have escaped," Diligent thought. In order not to endanger other people in the bar and to prevent Rotten from walking out before police could arrive, Diligent quietly walked up behind Rotten and said: "I am a correctional officer; you are under arrest for escape."

Rotten turned and began to say something. But Officer Diligent, believing that Rotten was reaching for a weapon, hit him in the head with a two-liter beer stein and knocked him to the floor, unconscious. Rotten sustained injuries from the blow and the fall. He was in the hospital for two weeks and now claims that he is suffering from permanent memory loss and periodic headaches.

Rotten filed a civil rights action against Officer Diligent and the sheriff, which asked for \$3 million in damages and an injunction against correctional officers trying to capture escapees without direct supervision. In a pretrial motion, the judge ruled that deadly force in the apprehension of an escapee is unconstitutional unless a clear and present danger to the public is presented by the escapee. This reversed a prior precedent of the court, which held that the sheriff is responsible for operating the jail.

The sheriff claimed that because Officer Diligent was off duty at the time of the incident, that no jail policy requires officers to act as he did. Therefore, there should not be liability under the Civil Rights Act, the sheriff argued. Will this defense succeed?

Rotten, in turn, argued that the sheriff IS liable because Diligent is an employee of the jail. Will this argument succeed? If not, what sort of additional facts could be added to this hypothetical case which might expose the sheriff to liability? Under the facts as they are given, could the sheriff ever be held liable for Officer Diligent's actions?

Assuming that Officer Diligent's conduct violated the constitutional rights of Rotten, are either Diligent or the sheriff liable for damages?

The fact that Officer Diligent was off duty and acting outside jail policy probably will not defeat the claim altogether. Because Diligent announced that he was a correctional officer and because he appears to have been acting only because he was an officer, his actions will be held to be "under color of state law" for purposes of the Civil Rights Act.

Rotten's claim that the sheriff is liable because he employs Diligent will fail, given the facts presented. Under the Civil Rights Act, a defendant must actually cause the violation and an employer is not liable simply because he is an employer. The sheriff could be found vicariously liable if, for instance, additional facts showed that Diligent had a record of using excessive force and acting impulsively and that the sheriff, knowing of this, had failed to take corrective action (negligent supervision, negligent retention).

If Diligent had never been trained in the limitations of the use of deadly force, then a failure-to-train argument might succeed against the sheriff. Even if a civil rights action will not succeed against the sheriff, a tort action probably would because under tort theories, an employer usually is liable for the actions of an employee.

The facts suggest that both Officer Diligent and the sheriff may be able to successfully avoid liability for damages by asserting the "good faith" defense and showing that the constitutional right violated by Diligent was not clearly established at the time of the incident.

SUMMARY

1. When considering inmate litigation, jail supervisors need to remember several things:

A. Prisoners have a constitutionally protected right to file lawsuits (as do all citizens). Unless a case is clearly frivolous, the court **MUST** require the complaint to be served on defendants and require defendants to make some form of formal response to the complaint. Therefore, the great majority of cases require a response by the defendants, even where the suit is almost frivolous.

B. Inmates enjoy a number of constitutionally protected rights which can be violated by correctional staff. Jail employees also have a variety of other duties toward inmates which, if breached, can be the basis for a suit. Therefore, any suit which is served on a jail employee must be taken seriously.

C. While all suits should be taken seriously initially, the employee should recognize that far more suits are filed than are successful. The employee who knows and follows established facility policies and procedures and who acts in a reasonable fashion should not worry about being on the losing end of an inmate suit.

2. Because immunity defenses are purely legal (as opposed to factual) defenses, there is little or nothing jail supervisors can do to determine the presence or absence of the immunity defense (e.g., the right either was or was not clearly established as a matter of law; the decision was or was not one which can be described as "discretionary").

Since many immunity defenses are either created by the courts or can be interpreted by the courts either broadly or narrowly, particularly shocking or callous actions by a defendant can convince a court to narrow the scope of an immunity defense, not only for that particular case, but also as a matter of general principle or precedent.

3. Issues of vicarious liability can arise both in civil rights cases and in tort litigation. The concept of vicarious liability means that supervisors must in fact supervise.

In a vicarious liability situation, a supervisor may be found liable when the actions of another employee actually and directly violate the constitutional rights of the plaintiff. Where it can be shown that a supervisory failure set in motion a chain of circumstances which can be said to have actually caused the violation, then liability may be passed back to the supervisor. There are several types of responsibilities a jail supervisor has which can be potential sources for vicarious liability suits filed by inmates:

- A. Failure to train;
- B. Negligent supervision;
- C. Failure to direct;
- D. Negligent entrustment;
- E. Negligent assignment;
- F. Negligent hiring; and
- G. Negligent retention.

Supervisory records are important in the defense of vicarious liability cases.

4. Force may be used by jail officers for self-defense, in the defense of third persons, and in the protection of property. Courts have also recognized that force may be used as a means of enforcing institutional rules for the discipline of inmates and to prevent crimes, including escape.

Force cannot be used to punish an inmate; the use of corporal punishment is prohibited by the courts. Deadly force should be used only when there appears to be no reasonable alternative; while deadly force may be used to prevent death or serious bodily harm, it may **NOT** be used to prevent the destruction of property.

5. While it is not illegal to use force in a jail, force which is excessive may be illegal and may constitute either a tort (assault and battery), be a violation of an inmate's civil rights under the Eighth or Fourteenth Amendments, or be a crime.

While state laws typically give jail employees the right to use force, these laws also approve the use of force **ONLY WHEN** it is appropriate and not excessive.

6. All jail employees involved in the use of force should complete good reports, since these written reports are essential for defending the use of force in court.

The supervisor who evaluates use of force reports should ask the same questions that a court asks in evaluating situations in which force is applied:

A. What was the need for the use of force?

- B. What was the relationship between the need for force and the amount of force that was used?
- C. What was the extent of the injury inflicted?
- D. Was the force applied in good faith for legitimate purposes or was it applied maliciously and sadistically, for the purpose of causing harm?

Reports or other information which suggest that excessive force was used against an inmate should be investigated completely.

CHAPTER THREE

PROTECTING THE LEGAL RIGHTS OF INMATES AND EMPLOYEES: THE SUPERVISOR'S RESPONSIBILITIES

Why do jail officers, supervisors, and administrators so often find that they are defendants in a lawsuit filed by inmates? The answer to this question lies in the fact that the U.S. Constitution guarantees inmates certain basic rights—and inmates do not hesitate to accuse correctional officers of violating these rights. How, then, does the line officer protect himself from lawsuits? And how can the first line supervisor protect himself from being held liable for a subordinate's misconduct?

It is the goal of this chapter to explain what the courts, to date, have defined as the constitutional rights of inmates and to provide you with management tips to help you make certain that inmates receive the rights to which they are entitled by law. By assuring that those officers whom you supervise are respectful of the legal rights of inmates, you have at your command the best defense possible for avoiding a trip to court as a defendant in a lawsuit filed by inmates.

ACCESS TO THE COURTS AND COUNSEL

Inmates who are charged with crimes have a right to counsel to assist them in their defense. In addition to the right to counsel in the criminal context, however, inmates also have a general right of access to the courts. Jails have the corresponding duty, the courts have held, to provide resources (usually law libraries, attorneys, or access to paralegals—persons trained in the law) to assure that the inmates are obtaining their legal rights.

Right To Counsel

Jail employees will not be involved in the decision to appoint counsel in a criminal case. Obviously, though, they will be involved in determining how and when an inmate is able to have physical access to an attorney.

The inmate has a right to consult privately with an attorney in the jail. Limitations on an attorney's visits in terms of time or number of visits permitted will be critically scrutinized by the courts. However, **REASONABLE REGULATION of the time, place, and manner of attorney/client visits is acceptable.** Attorneys should be allowed to visit outside of normal business hours since this may often be the only time an attorney may have available to work with an inmate client who is facing pending criminal charges.

The right to consult with an attorney also includes the right to meet privately with agents of the attorney (investigators, paralegals, etc.) and experts retained by the attorney.

The right to counsel in a criminal case is one of the most fundamental rights enjoyed by citizens of the United States.

Thus, jail policy should provide appropriate guidance to employees regarding attorney visits. Such policies should be followed scrupulously. Always remember: Deviations from policy which have the effect of denying or limiting an attorney's access to a client can have serious consequences for jail employees.

Inmates in prisons or jails also have a **right of access to the courts.** This right exists independently of the rights they have in criminal proceedings. The right of access to the courts is fundamental, since if an inmate is denied the ability to seek the assistance of the courts, then he effectively is denied the ability to enforce any of his constitutional rights; thus, he literally is at the mercy of his custodians.

The U.S. Supreme Court has held that the inmate's right of access to the courts carries a corresponding affirmative duty on the part of the custodial facility to provide sufficient resources to assure that access to the courts is "meaningful." In general, this means that the jail or prison has a duty to provide the inmates with access to:

1. A well-equipped law library;
2. Attorneys; and/or
3. People trained in the law (e.g., paralegals).

Because the right of access to the courts is seen as fundamental, courts are quick to intervene to enforce this right. Therefore, requests by inmates which can be seen as being attempts to exercise their right of access to the courts (requests for legal materials, etc.) should be given careful attention by jail supervisors. Again, the policies and procedures of your jail are important and should be followed carefully.

The right of access to the courts has been interpreted by the courts as allowing inmates to assist other inmates in the preparation of legal pleadings. Therefore, inmates generally cannot be prohibited from acting as "jailhouse lawyers."

Simply because an inmate has an attorney appointed to represent him in a criminal case does not mean that the jail has no further obligation to provide meaningful access to the courts. An attorney appointed and paid to represent an inmate in a criminal case will not necessarily represent the inmate in any other matter. Since the right of access to the courts (and the duties of the jail under this right) includes civil matters, something more than appointed criminal counsel is usually required.

Most jails do not have an adequate law library for inmates. Improvised systems of providing access to law books typically exist in these facilities. Under these systems, inmates may be

escorted to courthouse law libraries or be allowed to request books to be delivered from a law library. If such systems can provide enough legal materials to the inmate for long enough periods of time, then they may be approved by a court. However, the adequacy of such systems is at best suspect in the eyes of the courts because they usually do not allow an inmate (who probably knows little or nothing about legal research in the first place) enough time in the library or access to enough books to enable him to conduct adequate research. Where such systems are used, they should be described in the jail's policy and procedures manual. Jail employees should make certain that both the letter and the spirit of the policy are followed.

Correspondence between inmates and attorneys, courts, and other governmental agencies is generally considered by the courts to be **privileged and confidential**; these letters should not be read or censored by jail employees. Similarly, jail employees do not have the right to censor or in any other way control the contents of correspondence between inmates and the courts, although jail employees can prevent inmates from sending contraband to the courts.

Mail between inmates and attorneys, courts, or other governmental agencies can be examined for contraband. However, such examinations should only take place in the presence of the inmate. Once mail (or other legal materials) has entered the inmate's cell and is stored there, the material can be examined for contraband during a cell search. But it should not be read by the officers conducting the search.

Any actions by jail employees which are seen by the courts as retaliation against an inmate who has exercised his right of access to the courts will be considered a violation of the inmate's right and will subject the jail employees to liability. For instance, a lawsuit against an officer, even if frivolous, does not entitle the officer to discipline the inmate for filing the suit or deny the inmate any other privilege to which the inmate would otherwise be entitled. If an inmate abuses the right of access to the courts, then the courts will, in some situations, take action against that inmate. However, such decisions should be made by the court—not by jail employees.

The duty of providing meaningful access to the courts also includes the provision of paper, pens or pencils, envelopes and stamps to **INDIGENT** inmates. However, courts generally do not require the jail to provide access to typewriters and photocopy machines.

THE FIRST AMENDMENT: FREEDOMS OF SPEECH, RELIGION, AND THE PRESS

The **First Amendment** to the U.S. Constitution provides that:

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”

These First Amendment rights are among the most prized and protected in the American democracy.

Because First Amendment rights are considered to be so fundamental, courts are extremely protective of them. While government may, in certain circumstances, limit the time, place, and manner by which First Amendment rights are exercised, any limitations on the right itself (censorship of speech or press, limits on an individual's right to believe and practice his religion, etc.) will be authorized only in the most extreme situations, i.e., is there a “clear and present danger” if a First Amendment right is exercised?

The First Amendment And Jails: The General Approach

As with other constitutional rights, **the scope of First Amendment rights in the jail context is not as great as it is in the community. The First Amendment rights of inmates can justifiably be limited to some extent.** Some aspects of First Amendment rights virtually disappear in the jail. For example, inmates lose the right to assemble and to associate with people of their own choosing.

In evaluating First Amendment claims in the prison or jail context, the U.S. Supreme Court, in *Procunier v. Martinez* in 1974, recognized that an inmate does not retain First Amendment rights which are “inconsistent with his status as a prisoner or with legitimate penological objectives of the corrections system.”

The Supreme Court has indicated that where a regulation or institutional practice furthers an important or substantial governmental interest (security, order, and rehabilitation) which is unrelated to the exercise of a First Amendment right, then the exercise of the right may be curtailed. Such limitations should be no greater than are necessary to protect the particular governmental interest involved. Under this test, for example, a prison regulation prohibiting letters which magnified inmate grievances or which expressed inflammatory political, racial, or religious views was found to be unconstitutional; one of the concerns of the U.S. Supreme Court in striking down this regulation was that it was written in a way which allowed prison officials to suppress the writings of inmates simply because the written materials contained unwelcome criticism. Censorship regulations which were more clearly related to the security and order of the institution and the rehabilitation of the inmates were generally approved.

While the jail does not need to show that a clear and present danger exists as a condition to limiting the exercise of First Amendment rights, the burden that the jail must demonstrate will vary depending upon the particular right involved. In other words, the jail may have to show that a greater threat to security or order exists in some situations than in others in order to warrant limiting the exercise of a First Amendment right.

Properly written policies and procedures in any area that is protected by the First Amendment are important. These policies and procedures provide guidance to staff regarding what types of activities can be limited or regulated. Except in emergency situations, decisions regarding the regulation of activities which are protected by the First Amendment generally should **NOT** be the sole responsibility of the line officer or, in many cases, even the first line supervisor. Instead, the final

decision should be made at an upper level of supervision and, in some cases, with input from people outside the custody area, such as the county attorney.

Freedom of Speech: There are no major First Amendment court decisions which involve pure speech, as opposed to other types of First Amendment issues (correspondence, religion, etc.). Obviously, though, many legitimate institutional decisions which have nothing to do with speech itself can infringe upon or impede an inmate's opportunity to exercise his freedom of speech rights. For example, classification decisions may limit an inmate's opportunities to speak with others and normal security procedures may prevent inmates from having access to each other at various times of the day. In addition, security concerns justify limitations upon the inmate's right to speak in ways that are likely to be inflammatory.

Where direct regulation or limitation of pure speech is sought (as opposed to other actions which do not relate to speech, but which may limit the opportunity to speak in certain situations), such action should be taken only to further institutional security, order, or the rehabilitation of the inmates. Inmate statements which are unpopular or even offensive generally would not be subject to regulation for those reasons alone; the statements must have a negative effect upon security, safety, and order before they can be prohibited by jail officials.

Association with Other Inmates and Inmate Groups: The First Amendment generally is viewed as including a right to associate with others. But an inmate's right to associate with people outside the jail obviously is extremely limited by the fact of his incarceration.

The U.S. Supreme Court has given jail authorities broad powers to limit and control inmate associations in the jail. In *Jones v. North Carolina Prisoners' Labor Union*, for example, the court upheld a decision of the North Carolina Department of Corrections to prohibit activities of a would-be prisoners' labor union. The prison administration felt that the union posed a potential threat to security and order in the institution. The court held that unless the administration could have been shown to be wrong in their concern, or at least that the prison officials had exaggerated their response to their concerns, then the courts should defer to the decision of the administrators to prohibit the inmate union. Thus, in this case, no First Amendment violations were found.

The court also rejected an "equal protection" claim filed by the organizers of the inmate union; they argued that since the institution allowed other inmate group activities to occur (such as the Jaycees and Alcoholics Anonymous), then their union should be permitted as well. The court felt that the clear rehabilitative purposes of organizations such as the Jaycees or Alcoholics Anonymous differed fundamentally from a labor union, which had as its avowed purpose the pursuit of an adversary relationship with prison officials.

The *Prisoners' Labor Union* case is significant because it actually places a burden upon an inmate to overturn a govern-

mental decision restricting a First Amendment right.

Associations between individual inmates can be regulated legitimately in a number of ways. The classification process separates inmates from one another, as do various other routine procedures, such as evening lock-ups, daily counts, and lock-downs during disturbances. None of these limitations has been seriously challenged on First Amendment grounds.

Freedom of Religion: The First Amendment protects not only the freedom to believe in a particular religion, but also the freedom to practice that religion. There is a clear difference between these two ideas. The primary religious issues which arise in the jail context relate to the **PRACTICE** of religion, since there is no real way that a government can regulate what an individual chooses to believe.

Underlying many freedom of religion claims filed by inmates is the question: What is a religion? A 1981 decision of the U.S. Court of Appeals for the Third Circuit, *Africa v. Commonwealth of Pennsylvania*, defined **three criteria characterizing a religion**:

1. A religion addresses fundamental and ultimate questions having to do with deep and imponderable matters.
2. A religion is comprehensive in nature, consisting of a belief system as opposed to isolated teaching.
3. A religion can often be recognized by the presence of certain formal and external signs.

From these rather vague criteria, it can be seen that trying to define a religion is not an easy task. This task clearly is not one which should be left to custody officials alone; instead, it should involve the cooperative analysis of top level custody officials, religious authorities, and legal counsel.

Line staff and first level supervisory staff do need to be aware that the First Amendment protects **ALL** religions, even those which are new, out of the ordinary, and which may even be at odds with religious beliefs common in America. Therefore, an inmate's assertion that he is attempting to practice his religion should be treated seriously by jail employees. Such an assertion should not be ignored simply because the "practice" is something with which jail employees are unfamiliar.

A second fundamental issue regarding an inmate's right to practice religion is the sincerity of the inmate's belief. At times, inmates have asserted a right to engage in certain religious practices which clearly belong to established religions. But the inmates have asserted this right out of a motivation to harass institutional staff and cause operational problems. **If it can be shown that an inmate is not sincere in his religious beliefs, then his request to engage in religious practices not otherwise available in the jail may be denied.**

Courts have not been consistent in what they require from jail or prison authorities in order to justify limiting the exercise of a religion. Therefore, a good general rule to follow is:

Any limitation upon or denial of an inmate's freedom of religion rights needs to be justified in terms of protection of institutional security and order, or rehabilitation of the inmate. Any institutional criteria limiting an inmate's right to practice his religion must be contained in the jail's manual of policies and procedures.

Other religious questions which often arise in jails concern appearance, clothing, and hair length; special diets; and attendance at religious services.

A number of cases have arisen regarding appearance, clothing, and hair length, but no clear answer has yet been provided by the courts. The courts consistently take the same approach to analyzing the cases, i.e., is the asserted religious practice inconsistent with a legitimate security need of the institution?

With hair length questions, courts may be skeptical of institutional claims that there is a legitimate security interest in requiring inmates to have short hair. Thus, the jail should consider establishing alternatives to the requirement of short hair and clean-shaven faces. A good alternative is to require multiple photos of the inmate for security purposes.

The wearing of religious medallions can be controlled or prohibited if jail officials believe that the particular medallion can be used as a potential weapon.

The wearing of headgear has come before the courts. In such cases, institutional officials have argued that weapons or contraband could be hidden under prayer caps or hats. But successfully imposing a ban upon headgear or other items of clothing worn by particular religious groups may be impossible if similar types of clothing are permitted for the general inmate population. For instance, if inmates are allowed to wear **SOME TYPES** of hats, then a limitation restricting religious-related headgear probably will be rejected by the courts.

There has been considerable litigation regarding religious diets, with mixed results. Most typically this litigation arises regarding adherence to Muslim or Orthodox Jewish religious beliefs, which require pork-free diets. A fairly common result in these cases is to require the institution to provide at least enough pork-free food (including food which has not been cooked with pork fat) to allow the inmate to have a nutritionally adequate diet. Other courts have ruled that the institution must provide the inmate with a separate diet. Many of the problems regarding pork-free diets can be eliminated if pork fat is not used in cooking; it is just as easy, and much more beneficial to the health of all inmates, to use vegetable oils for cooking.

An inmate who refuses to eat pork because of religious beliefs should not be disciplined for this conduct. Indeed, any actions by an inmate which are in violation of disciplinary rules, but which the inmate asserts are required by religious beliefs, should be carefully examined **BEFORE** disciplinary sanctions are imposed.

Religious services are provided as part of inmate programming in most jails, at least for the more common Christian sects. **Attendance at religious services CANNOT be required nor**

should an inmate be punished or ostracized for failing to participate in religious activities. Inmates also should not be subject to being proselytized by adherents of various religions.

Groups should be allowed to hold religious services together, unless a legitimate security concern warrants prohibition of such services. Some sort of reasonable accommodation should be made by the jail to allow opportunities for worship by the various religious groups represented in the jail population.

Courts generally have held that inmates in segregated confinement do not have a right to attend group religious activities. However, it is advisable to allow them **SOME ACCESS** to chaplains while they are in segregation, particularly if the segregated confinement is for an extended period of time.

While the courts generally have not disapproved of institutions hiring clergy from specific denominations to serve as staff members, at the same time the courts have recognized that these institutions should also allow other clergy to have access to inmates, particularly where the staff clergy are not of the same faith or denomination as the inmate. For example, a Roman Catholic priest or a Protestant minister is not an adequate substitute clergy for a Jew or a Muslim.

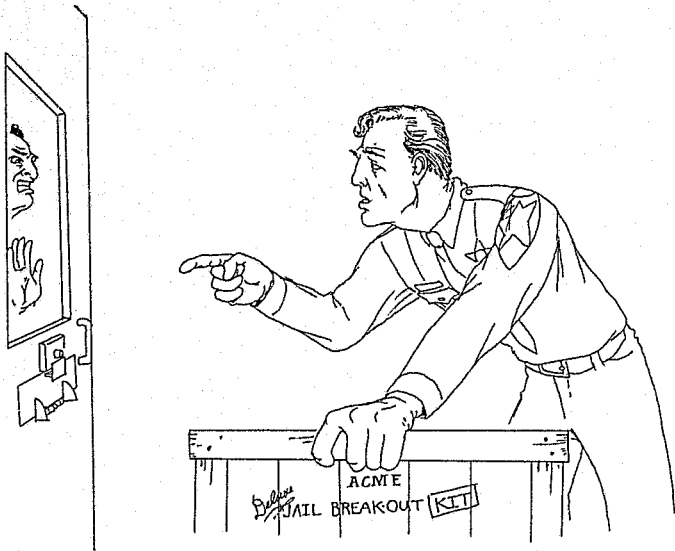
There is a tremendous variety of religions, religious beliefs, and religious practices among the citizens of the United States. Because of this, and because these beliefs and practices are protected by the First Amendment, jail administrators need to be flexible in dealing with religious issues. Many religious issues have a greater potential impact at the policy level than they do at the line operational level, e.g., what sort of religious facilities and personnel need to be made available to minority sects, what is a religion, etc.

These religious questions should be addressed in the jail's manual of policies and procedures. Even those issues which arise at the operational level often require that decisions be made by upper-level management. Therefore, instant judgment calls on the part of line staff regarding religious freedom issues are rarely required in jails.

In dealing with religious issues, the jail officer and the first line supervisor need to remember that religious activities are protected by the First Amendment, but **they are still subject to limitations justified by the legitimate needs of institutional security, order, and safety.** Religious activities also can be regulated in regard to **time, place, and manner.** The constitutional protections apply to any sincerely held religious belief or practice, not just those common in American society. Having a respect for the religious beliefs and practices of **ALL** inmates and trying to develop a basic understanding of these beliefs and practices can help the first line supervisor avoid religious-legal disputes in his jail.

Correspondence And Publications

Along with visitors, mail is the primary method by which inmates can maintain their contacts with people in the community. Therefore, mail is of obvious importance to prisoners. As with visitors, correspondence has the potential of conflicting with institutional interests of security, order, and the rehabili-



tation of inmates. Contraband may be concealed in mail. Mail may contain plans for escape or other information which may threaten to compromise jail security (e.g., directions for smuggling drugs and weapons).

Attempts by jail officials to inspect or censor an inmate's correspondence and publications involve his First Amendment rights, as well as the rights of those in the community who are corresponding with him.

The starting point for analyzing questions of censorship or limitations on correspondence and publications is a 1974 U.S. Supreme Court decision, *Procunier v. Martinez*. In this case, the court approved the restriction of mail privileges if the restriction met a two-part test.

Regulation or censorship of mail, the court held in the first part of the test, may be justified **only** if it furthers an important or substantial governmental interest unrelated to the suppression of an expression. These interests were identified by the court to include **security, order, and the rehabilitation of the inmates**. Censorship solely for the purpose of suppressing expression cannot be justified, the court ruled. In other words, censoring or limiting correspondence or publications simply because the jail administration disagrees with the contents of the letters or publications is unacceptable.

In the second part of the *Procunier* test, the court ruled the restriction should be **no greater than necessary to protect the asserted governmental interest at stake**. Application of the second part of the test has varied between courts. Some courts defer to the judgment of correctional officials in censorship areas, while others require clear proof that the alternative taken by prison or jail officials is, in fact, the least restrictive measure available.

Procunier was the first case to establish that **interests of security, order, and rehabilitation could justify restrictions upon the First Amendment freedoms of inmates**.

Note, however, that administrative convenience is **NOT** one of those factors recognized by the Supreme Court as pro-

viding a legitimate basis for the limitation or suppression of expression. For this reason, limitations on the amount of correspondence an inmate may receive may be struck down unless jail officials can demonstrate that the burden of inspecting mail is so great that it impacts upon institutional security (i.e., jail administrators must be able to prove that assigning officers to inspect large volumes of mail leads to staff shortages in the cellblocks, for example).

Under the *Procunier* decision, the court also approved **specific procedural safeguards** which should be used when a decision to censor or withhold mail is made. The procedures approved by the court require that an inmate must be notified of the rejection of a letter written by or addressed to him; the author of the letter must be given a reasonable opportunity to object to the actions of the jail officials. Complaints should be reviewed by a jail official other than the person who originally disapproved the correspondence. This same procedure would apply in the censorship of publications, such as magazines and newspapers, addressed to an inmate.

Institutional policies and procedures should specify the grounds for censorship; they also should specify the procedures to be followed in cases of censorship or the withholding of mail or correspondence. The power to censor or withhold correspondence or publications should be limited to a very small number of jail officials who have received training in the legal principles involved. This training should be provided by an attorney who is knowledgeable about First Amendment prisoners' rights cases.

Actual decisions to censor an inmate's mail or to withhold printed materials from him must be made carefully. Even where the courts are willing to defer to the judgments of jail officials in this area, if an official reaction to a letter or publication appears to be exaggerated or cannot reasonably be explained, then the court may overturn the jail administrator's decision.

Letters or correspondence critical of the jail or jail administration or which may subject officials to potential ridicule or unwarranted criticism in the press **CANNOT** be rejected for that reason alone. It is **only when** written materials present a threat to a legitimate institutional interest unrelated to expression, that censorship or withholding is appropriate. There may be no effective way to sanction an inmate for defamatory writings, or patently inaccurate writings regarding jail conditions and operations. This can be a source of considerable frustration for jail employees, but retaliation in the form of censorship or disciplinary proceedings is almost a sure way to wind up on the wrong end of a losing lawsuit.

Incoming mail can be opened and inspected for contraband and it also can be read. But note the difference between **READING** mail and **CENSORING** it. Outgoing mail, which does not present as obvious a potential threat to security, can be inspected for contraband but should **not** be read unless there are specific reasons to read a letter or letters from a given inmate.

Few jails have sufficient staff available to read all incoming mail. Where mail is read selectively, the selection process should not be discriminatory.

Legal mail—mail to or from attorneys (or persons working for attorneys, such as paralegals, clerks, and investigators) and other governmental officials—is generally recognized as **privileged**. Such mail may be opened and inspected for contraband in the presence of the inmate, but it should **not** be read. Some courts place similar limitations on reading an inmate's mail to or from the media.

Incoming mail should be delivered to inmates with reasonable promptness, but some delays are acceptable to allow for sorting and inspection.

Sexually explicit correspondence and publications present difficult problems both for jail administrators and the courts. While material defined as obscene is **NOT** entitled to any First Amendment protections, determining what is or is not obscene is extremely difficult.

Sexually explicit material is not obscene *per se* and, in fact, may even be offensive to the majority of persons who see it without falling under the legal definition of obscenity. Courts are split over whether non-obscene sexually explicit materials (publications, photos, and letters) may be rejected by jail officials. **If a legitimate interest of security, order, or the rehabilitation of the inmates can be proven, then some controls or limitations will generally be upheld.**

However, an outright ban of sexually explicit materials probably would **not** be upheld by the courts. A court also may look to see if some less restrictive alternative to a complete ban (even if applied selectively) is available. Thus, in one case a court rejected a ban on sexually explicit photos of wives or girlfriends, suggesting instead that a ban on the display of such photos would meet institutional interest. In considering the censorship of sexually explicit materials, jail officers should take care **not** to let their own personal tastes become the basis for censorship.

It is helpful to jail employees who are responsible for the potential withholding of written materials from inmates to have some relatively clear guidance concerning what types of materials may be withheld. In this regard, the rules of the Federal Bureau of Prisons are helpful. These rules allow the rejection of publications which:

1. Depict or describe procedures for the construction or use of weapons, ammunition, bombs, or incendiary devices.
2. Depict, encourage, or describe methods of escape from correctional facilities, or contain blueprints, drawings, or similar descriptions of Bureau of Prisons institutions.
3. Depict or describe procedures for the brewing of alcoholic beverages or the manufacturing of synthetic drugs.
4. Are written in code.
5. Depict, describe, or encourage activities which may lead to the use of physical violence or group disruption (note how this rule would apply to materials which might incite racial disputes).

6. Encourage or instruct in the commission of criminal activity.
7. Advocate or may lead to prohibited sexual activity.

The U.S. Supreme Court has approved the "**publishers only**" rule, which allows inmates to receive books or publications only when sent by the publisher or a book store. The assumption underlying this rule is that books sent from such sources are far less likely to contain hidden contraband than are books which could be sent by family members, friends, or criminal associates.

When a specific publication is withheld, can future issues of the same publication automatically be withheld? Until a particular publication has been withheld enough times so that a track record has been established to support a general conclusion that the publication always will contain objectionable material, withholding should be limited issue-by-issue.

General limitations on the **quantity** of written materials an inmate may possess have been upheld by the courts. The courts have recognized that excessive amounts of written materials can create potential fire hazards and also increase security problems because of the time required to search such materials.

Visiting

An inmate's right to have visitors is an area in which two fundamental concerns of correctional administration directly conflict with each other. The importance of visitation to inmates is universally recognized in corrections. **An inmate's ability to maintain family ties through visitation can contribute positively to his rehabilitation and overall adjustment in jail.** Because a well-run visiting program can significantly bolster inmate morale, it obviously can have beneficial effects upon overall institutional administration.

At the same time that visiting offers these benefits, **it also presents a significant threat to institutional security by creating a means for the passing of contraband**—at least in those situations where contact visiting is allowed.

Visiting also is an area in which the legal issues that arise can concern the rights of the visitors, as well as the rights of the inmates. Courts generally agree that visitation is, to some extent, protected by the **First Amendment right of association**. However, at the same time courts also recognize that whatever First Amendment protections may exist regarding visitation, they are **not absolute** and they **can be restricted** in favor of legitimate institutional interests, such as the maintenance of security.

Since almost every jail and prison in the U.S. allows visiting to some degree, most litigation involving visiting privileges is concerned with how these privileges are applied in individual situations. For example, was a visit terminated for just cause? Were proper procedures followed? Was it appropriate to remove a baby's diaper in order to search for contraband?

The jail policies and procedures manual should provide guidance regarding visiting issues and potential problems. Unlimited discretion to deal with visitors and visiting situations should not be allowed. Because both First Amendment (right of

association) and Fourth Amendment (reasonable search and seizure) issues can arise in the visiting context, operational decisions concerning visits need to be made carefully. In most cases, these decisions should be made by supervisory personnel in response to information provided by line officers.

Visitors generally should **not** be strip-searched against their will, but instead should be given an opportunity to leave the institution in lieu of submitting to a strip-search. An officer who asks a visitor to submit to a strip-search should base this request upon a reasonable suspicion that the visitor is carrying contraband. Pat-down searches and examinations of purses and other personal belongings generally can be conducted **without probable cause** to suspect that the visitor is attempting to introduce contraband into the jail. However, visitors should be notified before they enter the jail of the circumstances in which such searches may be carried out.

Alternatives to drastic action regarding visitors (such as cancellation of a visit, termination of visiting privileges, or requiring a visitor to submit to a strip search) should be considered and used where feasible. For example, concern about an inmate receiving contraband from his visitors can be addressed through a no-contact visiting arrangement for him, instead of cancelling visits to the inmate or requiring his visitors to submit to strip searches.

There is no absolute right to contact visits, the U.S. Supreme Court held in *Block v. Rutherford* in 1984. Therefore, probably little or no justification is required for a jail to restrict contact visits in given situations. However, in jails where both contact and no-contact visits are allowed, decisions to restrict contact visits for specific inmates must be guided by policy and should be made by supervisory personnel, not by line officers.

The termination of a particular visit or cancellation of an inmate's visiting privileges may require some form of **due process review**, depending upon the language of the jail's visiting policies and potentially upon state statutory language.

For example, one court which addressed the question of what due process is necessary when visiting privileges are suspended required that the following procedures be followed:

1. Notice of why visiting privileges were being suspended;
2. An investigation, including an opportunity for the prisoner to submit a statement or relevant evidence (this opportunity might also extend to the visitor, if the justification for suspension were based more upon visitor conduct than upon prisoner conduct); and
3. A final decision by prison officials which is made and communicated to the appropriate parties within a reasonable time after the suspension.

The court did not require this review to take place prior to suspension. Whether such reviews are constitutionally required depends upon specific statutory or policy language. Even where they are not required, however, such reviews are advisable as a supervisory tool to prevent arbitrary actions regarding visiting, which may provide the fuel for litigation.

Courts recognize visiting as important to both the inmate and his visitors and will not hesitate to examine cases which allege arbitrary denials or restrictions of visits or other inappropriate conduct on the part of jail personnel in the visiting context. In such cases, courts will be examining not just the rights of the inmates, but also the rights of the visitors (Note: Visitors who choose to enter the jail do not forfeit their constitutional rights to the extent that inmates do).

Decisions **applying policy** (as opposed to decisions which create policy) will generate the bulk of potential legal problems with visiting situations. Therefore, decisions by line officers and first level supervisors will be very important in determining whether the potential legal problems become real ones.

Some of the best ways of assuring that visiting issues are dealt with properly include:

1. Knowing and following institutional policies and procedures.
2. Recognizing the importance of visiting to the inmate, to his visitors and, in the long term, to the jail administration, and trying to find acceptable alternatives to cancellation, termination, strip searches, and other more drastic actions.
3. Carefully evaluating and documenting the basis for any limitations of visiting, and assuring that these reasons are justified by legitimate interests of security and order.

Access To The Media

Do inmates have a First Amendment right of access to the news media? Conversely, do reporters have the right to interview particular inmates?

In a series of cases, *Pell v. Procunier* (1974) and *Houchins v. KQED* (1978), the U.S. Supreme Court decided that inmates do **NOT** have an independent First Amendment right to have **DIRECT** access to the media. The Court also decided that reporters do **NOT** have the right to conduct face-to-face interviews with designated inmates.

Underlying these rulings was the court's assumption that there are other ways in which inmates can make their views known to the media. They can, for example, write letters. Or they can communicate with reporters through family members and friends. Similarly, in holding that the media have no right of access to designated inmates, the court assumed that reporters generally have an opportunity to observe and investigate prison conditions.

Assuming that inmates are able to have some form of contact with reporters (even though it may not involve direct, face-to-face interviews), **jail supervisors cannot punish inmates for what they say to the news media**. Nor can jail officials arbitrarily or discriminatorily restrict an inmate's access to the media. But where **legitimate institutional security and safety needs** can be shown to be threatened through a particular form of media contact, then the contact can be limited. However, such limitations would not be acceptable to the courts if they were imposed

because of a belief that the contact was likely to lead to media coverage which would be critical of the jail or jail employees.

FOURTH AMENDMENT SEARCHES AND SEIZURES

The Fourth Amendment to the U.S. Constitution gives people the right to be free from **UNREASONABLE** government searches and seizures. It generally requires that searches be conducted **ONLY AFTER a warrant has been issued**. The warrant is to be based on a finding that **PROBABLE CAUSE** exists for the search.

Underlying the question of whether a particular search or type of search is reasonable or unreasonable is the fundamental issue of **personal privacy**. Everyone in the United States has at least some right to privacy under the Fourth Amendment. Before government can intrude on this right, the governmental officials must be able to show some justification for the intrusion. While this typically requires a search warrant based on probable cause, the courts have recognized that in **SOME EXTRAORDINARY SITUATIONS, searches can be conducted WITHOUT a search warrant on less than probable cause. Jail searches fall into this category.**

In attempting to decide whether a particular search is reasonable or unreasonable, courts use a **balancing test**. On one side of the balance, the court tries to weigh what the reasonable expectations of privacy for the individual are in regard to the particular search in question. "**Reasonableness**" in this context is defined in terms of what courts feel society as a whole would see as reasonable, not what the individual personally might expect to be private.

On the other side of the balance, the court evaluates the **government's need to conduct the search**. The stronger the need of government, and the less the individual's reasonable expectation of privacy, then the more likely it is that a warrantless government search will be approved.

In jail, the balance tips strongly in favor of the government. Courts have recognized a strong governmental need for searches (in order to protect jail security) and a correspondingly low expectation of privacy on the part of inmates. With regard to searches of jail employees or visitors, however, the courts recognize a somewhat lesser level of governmental need and a somewhat stronger expectation of privacy.

Inmate Searches

Searches of inmates can range from pat-downs or cell searches to body cavity probe searches (the most intrusive type of search possible, short of surgery).

The U.S. Supreme Court, on more than one occasion, has held that the prisoner has **NO** expectation of privacy in a cell. Therefore, cell searches simply **DO NOT RAISE** a Fourth Amendment issue at all, the court held in *Block v. Rutherford* (1984) and *Hudson v. Palmer* (1979). **Random pat-down searches** also are considered to be reasonable in light of institutional security needs, the U.S. Circuit Court of Appeals for the Seventh Circuit held in *Madyun v. Franzen* (1983).

Random urine testing for drugs also has been approved by various courts. In such situations, the courts recognize that the government's very strong needs for security and to reduce contraband in the jail outweigh the relatively minor intrusiveness of the search.

A policy of **strip-searching all inmates** following visits (when the inmate could pick up contraband) was approved by the U.S. Supreme Court in *Bell v. Wolfish* (1979). But the court indicated some hesitancy in approving searches that were this intrusive.

To show how the scales can tip in the balancing test used by the courts, several courts have held that a **BLANKET** strip search policy of **ALL** men and women booked into the jail on **minor** offenses is unconstitutional. However, these same courts have stated that officers can strip search these offenders upon a "reasonable suspicion" (a low level of cause) that the person has a concealed weapon or contraband. In cases involving strip searches of misdemeanants, the intrusion into the individual's privacy is not offset by the institution's security needs, the courts have held, since people arrested and booked for such offenses as unpaid traffic tickets are unlikely to try to smuggle contraband into a jail.

Permitting correctional officers of the opposite sex to observe inmates while they are showering, using the toilet, or in states of undress has been condemned by some courts and approved by others. In these cases, the equal opportunity rights of jail employees also enter into the courts' balancing tests. But strip searches by members of the opposite sex probably would be condemned by the courts as a violation of the privacy rights of inmates.

Cavity probe searches, since they are highly intrusive, should not be conducted without reasonable suspicion. Prudence suggests that before a probe search is undertaken, consideration be given not only to whether the search is justified, but also whether alternatives exist. Probe searches also should be conducted only by medical personnel or jail personnel who have been specifically trained in the medical implications of such searches.

In order to defend a particular type of search, jail supervisors must be able to prove that the search was conducted professionally and in a way which demonstrated respect for the inmate and preserved as much of his privacy as was reasonably possible. More than one court has condemned searches which were accompanied by the leers and guffaws of officers, or which were conducted in a time, place, or manner which unnecessarily humiliated or harassed the inmate. In addition, courts have condemned searches which have left an inmate's cell in a shambles. First line supervisory officers obviously play a key role in assuring that searches of inmates are conducted properly, and not in a manner which harasses or unduly embarrasses the inmate.

Searches Of Jail Employees And Visitors

Courts recognize that a certain amount of contraband enters a jail via staff and visitors and that jail administrators have a

legitimate and important interest in trying to stem the flow of contraband from these sources. However, the reasonable expectations of privacy that are held by both visitors and jail employees are higher than are those held by inmates. Therefore, **the courts require a greater showing of need on the part of the institution in order to search either staff members or visitors.** While the courts typically do not require probable cause, they consistently have required that the institution be able to demonstrate a **particularized reasonable suspicion** prior to conducting a strip search of a staff member or visitor.

Routine searches of employees and visitors through use of a metal detector or a pat-down by a person of the same sex, along with an inspection of purses, packages, and handbags, generally are upheld by the courts; no particular suspicion is needed for these routine security searches.

Applying these principles, a policy which allowed strip searches of staff and required staff to submit to urine, blood, or breath analysis **WITHOUT REASONABLE SUSPICION** was struck down by the Eighth U.S. Circuit Court of Appeals in 1984 (*McDonnell v. Hunter*). The court did allow blood and urine testing as part of a pre-employment physical examination or as part of any periodical physical examination required of all employees. In the same case, the court also prohibited searches of the employees' vehicles which were parked outside the institution and which were therefore inaccessible to inmates. Where vehicles were parked in a way that inmates could have access to them, then they could be searched on a systematic random basis, the court held. Or specific vehicles could be searched upon reasonable suspicion.

"Consent to search" forms, occasionally required as a condition to enter a jail, **have been rejected by the courts.** These forms do **not** provide a justification to conduct a search when sufficient probable cause is absent, the First U.S. Circuit Court of Appeals held in *Blackburn v. Snow* (1985).

Reasonable Suspicion

Courts define "reasonable suspicion" as being based on **"specific objective facts and rational inferences that can be drawn from those facts, in light of experience."** Reasonable suspicion can be based on a variety of factors, including the behavior and appearance of the individual who is subject to the search or information received from other people. However, at a minimum, **there must be three elements combining to form a reasonable suspicion:**

1. Specific facts from which
2. Reasonable inferences may be drawn
3. Which in turn are made in light of the correctional work experience.

Since there are very serious consequences which can arise from an unconstitutional search and since reasonable suspicion is based in considerable part upon experience and judgment, it is important that the decision be made by experienced supervisory officers.

Case Study 1:

Because officers at the Turkey County Jail confiscated some contraband that was brought in by a visitor, Sheriff Gary Gobble imposed a rule requiring strip searches of ALL visitors. As a condition of visiting, ALL visitors were required to sign a form indicating that they consented to being strip searched by jail officers.

Under the new policy, Suzie Cheddar, an elementary school principal and the sister of Charlie Cheddar, a pretrial detainee, was required to submit to a strip search prior to her latest visit. Suzie had visited Charlie many times before during the three months he had been in jail, and she had never attempted to smuggle in contraband. Nor was she ever suspected of attempting to smuggle contraband into the jail. Now, however, on her latest visit, Suzie was searched by a woman officer, who lifted Suzie's breasts and buttocks as part of the search procedure, and who also peered into Suzie's vaginal and anal cavities with a flashlight.

Do you see any problems with the mandatory strip searches of visitors which Sheriff Gobble is now requiring?

A jury award of over \$177,000 was upheld in this case, which has been fictionalized here, by the First U.S. Circuit Court of Appeals in *Blackburn v. Snow* (1985). The court held that a blanket strip search policy for visitors violated the Fourth Amendment, since the visitor's expectation of privacy was such that some showing of particularized cause (probably reasonable suspicion, although the court did not have to decide this issue) was required before a visitor could be strip-searched. The sheriff's argument that a blanket policy prevented ANYONE from being unfairly or improperly singled out for searches was rejected.

The sheriff also argued that the plaintiff had consented to being searched by signing the form. The court rejected this argument on the ground that even assuming that the plaintiff had no right to visit her brother, the government does not have the right to condition one's enjoyment of a privilege upon the giving up of a constitutional right (in this case, the right to be free from unreasonable searches).

The manner in which the search was conducted also was of concern to the court, since there was no reason justifying the matron's actually touching the plaintiff. The visual inspections of body cavities were seen as "a severe, if not gross interference with a person's privacy." Even where sufficient cause exists to justify a strip search, such a search should be conducted without touching the subject of the search, the court held.

The search in this case was bad both because it was conducted without sufficient cause and because it was conducted in a way that was unnecessarily intrusive and demeaning to the plaintiff.

The damages in this case were as high as they were because the evidence showed the plaintiff had suffered particularly serious emotional reactions to the searches. Thus, the size of the award was uniquely related to the facts of this case. The case still demonstrates the potential size of an award based on relatively intangible sorts of damages (emotional distress) in a situation where the jury clearly had no sympathy for the sheriff's conduct.

The *Blackburn* case arose in 1977, although the appellate court decision was not reached until 1985. Nonetheless, the court felt that the rights of visitors were sufficiently clearly established in 1977 so that the sheriff was liable for damages. The court, in its decision, held that the "good faith" defense was not available to the sheriff in this case, i.e, he should have known better.

CONDITIONS OF CONFINEMENT

Probably the most publicized forms of jail or prison litigation are cases involving **conditions of confinement**, where an entire facility—or even a system—may be declared unconstitutional. Conditions of confinement cases are those in which the courts almost literally take control of a jail for years as the defendants try to bring the jail up to acceptable constitutional levels. It is not uncommon in these cases for courts to appoint Special Masters to assist in monitoring the sheriff's efforts to comply with the court order.

In reviewing conditions of confinement in jails, **courts ask two legal questions:**

1. Do the conditions violate the Eighth Amendment rights of sentenced prisoners and/or
2. Do the conditions violate the due process rights of pre-sentenced prisoners?

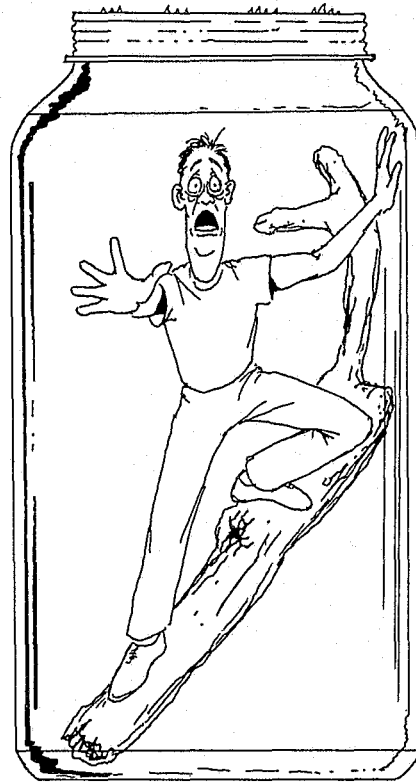
As a practical matter, it makes little difference which question is asked. If a condition (or conditions) violates one constitutional provision, then more than likely it will violate the other.

To determine if conditions are unconstitutional, courts test the conditions in a jail against several rather subjective standards. Under the Eighth Amendment, the courts ask whether the conditions "shock the conscience," or "violate the evolving standards of decency of a civilized society," or whether they "involve the unnecessary and wanton infliction of pain." Under the Fourteenth Amendment, the question is whether conditions amount to punishment. What is "punishment" depends in part on the intent of governmental officials and also on whether the condition is reasonably related to a legitimate governmental objective (including maintaining a safe and secure jail).

For several years, it began to look as if overcrowding and double-celling were the benchmarks which the courts used to determine whether conditions in the jail were constitutional or not. If a jail's population exceeded its rated capacity, then the jail became almost presumptively unconstitutional. This trend ended with the U.S. Supreme Court decisions in *Bell v. Wolfish* (1979) and *Rhodes v. Chapman* (1981), which clearly stated that overcrowding or double-celling were not unconstitutional *per se*. Instead, courts must evaluate the **effect of the conditions upon the inmates**. To use the Eighth Amendment language, when conditions in the jail actually involve the wanton infliction of pain on inmates, then they become unconstitutional.

Therefore, a jail can be overcrowded and still be constitutional. The contrary is also true: A jail which is not overcrowded still can be unconstitutional because of the conditions in the jail.

Two factors other than population are important. One is the **condition of the physical plant**. An old, physically dilap-



idated plant operated without an ongoing maintenance program can deteriorate into an unconstitutional condition as it becomes unsafe for both jail employees and inmates alike. The second factor is the **human factor**. A well-trained, organized, properly supervised staff which operates under well-drafted policies and procedures and at the direction of sound, professional management can compensate for many other potential problems caused by old and overcrowded facilities. Without proper leadership and supervision, the staff can also turn a new facility into one which is unconstitutional.

Courts look at several different elements of a jail when evaluating the adequacy of jail conditions. In general, **the courts ask if the facility adequately provides for the basic human needs of the inmate**. These needs include:

1. Food
2. Clothing
3. Shelter
4. Sanitation
5. Medical care
6. Personal safety

Most courts, in analyzing these factors, lump them together and examine the "**totality of conditions**." But some courts analyze the factors more or less independently of one another.

Because each of the factors which the courts examine is complex, there is no way to isolate **PRECISELY** what a jail must do to be constitutional. However, there are a **number of common problems** which have been identified in jails or prisons

found to be unconstitutional. Note how many of these potential problem areas could be remedied with relatively small amounts of money.

FOOD—Basic to the health and well-being of any individual is a nutritious and well-balanced diet. Therefore, the methods, techniques, and standards of food preparation, food service, and menu planning may be issues in a condition of confinement suit. To determine whether the jail has a potential legal problem regarding inmate food service, supervisors should ask the following questions:

1. Is each inmate given three nutritionally balanced meals each day? **Food should not be used as a form of punishment.** If food is limited in any way because an inmate is intentionally abusing food or refusing to eat, then such actions should be monitored carefully. Alternative ways of assuring that the nutritional needs of the inmate are met should be explored.
2. Is food served in a hygienic and palatable manner?
3. Is hot food served hot, and cold food served cold?
4. Are special diets provided? Special diet issues can arise in both medical and religious contexts.
5. Is the food service department maintained in a clean, orderly, and safe condition and is food handling done in accordance with recognized professional standards?
6. Is a professional nutritionist used as a consultant on menu preparation to assure that the diet contains the elements necessary to maintain health and well-being?

CLOTHING—Do inmates receive clothing for the temperatures in which they are living? Does clothing fit adequately and is it in reasonably good condition? Are inmates able to have their laundry done in a timely fashion?

SHELTER—This category includes a number of different elements. A jail's heating, cooling, and ventilation systems are often the subject of litigation. Can the jail be cooled adequately in the summer and heated in the winter? What is the overall condition of the physical plant: Are windows broken for long periods of time? Are insects and other vermin able to enter the facility? Is the plumbing functional, or does it leak badly? Has the physical plant deteriorated to the point where it is structurally unsafe? What sort of fire and life safety provisions exist in the facility? If the facility does not meet fire codes (as is common with many old jails), have operational steps been implemented to minimize the risk of fire in the jail? These steps might include such things as limiting the amount of flammable materials available to inmates, having fire detection systems available, and having evacuation plans that are understood by both staff members and inmates. **Mattresses or other materials which release toxic fumes when they burn should be removed from the jail.**

EXERCISE—Are there facilities available to allow inmates to exercise? Preferably, inmates should have the ability to exercise out of doors at least several times a week. In the absence of outdoor exercise facilities, there should at least be space indoors in which inmates can exercise their large muscle

groups several times a week. Pacing back and forth on a walkway in front of the cells is **not** considered to be adequate exercise for the inmates.

NOISE—What is the noise level in the jail? Some noise may be inherent because of the jail's method of construction, but other noise sources (radios, TVs, etc.) can be limited substantially through the use of headphones and by limiting the times at which such noisemakers can be used.

SANITATION—Sanitation problems overlap into a number of the other areas described above, particularly food and shelter. Again, the primary question asked by the courts will be whether sanitary conditions in the jail are so bad that they constitute a threat to the health and safety of the inmates. Inmates should be provided with the necessary items for maintaining personal hygiene, including such things as soap, toothpaste, tooth brushes, and razors. Female inmates should be given the necessary feminine hygiene items. In addition, all inmates should be permitted to shower several times a week—daily if at all possible.

All areas of the jail used by inmates should be kept clean. While a deteriorating physical plant may be difficult to keep clean, jail employees and inmates can, in most cases, maintain adequate sanitation. Maintaining adequate sanitation includes having an ongoing maintenance program since there will be problems which obviously cannot be fixed simply by applying soap and water. Leaking toilets should be fixed promptly, as should broken windows. The presence of vermin in a jail can be an indicator of inadequate sanitation.

Efforts to maintain adequate sanitation can be helped by using a professional sanitarian as a consultant to inspect the jail and offer suggestions on ways of improving facility sanitation.

In cases involving jails which are seriously overcrowded, important factors which courts consider are how much out-of-cell time inmates are allowed (thus mitigating the negative effects of prolonged double- or triple-celling), and how much idleness exists in the facility. If a facility is able to provide extended out-of-cell time and activities for the inmates (recreational programs, exercise, vocational programs, and work programs, for example), then the jail administrators will be in a much better position of defense in the event that inmates file a suit dealing with overcrowding. The following examples illustrate how the totality of conditions in a jail can lead to a finding of unconstitutionality by the courts.

In 1981, a county jail in West Virginia was found to violate the Eighth and Fourteenth Amendments. The court found:

1. Plumbing and plumbing fixtures constituted an unjustifiable hazard to the health of each inmate and deprived them of their most rudimentary personal hygiene;
2. Inmates were not provided with clean bedding, towels, clothing, sanitary mattresses, or toilet articles, including soap, razors, combs, toothpaste, and toilet paper;
3. Rudimentary housekeeping and cleaning were not provided, resulting in an unnecessarily filthy and deni-

- grating environment which threatened the physical and mental well-being of the inmates;
4. There was an acute shortage of properly trained deputy sheriffs, which led to instances of homosexual assaults, beatings, fights, and suicides, and the potential for a fatal fire;
 5. Inadequacies in storage, preparation, and serving of food constituted a serious hazard to the physical health of inmates;
 6. No opportunities for exercise existed;
 7. Disciplinary measures were imposed without prior notice of hearing, including forfeiture of good time, imposition of segregation, confiscation of books, forfeiture of trusty status, and denial of visitation rights;
 8. Denial of adequate medical screening, classification, recordkeeping, sick call procedures, and timely access to care demonstrated deliberate indifference to the potentially serious medical needs of all inmates;
 9. Inadequate visitation facilities and meager visitation opportunities existed;
 10. Opening and reading of correspondence from attorneys to inmates occurred outside the presence of the affected inmate;
 11. The jail used a dungeon measuring four feet by seven feet, without windows, plumbing, floor drains, or furnishings of any kind; and
 12. Jail employees intruded upon the right of privacy of female inmates.

In another 1981 case, the combined impact of conditions at the jail violated the Eighth Amendment. The court found that abuse of inmates by other inmates was common, including physical and sexual abuse (inmate abuse and failure-to-protect issues are extremely serious in conditions of confinement cases). There was such overcrowding in the jail that in some cases there was only 6.8 square feet of space available per person. Mattresses were allowed to become filthy, no outdoor exercise was available, and the diet, while minimally adequate, still was unbalanced and consisted mainly of starches. Inmates were also subject to cruel and unusual punishment, since they were constantly and habitually exposed to other inmates who had contagious diseases.

Sometimes a combination of too many inmates and too little money (which means too few officers and not enough supplies) prevents the best managers from maintaining a constitutional jail. At other times, court cases illustrate that with better management, findings of unconstitutionality by the courts could have been avoided. Making sincere and strenuous efforts to deal with conditions of confinement does make a difference. So does good management and supervision. With such efforts, a finding of unconstitutionality often can be avoided.

Even where the jail administration's efforts prove to be unsuccessful, however, and the facility is found to be unconstitutional, a court which is impressed by the efforts of management and staff is far more likely to allow that management a greater

role in the relief phase of a conditions case than it would if the court feels that the administrators and officers are incompetent and unenlightened. If you are making a "good faith" effort to improve your jail's conditions, the court, more than likely, will defer to your suggestions regarding time schedules for relief and methods of improving conditions. In addition, the court is likely to be more flexible in enforcing the order than it would be if it were convinced that management doesn't care.

Classification And The Duty To Protect

An inmate has the right under the Eighth Amendment to be free from unreasonable levels of danger in a jail.

Jail administrators and staff members are not responsible for insuring or guaranteeing the safety of an inmate and not every attack upon an inmate violates the Eighth Amendment. However, **when it can be shown that jail officials are "deliberately indifferent" to the safety needs of either individual inmates or groups of inmates, then the courts will find a violation.** Lack of adequate levels of safety is often an issue in conditions of confinement cases, especially in seriously overcrowded jails.

As with other areas of the Eighth Amendment, the question of when a violation occurs is a subjective one. **There is no absolute, precise formula for determining an Eighth Amendment violation.** The phrase "**deliberate indifference**" is defined by the courts as arising either from intentional acts or when administrators act with "reckless disregard" of an inmate's right to be free from violent attacks by fellow inmates.

Reckless disregard requires more than mere negligence. Courts have held that it exists when there is a pervasive risk of harm to inmates from other inmates. In evaluating whether there is a pervasive risk of harm, courts will look at such things as violence rates and levels of fear in the jail. A court may also look at what steps the jail administration is taking to reduce inmate violence. Courts generally ask whether there is a functioning classification system in the jail that is designed to separate predatory inmates from the more vulnerable ones. The courts also want to know whether the classification system is operating effectively.

In one case, *Shrader v. White*, the Fourth U.S. Circuit Court of Appeals in 1985 ruled that placing a small inmate who had previously been sexually abused while in prison in a cell with a larger inmate who had a history of sexual assaults upon his fellow inmates was a violation of the institution's duty to protect.

Courts will expect a certain amount of informed judgment to be exercised regarding inmate classification and housing decisions. This is an area where a "**knew or should have known**" standard may be applied. Ignorance of a particular problem will not necessarily be an excuse if a correctional officer reasonably should have foreseen the problem and had taken the necessary action to prevent the assault from occurring.

A good **classification system**—a systematic process of determining inmate assignments to housing, work, programs, and treatment which is based on inmate needs and available resources—can not only help protect inmates from each other



but can also help convince a court that jail officials are making serious efforts to maintain acceptable levels of safety. The success of any classification system, particularly in regard to reclassification decisions, depends upon accurate information being fed into the system in a timely fashion. Line officers have a critical role to play as sources for this information. **A classification system which exists on paper but which is ignored in reality will do little to impress a court or improve the levels of safety in a jail.**

Courts recognize that jails cannot be completely safe places. But when violence levels become too high or individual incidents show that jail employees are failing to take basic steps to protect inmates, then an Eighth Amendment violation will be found. Avoidance of a successful "failure to protect" suit often depends upon major management/policy actions and upon the actions of individual staff members. Is there a classification system and is it utilized properly? Is there enough funding to allow adequate staffing? Are all staff members alert to situations of potential danger and are they responding to these situations **BEFORE** the potential can become reality?

Case Study 2:

Turkey County Jail inmates Jason Jones and Tommy Thugger had a brutal fight, which Thugger started, according to inmate witnesses. However, before Thugger could knock Jones unconscious, and thus come out of the fight as the victor, jail officers intervened. Thugger swore he would get even with Jones.

This threat was made in the presence of 35 other inmates in the recreation yard and was also overheard by three officers who were supervising recreation that day.

Several weeks later, because of crowded conditions in Cell Block 1, where Jones was housed, Lt. Byron Bonanza, the evening shift supervisor, ordered Jones moved to Cell Block 2. Under Turkey County Jail policy, cell assignments are supposed to be made by the Assignment Committee, not by the shift lieutenant. Since Thugger is housed in Cell Block 2, Jones immediately complained to the sergeant in his block that if he were to be housed in the same block with Thugger, then he would be in danger because of the earlier fight and the threat which Thugger made to "get even." Thugger is in the jail awaiting transfer to the State Penitentiary after being convicted for murder, and his record in the jail shows a history of disciplinary actions for assaults upon other inmates and, occasionally, officers. Aside from the fight with Thugger, Jones has had no other problems in getting along with inmates and is not considered to be violent.

Jones also sent a letter of protest to Chief Jail Administrator Susan O'Connell.

Sgt. Kenny Klutz, who supervises Cell Block 2, told Jones that "orders is orders" and that he did not have the authority to move Jones back to Cell Block 1. "In my opinion, you're a chicken-livered wimp, and, anyhow, you don't deserve to be in Block 1, which is an honor block, and a wimp like you ain't worthy of no honors, that's for sure," Sgt. Klutz told Jones. He took no further action.

Jail Administrator O'Connell did not respond directly to the letter from Jones, but referred it instead to the Classification Committee for consideration at its next meeting in two weeks. She made a mental note to remind Lt. Bonanza that cell movements are not his responsibility but, overwhelmed with some serious problems, she forgot to have a talk with Lt. Bonanza.

Two days after being moved to Cell Block 2, Jones was sitting on his bunk in his cell when Thugger walked in. Before Jones could get up and run for help, Thugger picked up the cell stool and beat Jones over the head with it, until Jones rolled off his bunk and hit the floor, unconscious. Jones had been trying to avoid Thugger by staying in his cell instead of going to the dayroom to watch TV, but, due to the fact that the cell doors were left unlocked for several hours in the evenings so that the inmates could wander back and forth between the dayroom and their cells, Thugger had no problem at all gaining access to Jones' cell.

Jones was taken to the Featherville City Hospital by ambulance, where it was touch and go for several days due to a fractured skull and internal bleeding in his brain. But neurosurgeons were able to operate and stop the internal bleeding, and Jones is now recovering, although the doctors do not think he will ever regain the vision in his left eye.

Discuss the possible liability issues presented by these facts.

Discussion

The facts in this case present the sort of "**reckless disregard**" for the safety of Jones that a court would find to be an Eighth Amendment violation (or if Jones is a pretrial detainee and therefore not protected by the Eighth Amendment, the conduct would violate the Fourteenth Amendment Due Process Clause).

"Reckless disregard" is one way in which a jailer's deliberate indifference to the safety needs of an inmate can be shown. It can be demonstrated by a disregard of a substantial risk known to the defendant or apparent to a reasonable person in the defendant's position ("the defendant knew or should have known . . ."). One court found a violation arising from "highly unreasonable conduct or a gross departure from ordinary care in a situation where a high degree of danger is apparent" (*Benson v. Cady*, Seventh U.S. Circuit Court of Appeals, 1985).

The facts here suggest that Sgt. Klutz had a duty to take some action to protect Jones. "Orders is orders" is **NOT** a defense. Without disobeying the lieutenant, Sgt. Klutz could have reminded the lieutenant of the jail policy regarding cell assignments and could have called the problem between Jones and Thugger to the lieutenant's attention as well as to the attention of other supervisory staff. He should have requested immediate review of the decision by some responsible official.

Depending upon what he knew of Jones and Thugger, Lt. Bonanza also may be liable. If the evidence ultimately showed that Lt. Bonanza also knew or should have known of the problem, the courts will hold him liable. The lieutenant's breach of agency policy regarding cell assignments won't, in and of itself, violate the U.S. Constitution, but it certainly will not help Lt. Bonanza's defense.

Jail Administrator O'Connell also will share liability because she was advised of the problem by Jones and failed to take any meaningful action. Allowing a potentially dangerous situation to remain in effect for at least two weeks until the scheduled committee review probably reflects a deliberate indifference to an immediate problem. Forgetting to respond in some way to the lieutenant's breach of policy may lay the groundwork for a future "failure to supervise" lawsuit against the administrator, if Lt. Bonanza continues to make such errors.

Medical Care

Because being in jail deprives an inmate of the ability to obtain medical care, he has a right to have medical care provided to him. This right arises under the Eighth Amendment to the Constitution, which prohibits cruel and unusual punishment. It is defined by the U.S. Supreme Court in *Estelle v. Gamble* (1976) as:

" . . . Deliberate indifference to serious medical needs of prisoners constitutes the unnecessary and wanton infliction of pain (and thereby violates the Eighth Amendment)."

The duty to provide medical care also includes the duty to provide certain types of mental health care, the Fourth U.S. Circuit Court of Appeals held in *Bowring v. Godwin* (1977).

The right of an inmate to receive medical care is not ABSOLUTE, however. The jail is **not** under a duty to provide medical care of limitless quantity and quality for **EVERY** ailment an inmate may claim he has. Instead, **the duty arises for "serious medical needs"** (for example, is pain involved? Will the condition get worse if it is not treated?). It is only when the treatment provided (or lack of treatment) is so bad as to reflect "**deliberate indifference**" that the Eighth Amendment right is violated. According to the U.S. Supreme Court, deliberate in-

difference to serious medical needs involves something worse than medical malpractice (mere negligence).

Violations of the duty to provide medical care can involve either individual acts of omissions or problems which involve the jail's complete medical system. Inadequate medical care typically is an issue in a general conditions of confinement case.

As an example, it was alleged in *Cummings v. Roberts* (Eighth U.S. Circuit Court of Appeals, 1980) that jail officials failed to provide medical care which was ordered by a doctor for a back injury, failed to provide a wheelchair (thereby forcing the inmate to crawl on the floor), and failed to provide the inmate with the necessary means for maintaining adequate hygiene; the inmate stated a claim under the "deliberate indifference" standard. In another case, *Wellman v. Faulkner*, the Seventh U.S. Circuit Court of Appeals ruled in 1983 that repeated examples of neglect or gross deficiencies which effectively deny access to care can reflect systemic deliberate indifference.

Typically, where an entire medical system is found to be unconstitutional, the evidence will show that there is a serious lack of adequate professional staff members, that jail employees frequently are required to perform medical services for which they are not qualified, and that the medical facilities provided are unsanitary, grossly out of date, or have other major deficiencies.

It is difficult to define precisely when mental health treatment is constitutionally required, since **courts have generally agreed that there is no right to "rehabilitative" treatment** (which would include many types of mental health treatment). It has been suggested, for example, that the Eighth Amendment duty to provide mental health treatment probably is limited to treating serious mental disorders and is more focused on getting an inmate through a particular, immediate problem than it is toward long-term treatment needs.

Things To Watch For: The developing case law has shown several areas where medical legal issues frequently arise:

1. **Custody interference with medically prescribed care:** Problems between the custody and medical departments in a jail can develop in a number of ways—for example, a prescribed treatment may be difficult to provide (a bedboard, exercise, a wheelchair, or a special diet), or the prescribed medical treatment may present security problems (crutches or drugs which can be abused). Whenever prescribed care is denied or significantly delayed by custody staff, then courts will almost automatically find an Eighth Amendment violation. To prevent this from occurring, custody personnel need to understand the importance of delivering prescribed care (or at least not preventing it from being delivered) and medical staff members need to understand that certain forms of prescribed care can present serious security problems. Thus, custody and medical staff employees need to have regular channels of communication so that when conflicts arise, then solutions which meet the

needs of both departments can be found quickly and implemented.

2. **Denial of access to the health care system:** Inmates are not free to go to the doctor 24 hours a day. Many jails have no medical personnel present even five days a week. Yet serious medical needs obviously do not wait until the scheduled time for sick call. Therefore, a jail needs a system of medical consultation services 24 hours a day, seven days a week. Custody staff officers who are responsible for deciding whether or not to call for medical advice at 3 a.m. may violate an inmate's right to care if they make the wrong decision. On the one hand, custody officers are not trained to diagnose the seriousness of medical complaints (e.g., does a complaint of a severe stomachache suggest mere indigestion or appendicitis?). Conversely, if custody officers have the discretion to decide to delay contacting medical professionals, then they will be making a medical decision, and the courts will hold them to the **SAME** standard of care, and assume that they have the same level of knowledge, as professional medical staff employees.
3. **Emergency care:** In some situations, a problem cannot wait for medical personnel to arrive. Since certain types of emergencies in jails are generally predictable (heart attacks, fights, stabbings, etc.), jail officials need to be prepared to deal with them. Lack of such preparedness can be seen as deliberate indifference to serious medical needs. Therefore, custody officers should, at all times, be capable of administering cardio-pulmonary resuscitation (CPR) and at least basic first aid. There also needs to be a clearly understood system for summoning emergency medical care.
4. **Sharing information between custody and medical staffs:** Communications between physicians and patients generally are confidential. Yet in the jail setting, custody officers need to know certain things about inmates under treatment, such as:
 - A. Whether an inmate is suicidal or homicidal.
 - B. Whether the inmate presents a clear danger of injury to himself or others as shown by conduct or oral statements.
 - C. Whether the inmate presents a clear risk of escape or creating internal disorders or a riot.
 - D. Whether the inmate is receiving certain types of potentially dangerous medications, such as psychotropic medications for a mental illness.
 - E. Whether the inmate needs to be moved to a special unit for observation, evaluation, or treatment.
 - F. Whether the inmate needs to be moved to a treatment facility outside the jail.

Policies and procedures understood by medical staff, custody officers, and inmates alike should govern **WHAT** information can be shared and **HOW** it may

be shared. For instance, custody officers should not have direct access to a patient's medical file.

It may seem that legal issues related to the provision of medical care (or the failure to provide medical care) are really the problems of medical staff, and are not a concern of non-medical custody officers. This is clearly not the case. **Custody officers need to be aware of ways in which their actions can deny an inmate access to medical care or seriously impede the delivery of medical care and thereby expose the staff member to potential liability.** Perhaps the best advice for non-medical staff in this area is that "if it looks like a medical issue, see that professional medical staff employees make the decisions." Once those decisions are made, individual custody officers should not act in a way so as to impede implementation of the decisions.

Where conflict between security and medical needs arises, then mutually satisfactory compromises need to be made or, in many cases, the medical needs will take priority. However, such decisions should **NOT** be made by custody officers alone.

UNLAWFUL DETENTION

Unlawful detention—false imprisonment—is an obvious occupational hazard for anyone in the business of detaining people. Unlawfully detaining someone can be a simple tort as well as a violation of the individual's civil rights (deprivation of liberty without due process of law—a classic violation of the Fourteenth Amendment).

Jail officers generally will not be liable in cases of false arrest; in such cases, liability will fall upon the arresting officers. However, **liability for false imprisonment may arise against jail staff when jail employees actually know the arrest is illegal.** In some jurisdictions, actual knowledge may not even be required. **Constructive knowledge** ("should have, from experience, known . . .") will be enough to establish the basis for liability. In this regard, note how important it is for the booking officer to question the legality of an arrest when the officer realizes there is an apparent error.

As an example of a case where jail staff employees were held liable for an illegal arrest, 19 hours had elapsed from the time the plaintiff was brought to the jail for public drunkenness without any change taking place in the plaintiff's apparent drunken condition. The Fifth U.S. Circuit Court of Appeals, in *Reeves v. City of Jackson* (1979), held that at least the jail officers on duty during the last half of the 19-hour period should have realized that the man was not drunk, but that something else was wrong with him and he probably should not have been arrested in the first place. In fact, the man had suffered a serious stroke, which produced the symptoms of being intoxicated.

When there is a question about the illegality of the arrest that is sufficiently apparent to jail officers to trigger a duty to investigate, then the law will allow a reasonable time to conduct such an investigation. Thus, the Seventh U.S. Circuit Court of Appeals held in *Wood v. Wornchek* (1980), that where a man was arrested in a mass demonstration and taken to jail without any sort of supporting documentation from the arresting officers,



a three-hour time lag during which jail staff investigated the basis for the arrest, determined no cause could be found, and released the man, was reasonable in light of the mass arrests occurring because of the demonstration. As an aside, the plaintiff in this case was seriously beaten at the time of arrest and was suffering obvious injuries when he was brought to the jail. Jail employees were found liable for failing to obtain medical care during the man's three-hour jail stay.

Unreasonable delay in getting a prisoner from one custody status to another can be the basis for false imprisonment liability, even though the overall incarceration remains legal. Thus, a 24-day trip from Minnesota to a Federal medical facility in Missouri for a competency examination which took the prisoner through four different Federal prisons stated a claim, the Eighth U.S. Circuit Court of Appeals held in *Occhino v. U.S.* (1982). Unjustifiable delays in moving a jail inmate to a minimum security unit or to a work release facility, after such placement was ordered, could be the basis for a suit.

Probably the biggest area of potential liability exposure for false imprisonment comes from failing to release a person on time. The danger here is less that an inmate will intentionally be held past a release date, but that a release date may be negligently overlooked or entered incorrectly into a computer or other data system. In a 1976 case, for example, jail employees were found to be **NOT** negligent for a data entry error made by

a court clerk. But, considering the case, the Fifth U.S. Circuit Court of Appeals said in *Bryan v. Jones* (1976):

“ . . . (T)he jailer will be held to a high level of reasonableness as to his own actions. If he negligently establishes a record system (where errors are likely), he will be held liable.”

This suggests not only the importance of keeping accurate records, but also the importance of having procedures to **VERIFY** the accuracy of the records. Obviously, just because a computer print-out says a release date is “X,” it does not mean that the date could not have been entered incorrectly.

When information is brought to the attention of the jail staff that an inmate is being held improperly, then a duty will arise to investigate and reconfirm the validity of continued incarceration. It is difficult to say precisely when this duty will arise because it will vary from situation to situation. Sometimes circumstances alone may be enough to tell the reasonably prudent jail officer that something may be wrong (i.e., the “drunk” who never sobers up). Sometimes statements from the inmate may be sufficient to trigger a duty to at least double check the validity of the hold.

Line staff have a primary role in these situations because they will be the officers who most often will receive the first

notice of a potential problem. Line officers who ignore these warning signs are setting themselves up for potential liability exposure. Thus, **line officers should have either the authority to confirm the validity of a continued hold and/or a clear duty to promptly pass information they receive on to a supervisor who is in a position to conduct the necessary investigation.** Obviously, once line officers identify an apparent need to reconfirm that continued incarceration is legal for a specific inmate, then such investigations should be conducted quickly. Or the delay itself may become the basis of a suit for false imprisonment.

UNDERSTANDING DUE PROCESS

One of the legal phrases most often heard—and most often misunderstood in corrections—is “**due process.**” Understanding something about what due process means in correctional law can help the employee deal with offenders who may often misunderstand the term themselves. In addition, it is good for jail employees to be able to understand what the courts mean when they speak of “due process” in various contexts.

The term “due process” comes from the Fourteenth Amendment to the U.S. Constitution, which states in part:

“. . . nor shall any state deprive any person of life, liberty, or property, without due process of law . . .”

By its terms, the Amendment applies only to “state action” (including actions of any state or local government agency, but not private organizations unless they are acting for the state in some way).

It also applies only to actions which involve the life, liberty, or property of someone. (Note that the Amendment applies to all “persons”—not just citizens.) In corrections, most litigation under the Fourteenth Amendment pertains to liberty or property issues, although death penalty cases obviously deal with issues of life. “Life” issues also can arise in deadly force situations where the courts may ask if the use of deadly force in a particular situation deprived someone of life without due process of law.

The courts use the concept of “due process” in two quite different contexts: **substantive due process** (or **fundamental fairness**) and **procedural due process**. The first focuses on the result of a given action (“is this result fundamentally fair?”) while the second virtually ignores the result and asks only if the process used to reach the result was fair both to the individual and to the government.

Substantive Due Process: In a sense, the Amendment here is a sort of catch-all—a way for courts to review actions of government in relatively extreme situations where no other vehicle of review exists. Yet the government’s action appears to be highly unfair, thus warranting the legal review.

Probably the most significant use of this form of due process in the corrections setting is its application to pretrial detainees. In a landmark decision in 1979, the U.S. Supreme Court ruled in *Bell v. Wolfish* that due process prevents government from “punishing” pretrial detainees, since literally, by definition, only **CONVICTED** persons can be punished for violation of the

criminal law. With this decision, the court provided a framework, under the Due Process Clause, for reviewing the conditions of confinement of pretrial detainees.

Another way this form of due process has been used in the correctional context involves the constitutionality of holding juveniles in adult jails. Several Federal courts in recent years have condemned, to one degree or another, the housing of juveniles in jails; they have also concluded that placing pre-adjudicated juveniles in jails constitutes punishment and/or is unfair.

Procedural Due Process: Much litigation arises in the area of procedural due process. Here the court focuses on the procedural protections that should accompany a particular type of decision (such as a decision in a disciplinary hearing). In essence, the court turns the phrase “due process” inside out and asks “what process is due” to the individual.

Again, fairness is at the heart of the concept of due process, except that here the question is whether the procedures used were fair—not necessarily whether the end result was fair. For this reason, it is not uncommon for correctional officers to wonder why a court is concerned about a particular inmate’s complaint, since “he got what he deserved, in any event . . .” The court does not necessarily care what the inmate deserved, or whether he was “guilty.” But the court **DOES** care whether the inmate lost “life, liberty, or property without due process of law . . .”

What “process is due” varies, depending upon the severity of the potential loss faced by the individual and the nature and strength of the governmental function involved. As with many other constitutional rights, the courts try to use a balancing test: the interests of the individual in one pan of the scale and the interests of government in the other.

As an example of this balancing process, consider the extent of the procedural protections required by due process for the person charged with a crime as compared to a person charged with violating a jail disciplinary rule. When considering the disciplinary case, the courts have found that the individual’s “liberty interests” are smaller and the government’s interests in a quick, summary proceeding are greater. Thus, there are far fewer due process protections for the inmate facing a disciplinary hearing than there are for the person who is charged with a crime (see, for example, the U.S. Supreme Court’s 1974 decision, *Wolff v. McDonnell*).

“Procedural due process” generally translates into “some form of hearing” or review, and what particular form such a hearing or review must take. For example, must the inmate be able to call witnesses or cross-examine witnesses against him? May he have the assistance of an attorney? Must the proposed decision at least be reviewed by a disinterested party? These are the sorts of questions a court will ask in reviewing a due process case.

The balancing test required by the courts does not always result in some form of an adversary hearing for the inmate (something that looks like a mini-criminal trial). For instance, in applying minimal due process procedures to a decision to place an inmate in administrative segregation, the U.S. Supreme

Court in *Hewitt v. Helms* (1983) found that a trial-type procedure would not improve the decision process; therefore, it required only an informal, nonadversary review.

During the decade of the 1970s, lower courts sharply expanded the due process rights of inmates in many different contexts. For example, many lower courts had held that inter-institutional transfers and placements in administrative segregation required disciplinary-type hearings. The U.S. Supreme Court has reversed several of these specific holdings and has also substantially slowed the expansion of inmate due process rights. Several areas where the court has spoken about due process include:

1. **Discipline:** When an inmate can have the length of his term adversely affected (even through losing good time) or when he can potentially be placed in disciplinary segregation, a formal hearing **IS** required, the U.S. Supreme Court held in *Wolff v. McDonnell*.
2. **Transfers:** In 1976, in *Meachum v. Fano*, the U.S. Supreme Court reversed a strong trend among lower courts and held that the Fourteenth Amendment does **not** apply to a decision to transfer an inmate from one correctional institution to another, even if the transfer is out of state. State law or regulations may create a liberty interest for inmates to remain in a particular facility; in such cases some form of due process review would apply before the inmate could be transferred.
3. **Administrative segregation:** Again, in *Hewitt v. Helms*, the U.S. Supreme Court reversed a lower court trend and held that the Fourteenth Amendment does **not** inherently protect nor apply to the administrative segregation decision process. Once again, state law or regulations may be such that very limited due process protections are created.
4. **Transfer to a mental facility:** Here the U.S. Supreme Court, in *Vitek v. Jones* (1980) did find that the Fourteenth Amendment applied, since a transfer to a mental hospital is not within the range of conditions of confinement to which a criminal conviction subjects an individual.
5. **Mail censorship:** Whenever mail to a prisoner is censored or delivery is withheld, the U.S. Supreme Court, in *Procunier v. Martinez* (1974), found that liberty interests of both the inmate and the outside correspondent were implicated. Thus, the court approved a requirement that an inmate be notified of the rejection of a letter written by or addressed to him, and that the author of the letter be given a reasonable opportunity to protest that decision, to someone other than the person who originally disapproved the correspondence.
6. **Lost property:** Many correctional attorneys assumed that when an inmate's property was lost or stolen through the actions of institutional staff, then the inmate had been deprived of the property without due process of law. The U.S. Supreme Court, however, ruled differently, holding in *Parratt v. Taylor* (1981) that due process was satisfied if there were some form of legal

proceeding available to the inmate in which he could seek damages for the lost property. The "due process" could come after the deprivation—in the form of a damages suit.

"You denied me due process" is a complaint frequently heard by jail employees. Yet, as this chapter shows, **due process does not apply to every staff decision with which inmates may disagree**. After flowering during the 1970s, the scope of the Fourteenth Amendment's Due Process Clause has been reduced in recent years by the U.S. Supreme Court. Jail administrators should now see fewer lawsuits in which courts find new due process rights. In addition, jail officials should be more able to determine just what types of decisions involve the Due Process Clause and what kinds of procedures are required.

However, where due process rights have been established, such as in the area of inmate discipline, care must be taken to see that the procedures called for are followed. Failure to follow proper procedural rules can quickly result in litigation (inmates can be expected to insist on being afforded the procedures called for in jail rules). Where such procedural rules are required by the U.S. Constitution, then failure to follow the rules can lead to both injunctive and monetary liability.

Disciplinary Proceedings

The most significant area of inmate due process rights is that of **DISCIPLINE**. When jail officials seek to punish an inmate for violating rules, and the potential range of sanctions may possibly affect the inmate's length of incarceration (such as denying "good time") or could result in imposing time in isolated or segregated confinement, then a **hearing must be held to determine guilt and to impose punishment. That hearing must follow certain procedural requirements**. Failure to follow these requirements can lead to:

1. The result of the hearing will be overturned by the courts (and frequently the entire matter will be thrown out altogether); and
2. The court will impose damages against the jail employees who were responsible for the error.

The basic constitutional due process rights for inmates involved in disciplinary hearings include:

1. Written advanced notice of the hearing, indicating the nature of the alleged disciplinary violation: The notice is intended to provide the inmate who has been charged with an opportunity to gather facts for his defense and to clarify what the charges are.
2. A right to a hearing before a neutral decisionmaker at which guilt or innocence is determined.
3. An opportunity to call witnesses and present documentary evidence, except when to do so would be unduly hazardous to institutional safety or correctional goals.
4. A written decision by the fact-finder concerning the evidence relied upon and the reasons for the disciplinary action.

- When the inmate is illiterate or the complexity of the issues makes it unlikely that the inmate will be able to collect and present evidence necessary for an adequate comprehension of the case, then the inmate should be allowed to obtain the aid of another inmate or aid from a staff member in the hearing.

The inmate in institutional disciplinary hearings **DOES NOT** have the right to confront or cross-examine witnesses against him. **This is left to the discretion of the institution.** Similarly, the inmate **DOES NOT** have the right to assistance by an attorney, even when the institutional charges involve conduct punishable as a crime under state law.

The inmate **DOES NOT** have a constitutional right to appeal the results of a disciplinary hearing. However, appeals routinely are allowed in institutional disciplinary rules and it is shortsighted not to have an appeals mechanism. An appeal allows the jail administration to review the actions of the disciplinary committee and to identify and correct any errors the committee may have made. Thus, a **properly functioning appeals process can reduce litigation and staff liability exposure by correcting mistakes before they can damage anyone.**

Under the Fourteenth Amendment not a great deal of evidence is necessary to support a guilty finding in a jail disciplinary case. The U.S. Supreme Court held in 1985 (in *Superintendent v. Hill*) that due process is satisfied "if some evidence supports the decision . . . some evidence from which the conclusion of the administrative tribunal could be deduced . . . (is there) any evidence in the record that could support the conclusion reached by the disciplinary board?" In some circumstances, state statutes or state constitutions (as interpreted by state courts, not Federal courts) may require higher evidentiary standards. Jail rules also may set higher standards.

A relatively common problem in institutional disciplinary proceedings is the use that is made by jail officials of information from **anonymous informants**. An inmate who testifies openly against another inmate places himself in serious danger as a "snitch." Yet many times it is only through an inmate that evidence of rule violations can be obtained.

Information from anonymous informants can be used in disciplinary hearings—without revealing the source—if there is some indication that the informant is credible and reliable. In general, the best practice is for the fact-finder to be given enough information about the informant and enough detail about the informant's "testimony" to enable the fact-finder (individual or committee presiding at the hearing) to make an independent evaluation concerning both the reliability of the informant and the accuracy of the specific information which he is offering. Testimony from a staff member that states, for example, "I was told that the inmate charged with the offense is guilty," or similar conclusory statements probably will be found to violate due process.

While jail line officers may at times be involved as members of a disciplinary hearing committee, the more common involvement of line staff with the disciplinary process will be through writing reports of disciplinary infractions by inmates and ap-

pearing at subsequent disciplinary hearings to testify. Regardless of the way line officers may be involved with the disciplinary process, it is important to remember that the process is protected by clearly established constitutional rights. Thus, **attempts to take short-cuts in the disciplinary process are likely to violate the rights of the inmates and subject staff members to serious liability exposure.**

The procedural requirements which must be followed in a disciplinary hearing are intended to make disciplinary proceedings fair and less subject to arbitrary actions on the part of individual jail employees. They provide, in a sense, a form of supervision over the disciplinary process beyond that provided by supervisory officers. Despite the procedural requirements, jail employees still retain a great deal of power over inmate conduct. The officers clearly have the right to impose sanctions for violation of jail rules.

Supervisory officers should view disciplinary due process rules as a management tool which does not impede legitimate disciplinary efforts but which does provide a check against arbitrary and potentially unlawful staff conduct taken in the name of "discipline."

Vocational, Educational And Psychological Programs

No Right to Rehabilitation: There is no right to rehabilitative treatment in a jail or prison. Therefore, courts generally have held that institutions do not have the duty to establish vocational or educational programs for inmates. In some cases, however, courts have ordered that such programs be established, but they have done so as part of attempts to remedy serious problems involving conditions of confinement; some of these problems have been traced to inmate idleness.

In some states, state law may require jails to have some form of rehabilitative programming, although such statutes more typically relate to state prison systems.

Obviously, even though the inmates may have no legal right to educational or vocational programming, or other forms of rehabilitative programming, such programs provide benefits both for the jail and for the inmates.

Inmates often are under-educated and under-trained. Thus, educational and vocational training programs can provide the inmate with some of the skills necessary to survive in today's world. The offender who is better equipped to obtain and hold a job upon release from jail may be less likely to become part of the jail's revolving-door clientele.

If educational, vocational, or other rehabilitative programs are offered for inmates, a variety of legal issues may arise concerning the implementation of those programs, such as:

- Parity between programming for men and women:** A number of courts have required that programs for women inmates be equivalent in substance, if not form, to those for men, even though the women in a facility may constitute only a small fraction of the total population. If program opportunities are offered only to male inmates, then the resulting discrimination probably vi-

olates the Equal Protection Clause of the Fourteenth Amendment.

2. **Assignments to programming should be made on a fair, nondiscriminatory basis:** If program participants turn out to be predominantly of one racial or ethnic group, then the reasons for this should be carefully examined.
3. **Assignments should be consistent with the physical abilities of the inmates:** Inmates who are medically unable to handle certain types of jobs (for instance, heavy lifting) should not be required to hold such jobs or penalized for not participating in them. Avoidance of problems in this area may require close communication between medical staff and those jail employees who are responsible for program assignments.
4. **Pre-trial detainees should not be required to participate in programs, although participation certainly is appropriate:** While courts have recognized rehabilitation to be a legitimate state purpose in dealing with sentenced offenders, the state generally is not seen by the courts as having the power or a legitimate interest in attempting to rehabilitate detainees prior to their being convicted.
5. **Termination from programs should be for cause, and not for arbitrary reasons:** When rules or policies governing termination from programs provide that termination shall only be for the occurrence of certain specified reasons, then the inmate may have a liberty interest in remaining in the program. Therefore, he may be entitled to some limited form of due process protection if he is terminated from the program. For this reason, the involvement of supervisors in termination situations is important.

Mental Health and Suicide Prevention Programs: Many inmates in jails probably could benefit potentially from some form of psychological counseling or treatment. However, it is only in limited circumstances that inmates have a right to receive such treatment. As was discussed previously in this chapter in the section dealing with an inmate's right to medical care, a mental health problem must be described as a "serious medical need" before the institution has a **DUTY** to provide treatment. Under this approach, a jail will typically not be found by the courts to be deliberately indifferent to the serious medical (mental health) needs of the inmate if the jail does not have a broad psychological counseling or treatment program, although some mental health services obviously are necessary. These services should probably include some form of basic intake screening for mental problems, **especially to identify those incoming inmates who may be potentially suicidal.**

Suicides or suicide attempts by jail inmates are a predictable problem for jail administrators. Therefore, **the lack of jail mental health screening and prevention programs and suicide response capabilities can be seen as deliberate indifference to the medical and mental health needs of the inmates.** The courts may also hold that jail employees have a duty to recognize potential suicide situations and take extra precautions to protect the inmate. In one case, for example, a state court ordered a trial

in the situation of a woman who was highly intoxicated at the time of her incarceration and who soon committed suicide. Testimony revealed that jail officials were aware that the woman was not only intoxicated, but also that she had reason to be depressed over a number of serious problems in her life. The court felt that these facts indicated at least potential negligence on the part of the jail staff.

In addition to being expected to recognize potential suicide risks and take special precautions, **jail employees also will be expected to be able to respond to an attempted suicide.** For example, one county was held liable for failing to train its personnel properly in a situation where a deputy found an inmate hanging by a bed sheet but did not cut him down until obtaining instructions from a supervisor concerning what he should do. Even though the deputy was acting in good faith, the time lapse in providing assistance was the main cause of death, in the jury's opinion. Thus, jail officers need to be capable of providing emergency medical assistance (CPR and basic first aid) in order to be able to deal with suicide attempts.

Unlike a person with a physical medical complaint, the mentally ill inmate cannot be expected to ask for treatment. Yet, in the absence of such requests, the mental illness can become much worse. For this reason, **jail employees should be trained to recognize basic signs of mental illness so that inmates can be referred to mental health specialists for a diagnosis and appropriate treatment.** Again, the failure of jail employees to be trained in this area can expose both the employees and the county or city to potential liability for deliberate indifference to the serious mental health needs of the inmates and a failure to train.

Equal Protection

The Fourteenth Amendment to the U.S. Constitution includes an **Equal Protection Clause**. This concept of "equal protection" can be difficult to understand and to apply in various situations. Perhaps to oversimplify the concept, **the idea of "equal protection" is that groups or individuals with similar characteristics should be treated alike by government**—unless government can demonstrate a justification for treating them differently. The strength of the justification required by government to treat "similarly situated" groups of individuals differently will vary with the type of classification involved. Thus, a distinction based on race will require a very strong showing of need and will almost always be found by the courts to violate equal protection. Other types of distinctions, however, such as wealth, may not require as strong a showing of need.

Perhaps the two most significant "equal protection" issues in jail management in the late 1980s relate to **race and sex.**

Racial Discrimination: Discrimination based on an inmate's race will almost always be found by the courts to be unconstitutional. Racial and ethnic groups should be treated equally and should have the same opportunities for program selection, work and housing assignments, and access to correctional resources. Jail supervisors should be aware that problems may arise through practices which seem racially neutral on their face but which in fact have a discriminatory effect.

In extreme circumstances, inmates can be separated on the basis of race, at least temporarily, the Seventh U.S. Circuit Court of Appeals held in *Harris v. Greer* (1984). Separation of inmates by race, when such separation is essential to maintain security and discipline, was approved in principle by the U.S. Supreme Court in *Hudson v. Palmer* (1984). When racial segregation results as an "unintended, undesired by-product" of separating rival gangs, then it does not violate equal protection, the Seventh U.S. Circuit Court stated in *Harris v. Greer*.

These and other cases make it clear that racial segregation will be approved by the courts only in extreme circumstances and probably only in the absence of other alternatives. In addition, jail officials must demonstrate that they are trying to reduce or avoid racial separation of inmates as much as possible. **Racial TENSION alone probably is not a sufficient reason for separation.**

Any specific policy of racial segregation will have to be justified "as necessary to the accomplishment of a compelling state interest" and a sheriff will bear a heavy burden in meeting this test. However, in those situations where there is literally no other alternative if serious confrontations and security problems are to be avoided, then racial separation will be grudgingly accepted by the courts—but probably only as a temporary solution.

Parity in Programming for Women Inmates: Women constitute only a small fraction of the total jail population. For this reason, facilities and programs available for female inmates tend to be lower in quality and quantity than those which are available for male inmates. Over the last several years, a number of Federal district courts have reviewed this disparity between men's and women's programming in prisons and jails. From these cases the courts are developing a concept of potentially tremendous significance to the operation of jails. This concept is called "parity."

Under the concept of parity, programs for male and female offenders must be substantially equivalent in substance, if not form. Neither comparative differences in size between populations nor comparative cost differences in providing similar levels of programming have been accepted by the courts as justifications for the significant differences in quantity and/or quality which often exist between programs for men and women inmates.

An exception to the "substantial equivalence" requirement would arise if jail officials could show that a gender-based distinction in programming substantially furthered an important governmental objective. Thus far, the several courts which have considered the parity issue have found no such justifications. (The "substantially further an important governmental objective" test is less burdensome than the "compelling state interest" tests which would be demanded for racial distinctions. This is an example of how courts will apply different burdens on government to justify distinctions between groups.)

The parity concept was first applied in 1976 in a jail case in Florida. In that case, *Mitchell v. Untreiner*, the Federal court

found a violation of equal protection when female inmates were denied privileges that were available to their male counterparts; male inmates were given such privileges as contact visits, regular outdoor exercise, educational opportunities, "trustee" status, and access to a road camp facility where conditions were less onerous than those in the county jail.

EQUAL OPPORTUNITY AND SEXUAL HARASSMENT

More and more jobs in jails are becoming open to women. Probably the only basis for limiting jobs available to women is the issue of an inmate's right to privacy. Courts, however, are split on the issue of whether or not inmates have a sufficient right of privacy in jail to be free from observation by members of the opposite sex while they are using the shower or toilet or are in stages of undress.

Some courts try to strike a balance between the privacy rights of inmates and the equal opportunity rights of female officers. In trying to strike this balance, the court may demand that the institution implement various measures to increase inmate privacy by rearranging the job schedules of women officers or by placing privacy screens around showers. Other courts, however, have found that inmates do **NOT** have a right of privacy; the fact that the inmates might be observed by members of the opposite sex while in the nude does not violate inmate rights, these courts have held.

While most of the courts which have considered the problem of using staff of the opposite sex in a jail have seen the competing issues as being equal opportunity versus inmate rights, there is another issue which argues in favor of increased use of female officers in facilities for men. Administrators who have experience with employing female officers in facilities for men uniformly argue that the presence of women in an institution for males has a positive effect upon inmate behavior and thereby benefits institutional security.

It is not altogether clear that arguments in favor of using male officers in facilities for women can be made as strongly as arguments in favor of using female officers in jails for men. The "equal opportunity" argument does not appear to be as strong in the male officer-female institution context. Judges and juries may also have somewhat different attitudes or opinions regarding the privacy rights of female offenders as opposed to the rights of male offenders in this context.

It is clear, however, that more and more women will be working in facilities for men. Thus, a decreasing number of custody responsibilities can be said to be "male only." At this time, it appears to be the opinion of the courts that those responsibilities which include conducting strip searches should be reserved for staff members of the same sex as the offender. Very intensive patdown searches (which include contact with the genital areas) also should be conducted by officers of the same sex as the inmate, although such searches which are conducted in a thoroughly professional manner arguably may be conducted by officers of either sex. Other responsibilities which involve more than casual observations of inmates in the nude may be held by a court to be reserved for officers of the same sex as the inmates.



Despite how the courts eventually decide the "equal opportunity-privacy" issue, it is abundantly clear from existing court decisions that jail facilities are no longer reserved predominantly for male officers only.

Sexual Harassment Complaints

The increased use of female officers creates another potential legal problem for the jail administrator and for supervisors, aside from the issue of inmate privacy. Complaints of sexual harassment made by newly hired officers, based upon treatment received at the hands of co-workers or even from some supervisors, can result in very demoralizing and bitter litigation involving staff members.

Sexual harassment provides the basis for a lawsuit under Title VII of the Civil Rights Act of 1964. To be actionable, harassment need not be tied directly to employment conditions or status. As one court said, an action can be based upon "sexually stereotyped insults or demeaning propositions that illegally poison the psychological and emotional work environment."

An employer will be held vicariously liable for sexual harassment when the harassment is done by supervisory employees. If an employer knows or should have known of sexual harassment by one employee against another, then liability will be found by the courts.

Sexual harassment is defined as "uninvited conduct with sexual overtones in the work place." Such uninvited conduct may be verbal (jokes, unwelcome comments, and sexual re-

marks), or it may be **physical** (bumping, touching, hugging, or kissing).

In addition to meeting the requirements of this definition, sexual harassment must also include certain other conditions. The first is that submission to the conduct is explicitly or implicitly a condition of the individual's employment. This refers to a situation in which a supervisor says or implies that someone can have a job if the person agrees to some sort of sexual behavior with him or her. A second condition occurs when the conduct is used as a basis for employment decisions affecting the individual. This would include promotions, training, and changes in working conditions. In a third type of situation, the sexual conduct unreasonably interferes with an individual's work performance or creates a hostile work environment; this condition involves such typical on-the-job harassment as dirty jokes, abusive language, and leers of a sexual nature.

An unfortunate by-product of the entry of more and more women into a predominantly male work force is the increase in the numbers of sexual harassment complaints. Thus, the jail administration should have a mechanism by which such complaints can be addressed by appropriate supervisory staff. Supervisors should be sensitive not only in responding to the complaints, but also to the general behavior of some employees which may be viewed by others as sexually harassing or intimidating.

Sexual harassment litigation, regardless of its outcome, is extremely detrimental to staff morale since it pits one employee

against another. Such litigation often forces management to take sides against some employee factions.

The likelihood of serious problems arising because of sexual harassment can be reduced through training, close and sensitive supervision of the work situation, and careful, prompt attention to sexual harassment complaints.

SUMMARY

1. Jail inmates have a general right of access to the courts.

To make certain that inmates are able to exercise this right, jail administrators have a duty to provide resources to the inmates, such as law libraries and access to attorneys. Inmates have a right to consult privately with attorneys in the jail. In addition, correspondence between inmates and attorneys, courts, and other governmental agencies is generally considered by the courts to be privileged and confidential; these letters should not be read or censored by jail employees. However, such privileged correspondence can be examined for contraband.

2. Because the First Amendment rights of inmates are considered to be so fundamental, courts are extremely protective of them.

These First Amendment rights include:

- A. Freedom of speech;
- B. Somewhat limited freedom of association;
- C. Freedom of religion;
- D. Freedom of the press, which includes the right to correspond and receive publications and to express one's views to reporters; and
- E. The right to receive visitors.

Many of these rights have been curtailed to some extent by the courts in order to uphold the security and safety needs of the institution.

3. Jail officials generally are permitted by the courts to search inmates and their cells without obtaining a search warrant.

Courts have recognized a strong governmental need for searches (in order to protect jail security) and a correspondingly low expectation of privacy on the part of inmates. However, with regard to searches of jail employees or visitors, the courts recognize a somewhat lesser level of governmental need and a somewhat stronger expectation of privacy.

4. The most publicized type of jail litigation is the "conditions of confinement" case, in which the courts may declare a jail to be unconstitutional; in such cases, the courts literally take control of the jail until it complies with court-determined standards.

Under the Eighth Amendment, when conditions in the jail actually involve the wanton infliction of pain upon inmates, then

the jail becomes unconstitutional. When evaluating the adequacy of jail conditions, courts look at several different elements:

- A. Food;
- B. Clothing;
- C. Shelter;
- D. Sanitation;
- E. Medical care; and
- F. Personal safety of the inmates.

Because each of the factors which the courts examine is complex, there is no way to isolate precisely what a jail must do to be in compliance with the U.S. Constitution. There are, however, general guidelines which have been established by the courts and these guidelines should be followed by jail administrators.

5. Jail officials must take care not to unlawfully detain anyone in violation of the Fourteenth Amendment to the U.S. Constitution.

While jail officers generally will not be liable for false arrest, they may be held liable for false imprisonment if they detain anyone when they actually know the arrest was illegal. Thus, it is extremely important that the booking officer question the legality of an arrest when he has reason to believe that there is an apparent error. Probably the biggest area of liability exposure for false imprisonment comes from failing to release a person on time. Thus, it is extremely important to keep accurate records, and to cross-check computerized records to make certain that the correct information has been entered into the system.

6. The Fourteenth Amendment to the U.S. Constitution prohibits jail officials from depriving inmates of life, liberty, or property without due process of law.

"Due process" involves two types of situations:

- A. **Substantive due process, or fundamental fairness**—in corrections, this issue most often involves the treatment given to pretrial detainees or juveniles.
- B. **Procedural due process**, in which the courts focus on the procedural protections that should accompany particular types of decisions, such as disciplinary proceedings for inmates.

In looking at cases in which questions of due process have been raised by inmate plaintiffs, the courts will ask whether the procedures involved were fundamentally fair, not whether the end result was fair. Procedures in the jail in which questions of due process most often arise include: discipline, transfers, administrative segregation, transfer to a mental health facility, mail censorship, and lost property. Where due process rights have been established by the courts, such as in the area of inmate discipline, then jail officials must take care to see that the procedures are carefully followed, or they could be held liable. The most significant area of due process rights is that of discipline. Attempts by jail officials to take short-cuts in the disciplinary

process are likely to violate the rights of the inmates and subject staff members to serious liability exposure.

- 7. Jail administrators and supervisors must take care to insure that women officers are provided with equal opportunities on the job and are not subjected to sexual harassment from their colleagues.**

Sexual harassment in a jail can result in a lawsuit filed by one employee against another; such a lawsuit is very damaging to staff morale. In addition, when sexual harassment is instigated or condoned by a supervisory officer, then the sheriff and the governmental body will be held vicariously liable. The likelihood of serious problems arising because of sexual harassment can be reduced through training, close and sensitive supervision of the work situation, and careful, prompt attention to sexual harassment complaints.

CHAPTER FOUR

UNDERSTANDING THE NATURE OF POLICIES AND PROCEDURES

The purpose of this chapter is to define what policies and procedures are, and how they affect you in your position as a supervisor in a jail or detention center. It is not the intention of this chapter to make you proficient in writing policies and procedures. You should, however, learn how policies and procedures relate to the operation of your institution, how they assist you in the performance of your daily duties, and how they aid you in training and supervising your staff.

WHAT IS A POLICY AND PROCEDURES MANUAL?

The policy and procedures manual is an organized compilation of the principles guiding an agency's operations, as well as prescribed processes to be followed to achieve agency goals. It is the blueprint for translating philosophy into action.

The policy and procedures manual is perhaps the most important management tool available to the corrections administrator. **Policies and procedures provide direction to staff by communicating, in writing, the organization's philosophy and methods of operation.** They serve as a valuable tool in promoting consistency, efficiency, and professionalism by standardizing the methods by which such responsibilities are accomplished. Policies and procedures may be used effectively as a formal mechanism for introducing new ideas and concepts to staff members. They also provide a mechanism by which the administrator can transfer authority and responsibility to staff members to help them accomplish organizational goals and objectives. Finally, they establish the foundation for any comprehensive staff training program.

Policies and procedures are an important form of **documentation** to help the sheriff's department or jail administration defend itself against inmate/detainee-initiated court actions. Written documentation is most critical in the event of a civil suit because courts have held: "If it isn't noted in writing, it doesn't exist." In the words of one liability expert, to successfully defend a suit you have to "Document! Document! Document!"

Written policies and procedures also are advantageous in the management, administration, and daily operation of a correctional facility. In addition, they are mandated by the American Correctional Association (ACA) and other corrections-related agencies and organizations, such as the Commission on Accreditation for Corrections (CAC), which have promulgated standards. Therefore, they are a pre-requisite to achieving accreditation status.

In summary, then, what does the policy and procedures manual do? A manual that is thorough, clearly written, and periodically updated:

1. Provides direction to the staff;
2. Aids in promoting consistency, efficiency, and professionalism;
3. Formalizes mechanisms for the transfer of authority and responsibility to line staff;
4. Formalizes mechanisms for the introduction of new ideas and concepts;
5. Provides a basis for staff training and development;
6. Provides documentation to help the administration defend the facility in court actions;
7. Provides documentation for employee disciplinary actions;
8. Addresses mandates developed by national and state correctional standards and accreditation organizations;
9. Is a public document which enables taxpayers to know the agency's objectives and philosophy and how it operates; and
10. Is a safeguard against illegal, unprofessional, and ineffectual practices and against charges to this effect.

WHAT ARE POLICIES AND PROCEDURES?

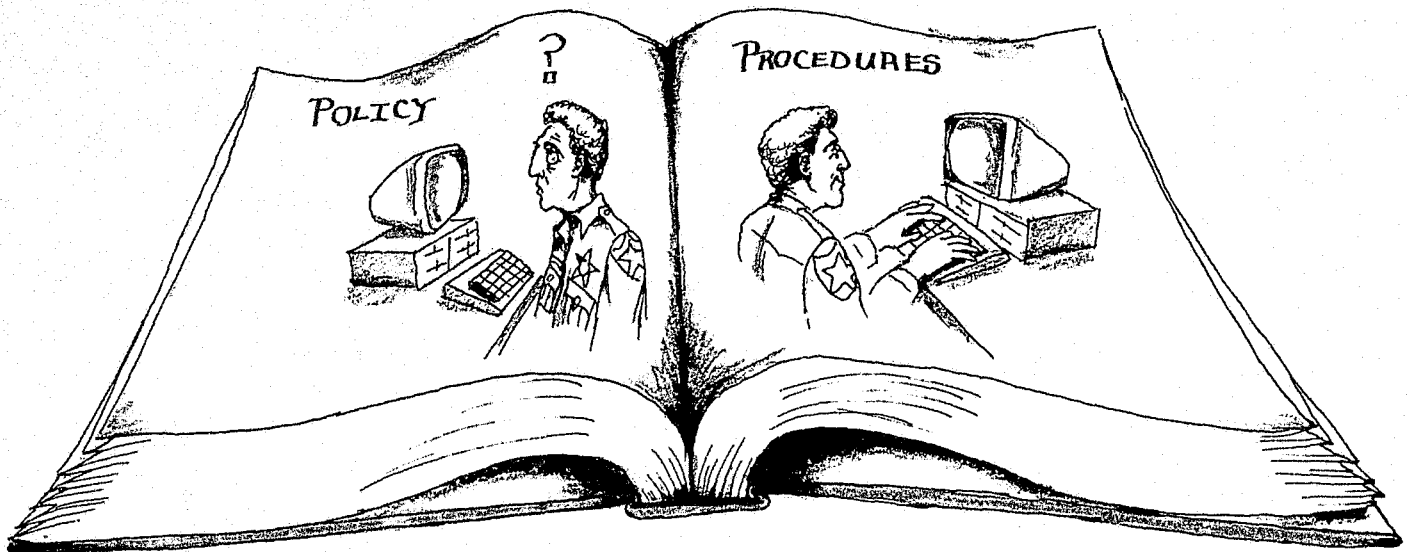
In many organizations the words "policy and procedure" are often used interchangeably to describe management directions which specify how activities are to be performed. However, the words have distinctly different meanings:

POLICY: Policies are statements of guiding principles or the general course of action adopted by an agency. They provide guidance for determining present and future decisions and actions. They tend to be general, but they are directive and goal-oriented.

PROCEDURE: A procedure is the detailed, step-by-step description of the sequence of activities necessary to implement the policy and achieve the stated goals.

Simply stated, policies tell "why and what" whereas procedures indicate "how, who, when, and where."

In general terms, a policy reflects the organization's philosophy regarding a particular issue. It defines **WHAT** the or-



ganization intends to do, on a consistent basis, with respect to that issue, and **WHY** the organization intends to take the defined action. A procedure, on the other hand, describes, in a sequential manner, **HOW**—and, inherent in such a description, **WHO**, **WHEN**, and **WHERE**—the organization intends to implement the policy.

In relatively rare instances, policies may exist which permeate all areas of organizational activity. Such all-inclusive policies do not require any procedures for implementation. For instance, a policy affirming a correctional facility's intention to provide services to inmates/detainees in a non-discriminatory manner is an example of such a policy. Procedures, however, exist solely to implement policy and cannot, therefore, exist alone. It should be noted that, in many instances, implementation of a policy may be sufficiently complex as to require more than one procedure.

ORGANIZATIONAL PHILOSOPHY: MISSION STATEMENT

Ideally, the development of policies and procedures should grow out of overall agency philosophy. Therefore, before the first draft (or revision of existing manuals, policies, and operating procedures) is written, the agency's leaders should set aside time for taking stock and defining the organization's philosophies.

Unfortunately, too few correctional administrators take the time to give adequate thought to their philosophies for the operation of their facilities; nor do they develop statements which communicate their philosophies to their staffs. As a result, facility operations are fragmented and inconsistent. Staff members become frustrated because they have no clear picture of the purpose of the organization, and their specific role in the fulfillment of that purpose.

The same holds true for the development of policy guidelines. Without a statement of philosophy to provide overall focus, the policy and procedures manual will, in all probability, contain policies which lack direction and which contradict each other, resulting in confusion in their implementation, and unevenness in their enforcement.

An organizational philosophy statement is essential to the proper development of policy statements because it defines:

1. The purpose of the organization;
2. Its responsibilities to the people it serves, as well as to the funding source(s), the community, and other agencies and organizations with which it has a legal or professional relationship; and
3. The short-term, intermediate, and long-range goals toward which the agency should strive.

With these points in mind, how, then, do you develop a statement of your agency's philosophies? The following criteria must be considered before a mission statement can be developed:

1. **The philosophy statement must be broad in focus but provide direction:** The statement must be sufficiently general to encompass all organizational activities. It should address the three issues noted above in terms of the organization's major responsibilities of security, safety, and service, and reflect the professional, ethical, and constitutional standards of the organization.
2. **The philosophy statement must be realistic and attainable:** It serves no useful purpose to develop a philosophy statement which cannot be implemented by the organization. This criterion is especially important when addressing the issue of the direction in which the organization is headed.
3. **The philosophy statement must be a positive statement whose meaning is clear and unmistakable:** Since it defines the future course of the organization, **the philosophy statement should focus on what WILL be done, not what cannot be done.**
4. **The philosophy statement should be as concise as possible:** It should be developed and distributed to staff **PRIOR** to the initiation of any effort to develop policies and procedures. Because policies are, by definition, statements of organizational philosophy regarding specific issues, the philosophy statement should serve as

the primary point of reference for all policies which are developed. Each policy should be reviewed for its consistency with the philosophy statement. Those policies found to be inconsistent with the philosophy statement should be rewritten, even though they may be consistent with established organizational practice, and constitutional and professional requirements.

5. **The philosophy statement must stretch the organization:** It should reflect the future of the correctional organization, rather than its past. The statement must embody the philosophical and operational changes which will occur, over time, within the organization.

Specifically, a mission statement is a **BROAD, GENERAL STATEMENT** which describes the operational philosophy of a correctional organization. The mission statement defines:

1. The organization's constituency;
2. The organization's responsibilities to its constituents, and the constituents' responsibilities to the organization;
3. The role of the organization in the criminal justice system; and
4. The role of the organization in the community.

The following chart (Figure 4:1) represents how the organization's philosophy statement relates to the development of policies and procedures. An example of a philosophy statement from the Charles County, Maryland, Detention Center is reprinted in Figure 4:2, Sample Mission Statement.

SOURCES OF SPECIFIC TOPIC AREAS

In order to develop policies and procedures which reflect current constitutional and professional requirements, it is necessary to rely heavily on resource documents which reflect the "state of the art" for input on policy and procedure content. Among such resource documents are the following:

1. **Court decisions and orders:** Corrections-related decisions and orders rendered in recent years by various state and Federal courts serve as excellent resources for determining constitutional requirements for facility operations. In some instances, various courts have ruled differently on particular issues. It is, therefore, advisable to rely most heavily upon decisions rendered by state and Federal courts in your own or neighboring jurisdictions, and those of Federal appellate courts and the U.S. Supreme Court. In addition, opinions rendered by the attorney general of your state may be helpful. Your city or county legal department can provide help in researching the court cases, translating the legal jargon, and interpreting the decisions and orders.
2. **State statutes and administrative rules and regulations applicable to the operation of corrections facilities.**
3. **National and state corrections standards:** The *ACA Manual of Standards for Local Adult Detention Facilities* is a comprehensive resource document which con-

tains discussions of the rationale for the development of the various standards. Standards have also been developed by other national agencies and organizations, including the American Bar Association (ABA), the American Medical Association (AMA), the National Sheriffs' Association (NSA), the Office of the U.S. Attorney General, the Commission on Accreditation for Corrections (CAC), the National Commission on Correctional Health Care, and the Commission for Accreditation of Law Enforcement Agencies (CALEA). In addition, state standards exist for more than 60 percent of the states in the U.S. Some contain excellent references to applicable state and Federal case law. It is, therefore, a good idea to review the standards of other states as well as those of your own.

4. **Local fire safety, sanitation, and building codes:** Such codes are important in identifying requirements regarding the physical structure and its maintenance.

Since the development of a new or upgraded manual provides an opportunity for taking stock, it is important that the manual not be limited simply to sanctioning existing practices. Thus, we recommend that you also examine these other resources before you write your manual:

1. Existing written policies and procedures of your agency and of other agencies.
2. Administrative rules, regulations, and memorandums.
3. Recommendations of employees, unions, and inmates (when appropriate).
4. Existing, but unrecorded, practices.
5. Administrative and operational problems.
6. Federal/state/local legislation.
7. Local criminal justice system issues.

The final make-up of an agency's policy and procedures manual will be based upon a number of issues. Most of these issues have already been discussed or listed above. However, another major issue involved in the development of a policy and procedures manual is the **size of the institution**. The institution's size—both inmate population and staff complement—dictates what can be done and how it will be done. Large institutions will, undoubtedly, offer more inmate programs and, thus, this section of their policy and procedures manual will be more detailed. Smaller institutions may rely on volunteers or outside agencies for all of their programs, and guidelines for the utilization of the volunteers must therefore be included in the manual. A large institution may have its own personnel department and may establish and enforce its own personnel regulations; these regulations must appear in the agency's policy and procedures manual.

Another difference between the policy and procedures manual of a large and small institution will be the way it is developed. While it is recommended that as many staff members as possible be involved in the development of the manual, small institutions may not have the staff resources, time, or talent to develop an in-house manual. In these cases, it may be necessary to obtain

assistance from other local agencies, educational institutions, consultants, or state and Federal agencies, such as the National Sheriffs' Association (NSA) or the U.S. Justice Department's National Institute of Corrections (NIC).

If an agency must use any of these outside resources to develop its manual, added attention must be paid to ensure that staff members are involved as much as possible. **If the staff members are not included in the development of the manual, then it will be difficult to persuade them to accept the manual as theirs.** Employees will accept more readily what they have helped to create.

Following is a list of topics that may be included in a typical policy and procedures manual.

1. ADMINISTRATION

- Fiscal Management
- Records
- Staff Training
- Internal Investigations
- Reviewing/Revising Policies and Procedures

2. PERSONNEL POLICIES

- Classification Plan

- Compensation Plan
- Hiring Policies
- Evaluations
- Discipline
- Grievances
- Appeal Board

3. EMERGENCY PLANS

- Implementation
- Emergency Release and Evacuation
- Fire
- Escapes
- Riots
- Hostages
- Mass Arrest

4. ADMISSION AND RELEASE

- Admission Procedures
- Release Procedures

5. INMATE CLASSIFICATION

- Classification Procedures
- Classification Committee

6. SECURITY

- Control Room

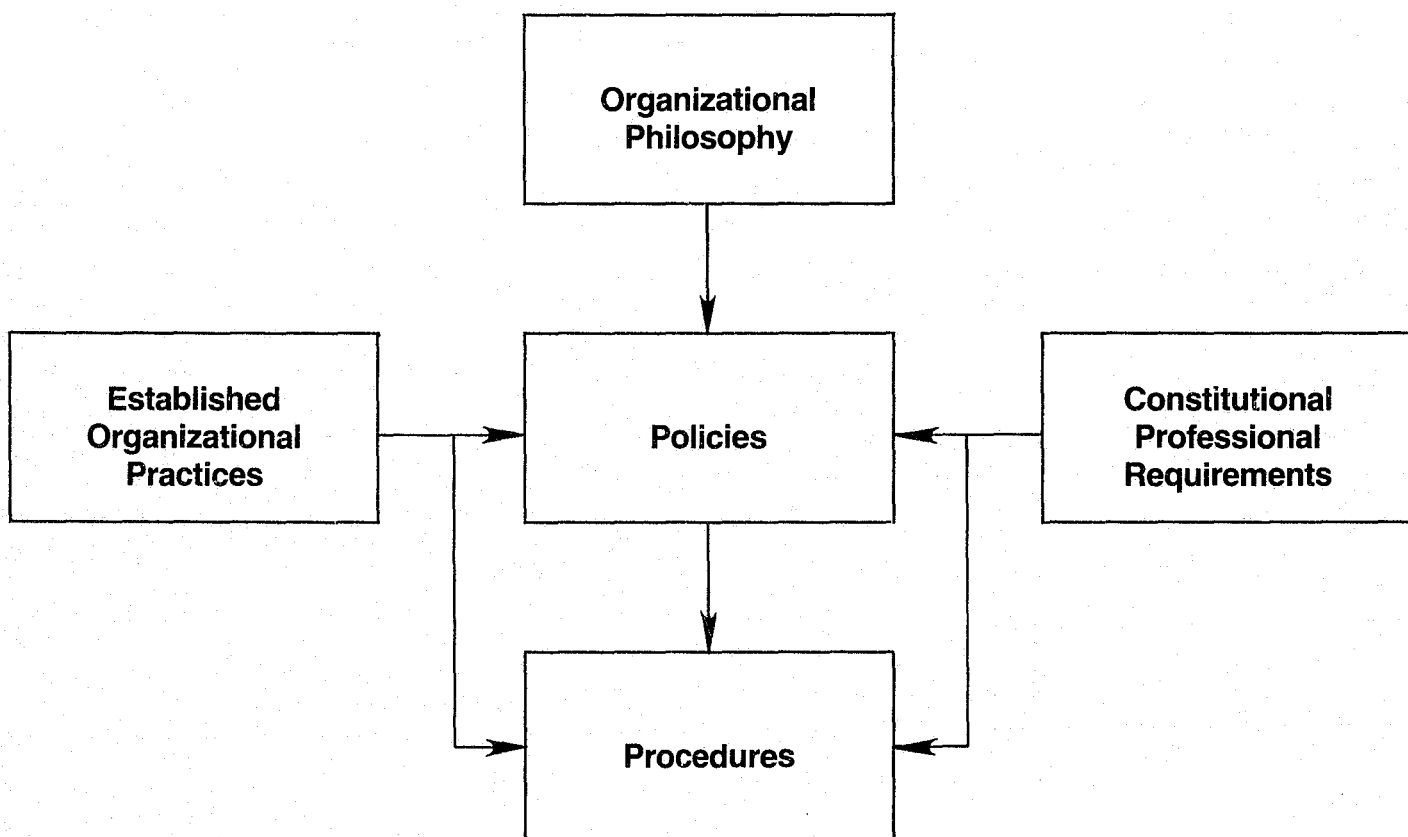
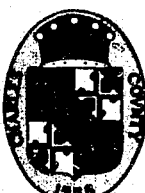


Figure 4:1

Organizational Philosophy Statement and Its Relationship to the Development of Policies and Procedures

Figure 4:2
Sample Mission Statement

	Charles County Sheriff's Department	
	POLICY AND PROCEDURES	
	SUBJECT: Mission Statement	Division #1-101 <hr/> Date: 9/87 <hr/> Page 1 of 2 <hr/>

1-101 POLICY

The sheriff of Charles County is responsible for protecting the citizens of Charles County by providing a secure holding facility for persons legally confined in the County. The Corrections Division shall provide for the safety of the inmates and staff by maintaining a humane living and working environment at the Detention Center.

The facility will operate based on the following principles:

- The physical, emotional and psychological well-being of inmates are of prime concern.
- A variety of programs are provided to aid interested inmates with their reintegration process.

In order to meet these goals a sufficient number of trained staff are provided to maintain the operation of the facility. The administration and staff are dedicated to providing a correctional program that meets applicable County, State and Federal standards. Concerted efforts will be made to ensure that the inmates' human rights and dignity are not violated. The staff will be firm, fair, and above all, consistent in dealing with inmates.

These goals can be achieved through a cohesive staff effort and enthusiastic support of correctional programs.

DEFINITIONS

Corrections Division: The branch of the Sheriff's Department made up of the Detention Center and the Work Release Center staff. This Division is headed by the director, who answers to the sheriff.

PROCEDURES

1. Achievement of Goals: To help achieve the operational goals as stated in the Mission Statement, the administration has developed a series of policies and procedures which will offer guidance to staff in the daily operation of the Detention Center and the Work Release Center.

**Figure 4:2 (continued)
Sample Mission Statement**



Charles County Sheriff's Department

SUBJECT: Mission Statement
Division #1-101

Page 2 of 2

2. Policy and Procedure Review: The administration realizes that the effective daily operation of the Corrections Division is contingent on the staff knowing and understanding the philosophy, goals and policies of the Division. To reach this objective, all staff receive training based on the policies and procedures.

To ensure that the Division's philosophy, goals and policies are appropriate, they will be reviewed by the director yearly. During this review new goals will be formulated and implemented as necessary. The annual review will begin one month prior to the promulgation date of the current Policy and Procedure manual. The review will include Policies and Procedures, memorandums (for possible inclusion in the manual), Post Orders, Operational Manuals and the Inmate Handbook. The review should conclude on or about the anniversary date of the manual. Notations will be made on the last page of each Policy and Procedure that it was reviewed. Notations will be made on the cover sheet of all operations manuals and Post Orders of the review date. Where appropriate, new Policies and Procedures will be distributed within 30 days of the conclusion of the review. Staff are encouraged to participate, to the maximum degree possible, in the yearly review and rewriting of the Policies and Procedures and related materials.

3. Program Review: To ensure that the operation and programs meet the stated goals of the community and the Mission Statement of the Centers, frequent in-depth assessments of all programs will be made and documented by the director. These reviews will examine the program's intended role, and the current actual role of the program in regard to the total operational philosophy of the Centers. This survey will be prepared at least yearly.
4. Legal Compliance: Court decisions are being made daily which affect the operation of the Centers. The director will review, evaluate and implement, when appropriate, any and all court decisions rendered which impact directly on the Centers' operations.

_____, Director
Approved

Date

Reviewed

Reviewed

Reviewed

- Search Procedures
- Inmate Counts
- Inmate Supervision/Relations

7. JAIL SANITATION

- Cleaning Supplies
- Housekeeping Plan
- Vermin and Pest Control
- Inmate Personal Hygiene
- Laundry Services
- Trusty Selection

8. JAIL MAINTENANCE

- Routine Maintenance
- Reporting Maintenance Problems
- Environmental Control Systems

9. FOOD SERVICES

- Kitchen Sanitation
- Food Preparation
- Feeding Procedures
- Inventories/Ordering/Receiving Food Supplies
- Food Storage
- Kitchen Trusties

10. INMATE RIGHTS

- Inmate Access to Courts
- Inmate Access to Media
- Inmate Mail
- Inmate Telephone Usage
- Inmate Visiting
- Inmate Grievances

11. INMATE DISCIPLINE

- Disciplinary Procedures

12. INMATE SERVICES

- Medical Services
- Psychiatric Services
- Religious Services
- Library Services
- Commissary Services

13. INMATE PROGRAMS

- Recreation
- Counseling
- Education
- Release Programs

This list is by no means complete, nor is it intended to be. Each of the listed areas can be further divided into sub-categories which identify specific issues and/or concerns of your agency's operation. The book, *Standards for Adult Local Detention Facilities*, available through the ACA, is an excellent source for helping you to identify additional topic areas.

LEGAL ISSUES

For many years the courts practiced a hands-off policy when it came to corrections. In 1978, however, that seemed to change when the U.S. Supreme Court reached its decision in the case of *Monell v. The City of New York*. The court ruled in the *Monell* decision that municipal corporations and officials could be held liable for declaratory, injunctive, or monetary relief under 42 USC, Section 1983 (originally the Federal Civil Rights Act of

1871). Section 1983 was initially designed to prevent racial discrimination; thus, the *Monell* decision was a new interpretation of an old law. Although Section 1983 was covered in depth in Chapter Two, it is helpful to once again review its major provisions.

A court action brought under Section 1983 must address the following issue:

Any correctional officer who violates a person's constitutional rights is liable to that person.

Section 1983 states:

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any state or territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

Section 1983 now applies to:

1. Abuse of force
2. Illegal search and seizure
3. Coercion to obtain confession
4. Assault and battery
5. Cruel and unusual punishment
6. No medical care in a jail/prison
7. Unsanitary conditions in a jail/prison.

The jail administrator and supervisors are subject to the requirements imposed by Federal, state, and local governments. The jail must be managed within these limitations imposed by lawful authority.

In addition to Section 1983, inmates also have rights protected by the **First, Fourth, Sixth, Eighth, and Fourteenth Amendments to the U.S. Constitution**. These protected rights include:

1. Freedom of religion
2. Freedom of expression
3. Access to the press
4. Right to personal communications
5. Access to courts and counsel
6. Right to assemble and association
7. Redress of grievances
8. Freedom from unreasonable searches
9. Freedom against cruel and unusual punishment.

A final legal consideration relates to **vicarious liability of supervisors. A supervisor can be held liable for:**

1. Failure to direct
2. Failure to train
3. Negligent hiring
4. Negligent supervision
5. Negligent assignment
6. Negligent retention.

These issues must be considered and addressed in any policy and procedures manual. A properly written and enforced manual will help the correctional administrator/supervisor manage his jail in a manner which makes interventions by the courts unlikely.

Case Study 1:

Sergeant Bobby Briggs has worked for the Falling Water County Correctional Facility for 24 years. He had one year left until his retirement and was looking forward to spending his time fishing at his cabin on Lake Charles. He would often reminisce about the "good old days" when you could run the jail as a jail and not coddle the inmates.

During the past year, Sgt. Briggs got in the habit of spending his entire work day in the shift supervisor's office with his feet up on the desk, drinking coffee, and reading fishing magazines. All but one of the 10 officers on his squad are experienced, well-trained officers. They have been taking care of the "old man," as they affectionately call him. They don't bother him with little decisions they need to make when dealing with the inmates.

Officer Billy Joe Bigot, the only officer on the squad who hasn't been to the training academy, came to Sgt. Briggs often during his first six months on the job. Officer Bigot would refer to all the inmates as "dirtballs" or "scumbags" and Sgt. Briggs would support him since he saw a little bit of himself, of 24 years ago, in Officer Bigot. Consequently, Officer Bigot received excellent marks on his evaluations even though the other officers on the squad told Sgt. Briggs of problems they encountered when working with him.

In addition, the inmates wrote many requests to Sgt. Briggs about how Officer Bigot refused to provide them with clean linen and personal hygiene items as the inmate handbook specified. Sgt. Briggs ignored all of these complaints and thought to himself that it's about time the inmates were being treated the way he thought they should be. Sgt. Briggs even went so far as to ask the warden to promote Officer Bigot to corporal.

The Falling Water County Corrections Facility was recently served with a Section 1983 class action suit brought by the inmates charging negligent supervision, negligent hiring, failure to direct, and failure to train.

Who is liable?

WRITING THE MANUAL

You do not have to be an accomplished writer or a master of the English language to write a good policy and procedures manual. When we write, we are attempting to communicate with someone else. The object of a policy and procedures manual is to communicate the same information to as many people as possible. **The most effective manuals are those with direct, relatively simple, and precise language.**

When writing policies and procedures, the following guidelines should be observed:

1. **Policy statements must be composed of complete sentences.** Phrases or incomplete sentences are usually less effective in communicating information.
2. **Policy statements must reflect action.** Policy statements tell what the organization intends to do. Consequently, policy statements should be written in such a manner that they inform the reader of what action must be taken in specific circumstances.
3. **Policy statements should include the rationale for the policy.** Staff have the right to know the rationale for the policies they are expected to enforce.
4. **Policy statements should be general but directive.** Although in certain instances, specific times or locations must be included in the policy statements, usually such detail should be included in the accompanying procedure.
5. **Policy statements should be as concise as possible.** The longer and more involved the policy statement, then the less likely it is that staff will read it.
6. **Policy statements must be clear and unmistakable in their meanings.** Policy statements cannot serve their purpose if they are worded in such a way as to make them unclear or open to varying interpretations.

Procedures reflect action and must also be clear and concise. The steps in a procedure should be written in complete sentences. In addition, **the following guidelines should be followed:**

1. **A procedure cannot exist without a policy.** Procedures implement policy; therefore, procedures cannot exist independently of a policy statement.
2. **Procedures should be presented in the appropriate sequence.** Procedures should provide the reader with a description of steps in the order they are to be accomplished.
3. **Procedures should identify the title of the individual(s) or functional unit(s) responsible for completing each step.** By referring to the title of the person(s) who will perform each step, responsibility for the completion of the procedure is assigned and accountability is clear.
4. **Procedures should indicate the time(s) and location(s) which are relevant to completing each procedural step.** When writing procedures, make an effort to include exactly when and where procedural steps are to be completed. Deadlines should be clearly stated. If precise information cannot be given, some references should be made to indicate approximate or relative times and locations.
5. **Procedures should indicate the form of communication to be used.** Most procedures require some form of communication with either staff or inmates. When communication occurs, indicate the method to be used (written, telephone, intercom, radio, face-to-face, etc.)

6. **Procedures should identify forms used in completing a step.** If a form is used in completing a step, refer to the form by title and number. Include the forms in the policy and procedures manual for reference.
7. **Procedures should include provisions for handling major problems which may affect the completion of a step.** Indicate anticipated problems which may affect the completion of a step. This is especially important for emergency procedures. If the problem is already addressed in another policy or procedure, refer the reader to that policy or procedure by title and number.
8. **Procedures should identify where discretion may be used.** One of the major reasons for the development of policies and procedures is to promote consistency in staff behavior. Obviously, such consistency cannot be developed if staff is allowed to exercise individual discretion in the completion of procedures. Because of the nature of the profession, however, there are situations in which staff must be flexible in completing a procedure. Such situations and the types of behavior allowable should, whenever possible, be identified. If all such situations cannot be identified, at a minimum, the title(s) of the individual(s) who can authorize discretionary behavior should be noted in the procedure.

A sample policy and procedures for its implementation is included in Figure 4:3.

Case Study 2:

Lieutenant Bobby Mullis began his career with the Big Sky County Sheriff's Department 10 years ago. During that time, he worked in all of the divisions of the Department, including a two-year stint in the jail six years ago. He attended all the training courses he could, as well as night school at the local university. Recently he received a bachelor's degree in psychology and was immediately transferred to the jail, as warden, to fill a vacancy created by the retirement of Warden Joe Merkel.

The Big Sky County Jail was built in 1934 to hold 25 inmates. The current average daily population is now 62 and the jail is in a poor state of repair. It is staffed by 15 deputies—eight of whom are new officers serving their mandatory time in the jail before they are eligible for road patrol. The other seven deputies are experienced officers who have been placed in the jail because of problems they were experiencing on road patrol.

Sheriff Dan McLeod has given Warden Mullis a free hand to do what he has to do to improve both the physical plant and the morale. Warden Mullis had taken several courses at the University dealing with corrections and feels that he is the Department's "expert" in the field, even though he hasn't been in the jail—except to drop off a prisoner—in six years. His first goal as warden was the development of a policy and procedures manual—something the jail never had.

Warden Mullis spent the first four months of his new assignment in his office writing the manual. He used the ACA Standards (Guidelines for the Development of Policy and Procedure, Adult Local Detention Centers) and the manual from neighboring Big Wheel County as references.

The manual was finally finished and Warden Mullis made the distribution of the manual a big event. He personally appeared at all roll calls for the day and presented each officer

with his own copy of the manual. Warden Mullis felt that he could now sit back and watch the improvements in the operation. However, they never came.

What errors did Warden Mullis make in this process of developing a policy and procedures manual for the Big Sky County Jail?

POST ORDERS

Post orders derive from policies and procedures and are an essential means of directing and controlling staff activities. They are especially valuable in dealing with time schedules and should be developed for all posts which control or supervise inmates. Post orders should be written carefully and comply with and support the institution's policies and procedures and directives. They should be specific and distinguish between those duties which **must** be performed as stated without change and those which allow some latitude for individual employee judgment and discretion.

Post orders tell employees, who may not be familiar with a particular job, what is to be done, when it is to be done, and how it is to be done. They are important for correctional officers since the officers usually rotate from job to job and shift to shift. Post orders should be detailed enough to allow a correctional officer, after he spends a few minutes reading the orders, to work a post he has never worked before effectively and efficiently.

When drafting post orders, a great deal of thought must be given to distinguish between those things which the officer cannot do differently and those for which he may be allowed to exercise a certain degree of personal judgment.

For example, a flesh count at 6 a.m. means exactly that. The employee has to know it means a "flesh" count and must not be made at 5:30 or 6:20. On the other hand, "10:00 p.m.; lights out. Turn TV off," has created trouble when a ballgame was on, there were minutes left to play, and the score was tied.


In this case, turning the lights out and the TV off at 10:15 p.m. is not in the least bit objectionable, and post orders should plainly allow discretion in such instances. Jail administrators should maintain strict control over those things that count and let go of those things that do not. This philosophy should be observed carefully in drafting post orders which allow the employee to think. A sample policy on post orders is included in Figure 4:4.

STANDARDS

Standards define how a jail should be designed, staffed, and operated. A number of national and international organizations have developed standards, including:

1. The American Correctional Association (ACA)
2. The American Medical Association (AMA)
3. The American Bar Association (ABA)
4. The United Nations (UN)
5. The National Commission on Correctional Health Care.

Figure 4:3
Sample Policy and Procedures for Implementation

	Charles County Sheriff's Department	
	POLICY AND PROCEDURES	Detention Center #5-207
	SUBJECT: Emergency Procedures - Fire/Evacuation	<u>Date: 9/87</u> <u>Page 1 of 4</u>

5-207 POLICY

To prevent the possible loss of life to staff and inmates during a fire, or other similar emergency, an emergency evacuation plan has been established. This plan will be implemented during a fire emergency and during any other emergency situation which requires the evacuation of the entire institution or an individual housing unit.

PROCEDURES

1. Discovery: The correctional officer who discovers a fire or a similar emergency situation will:
 - Advise Main Control, via two-way radio, intercom or telephone.
 - Remove the inmates from the affected area according to Procedure 4.
 - Attempt to extinguish the fire if feasible and sufficient resources are available.

2. Notification: The correctional employees working Main Control will, upon notification of a fire:
 - Call the Fire Department (Communications 911).
 - Notify the duty officer, Sheriff's Department, Detention Center director, and/or assistant director, and the shift supervisor, via telephone, intercom or two-way radio.

3. Internal Response: The shift supervisor, upon notification of a fire, will:
 - Immediately go to the area.
 - Dispatch all available correctional employees to the scene, without jeopardizing institutional security.
 - Supervise the evacuation from the area.

Figure 4:3 (continued)
Sample Policy and Procedures for Implementation



Charles County Sheriff's Department

SUBJECT: Emergency Procedures - Fire/Evacuation
 Detention Center 5-207

Page 2 of 4

4. Evacuation: The following procedures will be followed for evacuation of a housing unit:

- Inmates from the emergency area will be evacuated through the fire doors to the adjacent housing area, i.e., (A to/from B-1) (B-2 to/from C-1) (C-2 to/from D-1).
- Inmates housed in D-2 and isolation will be evacuated through the main corridor doors to D-1.
- Inmates housed in the women's quarters will be evacuated through the main corridor door to the gymnasium or if it is anticipated that the evacuation period will be lengthy, they will be evacuated to A-Section after these inmates are moved to B-1.
- Before the inmates are moved, all inmates in the adjacent housing area will be secured in their cells and an armed officer will be posted outside the fire exit area.
- The evacuated inmates will be required to remain in the day area of the adjacent housing unit until they are placed back in their own unit.

Alternative I: If the above procedures cannot be followed because the fire exit is blocked, the following procedures will be implemented:

- Inmates will be evacuated to an adjacent housing unit through the main corridor housing unit door.
- If the emergency situation is widespread and necessitates the evacuation of the entire Detention Center, armed officers (Sheriff's Department) will be posted outside the internal security fences before the inmates are evacuated to the outside yards.

5. Arrival of the Fire Department:

- A correctional officer will be assigned by the shift supervisor to meet the Fire Department at the front of the building and direct them to the proper area for entry to the fire area.
- The officer or the shift supervisor will remain with the fire-fighters the entire time they are in the building.

Figure 4:3 (continued)
Sample Policy and Procedures for Implementation



Charles County Sheriff's Department

SUBJECT: Emergency Procedures - Fire/Evacuation
Detention Center 5-207

Page 3 of 4

6. Count: As soon as the fire is out, the Main Control Center will call a roll call count (See 3-102).
7. Information: Upon completion of the roll call count, the correctional employee assigned to Main Control will contact the Sheriff's Department via telephone and inform the Duty Officer that all inmates are accounted for. If an inmate has escaped during the emergency, procedures of Policy and Procedure 5-209 will be implemented.
8. Investigation: Officers of the Sheriff's Department will initiate an investigation. The Detention Center director, assistant director, and staff shall offer full and complete cooperation to the investigators.
9. Reports: Sheriff's officers will prepare the investigative reports. All correctional employees having information pertaining to the incident shall also prepare a report and forward it to the director and the investigating officer within 24 hours. This report will include all the information about the incident and the inmates involved.
10. Press Release: The division director will initiate a press release and forward it to the sheriff for review and possible release to the media (See 1-104). The sheriff, executive officer, or their designee, are the only persons authorized to release information to the news media.
11. Repairs: The division director will request the Department of Public Works to effect emergency repairs to the emergency area, if needed, as soon as the area is released by the Sheriff's Department investigators.

Note: During a fire or similar situation, care must be exercised by all involved staff not to relax Detention Center security. A fire may be started to conceal or initiate an escape attempt.

12. Total Evacuation: When the fire or other emergency situation is of such magnitude that the Detention Center must be totally evacuated or partially evacuated for an extended period of time, the following procedure will be implemented:
 - The director or designee will notify the Sheriff's Department duty officer that _____ (number) of inmates need to be transported to the Work Release Center or other designated areas where prior arrangements have been made (Calvert County Jail).

Figure 4:3 (continued)
Sample Policy and Procedures for Implementation



Charles County Sheriff's Department

SUBJECT: Emergency Procedures - Fire/Evacuation
 Detention Center 5-207

Page 4 of 4

- The director or designee will then call the alternate housing sites and inform them of the number of inmates to expect and the estimated time of arrival.
- If the Detention Center will not be housing any inmates, all on-duty staff, except for those needed to maintain the security of the building, will be sent to the site with the inmates.
- The shift supervisor will then begin notification of the oncoming shift as to the situation.
- During the transport, all items needed to operate at the alternate site will be taken.

This procedure will only be implemented by the sheriff, director, or his designee, when evacuation to the secure areas outside the Detention Center and evacuation to other housing areas/common areas within the Detention Center cannot be implemented.

13. Routine Inspections: All staff should participate in the institution's fire prevention plan by removing and/or reporting fire hazards. However, it is the institution fire marshal's responsibility to inspect the facility on a monthly basis and complete the Pre-Fire Inspection Check-Off Sheet (Attachment A).
14. Fire Evacuation Training: All correctional officers will be trained in the Fire Evacuation Plan at least yearly. This training will include a mock fire drill and evacuation. The drill will be logged on a Fire Drill Documentation Sheet and turned into Administration. (See Attachment B).

 Approved

_____, Director


 Date

 Reviewed

 Reviewed

 Reviewed

Figure 4:4
Sample Policy on Post Orders

	Charles County Sheriff's Department
	POLICY AND PROCEDURES
	SUBJECT: Post Orders
	Division #3-101
	Date: 9/87
	Page 1 of 2

3-101 POLICY

To facilitate the daily operation of the Detention Center and Work Release Center, each post has written orders. These orders will be reviewed yearly to ensure that they correspond with the mission statement of the Detention Center and Work Release Center.

PROCEDURES

1. Location of Post Orders

Copies of post orders shall be available in the office of the shift supervisor and on each correctional post.

2. Scope of Orders

The post orders shall cite specific and general instructions for the operation of every correctional post. They cannot, however, cover every incident or eventuality which may occur. The employee assigned to the post shall use good judgment, tact, and careful attention to detail in discharging his/her duties, whether referenced in post orders or not.

3. Utilization of Orders

- All corrections officers and supervisors shall use correctional post orders to familiarize themselves with the extent and duties of the post, as well as stay abreast of changes that occur in the operation or duties of the post.
- The shift training officer and/or the shift supervisor shall instruct all new correctional officers to read the orders for their assigned post. The employee, the training officer and/or shift supervisor shall date and initial the form provided to indicate that the employee has read and understood the post orders.
- At the beginning of shift change, the rotating employee should read the post orders when he/she is aware of changes for each assigned post. The shift supervisor in charge of that shift will verify that the employee has read the post orders. Both the employee and shift supervisor will indicate that the employee has read and understood the post orders by dating and initialing the form provided.

**Figure 4:4 (continued)
Sample Policy on Post Orders**



Charles County Sheriff's Department

SUBJECT: Post Orders
Division #3-101

Page 2 of 2

4. Changes to Post Orders

Correctional employees are encouraged to submit to their supervisor a written list of changes that have occurred or, in his/her opinion, should occur in the operation of the post. The shift supervisor shall edit these suggestions and submit them to the assistant director for review and/or action. No changes will be made in any post order without the approval of the assistant director/director.

5. Security of Post Orders

Post orders are for the exclusive use of the Detention Center and Work Release Center personnel and will, at no time or for any reason, be shown to inmates or persons who are not so authorized.

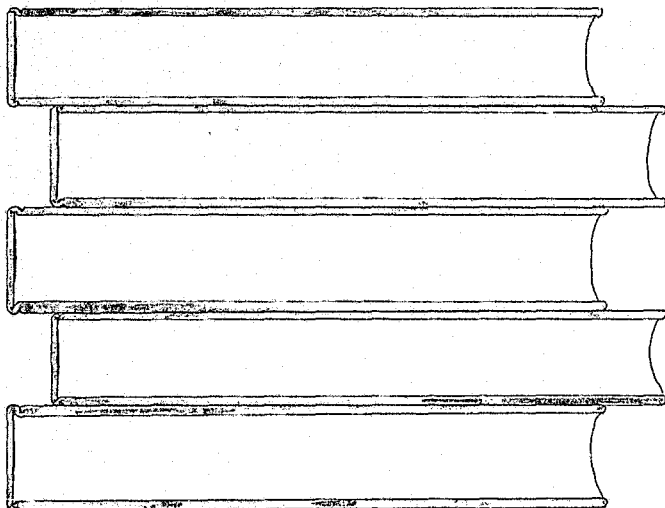
_____, Director
Approved

Date

Reviewed

Reviewed

Reviewed



All of these organizations had different reasons for developing their sets of standards. Some were concerned with improving the field by providing guidance while others were concerned with protecting the rights of a certain group.

In addition to international and national standards, many states also have jail standards. In most cases, state or local standards are more specific than international and national standards and are usually accompanied by inspection and enforcement powers.

Standards affect you directly. It is obvious how your state and local standards affect your jail. However, standards affect you even if you are not being audited or accredited by the standards agency. **Every time a national organization writes or rewrites a standard, the courts have another measure which may be used to evaluate your jail.**

A knowledgeable jail administrator can use standards to his benefit. The standards can be used to support his management decisions and offer guidance in planning changes. **But standards cannot help you unless you know what they say.** Conversely, standards can easily hurt you if you do not know them.

Several of the agencies that have developed standards offer **inspection and accreditation programs.** While the accreditation process is voluntary, many agencies have discovered the benefits of obtaining national accreditation. Standards are a resource that may help to divert a lawsuit against your jail.

TRAINING

Even if staff members were involved in the development of the policies and procedures, **a comprehensive training program should be developed to insure that all staff are knowledgeable of the specific duties described in the manual.** The training program should consist of both formal classes and on-the-job instruction. The training should not be a "one-shot" deal but an on-going program.

A comprehensive staff training program on policies and procedures should contain the following elements:

1. Initial as well as on-going training

2. General as well as specific training
3. Classroom as well as hands-on experience
4. Required levels of achievement (as established by pre- and post-tests)

REVIEW

The policy and procedures manual should be reviewed and updated periodically. The policy and procedures manual must be treated as a living organism, responsive to change, growth, and refinement. To ensure that it continues to reflect current agency philosophy and goals, workable operational procedures, and up-to-date legal considerations, the manual must be reviewed and revised as needed—both periodically and on an ad hoc basis. It is recommended that a policy and procedures manual be reviewed—at a minimum—once a year. When reviewing each policy and procedure, the following questions should be asked:

1. Is it still practical?
2. Is it consistent with organizational philosophy?
3. Does it still comply with court rulings, constitutional requirements, and professional standards?

If the answer is "no" to any of these questions, then you must revise and rewrite the policy or procedure(s). Incorporate any changes into each copy of the policy and procedures manual.

Do not allow an annual review of the policies and procedures to preclude the revision of policies and procedures whenever it becomes necessary. The longer the wait to revise an existing policy or procedure, or to develop a new one, then the less likely it is that the work will actually get done.

SUMMARY

1. **Policies and procedures are important management tools for any correctional organization since they: promote consistency and professionalism; offer an opportunity to improve facility operation and to formulate good management practices; provide the means to delegate authority and responsibility to accomplish the goals and objectives of the organization; and provide staff with direction and guidance in the performance of their duties.**
2. **A managing official can be held personally liable and can face court action for practices that do not comply with judicial decisions and professional standards.**

Courts have ruled that the absence of written policies and procedures could indicate gross negligence. Written policies and procedures, developed in accordance with professional standards and consistently implemented at the facility, provide important documentation of the philosophy, goals, objectives, and practices of the organization. These can serve as a defense against personal liability in court actions.

3. **Policies and procedures offer a foundation for orienting and training new staff, provide material for in-service training for current staff, and can be used as the subject of promotional examinations.**

CHAPTER FIVE

PRINCIPLES OF ORGANIZATION AND MANAGEMENT

The purpose of this chapter is to describe some basic principles of organization and management and then apply them to the jail setting. The chapter begins with a brief discussion of some fundamental principles as they pertain generically to any organization. Next comes a description of how these principles can be applied in the unique organizational setting which is the jail. Some of the contemporary issues surrounding the implementation of these principles in any organizational setting, particularly the jail, are discussed, along with the role of the jail manager in implementing these principles.

BASIC PRINCIPLES

Some basic principles are prerequisites to effectiveness and efficiency in any organization. They include the following:

1. **There Must Be Clearly Established Priorities:** Priorities are simply the purposes for which an organization exists, rank-ordered in terms of their relative importance. It is important that **all** staff members—both managerial and non-managerial—know what the priorities are and that decisions are made and understood within the context of those priorities. It is also important that priorities be purposefully and deliberately reviewed periodically and then revised, if necessary, to correspond with changing external demands and internal needs.

2. **The Organization Must Be Clearly Defined:** It is important for all personnel to understand the structure of the **total** organization within which they work (i.e., how it's put together and how it works) and to understand where they "fit in" as individuals. With this understanding, staff members are more likely to consider their jobs to be important. They are also more likely to understand why certain decisions are being made by their immediate supervisors and the administration.

For this reason, there must be some sort of "map" of the whole organization on which the various functional groupings and key positions in the organization are displayed in terms of how they are related to one another with respect to **responsibility, authority, and accountability**. This "map" should be explained to newly hired personnel and should be accessible to all employees for reference. The **organizational chart** is the most commonly used type of map.

Whatever type of map is used, it should be reviewed periodically and then revised, if necessary, to correspond with changing priorities and to ensure that it continuously reflects the structural realities of the organization as closely as possible.

3. **Jobs Within The Organization Must Be Clearly Defined:** In addition to understanding where they "fit in" in general within the organization, staff members must **know exactly** what is expected of them in their individual positions. More specifically, they must know **what tasks** they are expected to perform and how well they are expected to perform each task.



Collectively, the tasks and specified performance standards should identify what the staff as a whole must do if the organization is to accomplish its priorities. These expectations should be periodically reviewed with staff members and then revised, if necessary, to correspond with changing priorities and changes in organizational structure. Periodic reviews are also necessary to ensure that, at all times, staff members know exactly what is expected of them and their supervisors know exactly what they are to expect of their subordinates. The most commonly used format for defining job expectations is the **job description**.

4. **Staff Members Must Receive Feedback Regarding Their Job Performance:** Staff members must receive **feedback** from their supervisors regarding how well they are performing their jobs (i.e., regarding to what extent they are meeting the expectations which their supervisors have of them). Feedback should be taking place continuously, although periodic **formal, documented performance evaluations** are essential. Staff members should have a reasonably accurate idea, at all times, concerning how well they are accomplishing the tasks assigned to them. Conversely, supervisors should, at all times, be able to articulate how well each of their subordinates is performing (i.e., is the employee meeting the expectations which his supervisor has conveyed to him).

5. **There Must Be A Staff Training Program; The Purpose Of This Program Is To Improve Job Performance:** Training is instruction given to staff members to help them perform their jobs better. The training which an organization

provides for its staff should be **directly related** to the expectations which the organization has of those employees as they perform the tasks which have been defined by the organization. In other words, employees who participate in their organization's training program—if they apply themselves properly—should, as a result of the training, be able to exhibit an increasingly higher level of competence as they perform their jobs. An organization should not waste its training resources or its staff members' time by training employees in subjects that are "nice" to know, but which are not essential to job performance.

6. The Organization's Policies And Procedures Must Be In Writing And Readily Available To Staff Members: Employees do not have infallible memories. Insofar as they are expected to adhere to the organization's policies and procedures in performing their jobs, those policies and procedures must be in writing and must be easily accessible so that the employees can refer to them as needed. When employees follow these policies and procedures, the organization should be able to accomplish its priorities.

The policies and procedures manual should be written with the organization's priorities in mind and revised as the priorities change. Newly hired employees should be trained carefully with respect to the policies and procedures and clearly told where the written policies and procedures are located in case they have a need to refer to them.

All employees should be informed of changes in the organization's policies and procedures and of the reasons for those changes. The most commonly used means of assembling written policies and procedures and making them accessible to staff is the **operating manual**.

7. There Must Be A Hiring System Which Responds Promptly To The Staffing Needs Of The Organization: Staff turnover is inevitable in any organization. Many organizations also, from time to time, experience growth or are subject to externally-imposed demands. For these reasons, it is important that there be a hiring system whereby those staff members who have left the organization can be replaced or greater numbers of personnel can be hired so that the organization can continue to accomplish its priorities. The system must be able to respond promptly so that the organization is not understaffed for extended periods of time.

The hiring requirements must be such that the new personnel which the system provides have acceptable entry level skills and can be expected to perform the jobs specified by the organization. While additional training will be necessary, new employees must possess entry skills which make immediate job performance at acceptable levels a virtual certainty and eventual job performance at higher levels of competence highly likely.

8. Decision-Making Must Be Delegated Downward Through The Organization: Critical decisions affecting the entire organization must be made by managers at the highest levels in the organization. Most decisions, however, affect only a part of the organization and should be made by managers at lower levels. Decisions which are unnecessarily made at higher levels are usually late and misinformed. Conversely, decisions made at lower levels tend to be more timely and are more likely to be made by someone who is more familiar with the matter

about which the decision is being made. In addition, the lower-level manager often has an intuitive "feel" for the "right thing to do." Decisions made at levels higher than are necessary are usually made by executives with important titles who are acting considerably after the fact and with limited and second-hand information.

Delegation of decision-making authority does not mean abdication of the executive's authority, however. The higher-level manager should clearly communicate the organization's priorities and his expectations to the lower-level manager. Then he should monitor lower-level decision-making and provide feedback to his subordinate managers regarding their decision-making performance.

Unfortunately, delegation of decision-making authority often is an under-utilized motivational tool in too many organizations. Delegation should be a very explicit way of expressing confidence in the competence of lower-level managers. On the other hand, delegation is an excellent way for higher-level managers to free themselves to devote more time to matters affecting the entire organization (i.e., to spend more time doing their own jobs). **As a general rule, decision-making should be delegated to the lowest possible levels in the organization.**

APPLICATION OF BASIC ORGANIZATION AND MANAGEMENT PRINCIPLES TO THE JAIL

The basic principles of organization and management discussed above are applicable in the jail. But to do this effectively, it is important to keep in mind several other principles.

1. There Must Be Clearly Established Priorities: A jail's priorities are simply the purposes for which the institution exists, rank-ordered in terms of their relative importance. In many county jails the priorities are:

- A. Inmate and staff safety;
- B. Facility security;
- C. Sanitation and hygiene; and
- D. Inmate programs and services.

Priorities should be defined **briefly and carefully**. A phrase like "inmate and staff safety" may mean one thing to a booking officer and another to a sheriff, and quite another to a county commissioner. In the Lewis County, Washington, Jail, for example, it means: "Inmates do not hurt or abuse staff or each other. Staff do not hurt, abuse, or neglect inmates."

Priorities should provide a context in which major decisions are made. In a jail, the continuous decisions made by line officers are not explicitly influenced by the jail's priorities, but major decisions—such as those involving budgeting and staffing—must be so influenced. Those priorities should lead to more consistent, understandable, and defensible decision-making.

A jail's priorities may be written in the form of a **mission statement** or a simple **list**, just as long as they are in writing and understood by all jail staff, especially administrators and supervisors.

It is also important that the jail's priorities be understood by officials outside of the jail who make the final decisions in critical areas such as funding and staffing (e.g., sheriffs and county commissioners). Along these lines, it is imperative that the jail administrator explain the jail's priorities to these officials in terms which are simple and brief and which can be equated with "common sense." Jails are in continuous competition with other organizations for limited resources such as funding and personnel. Intra-departmentally, jails compete for resources with the law enforcement divisions of the sheriff's department. Inter-departmentally, jails compete for resources with other county agencies. Thus, a well articulated and clearly communicated set of priorities will more than likely increase the jail's chances of success in this competition.

While it is preferable to involve staff members at all levels in setting the jail's priorities, it is more important that **the priorities be set and clearly communicated to staff and key officials.** The benefits of widespread staff involvement are lost if that involvement requires a lengthy and cumbersome priority-setting process. If officials outside of the jail are involved in defining the jail's priorities, then the jail administrator must insist on the heavy involvement of the jail's administrative staff. **The jail's priorities should not be dictated by the county commissioners, the prosecutor, or even the sheriff.** If, however, the administrators of the jail do not proactively establish the jail's priorities, then outside officials may have to do so by default.

The jail's administrators should review the priorities periodically and revise them as necessary. A change in administration, new legislation, a court order, a new physical plant, or other factors may dictate that priorities be updated.

2. The Organization Must Be Clearly Defined: Jails are more hectic and more stressful than most other work environments, including most of the other work environments in the criminal justice system (with the exception of prisons). Except for brief periods of time during which things seem to "slow down," which ordinarily occur during the graveyard shift if they occur at all, there is virtually continuous activity in a jail.

Much of this activity, or at least the pace at which it takes place, cannot easily be anticipated and scheduled. Booking, courtroom transportation details, and medical emergencies are just a few examples of how a jail staff is called upon to constantly react to demands set by others.

In addition, the very purpose for which jails exist (to maintain secure custody of a group of persons, many of them dangerous and emotionally unstable, who are being detained involuntarily) ensures that **stress** is an inherent quality of the jail workplace. This stress must be addressed and accommodated by all jail employees. The continuous possibility of verbal abuse by, and physical confrontation with, inmates is one of the risks which must be assumed and managed by anyone employed in a jail setting.

Within the often hectic and stressful work environment of the jail, it is possible for the jail officer to become almost exclusively preoccupied with "surviving" his shift each day, becoming nearly oblivious to the specific and important role which

he plays within the organization (i.e., the jail and the sheriff's department) and within the criminal justice system. If this occurs, the officer, in effect, becomes absorbed in getting through the day (or night) and becomes indifferent to the organization and his role in it. This **organizational disorientation and indifference** is frequently compounded by the problems of rotating shifts (i.e., regularly changing work hours, peers, and supervisors) and the unfortunate low regard which traditionally has been accorded to "jailers" by the general public and those who work elsewhere in the criminal justice system.

Given the type of workplace portrayed above, **it is important that all jail employees understand the total organization within which they work, as well as their respective individual roles within that organization.** Jail employees should understand how they "fit in"—at least with respect to the jail and the sheriff's department.

With this understanding, jail staff members are more likely to view their jobs and themselves as important and necessary. They are more likely to consider themselves to be trained professionals with specific and significant roles to play. While we are not suggesting that a clearer understanding of the organization and one's role in it necessarily will lead to a more favorable self-perception for ALL jail employees, we are suggesting that a better understanding of the organization will help many jail employees think more positively about themselves and their jobs. The jail administrator should do what is necessary to encourage and reinforce such understanding by secretaries, cooks, sergeants, nurses, jail officers, custodians, and anyone else employed in the jail.

In most jails, the **organizational chart** serves as the primary means of fostering an understanding of the total organization. Figure 5:1 contains an example of an organizational chart. The chart, which appears in the Jail's Operating Manual, is carefully explained to each new jail employee as part of his pre-service training. In addition, every time the chart is revised, all staff members are notified in writing and the reasons for the revisions are explained to them. County Jail supervisory staff try to be alert to any misunderstanding among staff members of the lines of responsibility, authority, and accountability in the jail and in the Sheriff's Department. When such misunderstanding occurs, then supervisors attempt to clarify matters for their staff using the organizational chart as an aid.

Understanding the organization of which he is a part does not necessarily make for a more competent and happier employee, but in many cases it may. If one subscribes to this assumption, then a clearly drawn, easily comprehensible, and readily accessible organizational chart is indispensable.

3. Jobs Within The Organization Must Be Clearly Defined: In addition to understanding where they "fit in" within the jail, the sheriff's department and the criminal justice system, **jail staff members must know EXACTLY what is expected of them in their individual positions in the jail.** The most commonly used format for defining job expectations is the **job description.** (Figure 5:2 contains a sample job description for a corrections officer.)

A job description is a document that describes, in terms of measurable behavior, exactly what is expected of an employee in a particular position. The format is relatively unimportant. What IS important is that the job description be written in "plain English" to make it clear to both the employee and his supervisor exactly what is expected.

A job description should identify the behaviors expected of the employee. It should not contain any platitudes describing the congenial attitudes and dispositions hoped for in everyone.

A job description should identify each major task an employee is expected to perform and, for each task, a standard indicating how well that task is to be performed. Unfortunately, too many job descriptions recite the tasks for which an employee is responsible, but do not state how well those tasks are to be performed.

Even more important than the job description document itself is the process by which the job description is reviewed with the employee. As soon as a new employee reports to work, his supervisor should carefully review the job description with him. Reviews should also be conducted with current staff members who were hired before the job descriptions were implemented. The supervisor involved should be the person who will subsequently be evaluating the employee's performance. When reviewing a job description with an employee, a supervisor

should be thorough, relaxed, and supportive. The employee should be encouraged to ask questions and seek clarification.

Following the review, both the employee and his supervisor should sign the job description, documenting their shared understanding of its contents. Both the employee and his supervisor should keep copies of the signed job description and the original should be placed in the employee's personnel file.

The organization (i.e., the jail or the sheriff's department) should review job descriptions periodically. Collectively, the organization's job descriptions should identify those things staff must do in order for the organization to accomplish its priorities. When priorities or the organizational structure change, then job descriptions may have to be revised.

4. Staff Members Must Receive Feedback Regarding Their Job Performance: Jail staff members must receive feedback from their supervisors regarding how well they are performing their jobs (i.e., to what extent they are meeting the expectations which their supervisors have of them as these expectations are described in their job descriptions). Staff members should have a reasonably accurate idea, at all times, regarding how well they are performing their jobs. Conversely, supervisors should, at all times, be able to explain how well each of their subordinates are accomplishing their assigned tasks (i.e., are the employees meeting the expectations which their supervisors have conveyed to them through the means of a job description?)

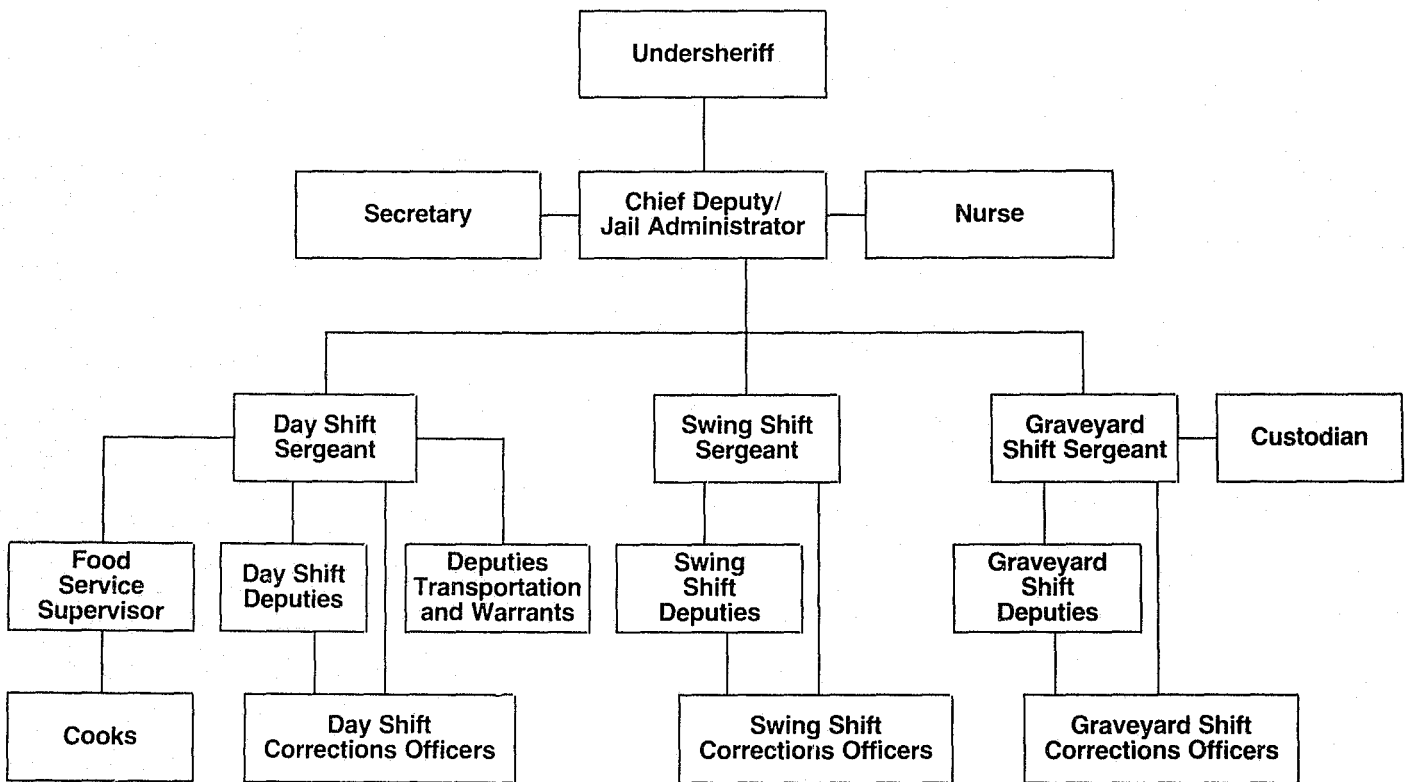


Figure 5:1
Sample Organizational Chart

Figure 5:2
Sample Job Description for Corrections Officer

DEPARTMENT: Lewis County Sheriff's Office
DIVISION: Jail
POSITION: Corrections Officer

JOB SUMMARY: The Corrections Officer works in all phases of prisoner care and jail operations. He/she works rotating shifts and may be required to work overtime. The Corrections Officer is supervised by his/her Shift Sergeant.

<u>TASKS</u>	<u>PERFORMANCE STANDARDS</u>
1. BOOKING: Books prisoners.	Complies with Jail policies and procedures without exception.
2. RELEASE: Releases prisoners.	Complies with Jail policies and procedures, including those addressing the proper processing of bail money and bail bonds.
3. MEDICATION: Administers medication to inmates.	Complies with Jail policies and procedures without exception.
4. MEDICAL ESCORT: Escorts inmates to and from the medical examining room.	No more than one documented incident per year in which inmate and staff safety and Jail security were compromised.
5. FEEDING: Assists in the feeding of inmates by counting all utensils going into/coming out of the tanks, ensuring that each inmate gets one portion, and ensuring that meals are served in a timely manner and at the proper temperature.	No more than one documented incident per rotation in which utensils were lost, inmates received more or less than one portion, or meals were served late and not at the proper temperature.
6. LAUNDRY: Assists in the removal of soiled clothing from the tanks and the issuance of clean clothing.	Complies with Jail policies and procedures without exception.
7. CLEANLINESS: Cooperates in maintaining all areas of the Jail in a clean and orderly condition.	No more than one documented incident per rotation in which officer was responsible for an area of the Jail being in an unclean or disorderly condition.
8. DISCIPLINE: Disciplines inmates for violation of Jail rules.	Complies with Jail policies and procedures, including those addressing the giving of infractions and the conduct of disciplinary hearings, without exception.
9. VISITATION: Admits inmates and visitors, including attorneys, to proper visiting areas.	Complies with Jail policies and procedures, without exception.
10. PRISONER REQUEST FORMS: Picks up Prisoner Request Forms and responds to each during his/her shift.	No more than two documented incidents per rotation in which Prisoner Request Forms were not picked up and responded to during shift.
11. SECURITY: Continuously maintains Jail security in all phases of his/her work.	No more than one documented incident per year in which Jail security was compromised.
12. SAFETY: Continuously maintains inmate and staff safety in all phases of his/her work.	Complies with Jail policies and procedures, including those addressing fires, natural disasters, riots, medical emergencies, evacuation, and hostage situations, without exception.
13. PRISONER TRANSPORTATION: Escorts prisoners to court and other locations outside of Jail.	Complies with Jail policies and procedures, without exception.
14. TRUSTEE SUPERVISION: Supervises trustees on work assignments inside and outside of Jail.	Complies with Jail policies and procedures, without exception.

**Figure 5:2 (continued)
Sample Job Description for Corrections Officer**

<u>TASKS</u>	<u>PERFORMANCE STANDARDS</u>
15. PAPERWORK: Completes all reports, forms, and other required paperwork accurately and in a timely manner.	No more than one documented incident per rotation in which reports, forms, or other required paperwork were not completed accurately or in a timely manner.
16. OVERTIME: Works overtime as required by Sergeant.	No documented failures to work overtime without good cause.
17. STAFF MEETINGS: Attends Jail staff meetings.	No documented failures to attend Jail staff meeting without good cause.
18. PERSONAL APPEARANCE: Maintains clean and orderly personal appearance at all times while on-duty.	Complies with Jail policies and procedures, without exception.
19. INFORMATION AND MESSAGES: Checks Jail log, mail box, 7-Day Board and other appropriate locations for job-related information and messages at beginning of shift and at other times, as necessary. Acknowledges reading of 7-Day Board by signing each piece of information.	No more than one documented incident per rotation in which job performance reflects failure to check information or messages.
20. ASSIGNED DUTIES: Performs specific duties necessary to the continuous operation of the Jail as assigned by the Sergeants.	No more than one documented failure per rotation to perform assigned duties.
21. TRAINING: Completes Minimum Training Requirements for his/her position.	Attends training as scheduled by the Sergeant in charge of training.
22. OPERATING MANUAL: Read Jail Operating Manual immediately upon hiring and reads all updates immediately as they are entered into Manual.	No more than one documented incident per rotation in which job performance reflects unfamiliarity with Operating Manual.

HIRING REQUIREMENTS:

- | | |
|----------------------------------|--------------------------------------|
| 1. United States citizen | 5. Minimum 21 years old |
| 2. Read and write English | 6. Washington State driver's license |
| 3. High school diploma or G.E.D. | 7. Pass Civil Service examinations |
| 4. Good health | |

SIGNATURES:

I have reviewed this Job Description with my supervisor and understand that it reflects the major tasks of my job and the performance standards for each task.

(Employee)

(Date)

I have reviewed this Job Description with the employee.

(Supervisor)

(Date)

APPROVED:

(Jail Administrator)

(Date)

(Undersheriff)

(Date)

DISTRIBUTION:

1. Employee 2. Supervisor 3. Employee Personnel File 4. Lewis County Civil Service Commission

Informal feedback should be taking place continuously, although periodic formal, documented performance evaluations are essential.

Performance evaluation is the process by which an employee's job performance is formally evaluated by a supervisor. An employee should be evaluated in terms of the expectations expressed on his job description (tasks plus performance standards)—nothing more, nothing less. The evaluation document used should mirror the employee's job description. When changes are made in the job description, then the evaluation form should be revised accordingly. (The performance evaluation form for a Corrections Officer in the Lewis County, Washington, Jail is included as Figure 5:3. We suggest that you compare it to the job description for the same position which appears as Figure 5:2.)

In Lewis County, each employee's performance evaluation form lists the tasks on his job description. For each task, the supervisor gives the employee a numerical score based on how well he has satisfied the performance standard for that task (1, 2 = below average; 3, 4 = average; 5, 6 = above average). The overall average is computed and becomes the employee's score on that particular evaluation. There is ample space on the form for the employee's and supervisor's comments.

Following the evaluation, the employee and the supervisor should sign the evaluation. Copies of the signed evaluation are retained by both the employee and the supervisor, with the original placed in the employee's personnel file. A copy should also be sent to the Civil Service Commission if such a commission exists in your jurisdiction.

As with job descriptions, the **evaluation process** is far more important than the evaluation document itself. Insofar as is possible, an evaluation should be a dialogue between employee and supervisor—not an autocratic monologue by the supervisor. As with the job description review, the supervisor should be thorough, relaxed, and supportive, encouraging the employee to ask questions and seek clarification.

The frequency with which formal performance evaluations are conducted should be determined by the jail administrators. Employees probably should be evaluated twice a year. In Lewis County, Washington, for example, line officers are evaluated by their shift supervisors (sergeants) every two months, after every shift rotation. The sergeants are evaluated by the administrator every six months.

As important as it is, the **periodic formal evaluation is no substitute for continuous feedback from supervisor to employee.** A supervisor should give an employee prompt, continuous feedback, either verbally or in writing, regarding the quality of his job performance. A casual comment, or a short handwritten note can be very effective ways for supervisors to let employees know how they are doing. There should be no surprises during a formal evaluation. An employee should not receive scores entirely contrary to what he expected.

Earlier in this chapter, we discussed the fact that jails are more hectic and stressful than most workplaces and, because of

this, many jail officers, preoccupied with "survival," become oblivious to their specific role and their functional relationships to others in the jail, the sheriff's department, and the criminal justice system. Similarly, for these same reasons, jail employees can quite easily become oblivious and insensitive to exactly what is expected of them and how well they are doing. Therefore, it is imperative that jail supervisors be deliberate, conspicuous, and timely in implementing and using a system for providing regular formal and informal job performance feedback to all jail employees.

It is also important that jail supervisors "do something" as a result of the feedback which they give their employees. For jail employees who receive negative feedback—especially those who receive such feedback repeatedly—there should be negative consequences (e.g., letter of reprimand, demotion, or termination). Even more importantly, for staff members who receive positive job performance feedback—especially those who receive such feedback repeatedly—there should be positive consequences (e.g., letter of commendation, promotion, merit pay increase if possible, or selection to attend a training session or conference).

When an employee has proven himself to be exemplary, the jail manager might consider drafting an appropriate letter of commendation for the sheriff's signature and inserting a copy of the letter in the employee's personnel file. This is a positive consequence which is non-time consuming and inexpensive and one which may yield immense benefits in terms of the motivation and morale of the staff member involved (as well as of other employees who become aware of the letter) and his continued exemplary job performance.

The primary point here is that positive and negative consequences, when used in the aftermath of job performance feedback, can be very effective means of encouraging the continuance of acceptable job performance and discouraging the continuance of unacceptable job performance. In too many organizations, the failure by supervisors to initiate any consequences results in the continuance of unacceptable job performance by marginal employees, the discontinuance of commendable job performance by exemplary employees, and a collective apathy among staff members. After all, if good employees and bad employees are treated equally, why should any member of the jail staff even try to be a good employee?

5. There Must Be A Staff Training Program Designed To Improve Job Performance: Staff training is instruction given to employees to help them perform their jobs better. Thus, the training should be **directly related** to the employee's job description and performance evaluations. When an employee receives a low score in a particular area on an evaluation, the supervisor should provide training for the employee to help him improve his performance in that area.

Participation in staff training programs should be incorporated into the job descriptions. When job descriptions are revised, the staff training programs must be reviewed and possibly revised to reflect training appropriate to any new duties and responsibilities.

**Figure 5:3 (continued)
Sample Performance Evaluation**

	<u>ABOVE AVERAGE</u>		<u>AVERAGE</u>		<u>BELOW AVERAGE</u>		<u>SCORE</u>
14. TRUSTEE SUPERVISION Comments:	6	5	4	3	2	1	_____
15. PAPERWORK Comments:	6	5	4	3	2	1	_____
16. OVERTIME Comments:	6	5	4	3	2	1	_____
17. STAFF MEETINGS Comments:	6	5	4	3	2	1	_____
18. PERSONAL APPEARANCE Comments:	6	5	4	3	2	1	_____
19. INFORMATION & MESSAGES Comments:	6	5	4	3	2	1	_____
20. ASSIGNED DUTIES Comments:	6	5	4	3	2	1	_____
21. TRAINING Comments:	6	5	4	3	2	1	_____
22. OPERATING MANUAL Comments:	6	5	4	3	2	1	_____

SIGNATURES:

I have reviewed this Performance Evaluation with my supervisor.

TOTAL: _____
AVERAGE: _____

(Employee)

(Date)

I have reviewed this Performance Evaluation with the employee.

(Supervisor)

(Date)

APPROVED:

(Jail Administrator)

(Date)

(Undersheriff)

(Date)

NEXT EVALUATION:

(Approximate date)

DISTRIBUTION:

1. Employee 2. Supervisor 3. Employee Personnel File 4. Lewis County Civil Service Commission

COMMENTS:

A staff training program should identify **minimum training requirements** for all employees and should provide for additional special training for selected staff members (necessitated by specialized duties or a low performance evaluation, for example). Jail administrators must determine the number of hours of training they will authorize for each employee per year and weigh the need for various types of training against the number of hours a staff person can be away from his duty station in the jail.

Jail administrators should not waste their training resources or their staff members' time by providing training in things that are "nice" to know, but which are not essential to jail operations. In making the decision to send an employee to a particular training school, seminar, or workshop, the jail administrator should try to determine whether or not participation in the training is likely to result in a noticeable improvement in the employee's job performance. If the answer is "no," then the employee probably should not be sent to that particular training program.

Staff training can be an expensive enterprise. Trainees usually are being paid while they are away from their duty stations. If they are sent to a training program outside the county, they also have expenses for travel, lodging, and meals. Often, overtime must also be paid to other employees who are covering duty stations for those staff members who are away at training. Given the potential expenses involved, and given the tremendous importance of carefully planned and well delivered staff training, jail administrators should manage their training resources (e.g., staff, time, money) very carefully. There are plenty of persuasive training entrepreneurs who want you to think that their particular training program is essential to the improvement of your institutional operations when, in fact, it is not. Training can be beneficial and cost-effective, but it can also be useless and wastefully expensive.

6. The Organization's Policies And Procedures Must Be In Writing And Readily Available To Staff Members: The most commonly used way to assemble written policies and procedures and make them available to staff members is by developing an operating manual. **An operating manual is a reference document that contains, in an orderly sequence, all of the organization's policies and procedures.**

The manual should be written **not for the administration, but for line staff employees who must be able to refer to it and understand easily what it says.** Often in a jail, when line staff personnel refer to the manual, they are under duress and do not have time for discussion and interpretation. (While the development of policies and procedures were covered in depth in Chapter Four, it is helpful to review some of the major principles involved.)

There should not be anything on each page of the manual which would distract the reader from statements of policies and procedures. For example, in too many manuals, important policy and procedure statements are practically buried by signatures of approval, effective dates, and other bureaucratic "requirements" that could be made less repetitive and less conspicuous. (A sample policy from the Lewis County, Washington, Jail's Operating Manual is included as Figure 5:4.)

As in setting priorities, **it is preferable to involve staff members at all levels in writing the manual.** But the benefits of extensive staff involvement are lost if the process becomes too lengthy and complicated. The process is important, but the outcome—a manual that will help staff members perform their jobs—is more important. The availability of the manual should not be unduly delayed in the interest of staff involvement and "ownership." The jail's administrators and supervisory staff must play an active, hands-on role in writing policies and procedures and in completing the manual.

In each area where a policy is required, the manual should contain a simple and direct statement of the organization's policy and the sequence of procedures by which the policy is to be implemented.

Staff members should be required to be familiar at all times with the manual's contents. This requirement should be reflected in their job descriptions.

When staff members follow the policies and procedures in the operating manual, this makes it easier for them to accomplish the priorities of the jail. The manual should be written with those priorities in mind and revised as priorities change.

7. There Must Be A Hiring System Which Responds Promptly To The Staffing Needs Of The Organization: Staff turnover is an inevitable reality in all organizations. Several factors—the stressful work environment, low entry-level salaries in many jails, and the frequent absence of a meaningful within-the-jail career ladder—result in staff turnover rates in jails which are higher than the rates experienced in most other workplaces, including most of the other workplaces in the criminal justice system.

In recent years, with increasing frequency, many local governments have also experienced a need to increase the size of their jail staffs. Among the factors fueling this need are the construction of new jail buildings, court orders in which judges have equated constitutional violations with inadequate staffing levels, and a growing realization among sheriffs that their jails make them very vulnerable to costly lawsuits.

For reasons of staff turnover and growth, then, it is important that the jail have access to a responsive hiring system which will allow the administrators to replace or add staff members as needed and ensure that the jail is never understaffed for extended periods of time.

Ordinarily, neither the jail administrator nor the sheriff has total and unfettered control of the hiring process. Usually, in order to better facilitate equal opportunity hiring practices, at least one other authority will be involved. This authority may be a civil service commission or a central county personnel office. Because the jail administrator does not have control over the county's primary hiring authority does not mean that he should disinvolve himself from that authority. Instead, the jail administrator should try to actively assist and support the hiring authority and, in so doing, should try to influence the activities and decisions of the authority in the best interests of the jail.

Figure 5:4 Sample Policy Statement

13.02 BASIC EDUCATION

POLICY: The highest priorities in the Lewis County Jail are security, inmate and staff safety, and sanitation and hygiene. Once these priorities are satisfied, if resources are available, the Jail is committed to providing an Inmate Basic Education Program which might reduce the probability of recidivism among inmates enrolled in the program.

IMPLEMENTATION:

(A) Curricula: Courses to be offered are:

- (1) GED Preparation
- (2) Adult High School
- (3) Adult Basic Education (ABE)
- (4) Practical Literacy
- (5) English as a Second Language (ESL).

(B) Instructor: Instruction is provided by a qualified instructor who has been approved for employment in the Jail by the Lewis County Sheriff's Office.

(C) Application Criteria: In order to apply for admission to the program, an inmate must meet the following criteria:

- (1) No documented involvement in an incident for previous two weeks.
- (2) No minor infractions in previous four weeks.
- (3) No major infractions in previous six weeks.
- (4) Has been in jail for at least two weeks.
- (5) Will be in jail for at least two weeks following admission to the program.
- (6) At least one skill (reading, English, or math) below 8th grade level (inmate's skill levels to be determined by instructor during application process *or* has not completed high school).

(D) Application Process:

- (1) Inmates must apply for entry into the program using the application form provided them. Jail staff shall assist inmates who have difficulty completing the application form.
- (2) Applications are reviewed by a committee of Jail staff who make recommendations to the Jail Administrator.
- (3) The Jail Administrator reviews the committee's recommendations with the instructor.
- (4) Final authority for selecting inmates to participate in the program rests with the Jail Administrator.

(E) Criteria for Remaining in the Program: Once admitted to the program, an inmate must meet the following criteria to remain in the program:

- (1) No documented involvement in an incident.
- (2) No minor infractions.
- (3) No major infractions.
- (4) Make a reasonable effort as determined by the instructor.

(F) The program shall be governed by an agreement between the Lewis County Sheriff's Office and the agency providing the instructor.

REFERENCES:

At a very minimum, the jail administrator should meet with the primary hiring authority and "walk" its officials through the jail's priorities, organizational chart, and job descriptions. If the members of the hiring authority are not willing to participate in such a briefing, then a complaint should be registered with the appropriate body (e.g., county commissioners or county executive), probably by the sheriff. Members of the hiring authority should also be told about the jail's performance evaluation system and its operating manual and be given whatever access they request to those items (with the possible exception of providing them access to the evaluations of actual jail employees).

If the primary hiring authority is involved in the testing and/or interviewing of prospective jail employees, then the jail administrator should act to make sure that knowledgeable jail professionals are involved in the testing and interviewing processes. The Lewis County, Washington, Jail, for example, regularly secures the assistance of supervisory staff members from jails in adjacent counties to help test and interview applicants for positions in their facility, and the County Civil Service Commissioners have expressed their pleasure with this arrangement.

The hiring process is critical to the effective maintenance and development of the jail operation. It is much too important a process to be entrusted exclusively to an appointed commission or to personnel professionals who may have extensive knowledge of personnel-related laws and regulations, but who probably know relatively little about jail operations. For this reason, the jail administrator must do all he can to ensure the involvement of knowledgeable jail professionals in the hiring process. The jail administrator's use of well written priorities, a clearly drawn organizational chart, and a set of concisely drafted job descriptions can do much to induce the understanding, cooperation, and support of the hiring authority.

8. Decision-Making Must Be Delegated Downward Through The Organization: Important decisions which affect the entire jail (e.g., budget preparation and relationships with external agencies) must be made by the jail administrator or the sheriff, hopefully with some prior input from subordinates.

Most decisions, however, affect only a part of the jail and are best made by managers at lower levels. For example, a decision to revise the jail's classification system can probably be made most quickly and most knowledgeably by the supervisor (e.g., sergeant) in charge of classification. Unless a major overhaul of the classification system is being contemplated, decisions regarding its revisions probably need not involve the jail administrator or the sheriff. A requirement that decisions regarding routine revisions to the jail's classification system be made by the jail administrator or upper-echelon sheriff's department administrators will probably result in decisions which are late and less informed than are those made by responsible lower-level managers who are directly involved in the classification activity on a daily basis. The same principle is applicable to other substantive areas in the operation of the jail (e.g., food service, health care, and transportation).

Delegation of decision-making authority does not mean abdication of that authority. Productive and time-saving delegation, however, presumes that the jail administrator has clearly

communicated the jail's priorities to his lieutenants, sergeants, food service supervisor, health care supervisor, volunteer coordinator, and other subordinate managers. Provided that he has done this, the jail administrator should monitor the decision-making of his subordinate managers and give them feedback concerning their performance (both continuous informal feedback and formal, documented feedback during their scheduled performance evaluations). Should he have reservations regarding a subordinate manager's decision-making skills in a given situation, then the jail administrator can provide that manager with tightly drawn and explicit guidelines before hand. He can even ask the manager to discuss the decision with him prior to its implementation.

Jail administrators too often fail to understand and use the responsible delegation of decision-making authority as a means of obtaining two important benefits: **Delegation motivates subordinate managers, and it saves valuable time for the jail administrator.**

Concerning the first benefit, employees—including those who work in jails—are motivated by a variety of incentives (e.g., salary, benefits, and "the uniform"). Mid-level managers, including those who work in jails (e.g., sergeants, food service supervisors, health care supervisors), are often motivated by the opportunity to make decisions and display their decision-making skills. The jail administrator should seize this opportunity to motivate his subordinates.

As to the second benefit, the delegation of decision-making to subordinate managers allows the jail administrator to free himself to devote more time to matters affecting the entire jail (i.e., to devote more time to do his own job). Once again, however, the jail administrator's ability to use delegation of decision-making as a vehicle of employee motivation and personal time management rests upon the presumption that he has clearly communicated the jail's priorities to his subordinate managers.

In the well-managed jail, there is a prevailing organizational tendency to delegate decision-making downward to the lowest possible managerial levels where decisions are likely to be more timely and relevant. This presumes, however, that the jail's priorities, upon which decisions should be based to as great an extent as is possible, have been clearly communicated to managers at all levels in the facility. The effective jail administrator will exercise whatever controls are necessary over the delegation process and will use it to motivate his subordinate managers and to better manage the use of his own time.

SOME CONTEMPORARY ISSUES

There are a number of issues which contemporary managers, including those in jails, must address in implementing the basic principles of organization and management discussed in the preceding sections of this chapter. These issues include: types of organizational structures, chain-of-command, span-of-control, line/staff employees, democratic versus authoritarian management styles, time management, labor unions, management by objectives, affirmative action, and planning.

1. **Types of Organizational Structures:** Nowadays, textbooks and journal articles are filled with discussions of the advantages and disadvantages of various types of organizational models (e.g., traditional/non-traditional, rectangular/circular, or verticle/horizontal). Most of these scholarly treatises feature one or several charts graphically displaying the model(s) being discussed. Some of these books and articles make for interesting and stimulating reading. However, it is not time well spent for the jail administrator to deliberate at length over which model is best for his institution. It is important, though, that one model or another be selected, that it be reduced to paper in the form of an organizational chart, and that the jail's organizational chart be understood by all staff members.

2. **Chain-of-Command:** In paramilitary law enforcement and correctional agencies such as jails, there is often a prevailing concern—sometimes a genuine preoccupation—with the organization's chain-of-command. Employees are asked to use the chain-of-command in communicating with other staff members, particularly their superiors.

While a chain-of-command is certainly necessary in a jail, the jail administrator should not let an excessively rigid and absolute adherence to the chain-of-command eliminate all but the most formal types of communication and effectively paralyze the organization. The jail administrator must support his subordinate managers, but he must also avoid becoming unnecessarily detached from, and uninvolved with, the line operations of the jail. The jail administrator must not insulate and isolate himself from the jail and its staff members in the interest of supporting his subordinate managers by having ALL communications filtered through them.

A jail administrator who loses his intuitive "feel" for his institution has necessarily reduced his effectiveness as a manager of people and as a decision-maker.

Thus, it is extremely important for the jail administrator to continuously balance his need to support his subordinate managers with his need to "keep in touch" with his institution. Several suggestions for accomplishing this important balancing act are:

- A. **Make sure that the jail has an organizational chart which clearly depicts the chain-of-command.** Also make certain that the chart has been shown and explained to EVERY member of the jail staff. You cannot expect staff members to use the chain-of-command if they don't know what it is.
- B. **Continue talking freely and frequently with all staff members.** However, when the conversation begins to include matters which should be handled by the staff member's immediate supervisor, insert those matters into the chain-of-command yourself. This can be done in several ways. You might ask the staff member if he has discussed the matter with his immediate supervisor. If he has not, you might ask him to do so before you discuss it any further. As an alternative, you might continue discussing the matter with the staff member, informing him at the outset, however, that you intend to discuss the matter with his immediate supervisor.

Important matters involving staff supervision must be addressed and resolved using the formal chain-of-command. This does **not** mean, however, that the jail administrator can't talk with anyone except the subordinate managers who report directly to him. The jail administrator must "keep in touch" with the entire institution. He must also, however, support his subordinate managers by redirecting into the chain-of-command those matters which are best addressed there.

- C. **The jail administrator should use his communication with jail staff members to determine the extent to which subordinate managers are conversing with, and attentive to, line personnel.** If jail employees consistently begin to discuss with the administrator matters which should be discussed with their respective immediate supervisors, then the administrator probably should bring this situation to the attention of those supervisors and discuss it with them. Just like the administrator, subordinate jail managers can also become detached, uninvolved, and insulated. If this is happening, then the administrator needs to intervene and correct the situation promptly. **In order for the chain-of-command to work as intended, line staff members must use it, but their supervisors (jail administrator and his subordinate managers) must also be accessible and attentive to those line employees.**

Case Study 1:

You have just taken over as the administrator of a 100-bed jail and, during your first two weeks on the job, you have noticed the following:

1. *Some road patrol sergeants seem to "take over" the booking area when they bring prisoners in and actually begin giving orders to the jail booking officers;*
2. *The sergeants assigned to the jail seem to feel very comfortable in asking you to make decisions regarding trivial matters of daily jail routine;*
3. *There seem to be considerable differences with respect to the way things are handled from one shift to another;*
4. *An inmate who had been there for five months didn't know who the day and swing shift sergeants were;*
5. *Many of the staff members openly complained about the shoddy work of other staff members;*
6. *There was a steady stream of complaints regarding the on-line booking system that the Data Processing Section of the Sheriff's Department had set up in the jail;*
7. *A jail officer who had just received a letter of reprimand for mistakes which she had made on several booking sheets came to you, visibly shaken and apparently surprised; and*
8. *Jail policies and procedures are contained in a three-ring binder in the order in which they were issued—not according to the subject matter. You were told that a staff committee charged with drafting an operating manual has been in existence for two years.*

Do these things bother you? If not, why not? If so, what would you do about them?

3. Span-of-Control: "Span-of-control" is a concept which has to do with the optimum number of persons another person can effectively supervise. Authors and consultants have defined that number to be as small as three and as large as seven.

There is really no magic formula by which one can compute the "right" span-of-control. Ultimately, the on-site administrative officials (e.g., sheriff or jail administrator) must establish the supervisory arrangements by which the jail can be managed most effectively.

In establishing supervisory spans-of-control, however, the administrators must ensure that the supervision provided in each instance is **real**—not just nominal. This means that each supervisor must be able to clearly and knowledgeably convey his expectations to each person reporting to him (hopefully, with the help of well written job descriptions) and then give each employee credible and informed feedback regarding his job performance (by means of both continuous informal communication and regularly scheduled formal performance evaluations).

Several suggestions for establishing effective spans-of-control are:

- A. **Make sure that the diversity of the substantive areas for which you are making a supervisor responsible does not exceed his ability to define expectations and provide feedback.** For example, there is a difference between supervising five employees who are all performing the same work (e.g., five sergeants who are all shift supervisors) and five employees who are all performing different work (e.g., business manager, education coordinator, food service supervisor, nurse, and volunteer coordinator). A supervisor must have managerial skills, but he must also have substantive knowledge of the operational area(s) for which he is responsible.
- B. **Make sure that the number of staff members whom you are asking a person to supervise do not require more hours of supervisory time than are available to the supervisor.** Supervision requires a definition of expectations and provision of feedback. These require face-to-face personal communication between the supervisor and his subordinate and this, in turn, requires time. A lieutenant may have time to supervise five sergeants, but may not have sufficient time to supervise seven.
- C. **Adjust spans of control, if necessary, to take advantage of a particular supervisor's special knowledge and talents.** For example, if a particular sergeant has a specialized background and expertise in classification, then consider adjusting the jail's spans-of-control, allowing him to supervise that function even if the current organizational chart does not show the classification function to be within the span-of-control of the occupant of his position. Consider adjusting the organizational structure of the jail and revising the organizational chart accordingly. Usually, employees must



accommodate the needs of the organization, but sometimes jail administrators could wisely alter the organizational structure to make use of the talents of particular employees.

4. Line/Staff Employees: In most organizations, including jails, employees are either line employees or staff employees. **Line employees are those employees whose jobs entail doing the essential work which necessitates the existence of the organization.** In a jail—an organization which exists to affect the care, custody, and control of prisoners—line employees include corrections officers, cooks, and nurses. **Staff employees are those employees whose jobs involve providing support and assistance to line employees.** They provide line staff with various types of specialized expertise to help them perform the essential work of the organization more effectively. In a jail, for example, staff employees include data processing programmers, personnel officers, and planners.

Too frequently, line and staff functions become insufficiently defined and differentiated and confusion and tension develops among employees. Some suggestions for maintaining a productive relationship between line and staff functions are:

- A. Make sure that the organizational location of all positions, but especially staff positions, are clearly depicted on the jail's organizational chart.
- B. Make sure that the responsibilities of all employees—including staff employees—are clearly explained in their job descriptions.
- C. Make sure that staff employees, just like their line employee counterparts, receive regular feedback regarding their job performance.
- D. Make sure that staff employees, just like their line employee counterparts, are kept informed about the jail's priorities, needs, and problems. Do not treat them like outsiders and then expect them to provide important support services to the jail, or to be highly motivated to do a good job. Programmers, custodians, accounting clerks, and secretaries should be made to feel that they are important to the jail operation—because they are.

- E. Do not allow staff employees to make decisions which should be made by line administrators and supervisors. For example, the sheriff's office administration, the jail administrator, and other line jail employees should determine the parameters of the jail's automated information system, not programmers and analysts from the data processing section. Sometimes, staff employees (e.g., programmers) become excessively involved in line decision-making because their roles have not been clearly defined. At other times, however, staff employees become involved by default (e.g., the jail administrator does not choose to involve himself in the development of the jail's information system).

5. Democratic Versus Authoritarian Management

Styles: When someone says he is a democratic or an authoritarian manager, the implication is that is his management style and he **ALWAYS** manages that way—no matter which staff members are involved or what the situation is. **The effective manager adjusts his management style to meet situational requirements:**

- Some employees need things explained to them in graphic detail and in an assertive manner before they are able to perform as expected. This type of employee requires a more authoritarian and directive style of management.
- Other employees need only general directions and some basic guidelines before they are able to perform as expected. This type of employee responds best to a more democratic, participatory type of management.
- With some employees, earlier in their careers they required a more authoritarian style of management. But with several years of service, they respond best to a more democratic form of supervision.
- Some employees require very directive supervision with respect to some tasks and require a much less directive type of supervision on other tasks (e.g., the officer who requires very explicit directions when he is asked to write a report, but who needs only general guidelines when asked to supervise a crew of trustees to clean an area of the jail).

Jail staffs include employees who require different types of direction in different types of situations. The effective jail manager gets to know his staff members and the type of supervision to which each responds best. He then manages **SITUATIONALLY**, continuously adjusting his management style to meet the needs of the moment.

6. Time Management: Nowadays, there are many books, articles, and seminars available on how to effectively manage your time. These books and programs describe many useful techniques which supervisors can deploy to set priorities and use their personal and professional time more productively.

Ultimately, however, people use their time doing those things which are important to them or which they enjoy doing (e.g., the manager who complains about never having enough

time, but who leaves his office door open all the time, inviting interruptions, because he likes to talk with people). If you do not feel you are making good use of your time at work, then it probably is time for you to ask your supervisor to clarify his expectations of you. Similarly, if you disagree with the way one of your staff members is using his time, then it is probably time for you to clarify your expectations of him. The scheduled formal performance evaluation is an excellent built-in opportunity for you to discuss time management with members of your staff.

7. Labor Unions: In jails and other workplaces, there will always be tensions, of varying amounts, in the relationship between management and the labor union. A certain level of tension in this relationship is both inevitable and healthy. The presence of this tension probably increases the likelihood that the needs of the organization and its individual employees are simultaneously being met as best they can be. But the tension which necessarily characterizes the relationship between management and organized labor does **not** have to be accompanied by distrust and malice.

Given the variations between unions and between union locals, organized labor exists essentially to ensure that employees are treated fairly. Yet, to manage employees in the manner being prescribed in this chapter—to let staff members know what you expect of them, to give them regular feedback regarding their job performance, and to train them in order that they can perform more competently—is to treat employees fairly. **While the interests of labor and management are COMPETING ones, they do not necessarily have to be CONFLICTING ones.**

The jail manager should not assume that this relationship with the union needs to be an **adversarial** one. On the contrary, the jail manager should take the initiative to open up the lines of communication with the bargaining unit, particularly with the union representative(s) on contract with the jail or sheriff's office and with the shop steward(s). He should discuss with the union the jail's methods for managing personnel fairly and should share copies of the jail's organizational chart, job descriptions, performance evaluation forms, training programs, and any other documents which might prove helpful to enhancing understanding between the jail administration and the labor union. **The jail manager should attempt to develop the union as an ally rather than thoughtlessly confront it as an opponent.**

8. Management By Objectives: "Management By Objectives," or MBO, is both a concept and a method. As a **concept**, it is an approach to organizational management in which an organization and its component departments and divisions set annual objectives and then manage themselves throughout the year with the purpose of accomplishing those objectives.

As a **method**, it is a strategy for the accomplishment of annual objectives in which objectives are stated in measurable terms, workplans are developed for each objective, and regularly scheduled formal progress reviews are held. The workplans identify, in chronological order, all of the activities that must take place if the objective is to be accomplished, beginning and ending dates for each activity, and the name of the staff member responsible for the completion of each activity.

The spelling out of objectives—at least annually—is a prerequisite to progressive management. If an organization does not set objectives, then all of its energy and attention tends to be directed toward “keeping up” with things as they are. No progress occurs. The organization does not keep pace with the environment around it and fails to improve its operations.

Jail managers are often too quick to point out that they can't have objectives because they can't predict what goes on in their facilities. It is true that it is often impossible to anticipate what will occur in a given jail on a given day. Nevertheless, it is possible, and necessary, for a jail to formulate annual objectives and plan for progressive changes. It is difficult—often impossible—to anticipate such things as sudden increases in the rate of bookings, inmate disturbances, and unforeseen expenses. But these things do not preclude the formulation and accomplishment of major annual objectives (e.g., development of a recreation program, revisions to the operating manual, or development of a staff training program).

Indeed, the formulation of annual objectives is a prerequisite if the jail administration expects to keep up with increasing public pressures and with contemporary judicial and statutory requirements. If the jail administration wants to take advantage of various technological advancements, then annual objectives must be developed.

In formulating annual objectives, however, the jail's administrators must make sure that the objectives are consistent with, and in fact support, the jail's priorities.

While jail administrators should formulate annual objectives, the accomplishment of those objectives does not necessarily require adoption of the specific method associated with MBO. In most large jail settings, the MBO method (i.e., measurable objectives, explicit workplans, and formal progress reviews) is probably advisable as a means of holding many staff members and multiple departments accountable for the accomplishment of the jail's objectives. In most medium- and small-size jails, however, the MBO method is probably unnecessarily cumbersome and destructive to the more informal and personal team approach of getting things done.

Case Study 2:

Tax revenues in your county have declined drastically due to a downturn in the regional manufacturing and farming economies and all county agencies are being asked to trim their budgets for next year. Your sheriff asked you to submit an operating budget for the jail for next year which is 15 percent less than this year's budget.

Without going into too much detail, how would you approach this task?

9. Affirmative Action: Affirmative action is a prescription, supported by Federal laws, by which employers—including jails—are understandably required to provide equal opportunity in the hiring and promoting of employees. In other words, **when they are hiring or promoting staff members, employers must base their decisions upon criteria related to anticipated job performance and must disregard personal and demographic criteria such as race, sex, and marital status.**

Management in the manner prescribed in this chapter should facilitate compliance with the affirmative action initiative. The use of task-oriented job descriptions and corresponding performance evaluation instruments effectively force managers to focus upon job performance-related criteria, and to disregard personal and demographic factors in their hiring and promotion decisions.

10. Planning: Planning is an activity which involves **anticipation, objective setting**, and, in a nutshell, **making decisions now which will determine the future** (e.g., making decisions now regarding the bed space in a jail under construction which will determine whether or not that jail will experience overcrowding in the future).

Planning is an essential part of management and should not be left exclusively to professional planners. A manager is necessarily a planner. Professional planners, if they are available, may assist and support the manager, but the manager—including the jail manager—must be the primary planner in his organization. The availability of carefully drafted organizational priorities, as prescribed in this chapter, should help the jail administrator become the primary planner for his institution.

ROLE OF THE JAIL MANAGER

We have now discussed some basic principles of organization and management and how these principles might be implemented in the jail. The extent to which they are implemented in the jail, however, depends almost entirely upon the commitment, sensitivity, and competence of the jail's managers.

By “manager” we mean **anyone who is responsible for supervising other employees in the jail** (e.g., administrator, sergeants, or food service supervisor). Some important principles which jail managers should keep in mind are:

1. The people who work for you are your most important resource. Take care of them.
2. A competent, well managed staff working in an inadequate, antiquated building is far preferable to a mediocre staff working in a modern state-of-the-art facility.
3. In most organizations, including jails, staff represent about 70-75 percent of the operating budget (i.e., in wages and benefits), yet we spend relatively little time maintaining and nurturing them. We spend more time caring about portable radios, typewriters, and flashlights than we do about our employees. Does this make sense to you?
4. Football coaches and preachers motivate people. Managers do not. Effective managers create an environment in which people motivate themselves.
5. Most of your staff members want to do a good job. They just need your guidance, support, and encouragement. Don't sell them short by assuming that they are creatures of mediocrity who must be forced to do anything more than they have to.
6. Don't over-manage or meddle with your staff. Let them know what you expect and then get out of their way.

They'll be flattered and you'll have more time to do your job.

7. Don't worry too much about your jail operations. The people on your staff have a great capacity to resolve problems as they come up. They'll probably do much better without you hovering over them. Just be sure that they basically know what you expect.
8. Good management often means just listening and saying nothing.
9. Don't expect your staff members to be infallible. They will make mistakes. Try to convert errors into learning experiences. Make sure your employees know what you expect from them and ask them to do the best they can.
10. Don't expect yourself to be infallible, either. You'll make mistakes, too. When you do, admit them to yourself and others, and then move on. Try to learn from your mistakes. In making a decision, review all of the information available to you, and then decide as best you can. Realize at the time, however, that the decision you are about to make may not prove to be correct. Make it anyway.
11. Your staff will do what you **INSPECT**, not necessarily what you **EXPECT**. It is not enough to let staff members know what you expect of them. You must also monitor their performance and give them feedback.
12. When faced with the "need" to make a decision, one option you often have is to do nothing. Don't let someone else's "crisis" become yours.
13. If something works, don't fix it.
14. If you want to lead people, walk behind them. Look for ways to make their jobs easier and more enjoyable, and make sure they get the public recognition they deserve.
15. Once in awhile, try to step outside yourself and see yourself as others see you. You may be surprised at what you see.
16. There's more than one perspective on any issue. Try to understand as many of these perspectives as possible before making a decision. Just because someone else's point of view does not agree with yours does not mean that it is inaccurate or wrong. In many cases, your staff or your inmates may be right and you may be wrong.
17. Manage with your heart and your stomach, as well as with your head. Effective management does require access to empirical data and factual information, but sometimes the available data and information are not enough or lend themselves to different interpretations. The good jail manager is familiar with his facility and often has an intuitive "feel" for the right thing to do.

The good jail manager possesses solid mechanical skills, but also has a "gut feeling" for what is going on in his facility and what has to be done.

18. Throw away your stereotypes. Jails need not be run as they are portrayed on the late night movies.

SUMMARY

1. **As a supervisor, you should know and understand the basic principles of organization and management which are prerequisites to effective and efficient operations in any organization.**

These basic principles are:

- A. There must be clearly established priorities.
- B. The organization must be clearly defined.
- C. Jobs within the organization must be clearly defined.
- D. Staff members must receive feedback regarding their job performance.
- E. There must be a staff training program; the purpose of this program is to improve job performance.
- F. The organization's policies and procedures must be in writing.
- G. There must be a hiring system which promptly responds to the staffing needs of the organization.
- H. Decision-making must be delegated downward through the organization.

These basic principles are applicable in the jail setting.

2. **Contemporary jail managers must be familiar with and address several major issues in order to effectively implement the basic principles of organization and management.**

These issues include:

- A. Types of organizational structures;
- B. Chain-of-command;
- C. Span-of-control;
- D. Line/staff employees;
- E. Democratic versus authoritarian management styles;
- F. Time management;
- G. Labor unions;
- H. Management By Objectives (MBO);
- I. Affirmative action; and
- J. Planning.

CHAPTER SIX

HOW TO SUPERVISE EMPLOYEES

A supervisor is a person who leads his subordinates forward to accomplish the mission of the organization which employs them. Meeting the goals and objectives of the organization is not a task which is the responsibility of the supervisor alone—it must be shared by all the employees working together as a team.

The supervisor has to be a good **communicator** in order to deal effectively with his own supervisor, supervisors of equal rank, and his subordinates. One of the most difficult barriers most supervisors must overcome is communications.

To be an effective communicator, you must always remember that **communication is a two-way street**. For example, a person announcing the news on television is communicating one way. There is no opportunity for the listener to voice his own opinion or provide the correct facts if he is someone who personally participated in the news event.

Like the one-way TV or radio broadcast, we, as jail supervisors, often get caught in crisis-to-crisis situations, which lead to decision-making in which employees are not given an opportunity to participate. Their problems are ignored in the daily hassles of jail operations and this could lead to serious trouble, for **your success depends upon their success**. That is why interpersonal communication skills are so important for the jail supervisor.

BECOMING A GOOD COMMUNICATOR

How do you, as a supervisor, become a good communicator? There is no big mystery about good communication techniques. Communication is a natural ability instilled in most forms of life. For humans, there are **four basic methods of communication**:

1. Appearance;
2. Nonverbal;
3. Verbal; and
4. Written.

A supervisor who learns how to master the basic elements of communication will become more efficient.

Appearance

First, we will look into how appearance influences our perceptions and thoughts when we communicate with others. Unfortunately, we often tend to stereotype people by how they groom and dress themselves.

Employees usually are expected to meet minimum dress and appearance codes set by their organization. As a supervisor,

you will get to know your employees' attitudes about personal appearance by seeing them daily at work. But sometimes we fail to use our perception skills to recognize that employees may be having problems. For example, an employee who has worked in your squad for several years has always been sharp looking and well groomed. Then, over a period of a few weeks, you began to notice that the employee's appearance has been declining gradually. Generally, this could indicate to you that perhaps the employee is experiencing some problems. For example, he might be having financial problems, be drinking excessively, or is not getting along with the other employees.

A good supervisor will take note of the employee's decline in his personal appearance as an indication of a potential problem. This **physical deterioration of the employee should serve as a warning flag to the supervisor**. But remember that the problem simply may be a **potential** one. Thus, do not react to the situation as though it is a problem; rather, determine if it is a symptom to a problem.

As a supervisor, you are very visible in the organization. Often people will judge your ability as a supervisor based on **your appearance**. Therefore, it is important to portray a very good image. Later in this chapter we will discuss how you may be a positive role model to your employees.

Nonverbal Communication

Sometimes called "**body language**," nonverbal communication is a form of "speaking" which everyone displays in day-to-day living. Body language often gives out more information than verbal communication. As a supervisor, it is important to know how to recognize different forms of nonverbal communication. However, in attempting to interpret body language, you must take into account that, depending upon an employee's cultural background, nonverbal movements and signals may mean different things.

Eye contact is often a sign of trustworthiness. It is also a useful test to determine if someone is telling the truth, lying, or being evasive. For example, if you are discussing a problem with an employee, then your sincerity can be emphasized more when you look at the employee, keeping eye contact at all times. If an employee does not want to deal with a problem, then his eye movement may become evasive, thus indicating a problem. However, as a supervisor, you must remember that in certain cultures eye contact is interpreted as a sign of disrespect, so keep in mind that not all people who avoid looking you straight in the eye should have their integrity questioned.

Stance is how a person may position his body. As an example, a defensive person may be standing or seated with his arms crossed. Conversely, a person who is open to communicating with you will position himself in an exposed manner; his

arms and legs will not be crossed. This type of person often is more receptive and is probably hearing most of what you are saying.

Space is another form of nonverbal communication. All people have a space requirement which makes them feel comfortable. Invasion of that space may cause a person to be more anxious and apprehensive about you. Therefore, respect that person's space as you would like yours to be respected.

Verbal Communication

Talking is the most common form of communication. It is through verbal communication that we express our needs, frustrations, and experiences to others. For a supervisor, verbal communication should be clear, concise, and knowledgeable. The supervisor should talk at a level which is easily understood by all his subordinates and the inmates as well. A person who uses words that only he can understand is not communicating.

Since verbal communication is a very important and necessary skill, the supervisor must always strive to improve. He should also seek **feedback** from his subordinates, since discovering whether you have actually gotten your message across is an important tool in effective verbal communication. If the feedback is not what you expected—and this is a common occurrence—then you should try to improve your method of communication, since what you are saying is not what others are hearing.

Written Communication

Written communication is another way of expressing your thoughts on a given subject. This method of communication does not provide for immediate feedback since you are not there to explain verbally what your written thoughts are. For example, a supervisor once sent a memorandum to his staff requesting that they "work out problems at the lower level before bringing it up to my level." Although the supervisor did not mean the words "lower level" to be demeaning, the staff members perceived his choice of words to be an insult. They felt the term "lower level" signified that they were substandard.

In conclusion, communication is a conglomerate of many different ways of getting messages across to people and receiving messages from them. People are not all the same. Therefore, due to the different values some people may have, it is important that you, as the supervisor, maintain an open perspective on their ability to interpret your messages.

One of the most important means of communication is listening. Knowing how to be a good listener is truly one of the most difficult things to do. In this business of jail management and operations, we are crisis problem solvers; we often do not take the time to listen properly. This skill is one area in which we all need to work hard for self-improvement.

TRAINING

A good supervisor is a good teacher. Often supervisors mistakenly believe that employees who have been working in the jail for a few years do not need training.

Sometimes recruits fresh out of the academy possess the latest knowledge and techniques concerning correctional work. This sometimes causes conflicts between the recruits and the veterans. As a supervisor, you should keep up to date with new information pertaining to the field of corrections. Good current information is available through the U.S. Justice Department's National Institute of Corrections (NIC), the American Correctional Association (ACA), the National Sheriffs' Association (NSA), the American Jail Association, and National Criminal Justice Reference Service. Commercial publishers also publish newsletters specifically covering corrections. It is your responsibility to obtain as much pertinent training information as you can and then share it with other supervisors and your staff.

The training you provide to your employees will benefit your entire organization by:

1. Lessening your liability in lawsuits;
2. Having a better informed staff;
3. Having more consistent work done in the organization;
4. Improving staff morale because employees will have more confidence in the work they do; and
5. Enabling you to measure your employees' weaknesses and strengths.

MANAGEMENT STYLES

As a supervisor, your **realm of authority** needs to be defined by the management of your organization. What exactly is **authority**? **It is the responsibility which is given to you to make decisions so that your staff understands your instructions clearly and carries them out.**

Formal authority is the power given to you by the organization. The staff members acknowledge this type of authority as belonging to the organization and not to you personally.

Informal authority is the power you have to direct your staff based upon your own ability to lead. This ability comes from your knowledge of your job and your staff members and the respect your subordinates have for you as a person.

The way in which you exercise your formal and informal authority depends upon your **personal management style**. What kinds of management styles are there? There are four basic types:

1. Autocratic;
2. Democratic;
3. Bureaucratic; and
4. Let It Be.

These management styles often generate arguments among supervisors as to which is the right style or the wrong one. The point we want to make here is that **none is right or wrong**. For example, you may find yourself being an autocratic leader during a major crisis and a democratic manager during the routine day-to-day operation of the jail.

The following examples are based upon experience with what management style works when certain applications are required, plus the advantages and disadvantages you may encounter when you use a certain style of management.

Autocratic Management

When should you use the autocratic style of management? This style is good to use in the following types of situations:

1. When an employee is not familiar with his job, you will have to be specific when giving out instructions. The employee will be gathering information, based on your instructions.
2. When you are faced with a major crisis such as a riot, fire, escape, etc., you probably will not have time to ask for suggestions from your staff. This type of situation will call upon your ability to command the staff during the entire crisis.
3. Sometimes you will encounter an employee who does not accept supervision in a democratic style of management. This employee needs things stated to him more aggressively. But this situation tends to make your communication with the employee more limited, since it does not allow for much feedback.
4. Another time to be autocratic is when your authority is questioned by an individual. By using the autocratic approach, you may be able to show the individual the difference between his own role and your role as his supervisor. Take the time to explain to your subordinates what you expect them to do and how they are to do it. This requires patience and understanding on your part, since mistakes will be made as your subordinates learn the new tasks.

Democratic Management

Solving problems can become a **team effort**. This usually provides benefits to the democratic supervisor, since it allows his staff members to make suggestions. With more ideas being proposed, it is often easier to find workable solutions.

Employees with democratic supervisors generally will feel that they are valuable and trusted members of the organization. In addition, these employees will have a vested interest in the organization. Thus, they will be more in tune with the mission of the organization and possess a better overall picture of the sheriff's department and jail.

Bureaucratic Management

This is a style of management which describes a supervisor who always operates **by the book**. This supervisor's motto is "If it's not written, there is no such thing." Such a supervisor usually is not a leader, since he is an executor of policy and procedures (by the book only), with no room for innovation or change. This management style eliminates one of the most important elements in management—the "human touch."

No matter how you look at it, as a supervisor you must deal with people. When you deal with people, you should be personable.

The bureaucratic manager usually is efficient when handling technical duties and research projects, or when overseeing a project which requires strict application of policy and procedures.

Overall, this is **not** a recommended style of management. It is obvious that this style causes **tunnel vision** and does not allow for the growth of your staff members or you, personally.

"Let It Be Management"

This is a management style that permits staff members to do their work with **little or no supervision**. It is difficult for a "let it be" supervisor to measure the work being performed by subordinates because there is no supervisory involvement.

This supervision style often does not allow staff members to be well informed. The supervisor takes many risks with this style of management. For example, there is a lack of positive direction for employees and poor communication. Employees often respond to problems in an erratic manner. Therefore, they do not solve the problems at all.

A supervisor using this style of management faces an increase in vicarious liability. Remember, a supervisor should always lead his people and direct his operations. This keeps him informed about what is going on and provides the staff with better information about how to handle problems. The "let it be" manager is a fence rider, often with the attitude of "don't bring me any problems." He does not want to make controversial decisions and avoids conflicts—which leads to problems not being resolved. Since problems do not go away by themselves, this lax management style is like a snowball effect; the problem returns to face the supervisor with even more weight than it had the first time. Employees view this type of supervisor as indecisive, nonsupportive, and distant from the feelings of the staff members.

In conclusion, it is important that you—as a supervisor—recognize all styles of management. You must also remember that any one style is not necessarily the correct management style when used in **specific situations**. You should have the flexibility to draw on all your various management skills when the appropriate application is needed to resolve the problem.

MANAGEMENT STYLES—WHAT TYPE?

Case Study 1:

Each time the phone rang, a fear of "what's coming next?" would ride over Rattlesnake County Jail Lieutenant Max Schreiber. It seemed that he could not make a decision without Captain Manuel Gonzalez yelling at him or quizzing him about it. Once, Lt. Schreiber received orders not to change his subordinates' duty hours without first getting approval from Capt. Gonzalez.

When Lt. Schreiber began working in the jail, he was highly motivated. He really felt that he had a lot to contribute to the organization, according to his friends in the Sheriff's Department. But now his attitude is one of: "Why should I?" Each time he wants to do something, Capt. Gonzalez challenges it.

"I really don't feel like coming to work anymore," Lt. Schreiber told Sheriff Ted Bradley. "When I first got the job, I thought the boss cared and was trying to help me fit into my

new role. Obviously, he just doesn't feel I'm competent. I've noticed that no one wants to work as a team around here. Well, the boss has made a decision on the goals for the organization this year, so I have to go find out what they are and what he wants me to do."

What management style do you see here? Is it constructive and productive or is it counterproductive?

Case Study 2:

Refinery County Jail Sgt. Mary Lou Smith supervises the Data Services Unit. A special bond election was passed that provided for the purchase of an all new computer system. The system is very complex in nature, with detailed instructions on the electronics of hooking it up.

Previously, when new equipment came in, she explained, she wanted her staff to hook it up and put it "on line" within a week. It wasn't until four days into the project that Sgt. Smith discovered her subordinates were not following the installation instructions. In fact, many shortcuts were taken and this negligence almost resulted in a fire which could have led to the destruction of the entire system. This would have been in addition to injuries and other property damage.

Sgt. Smith knows that her staff members normally are competent. However, she also now realizes that the complexities of this job called for strict adherence to the installation instructions. She now plans to call the staff together for a meeting on the installation of the equipment. At this meeting, she intends to make it perfectly clear that installation and "on line" procedures and regulations will be strictly adhered to—with no variance.

What management style do you feel Sgt. Smith previously followed? Why was it necessary for her to change her management style in this particular situation?

Case Study 3:

Sgt. Norman Normal was assigned to Shift Three at the Big Sky County Jail as the primary supervisor. Lt. Terry Bunyan, who was in charge of jail security, would visit personnel assigned to the shifts in order to see how things were going. It was about three months after Sgt. Normal's assignment that Lt. Bunyan sensed something was not right.

Lt. Bunyan, in his periodic visits to inspect Shift Three operations, began to notice a pattern of poor or no problem solving techniques being employed. Coupled with this were comments from the officers that they seldom saw Sgt. Normal. As Lt. Bunyan began talking with staff members, he also heard that the correctional officers could not get Sgt. Normal to make decisions when they finally did see him. The officers doubted whether or not he knew his job. The officers felt that, should a crisis arise, they could not rely on Sgt. Normal to be there to lead or support them. The morale was very low. Too often, tasks which should have been completed were left for the incoming shift.

Lt. Bunyan also noticed and heard that a small group of veteran officers actually ran the shift, including the assignment of jobs and days off. They were also the ones who told Sgt. Normal that things were running fine. They would regularly bring coffee and snacks to his office. Lt. Bunyan also discovered that there was an excessive use of sick leave on this shift.

It became apparent to Lt. Bunyan that he would have his hands full redirecting Sgt. Normal and training him in basic

supervision techniques. Lt. Bunyan also knew that he would be busy regaining control of the personnel on the shift. What do you see happening here? What style of management did Sgt. Normal use? Was it effective? What style of management must be used now to correct the problems on Shift Three?

Case Study 4:

Charlie Jones was promoted to sergeant at the Turkey County Jail and about two months after the promotion he was placed in charge of the Records Unit. The Records Unit was plagued with problems when he took command of it. For example, morale was low and there were no policies and procedures. He saw a lot of backbiting among the personnel and confusion about job roles and duties. The equipment was old and the recordkeeping system was "catch-can," with no method to the madness.

Sgt. Jones began to meet with his three lead corporals on each shift. From these meetings with them he found out what they perceived their job was and what the responsibilities were of the Records Unit. He was also able to get a good idea about the skills and abilities of each of the corporals.

As Sgt. Jones began to learn about the role of the Unit, he then had meetings with each shift. During these meetings he gained information about the Unit from the perspective of each individual employee. He asked each shift's employees what they considered to be problem areas and asked for suggestions for improvement. Sgt. Jones then recruited volunteers to write policies and procedures for each job function, as well as the entire Unit. As time progressed, he held monthly meetings with his staff. At these meetings, he exchanged ideas and information. The meetings also provided the staff members with an opportunity to "air gripes" and relieve stress regarding the job. The Unit has become very productive and the staff members are planning their first "records picnic" to celebrate their success.

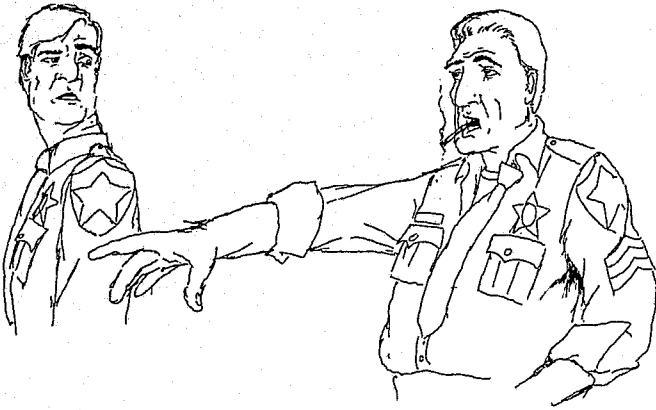
What advantages do you see in this management style? Was it productive?

As a supervisor, you should attempt a democratic style of management as often as possible. Your staff will respect you more for it. Since democratic management gives them a sense of contributing towards the achievement of the goals and objectives of the organization, you will see positive results from their work.

But always remember to maintain a management balance with your staff. Be consistent in your dealings with staff members when addressing and solving problems. Realize that when a crisis arises, this may require you to switch to a different style of management. That is okay.

The democratic manager is not only a teacher, but a learner as well. **It is necessary to have a learning attitude in order to be an effective supervisor.** If you do not possess a learning attitude, then do not expect your staff members to possess one either. You can learn something from every employee you supervise.

A wise manager always remembers the old adage: "You learn something new every day." In the jail environment, your subordinates can be very effective "teachers."



HOW TO BE A POSITIVE ROLE MODEL FOR EMPLOYEES

A child bases his values, decisionmaking abilities, spoken language, mannerisms, and just about everything on how he perceives his role models. Parents, teachers, relatives, and fictitious TV and movie characters usually have an influence on a child's behavior. Since parents are the primary authority figures in a child's life, they generally will have the most effect on what the child learns.

The organization is like a parent in teaching its employees what is expected of them, since it sets standards, especially those that deal with behavior while on duty, and performance expectations. These standards are mentally perceived and absorbed by the staff members by observing their supervisors and managers—much as a child learns by watching his parents and other adult role models.

It is important to realize that **all supervisors are role models**. Of course, this does not mean that they are all positive role models. Some are negative. You must be aware of your position as a role model at all times. **Are you a good role model to those you supervise? How do employees and management perceive you?** These may seem like hard questions. However, the questions are not difficult to answer. First, you must be totally honest with yourself when you answer the questions. Ask yourself:

1. Do I have influence on people?
2. Do I have respect from the employees?
3. Do I treat employees with respect?
4. Do I project a positive attitude?
5. Am I complimentary to others?
6. Do I take pride in my work?
7. Do I dress well?

If you answer "yes" to these questions, then you are a positive role model. Were there some questions for which your honest answer was a negative one? If so, then work on improving in these areas.

On the other side of the spectrum, you may work for someone who is a negative role model. Though you as a supervisor may have a problem with that person, you must still maintain your balance. If you project that person's attitude, then your staff members will easily pick it up and their productivity will be poor. Their work performance depends upon the attitudes you are projecting to them.

This is sometimes difficult to do. For example, if you just finished disciplining an employee and it took much time and energy, you still have to deal with other employees. In your weary condition you walk by an officer and he greets you, but you fail to acknowledge the greeting because you are tired and not feeling up to greeting anyone. Chances are, you will cause the officer to think he did something wrong or that things are not going well in the organization. In turn, this may have a ripple effect and cause negative productivity and poor morale among the entire staff. While this seems unlikely, it happens. Thus, always be aware of your surroundings and give all employees the same recognition you want them to give to you.

Being a role model is a very important tool you use as a supervisor. This is the message you give to your employees and will have an impact on your staff.

Case Study 5:

Sgt. Booker T. Ross is assigned as a squad leader for 15 officers at the Rattlesnake County Jail. Sgt. Ross has been a sergeant for six months. During that time he has appeared to gain much respect from the officers he supervises. Sgt. Ross is always one-half hour early for the roll call briefing. During roll call, you cannot help but notice that his shoes and leather are always highly shined. His uniform is military pressed and his hair is at regulation cut. It is not unusual to see him smiling and laughing with the officers before or after the briefing. During the shift, he makes sure that he gets around to each officer's post to see if the officers need anything. In fact, he has relieved officers so they could have a break or even go to lunch. His ability to communicate with the officers seems rather good. They always seem to seek him out for information or guidance.

After shift one day last week, Sgt. Ross was in the locker room with about five or six officers. Lt. Dick Bradley, standing by the door, overheard Sgt. Ross telling the officers that the administration of the Sheriff's Department was "screwed up" and Sheriff Ted Bradley did not know what he was doing. But Sgt. Ross told the officers he knew what to do and that Deputy Pete Michaels, a fellow squad member, was a "snitch" for talking to Lt. Bradley all the time.

Is Sgt. Ross really the role model that he initially appeared to be? Why not?

As you began to read this case study, it probably sounded as though Sgt. Ross was the type of supervisor you would like to be—well dressed, prompt, easy to talk with, always backing up his officers, etc. However, as you read on and came to the end, it became obvious that Sgt. Ross is more of the "good guy" type of supervisor. He surrounds himself with "yes" people and influences them. He is basically a manipulator and non-productive supervisor whose style eventually will cause serious problems in the jail.

UNDERSTANDING THE DIFFERENCE BETWEEN LINE AND STAFF EMPLOYEES

Line employees are the majority. They are the ones who receive the signals and information from the organizational leaders to get the job done. Most of us started that way somewhere in an organization and should always remember our career roots. Too often, supervisors tend to forget where they came from. **When we start losing touch with where we have been, we then lose touch with the people we supervise.**

In most instances, line employees are career-oriented and always want to get ahead in the organization. In most agencies, after a competitive process, line employees who meet or exceed testing requirements usually will be promoted to a supervisory position. It is often difficult, though, for both the newly promoted supervisors and the remaining line employees to establish a new working relationship.

In most jails and sheriffs' departments, line employees socialize with each other off duty. For example, the employees go to ball games together, join bowling leagues, and participate in family picnics and parties. Because of the previous socializing, the newly promoted supervisor and the remaining line employees—his old friends—are usually anxious about their new roles. It is not hard to figure out that the promotion of one member of the group causes a mutual adjustment difficulty. The employee says to himself: "My fellow co-worker is now a boss, vested with authority to discipline and evaluate the work I am doing." The new supervisor may find himself in the difficult position of being required to evaluate and discipline the people who were his friends and co-workers.

This scenario sounds very gloomy and much too difficult for some people. However, there is no mystery to adjusting when you are promoted. The organization bears some responsibility in providing guidance and training to newly promoted supervisors. This can be done by formal academic training or by requiring newly promoted supervisors to participate in group discussions. Such discussions could be led by the departmental psychologist or the jail administrator. Three or four sessions in a period of four weeks could provide an easy transition for the supervisor into his new role. Because some departments do not have the funds for a staff psychologist, the following methods are recommended to help accomplish the transition:

1. A good way to get information on how to supervise is by talking to your supervisors. Discuss your experiences and get ideas from them. You will often find that managers are eager to help you learn.
2. Check out and study management books from your local library.
3. Attend management courses at your local college or university.
4. As a new supervisor, you need to project to your staff that the change is in your new responsibility and that you are the same person.
5. You will probably want to change some things to improve efficiency at work. You should keep in mind that

quick changes will be resisted by your staff and such resistance will cause your transition to be more difficult. If changes need to be made and you feel that for the good of the organization they cannot wait, then talk to your staff members about them. Remember the democratic approach. This participatory method will probably encourage your staff members to contribute and adjust to the changes in a positive way. Just like you, yourself, the line staff employees have a vested interest at work.

Case Study 6:

Cheryl James was just promoted to sergeant at the Rattlesnake County Jail. Prior to her promotion, she was a correctional officer for five years. During her five years with the Sheriff's Department, she became well known to her fellow officers as a respectable, knowledgeable officer. Off duty she played on the jail softball team and was quite involved in other activities with fellow officers. Needless to say, she has many friends in the jail.

When Sgt. James was promoted, she was assigned to the swing shift. To help her with the transition from correctional officer to sergeant, Lt. Dick Bradley reassigned her to the day shift. Although the shift change was a good idea, Sgt. James knew most of the officers on the day shift.

Sgt. James began to attend staff meetings on issues involving personnel and operational matters. Lt. Bradley then began making her responsible for scheduling days off and the assignments roster.

It was then that Sgt. James began to see and feel a change. Some officers began to avoid her and others would ask her questions about the staff meetings. A few officers began asking her for certain days off to go to softball practice. As Sgt. James attempted to deal with these situations, she found herself torn between wanting to successfully fulfill her new job role and that of wanting to satisfy all her friends.

It was then that Sgt. James went to Lt. Bradley. She explained to him the problems she was having. She told Lt. Bradley that she wished someone had explained to her about the transition and how to handle it. She then discussed how she would have handled this differently from the beginning. Sgt. James said that if she could devise a transition program, she would begin by advising new sergeants to explain to their fellow officers that they now had a new role. The new sergeant must establish the thought that she is now a supervisor—the same person—but with different responsibilities. The new sergeant must let her friends know that in her new role—in which she plans to succeed—she would have to make decisions that perhaps would not be popular but which would be in the best interest of the organization. The new sergeant should emphasize that "it was not anything personal."

As Sgt. James left Lt. Bradley's office, she thought about her upcoming squad meeting where she would discuss these very same points with the employees she supervises. She hoped the officers would understand and that she would still be liked. But, if not, it is their decision, since she had already made hers.

SOME HELPFUL HINTS

This chapter does not provide answers for all the problems you will encounter as a first line supervisor. What you have read deals with real on-the-job experiences.

The attitude you must adopt is that of a student, always learning, no matter how many years you have on the job. Remember, a new employee is as likely to contribute to your growth as an experienced one.

As you pursue your career as a first line supervisor, keep the following important rules as a guide:

1. **Treat your staff in the same manner you would like to be treated:**
 - A. Be fair;
 - B. Be honest; and
 - C. Be objective.
2. **Do not make promises you cannot keep and rules you cannot enforce.**
3. **Maintain up-to-date knowledge about the practices of your organization and its mission and goals:**
 - A. Keep current in your field of corrections; and
 - B. Strive toward self-improvement.
4. **Do not over-react to any situation:**
 - A. Stop;
 - B. Observe;
 - C. Listen;
 - D. Seek input; and
 - E. Be decisive and act to resolve a problem.
5. **Be a leader:**
 - A. Take charge;
 - B. Be perceptive; and
 - C. Be an optimist.
6. **You are a role model to your staff, so:**
 - A. Look sharp;
 - B. Act professionally; and
 - C. Be an achiever.

SUMMARY

1. **The supervisor has to be a good communicator in order to deal effectively with his fellow employees—especially those officers who look to him for leadership.**

To be an effective communicator, you must always remember that communication is a two-way street. There are four basic methods of communication:

- A. Appearance;
- B. Nonverbal;
- C. Verbal; and
- D. Written.

A supervisor who learns how to master the basic elements of communication will become more efficient.

2. **A good supervisor is a good teacher and is constantly providing on-the-job training to his subordinates.**

The training you provide to your employees will benefit your entire organization by:

- A. Lessening your liability in lawsuits;
- B. Having a better informed staff;
- C. Having more consistent work done in the organization;
- D. Improving staff morale because employees will have more confidence in the work they do; and
- E. Enabling you to measure your employees' weaknesses and strengths.

3. **Each supervisor is authorized by his organization to make decisions so that staff employees can carry out instructions and fulfill the duties assigned to them.**

The supervisor has two types of authority—**formal** and **informal**. Formal authority is the power given to him by the organization. Informal authority is the power the supervisor has to direct his staff based upon his own ability to lead. The way in which the supervisor exercises his formal and informal authority depends upon his personal management style. There are four basic management styles:

- A. Autocratic;
- B. Democratic;
- C. Bureaucratic; and
- D. Let It Be.

Supervisors should attempt a democratic style of management as often as possible.

4. **All supervisors are role models for their staff members.**

Being a role model is a very important tool you use as a supervisor. This is the message you give to your employees. The result that you receive will be the impact you have upon your staff.

5. **When a supervisor starts to lose touch with the line employees, then he loses touch with the people he supervises.**
6. **To be effective, the supervisor must adapt the attitude of a student—always learning.**

As you pursue your career as a first line supervisor, keep the following important rules as a guide:

- A. Treat your staff in the same manner you would like to be treated.
- B. Do not make promises you cannot keep and rules you cannot enforce.

- C. Maintain up-to-date knowledge about the practices of your organization and its mission and goals.
- D. Do not over-react to any situation.
- E. Be a leader.
- F. You are a role model to your staff.

CHAPTER SEVEN

PERSONNEL SELECTION, TRAINING, AND STAFF DEVELOPMENT

In one of the most comprehensive audits of the nation's jails undertaken in recent years, the **personnel issue** was clearly the number one problem identified. Responses to questionnaires explained that personnel difficulties in jails span a wide range of issues—from the lack of training and inadequate salaries to heavy staff turnover due to a lack of career incentive programs. This same study, the National Sheriffs' Association's *The State of Our Nation's Jails* (1982), along with many other articles and reports, talks about the crisis in today's jail operations.

How can these general conclusions be refuted? Most of our jails are in a state of crisis. For years we have known the major reasons why we have this crisis situation. It is a lot like the often-heard statement concerning the weather: "Everybody talks about it, but nobody does anything about it." Of course, not everyone talks about jail problems; most people either don't care or just aren't interested. But those people who do take the time to study jail operations, along with those of us who work in jails, recognize that personnel selection and training usually are woefully inadequate. This, then, is the basis for the crisis.

"Personnel is still the number one problem of jails . . . Start paying decent salaries and developing decent training and you can start to attract bright young people to jobs in jails. If you don't do this, you'll continue to see the issue of personnel as the number one problem of jails for the next 100 years," commented Jail Consultant Ken Kerle in a presentation to the American Correctional Association's 112th Congress in 1982.

The intent of this chapter is to provide resource material and unique direction for jail supervisors. We recognize that many supervisors have been exposed to some form of training and we respect the on-the-job experience of the line supervisor. But we also assume that on-the-job experience has either led the supervisor to question many of the issues examined in this chapter or at least has prepared him to be willing to explore other solutions—most of them fairly obvious. Finally, one other basic premise is inherent in what is discussed in this chapter: that regardless of the level of what you have studied to date, there are literally mountains of materials available to help you learn more about personnel selection, training, and staff development; thus, there is no excuse for refusing to improve your own knowledge about your job.

RECRUITMENT OF CORRECTIONAL STAFF

The National Advisory Commission on Criminal Justice Standards and Goals, in its 1973 report, *Corrections*, advised that in the recruitment of personnel, agencies should:



1. Eliminate all political patronage for staff selection.
2. Eliminate such personnel practices as:
 - A. Unreasonable age or sex restrictions;
 - B. Unreasonable physical restrictions (e.g., height, weight);
 - C. Barriers to hiring the physically handicapped;
 - D. Questionable personality tests;
 - E. Legal or administrative barriers to hiring ex-offenders;
 - F. Unnecessarily long requirements for experience in correctional work; and
 - G. Residency requirements.
3. Actively recruit from minority groups, women, young persons, and prospective indigenous workers, and see that employment announcements reach these groups and the general public.
4. Make a task analysis of each correctional position (to be updated periodically) to determine those tasks, skills, and qualities needed. Testing based solely on these rel-

evant features should be designed to assure that proper qualifications are considered for each position.

5. Use an open system of selection in which any testing device used is related to a specific job and is a practical test of a person's ability to perform that job.

Like so many standards and guidelines, the 1973 effort of this Presidential Commission does not address all of the issues in today's jails. In fact, the Commission includes some recommendations which actually may be counterproductive. Jail personnel must be mentally, physically, and morally fit. Selection standards should at least reflect the ethnic and minority composite of the local criminal justice system and community. Yet, too often we find that the jail is the area where minority quotas are met for the entire sheriff's department or parent governmental entity.

It is the job of the line supervisor to do more than simply make do with what he is given. A supervisor must set a good example at all times. He must prepare himself when the proper training and education are not provided by the agency and he must accept the responsibility of training his staff.

Let's pursue this concept of self-development:

1. When did you last have a serious discussion about how to solve job-related problems with your fellow supervisors? (Gripe sessions don't count.)
2. Have you ever visited other facilities or other counties to see how they operate?
3. Do you belong to any professional organizations—either local, state, or national? Do you even know of any?
4. Are you taking advantage of all of the training opportunities offered to you?
5. Have you ever considered a "boot-strap" program—one you devise to improve yourself?

Now go back and take another hard look at each of those questions and answer them truthfully. While you may not have the ability to require implementation of higher standards recommended by Presidential Commissions, you must support the need for improvement. And, in the meantime, you must prepare yourself better and also train the people who work for you.

TRAINING YOUR OWN REPLACEMENT

The management concept of training your own replacement does not seem to be stressed much in job descriptions. Often it is not acted upon because it seems to carry certain personal or career risks. Yet, consider the inescapable fact that as a supervisor—especially as a new supervisor—both you and your shift, squad, or section are being watched by higher management. Maybe you became a supervisor because of your individual efforts, but future advancement will be based upon more than just your individual performance. **The broader management perspective evaluates your performance on the quality of results. This translates into how well you prepare and develop the people under your command.**

The concept of developing a replacement does not mean the cultivation of one favorite. Rather, it means providing a broad experiential base for all of "your people" and specific individual training for those who—in your professional opinion—can best carry out the mission in your absence.

Do not expect to receive any awards for becoming the proverbial "indispensable man." Remember, your superiors want the task accomplished and they should, and usually will, recognize your efforts in achieving those goals. Here we are talking about covering your time off as well as preparing the way for your promotion. If your superiors do not realize that your personal efforts help in staff development, then do not be afraid to share your plans with them. One of the best ways to draw attention to the need for more training is to point out that the void must be filled somehow and that you are willing to tackle what you can. Most administrators will hopefully recognize the benefits resulting from your efforts and may provide support where none previously existed.

If your sheriff or jail administrator is not aware of the liability issues resulting from poor selection practices, inadequate training, and the lack of supervision (i.e., if he has been hiding under a barrel!), he should be made aware. Current court cases provide constant examples of the need for trained personnel.

But the issue of liability can extend even to the line supervisor. Most of you are aware of the concept that means looking after yourself. This concept is healthy only if it is expanded to include your subordinates and usually the people to whom you report. However, you do leave yourself open for lawsuits if you aren't responsive to your role in the development of the personnel you command. It may not be enough for you to base a defense solely on the shortcomings of the agency for which you work—you must at times be prepared to justify your own actions.

STAFF DEVELOPMENT

The National Advisory Commission on Criminal Justice Standards and Goals, discussing the subject of staff development in correctional institutions, recommended that correctional agencies should immediately plan and implement a staff development program that prepares and sustains all staff members. According to the Commission, this plan should include:

1. Qualified trainers should develop and direct the program.
2. Training should be the responsibility of management and should provide staff with skills and knowledge to fulfill organizational goals and objectives.
3. To the fullest extent possible, training should include all members of the organization, including the clients.
4. Training should be conducted at the organization site and also in community settings reflecting the context of crime and community resources.
 - A. All top and middle managers should have at least 40 hours a year of executive development training, including training in the operations of police, courts, prosecution, and defense attorneys.

- B. All new staff members should have at least 40 hours of orientation training during their first week on the job and at least 60 hours additional training during their first year.
 - C. All staff members, after their first year, should have at least 40 hours of additional training a year to keep them abreast of the changing nature of their work and introduce them to current issues affecting corrections.
5. Financial support for staff development should continue from the Federal Government, but state and local correctional agencies must assume support as rapidly as possible.
 6. Trainers should cooperate with their counterparts in the private sector and draw resources from higher education.
 7. Sabbatical leaves should be granted for correctional personnel to teach or attend courses in colleges and universities.

Just what staff development opportunities does your agency offer supervisors? What training is presented to the officers you supervise on a regular basis? Is the training provided to them related to their job duties? Is the training practical rather than theoretical? Are they provided with "hands-on" training in various areas where proficiency is required, such as CPR, firearms, and self-defense?

After you conduct an initial assessment of your agency's training program and your unit's training needs, we recommend that you use the Quality Checklist given in Figure 7:1 to analyze your agency's operations. As in all self-evaluative efforts, this worksheet will be no better than your commitment to applying it. If you attempt to "halo" your responses, then the effect of the process will be decreased correspondingly. Be honest in this effort, as in all things.

WHAT YOU CAN DO TO IMPROVE PERSONNEL SELECTION, TRAINING, AND STAFF DEVELOPMENT IN YOUR AGENCY

Have you ever read an article or book and thought: "There's some pretty good stuff in here but I'm not real sure how I can apply it." How about going back and briefly reviewing this chapter? Just flip through the pages. Does this review give you any ideas for a way in which you can help your department improve personnel selection, training, and staff development? If so, how about putting a report together in the following format?

1. **Cover letter or memorandum:** Tell what you've done and why; volunteer to help implement your proposals.
2. **Executive summary:** Some of the people who review your report just don't have the time to read an entire document; but everyone who reads the entire report will also appreciate a succinct overview. And that's what an executive summary is—a one-page synopsis of the main thrust of the report, including the conclusions and recommendations.

3. **Review the Presidential Commission's Standards and Goals:** Use those contained in this chapter.
4. **Discuss the pre-assessment process:** Review any existing training and staff development programs; report on the input from staff members and your personal observations.
5. **Include the NSA Quality Checklist:** Simply present this audit tool in a factual manner.
6. **Recommendations:** Provide a clear list of your proposals for improvement, including a narrative report of your findings.

Can you do this? Sure you can! Will you need outside help? Probably not, but before you even consider outside experts, look within your organization. In one of the most forceful and insightful articles written on jail training, Dick Ford, former director of jail operations for the National Sheriffs' Association, asked the question: "Where Are The Real Experts?" in the January 1981 issue of *The National Sheriff*. He pointed out the mass emphasis on police training in the 1970s and found that many of the jail training "experts" of the 1980s were often just the same police training experts from 10 years earlier. Ford expressed amazement over how such "freeze-dried" police training "experts" were so suddenly knowledgeable about the unique problems of jail supervision without having ever worked a jail block or toured a cat-walk. His conclusion in 1981 is still appropriate: "Today's jail officers are the real experts."

Do you accept Ford's statement that jail officers are the real experts? You ought to, for it is certainly true. And the ramifications of that point have strong implications for you as a supervisor. **You must assume a pro-active role.** Being pro-active is the opposite of being reactive. And reacting to things unexpected as well as those problems we can anticipate has been our unfortunate heritage.

But now is the time to change and **you are the change agent.** Prepare yourself and ensure that your most qualified officers are trained to be good trainers. If you find that your agency administrators resist your proposed improvements, then seriously consider changing employers. Good programs for professional personnel selection, training, and staff development are not accidents. But they are not that hard to achieve, either. It takes commitment on the part of the agency administrators, or possibly just the power of one dedicated supervisor.

SUMMARY

1. **The number one problem in jails today is personnel—their selection, training, and development. It is the responsibility of the first line supervisor to work to obtain quality personnel for the jail, to make certain the staff members are properly trained, and to help staff members move up the career ladder.**

It is the job of the line supervisor to do more than simply make-do with what he is given. A supervisor must set a good example at all times. He must prepare himself when the proper

training and education are not provided by the agency and he must accept the responsibility of training his staff members.

- 2. Jail officers are the real experts when it comes to improving jail operations. The supervisor should utilize his in-house experts to determine where improvements are needed in jail operations and training.**

The supervisor should be a change agent. To be an effective change agent, he must prepare himself through a personal self-development program. Once he has increased his own knowledge concerning effective jail operations, then he ought to prepare detailed reports describing problems in the jail and making recommendations for improvement.

Figure 7:1 Quality Checklist for Personnel Selection, Training, and Staff Development

This Quality Checklist* can be taken out or reproduced and used to assess where you and your organization are relative to staff development, training, and personnel selection. There is no claim that it is all-inclusive. Feel free to add requirements, but do not "water down" its intent. The basis for the Quality Checklist is founded in the two best self-evaluation documents available today: *The Jail Audit Manual: A System Approach to Jail Evaluation*, prepared by the National Sheriffs' Association, and *Standards for Adult Local Detention Facilities* (second edition) published by the American Correctional Association in cooperation with the Commission on Accreditation for Corrections.

	YES	NO
1. Are personnel selected, retained, and promoted on the basis of merit and ability alone?	_____	_____
2. Do specific qualifications include:		
A. The ability to communicate effectively, orally, and in writing?	_____	_____
B. An affirmative action clause consistent with need and federal guidelines?	_____	_____
C. Complete background investigation?	_____	_____
D. Realistic medical and physical requirements?	_____	_____
E. Provisions for lateral entry with consideration for promotion from within the organization?	_____	_____
3. Are compensation and benefits for correctional officers equal to those of law enforcement personnel working in the same or a comparable agency? Are they comparable to similar occupational groups in the state or region?	_____	_____
4. Is the facility adequately staffed? Is there a properly calculated shift relief factor which is regularly reviewed and properly applied?	_____	_____
5. Is a clearly worded, written Code of Ethics made available to all employees that at the very least prohibits employees from using their official position to secure privileges for themselves or others and from engaging in activities that would conflict with the interest of the agency?	_____	_____
6. Is there a written personnel policy manual which includes, at a minimum, the following areas:		
A. Organizational structure?	_____	_____
B. Recruitment, selection, and promotion procedures?	_____	_____
C. Job qualifications, descriptions, and responsibilities?	_____	_____
D. A job classification plan?	_____	_____
E. Personnel records management and regular employee evaluations?	_____	_____
F. Standard employee practices and benefits?	_____	_____
7. Is the policy and procedures manual issued to each employee and explained in an orientation session for new employees?	_____	_____
8. Are appropriate measures taken to ensure the ongoing physical fitness of jail officers?	_____	_____
9. Regarding the jail's training programs:		
A. Are they appropriately directed to all employees?	_____	_____
B. Are they coordinated and supervised by a qualified training officer at a supervisory level?	_____	_____
C. If the facility has over 100 employees, is the training officer dedicated full-time for training and staff development and is this function sufficiently staffed?	_____	_____
D. Are there written training and staff development plans for all employees?	_____	_____

*(From *Jail Supervisors' Manual*, National Sheriffs' Association)

Figure 7:1 (continued)
Quality Checklist
for Personnel Selection, Training, and Staff Development

	YES	NO
10. Do all new employees receive at least 40 hours of jail training prior to job assignment?	_____	_____
11. Do the security staff and other appropriate support personnel receive additional orientation during the first year of employment?	_____	_____
12. Do all employees receive a minimum of 40 hours of training each year?	_____	_____
13. Are there clearly developed training policies that require security personnel to receive training that covers at a minimum:		
A. Supervision of inmates?	_____	_____
B. Report writing?	_____	_____
C. Significant legal issues?	_____	_____
D. Inmate rules and regulations?	_____	_____
E. Grievance and disciplinary procedures?	_____	_____
F. Rights and responsibilities of inmates?	_____	_____
G. Fire emergency procedures?	_____	_____
H. First aid?	_____	_____
I. Communications skills?	_____	_____
J. Crisis intervention?	_____	_____
K. Special needs of minorities and women?	_____	_____
L. Problem solving and guidance?	_____	_____
M. Intake and release procedures?	_____	_____
N. Dealing with the public?	_____	_____
O. Classification?	_____	_____
P. Programs and services?	_____	_____
Q. Rights and responsibilities of staff?	_____	_____
R. Suicide prevention?	_____	_____
S. How to handle stress?	_____	_____
T. Firearms?	_____	_____
U. Other security equipment?	_____	_____
14. Are library and reference services available to complement the staff training and development programs?	_____	_____
15. Does the program use the resources of other public and private agencies, and colleges and universities to complement the program?	_____	_____
16. Are employees encouraged to continue their education?	_____	_____
17. For facilities with more than 100 employees, is there an Advisory Training Committee composed of the facility training officer and a representative from each operational component within the jail?	_____	_____
18. Are all personnel who are authorized to use firearms and riot equipment trained on a continuing, in-service basis and required to qualify at least annually?	_____	_____
19. Are all authorized personnel thoroughly trained in the use of chemical agents?	_____	_____
20. Are all security personnel trained in approved methods of applying physical force to control inmates where necessary?	_____	_____
21. Does the facility provide official administrative leave and reimbursement for employees attending selected professional meetings, seminars, and similar work-related activities?	_____	_____
22. Does the budget include funds for compensating staff for additional time spent when training occurs on the job?	_____	_____

CHAPTER EIGHT

PERSONNEL SUPERVISION: GETTING RESULTS THROUGH PEOPLE

As a supervisor, **the most important part of your job is the relationships you build with the people who do most of the actual work.** For supervisors, human understanding must have the same priority as job knowledge. A supervisor must be **people-oriented**, focusing more attention upon the employees than upon the job itself. The supervisor must understand human relations, human behavior, motivation, attitudes, sensitivity, and leadership style. As a supervisor in a jail, you must be more interested in Bill than in the control panel he operates; more concerned about Randy than with the records he keeps; and more involved with Judy as an individual than with the work she produces.

Why? Because there is one very important truth about the art and science of employee supervision which you must learn and follow if you want to be an effective supervisor: **A supervisor gets results through people.** The production level work you do yourself becomes secondary to the relationships you establish with the people who perform most of the actual tasks. You may be able to do the job better or faster than those who work for you, but, as a supervisor, you must be able to delegate these tasks to your employees. While your own technical skills—the ability to perform the specific tasks—are very important, your emphasis as a supervisor is in transmitting your skills to those you supervise through sound relationships.

Your productivity as a supervisor will be the direct result of your ability to direct, train, and motivate those working for you. Management will no longer be looking at your personal productivity. Instead, the jail administrative staff will be watching the productivity of the entire unit which you supervise. Thus, the future of your career is in the hands of those who work for you, so it is essential that you build the type of relationships that will motivate people to achieve the performance level you desire.

Spending time to develop a relationship with an employee whose performance has slipped is the most important thing you can do with your time. You must be aware of this slip in performance **immediately** and make every effort to do something about it within a reasonable period of time.

Case Study 1:

Big Sky County Jail Sgt. Dave Andrews is faced with an emergency situation. It is now 3:58 p.m. Chief Deputy Rocky Rambo, who supervises the jail, called Sgt. Andrews at 9 a.m. and said that he must turn in a top priority report by 4 p.m. This deadline is firm because the report is needed for a meeting with Sheriff Willie Moose at that time. Sgt. Andrews has spent the day—in between dealing with problems on his cellblock—

frantically preparing the report and is just now ready to deliver it to Chief Rambo (it would take about five minutes to deliver).

Suddenly, the door to his office flew open and Officer Tommy James burst in. Officer James, who was in a highly emotional and agitated state, said: "I'm finished with this lousy job! Find yourself another punching bag! I'm tired of all this abuse from those crummy inmates!" Sgt. Andrews realized that if he didn't take some time right at that moment with Officer James, then he could lose him, and Officer James is one of the best employees he has.

But if he did not get the report delivered to Chief Rambo on time, then the delay could seriously damage that relationship, because Chief Rambo recently accused him of being disorganized.

Sgt. Andrews feels that he is caught between a rock and a hard place. He has two possible alternatives: (1) Try to calm down Officer James in an attempt to keep him in his office until the report can be delivered to Chief Rambo; or (2) Call Chief Rambo's office and explain that he has an emergency and the report is done but he cannot deliver it now; could Chief Rambo send a clerk from his office to pick it up?

If you were Sgt. Andrews, what would you do in this situation?

As a supervisor, you will be faced with similar emergency decisions in which important human relationships are involved. You will be required to look at all the alternatives and their possible results, while at the same time always needing to consider your relationships with others, especially your own supervisors up the chain-of-command.

THE SUPERVISOR-WORKER RELATIONSHIP

With each passing day as a supervisor, your responsibilities will appear to multiply like rabbits until you feel that you need at least one additional set of arms and legs and a 24-hour work day in order to give the proper amount of attention to your growing list of responsibilities. But, despite all these headaches, **there is one responsibility you have that must take priority over all others: your responsibility to build and maintain a productive relationship with each employee you supervise.** If you fail to meet this responsibility, then your days as a supervisor will be full of turmoil and you will never reach your potential.

As a supervisor, you are 95 percent responsible for the condition of the supervisor-employee relationship. You must take the initiative to keep this relationship healthy. If it fails, then you must take the responsibility for that failure yourself.

The best way to keep this relationship healthy is **two-way communication**—an input of words and ideas from both sides. Thus, open lines of communication with your employees are essential. You must be sensitive to the words and behaviors of your employees and be aware of the effect your words and actions have upon them.

When a relationship with one of your employees becomes emotionally charged, then you must take care to keep the situation calm and under control. **Uncontrolled emotionalism is dangerous to your supervisor-employee relationship.** Most relationships will stretch before they break, thereby giving both parties a second chance. However, continuous violations of good human relations can do permanent damage and repair can become impossible.

In addition, a supervisor must remember that **no two relationships are exactly the same.** Therefore, they must be handled somewhat differently; each one involves a different mixture of emotions and must receive special treatment.

Building Relationships

How do you go about building and maintaining good employee relationships?

First, in order to be **OBJECTIVE** and **PROFESSIONAL** in dealing with employees, you must concentrate upon the relationship, rather than upon the personality of the individual. In this way you will be less motivated by unconscious prejudices and more equal in your treatment of all employees. You will also be able to insulate yourself against unwise personal involvement.

Second, relationships should be treated with respect and sensitive consideration. Employees are never so absorbed in their work that they will not be aware of your attitudes and not be hurt by your careless actions.

Third, you must attempt to have solid relationships with all your employees **WITHOUT FAVORITISM** despite the fact that you may identify more closely with one person. If you sacrifice one relationship to build another, you will become aware of increasingly negative reactions from the neglected employee. To avoid these unhealthy imbalances, you must periodically review the state of your relationships with all the employees you supervise.

Fourth, you must use, on a daily basis, recognition, attention, and kindness to maintain good relationships with all employees. Sometimes, despite your careful attention, a break in a relationship will occur. When that happens, you must move quickly to repair the relationship, doing whatever is necessary. It may mean re-adjusting work loads or schedules or may require an apology from you, if you were responsible for what ever led the relationship to fall apart.

You need to be aware that occasionally you will be unable to establish a working relationship with an employee under your supervision. If this happens, there are a few solutions available. One possibility is to transfer the individual to another supervisor who has a different style and personality. He might succeed

where you failed. However, termination of the employee is sometimes inevitable; most of the time it is best for both the employee and the sheriff's department. There is no greater challenge that you will face as a supervisor than building and maintaining healthy relationships with those you supervise.

Case Study 2:

Lt. George Mason supervised the day shift at the Turkey County Jail. His unit had from eight to 10 employees. One of the employees was Officer Paula Whisler, a 38-year-old widow with five small children. Officer Whisler was a good worker, but she was almost always late for work in the morning. Lt. Mason had spoken to her numerous times about tardiness, but to no avail. Officer Whisler assured him that she tried hard to be at work on time, but she "just did not seem able to make it" at 6 a.m. since she had to get her children off to the babysitter. Officer Whisler argued that she worked twice as hard as anyone else, and that she stayed over in the afternoon to make up for the time she lost in the mornings. There was little doubt in Lt. Mason's mind that Officer Whisler did work as much or more than anyone else, and that she did stay later to make up the time she lost by being late in the morning.

On Thursday morning, however, Officer Whisler's tardiness was holding up a shakedown that had to be finished by noon. The entire schedule was being thrown out of balance.

All of this was going through Lt. Mason's mind when he heard one of the officers say to the others: "That gal Whisler is getting preferred treatment. Why should she be given any favors—like she's better than the rest of us?"

Sure enough, Officer Whisler arrived one hour late. Lt. Mason realized that the situation required action on his part, but he didn't know what it should be.

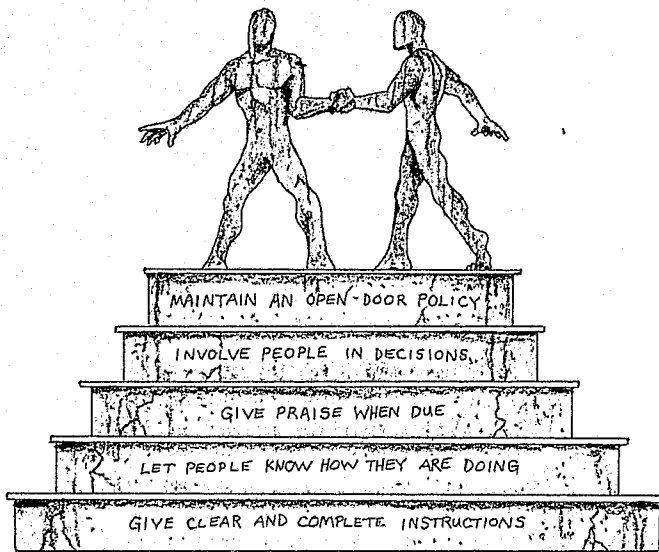
What would you do if you were Lt. Mason?

Supervision requires a careful balancing act. You must look at the relationship you have with each of your employees, how this relationship relates to each other relationship, and how it affects the overall operation of the unit or squad you supervise.

Foundation Blocks For Good Relationships

To build good relationships you need to be aware of and use some very simple principles of effective human relations.

1. **Give Clear and Complete Instructions:** It is your responsibility as a supervisor to give clear, complete instructions in words that are understandable to the employee. This way, the employee knows exactly what you expect and how he should complete the task in the best way possible. If your instructions are hazy or incomplete, then the employee will receive a meaning different from the one you intended. If you then correct the employee for failing to follow your precise instructions, the employee may lose confidence in you and the relationship will deteriorate. It may be necessary to repeat the instructions several times, using different approaches depending upon the content of the message and the experience of the employees. For example, you must be much more precise and explicit with recruits than you are with 10-year veterans. When you take the time necessary to give good instructions, using visual illustrations when possible, then the employee will feel



secure in his tasks. You should also ask for **FEED-BACK** at the time you give the instructions to make sure the instructions are clear. One way of doing this is to ask the employee to restate the instructions you gave him rather than merely asking him whether or not the instructions were clear. This technique also gives the employee a chance to ask additional questions regarding the assigned tasks.

2. Let Your Employees Know How They Are Doing:

As a supervisor you will be responsible for making periodic formal evaluations. But it is equally important to let employees know how they are doing on a daily basis. Even when your employees are not doing well, they want to know about it. This feedback gives them an opportunity to correct their performance. Most employees are anxious to know how to do their jobs better and they welcome help provided in the right way. But **don't focus solely on poor performance**. It is equally important to let employees know you care about them. Thus, you should compliment them when things are going well, and tell them that you are pleased with their performance.

Supervisory feedback is YOUR responsibility. Its purpose is to maintain appropriate behavior and to promote change when an employee's behavior is unacceptable. **Feedback should be given directly to the employee and must focus on behavior which can be changed.** You should describe specific behaviors and not your interpretation of intentions and motivations. The feedback can include observations of strengths as well as areas that need to be improved, with suggestions for change. **The best type of supervisory feedback contains both praise and suggestions for improvement.** A good example of this type of supervisory feedback involves the following exchange which occurred between a lieutenant and a sergeant:

"During the staff meeting, I observed you raising some important issues with your co-workers. I like how you clearly stated your view of the problem. I also like the fact that you made requests of your co-workers which

would help meet your needs.

"But I was bothered by how loud you were talking. I noticed that the group seemed to withdraw from you after a while. I would like to hear you continue to raise issues appropriately, but also monitor the volume with which you state your case."

What hurts employees the most is being neglected.

As a supervisor, you must reinforce the idea that each employee is important to the overall effectiveness of the sheriff's department or jail.

3. **Give Praise When Due:** Traditionally, supervisors spend most of their time catching employees who are doing things wrong. It is much more important for you to catch your employees doing something right. They need the recognition only you can provide. You should praise your officers immediately, telling them what they did right and being very specific. To do this you must constantly be alert and on the lookout for behaviors which deserve a compliment. Tell your employees how good you feel about what they did right and how helpful it is to the department and the other people who work there. Encourage them to do more of the same—ending the praise with a handshake or a pat on the back to make it clear that you support their successful performance. Failing to give praise and credit when it is due will cause your employees to feel small and insignificant. As a result, their performance will usually decline.
4. **Involve Your Employees in Decisions, Whenever Possible:** One of the most effective ways for you as a supervisor to build a sense of employee pride and teamwork and to stimulate creativity is to seek advice, suggestions, and information from employees concerning ways in which work can be performed and problems might be solved. You should seek the opinions of your staff members whenever possible, and let them know that you are willing to be influenced by their suggestions and even criticisms. When employees feel that they are really part of a team and that they have a significant influence on the decisions which are made, then they are more likely to accept the decisions and to seek solutions to difficult problems which may arise in the future. The line employee is often closer to the problem than you are and is able to provide the necessary insight for the solution that may have evaded you.

Nothing releases talent or increases job performance better than getting your employees involved in the decision-making process. Asking for their help makes your staff members feel important, alive, challenged, and stimulated. These secondary benefits of letting employees develop solutions to problems are really more important than the solutions themselves.
5. **Maintain an Open-Door Policy:** As a supervisor you will have better relationships if you are easy to approach. Encourage your employees to approach you often with suggestions and complaints, or for counseling. Try to establish and practice an open-door policy which enables you to build healthy relationships. Avoid building phys-

ical and psychological barriers between yourself and each employee. Fear can prevent open communication. Thus, it is up to you to create a non-threatening atmosphere of welcome that will encourage employees to come to you.

These five foundations are essential for a supervisor to establish and maintain healthy, productive relationships with employees. By making a personal commitment to these foundations—convincing yourself of their value—you can use them naturally in your daily contacts with your staff members.

CREATING AND MAINTAINING A PRODUCTIVE WORKING CLIMATE

The moment that you walk into your office each day, your employees become aware of your attitude. If you come dragging in with a grouchy, negative attitude, then your employees will use their special radar to pick up the signal and will back away from you. Adjusting quickly to your negative temperament and bad mood, they will go about their jobs with little enthusiasm, and avoid contact with you. If, however, you walk in with a positive attitude, they will pick up your bright outlook, will show more enthusiasm, and will look for chances to communicate with you.

If you are positive, then others will be positive. When you show a sense of humor, then it's easier for others to laugh. If you show confidence, then your employees will feel secure and comfortable working for you. The mood of the working environment, the degree of freedom present, and the tone are all part of the climate you establish.

Case Study 3:

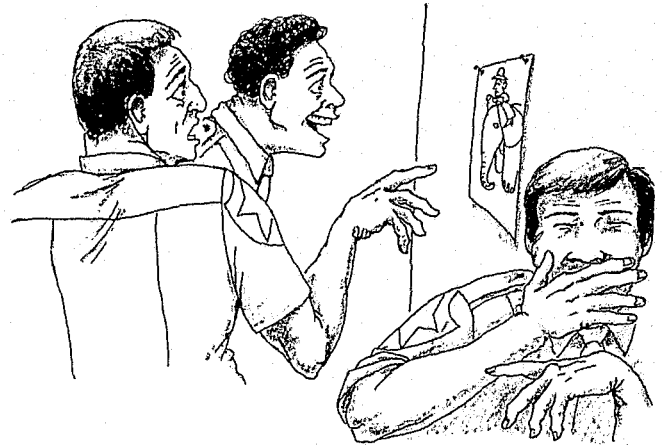
Sgt. Jack Richards of the Palm Tree County Jail is currently running a tight shift. There is little room for socializing and relaxing. The atmosphere is one of strict compliance. An experienced outsider observing the situation senses that the shift might be slightly over-controlled, over-managed, and over-structured. The performance level is average.

Sgt. Bill Thomas, on the other hand, operates a very loose shift. He sometimes gives his people more freedom than they can handle. The work gets done, but, because of excessive horseplay, there are occasional errors that must be corrected. The atmosphere is one of noisy relaxation, with a sense of absence of direction. The performance level is slightly below average.

Sgt. Judy Jones follows a middle-of-the-road philosophy. She tries not to be too permissive, but consciously avoids over-control. She strives to create a democratic climate in which employees have a degree of freedom, but still welcome her leadership. The atmosphere is business-like, with more than average communication between employees. The performance level is above average.

As a supervisor, which of the sergeants described above is most like you?

The above examples represent the **classic management climates: autocratic, permissive, and democratic.** There are, of course, numerous variations of each of these styles of supervision. Your task is to choose the climate that results in the



highest level of performance for your work unit. **The factors involved in determining the type of climate you can create include the type of work your unit does, the personalities of the employees you supervise, the physical environment, and the amount of freedom you are given as a supervisor.**

Your personal example contributes more than anything to the climate of your working environment. The speed with which you work, the kindness you show toward inmates and your co-workers, how you answer the telephone, and the way you communicate is always being observed and sets the standard for your work unit. Your employees can afford bad days, can have a grouchy attitude, and can "let down," but you can't. You are a supervisor and a leader, and you must consistently set the best example.

In emergency situations, you must set the pace by remaining calm and controlled. The security of those who work with you is at stake.

Case Study 4:

Lt. Dan Johnston had just been transferred to the newly-completed wing of the Refinery County Jail. The officers he is now supervising had not worked for him before and he was being tested in many ways. He had not, as yet, been accepted by the line officers. One day a fire broke out in an isolation cell on the lower level of the unit. Lt. Johnston remained calm, directing the officers in the orderly evacuation of the inmates and the putting out of the fire.

Lt. Johnston's behavior under stress demonstrated his leadership ability and let the officers know that their security would not be jeopardized by faulty decision-making in an emergency situation.

How do you think the line officers reacted to Lt. Johnston's behavior?

There are times when a mistake by an employee can create an emergency situation. The way in which you, as a supervisor, react will be closely watched. Most employees are very sensitive to the way a fellow worker is treated in such a situation.

Case Study 5:

Rattlesnake County Jail Officer Pete Williams was returning the medication cart to the nurse's station when he collided with a trusty pushing a mop bucket as they both rounded a corner.

Pills were spilled and began to roll in every direction. Sgt. Morton Schwartz, noticing the situation, had the area cleared and started helping Officer Williams pick up the many pills. Sgt. Schwartz showed no anger, no disgust, and no impatience. He helped Officer Williams verify the pill count.

How do you think the officers who work for Sgt. Schwartz reacted to this incident?

The way in which you handle pressures from above also affects the working climate of your unit. As a supervisor, a time will come when **YOU** will be on the receiving end of a reprimand. You can react by passing the pressure downward and chewing out your staff, or you can absorb as much of the pressure as possible.

Case Study 6:

Sgt. Peggy Plant last week began her job as a newly promoted shift supervisor in the Big Sky County Jail and, in her anxiety to accomplish many things during the first week, she failed to have her staff turn in some routine activity reports. As a result, Sgt. Plant was reprimanded by Capt. Charlie Tuna for her staff's failure. Although she was upset and tempted to chew out her staff, since they knew the reports were required, she absorbed the pressure. During the following shift, she set aside some time for each staff member to complete the activity reports before leaving work.

How do you think the officers who work for Sgt. Plant reacted to this situation, since it is almost certain that they know about it?

The best way to determine if you have created the ideal working climate is by watching the productivity of your unit. If your working environment is a good one, then those signs that are indicative of an unsatisfactory climate will be absent. **What are the signs present in a work unit to indicate that all is not well? These are: excessive complaints, absenteeism, human relations problems, hostility, errors, and a general lack of enthusiasm.**

You can create and maintain an effective working climate by keeping the following points in mind:

1. Most employees, regardless of how they may react, prefer strong leadership to weak leadership. A work environment without strong leadership and direction is unpredictable and uncontrolled. Most people do not work well in such a setting.
2. Once you have created your climate, then be consistent in your actions. Be consistent in the way you treat your employees and predictable in the manner in which you handle your duties as a supervisor. You must pay attention to the feedback from your staff. Listen to their complaints. If you listen to your employees, then you can make minor adjustments instead of major repairs.
3. It is very important that the adjustments you do make are done gently and frequently enough to avoid major changes.

Sudden drastic changes in the working environment can backfire. The best policy is to take frequent readings on

the climate you are maintaining and make the minor, daily adjustments.

4. It is very easy for you, as a supervisor, to become so weighted down by the responsibility of your role that you become too serious. When the resulting cloud of gloom settles over your work unit, then lighten the climate with a little fun to deliberately change the mood. On a slow night, for example, have everyone pool their change and send out for pizza and soft drinks. Or start a cartoon board or run a contest of some kind.
5. There are times when you will become so busy with reports, planning, or other activities that you are cut off from communicating with your employees; this lack of communication will destroy morale and production faster than anything else. It is so important to constantly take accurate readings of the work climate that you must force yourself to get away from your other responsibilities on a daily basis in order to casually talk with your staff members.
6. **Your own attitude is the primary factor controlling the climate in your working unit.** A positive attitude on your part will go a long way toward creating a working environment that is positive. But you must make a conscious effort to create this healthy climate. You are as accountable for the working environment as you are for the completion of tasks assigned to your work unit.

Case Study 7:

About two months ago, things were going well for Sgt. Joe Olson's unit at the Reindeer Regional Jail. Morale was great, productivity was high, and mistakes were rare and minor. The perfect climate appears to have been created. Sgt. Olson decided to relax and become more permissive. But two weeks later things started to go wrong, mistakes increased, and the smoothness went out of the routines. Sgt. Olson, over-reacting, moved in and tightened the discipline harshly and emotionally. His actions resulted in even worse mistakes and a very rough operation.

What would you have done differently if you were Sgt. Olson?

COUNSELING—A VERY EFFECTIVE TOOL

Call it counseling, interviewing, advice giving, or simply private communication—it is one of your major supervisory tools.

Any supervisor-employee relationship can become strained, hostile, indifferent, hurt, or out of balance, no matter how good a maintenance program you have devised to keep relationships healthy and productive. When this occurs you must diagnose the problem and find a solution. This solution must include talking things over; in other words, on-the-job counseling is one of the necessary tasks of any supervisor. **The goal of this counseling is to strengthen and repair working relationships.** It is not designed to solve personal or psychological problems.

This two-way conversation involves getting job problems out in the open, talking, listening, and trying to un-

Understand the other person's point of view. Sometimes the employee will initiate the session by coming to you with a suggestion, problem, or grievance. More often, however, you, as a supervisor, will initiate the counseling process in an attempt to motivate an employee, correct a problem, or forestall a grievance.

You cannot avoid this type of situation when you are placed in command of people who have diverse personalities.

Thus, you must proceed with sensitivity, use good timing, and develop a smooth approach. You must also have a lot of personal confidence.

There are some very basic principles of on-the-job counseling that can help you perform this task successfully.

First, this **counseling must be for the right purpose.** The following case studies from the Rattlesnake County Jail list and illustrate these purposes:

Case Study 8: To Keep Relationships Healthy And Productive:

Sgt. Red Smith ordered Officer Bobby Joe Brown to remain two hours overtime to cover for his replacement, who was being interviewed by the sheriff. Officer Brown was not given the chance to reply that he had promised to meet his son right after work to take him to a high school football game in Fangville. Officer Brown said nothing afterwards, but he was very cool toward Sgt. Smith for the next two weeks. Finally, in talking privately to Officer Brown, Sgt. Smith was able to find out what was wrong, apologize, and restore the relationship.

Case Study 9: Motivation to Improve Performance

Officer Jerry Wilson had been doing an excellent job for four months. Then—suddenly—he started arriving late, making mistakes, and interrupting the smooth operation of the jail. Sgt. Tom Martin moved in quickly for a counseling session and discovered that Officer Wilson was so involved with a personal problem that he had lost sight of his goal of being a career corrections officer. As a result of this session with his supervisor, Wilson was able to focus once again on his goal. His performance quickly rose back up to its normal level.

Case Study 10: Maintaining Good Relationships Between Co-Workers:

Officer Mickey Burns made the mistake of teasing Officer Maria Gonzalez about her problem with being overweight. He was unaware of how sensitive an area this was with Gonzalez. She responded by sulking and letting her work performance drop below standard. Sgt. Leroy Nelson heard about the friction between the two officers. He talked to Officer Burns about the situation. The basis for this approach was that as supervisor, Nelson was responsible for Gonzalez' performance. Thus, Sgt. Nelson felt that Officer Burns should take the initiative (with the sergeant's help) to restore the relationship. It took some time, but the approach worked. Officers Burns and Gonzalez are now working well together once again.

Case Study 11: Disciplining an Employee Is a Very Sensitive Task That is Done Best in a Counseling Form; There Should

Never Be an Emotional "Chewing Out" in Which Everyone in the Department Hears It:

Sgt. Johnny Carson noticed that Officer Patrick Henry was spending a lot of time socializing with other officers, leaving his post unattended. Sgt. Carson tolerated this behavior, until he noticed it was keeping other officers from doing their jobs. He then invited Officer Henry to a private session, where he expressed his concerns, being careful not to show any hostility. He gave Officer Henry a chance to explain his behavior. The session ended on a positive note. Within a few days, Officer Henry managed to curtail his socializing and pay closer attention to the duties involved with his own post.

Second, the timing of this sensitive counseling process is the primary key to a successful outcome.

All employees have bad days or temporary attitude problems. There could be a sick child at home which has the officer worried and upset, for example. So hold off the counseling session for a short time until you are sure nothing else will solve the problem. Also hold off if **YOU** are upset, frustrated, or angry. Choose a time period when you will not be interrupted and the employee is not anxious about getting to his tasks or leaving at the end of the day. On the other hand, setting the time for your counseling session hours into the future can cause the employee a great deal of stress and affect his job performance. It is best to talk to the employee within an hour of when you tell him you would like to see him.

Third, counseling must occur in private where free, two-way communication can take place in confidence. If you do not have an office, then use a location which is free of traffic and interruptions of any kind. **Do not counsel an employee in a place where it is likely that inmates may overhear you—**the inmate trusty mopping the floor is a human, not a robot, so you should not needlessly embarrass your employees by speaking to them within earshot of inmates.

Fourth, having the right approach will help you overcome any fear you may have of discussing a problem with an employee. Most employees are receptive to discipline when it is administered in the correct way and they are grateful for the help they are receiving from you. When you have a difficult problem to face, invite the employee in to your office without advance notice in order to avoid creating a build-up of tension. Start the conversation quickly. Get to the point and state the facts, making no accusations. Always try to remain calm. Use a pleasant, subdued voice, encouraging the employee to talk.

There are two basic types of counseling which a supervisor provides to his subordinates. The first technique is one in which you as a supervisor do most of the talking and clearly establish the path the interview will take. This type of counseling usually occurs when there has been a violation of a rule, when mistakes need to be corrected, or when hostility from the employee has reached such a point that it can no longer be tolerated.

A second type of counseling takes almost the opposite approach. It is an open, unstructured style of counseling designed to bring out into the open any matter which may be important to the employee. It is a **POSITIVE** counseling session. This

type of counseling is most useful when you need to gently bump an employee back on to the right track, when you need to strengthen or restore a relationship, or when you must motivate an employee to perform at a higher level.

As a supervisor, you should be using this second, less directive counseling approach much more than you use the more formal disciplinary approach. If you aren't doing this, then you are using counseling to put out fires, rather than as a positive "fire prevention" tool to strengthen relationships and prevent problems.

Some techniques to keep in mind in either situation are to **speak calmly and quietly**. Let the employee talk out his hostility, and listen carefully as he does. Always allow plenty of time so that there is unrestricted, free communication. Don't always expect to reach a solution. Just starting two-way communication is very worthwhile. End all sessions on a positive note and schedule a follow-up session, if needed.

You don't have to be a psychologist, psychiatrist, or even a professional counselor to succeed at counseling your subordinates. As a supervisor, you must be able to talk with your employees in a manner which helps build and maintain productive relationships.

MOTIVATING OTHERS

One of your most important roles as a supervisor is that of a **MOTIVATOR**. You must influence employees effectively so that they become motivated to think and work in a positive manner. Thus, by utilizing the correct techniques, you can motivate employees to become more productive, closing the gap between their daily performance and their capacities to perform.

This gap between actual performance and performance capacities is constantly changing since an employee's performance is dependent upon many internal and environmental factors. It is your goal to narrow this gap. In order to do this, you must first understand the factors that contribute, or distract from, an employee's performance. Second, you must learn how to control as many of these factors as you possibly can.

In 1924 efficiency experts at the Hawthorne Branch of the Western Electric Company started a research program that was to have astonishing results. It was discovered that no matter what changes were made in the working environment—even the taking away of improvements—the output of the workers increased to new all-time highs. Why?

The answer to this question was not to be found in the changes in the plant and physical working conditions, but in the human aspects. The workers were made to feel that they were an important part of the company by the attention lavished upon them by the experimenters. The employees thus began to view themselves not as isolated individuals, but rather as part of a congenial, cohesive work group. This resulted in feelings of affiliation, competence, and achievement. These experiments were the beginning of the realization on the part of American industrial managers that the inner needs of each employee are a very important component of any improvement in his performance.

To be a successful motivator, you must have some understanding of the needs that generally are considered to be most important to people. The best known list of "need priorities" was developed by A.H. Maslow. His ranking of needs is as follows:

1. Basic Human Needs (food, shelter, etc.);
2. Safety From External Dangers;
3. Social (love, affection, and social activity);
4. Esteem (recognition and self-respect); and
5. Self-Realization and Accomplishment.

The basic physiological needs—food, clothing, and shelter—are the strongest until they are somewhat satisfied, and only then will a person be motivated to satisfy his other needs, Maslow argued. (It should be noted that Maslow's work has been criticized because he failed to take into account a person's spiritual needs as a motivating factor.)

Once a person's physiological and safety needs are fairly well satisfied, then social needs become dominant, according to Maslow. A person will seek to develop relationships with others. Then, Maslow argues, once a person begins to satisfy his need to belong, he wants to be more than just a part of the group. He begins to feel the need for esteem—both self-esteem and recognition from others.

Once esteem needs begin to be adequately satisfied, then the self-realization and accomplishment needs become more important, Maslow said. This is a need to maximize one's potential—to become what one is capable of becoming, Maslow explained.

Many supervisors believe that when they pay higher wages and offer better benefits, then they will receive better work performance from all subordinates. However, the supervisor must realize that first, as a supervisor, he really has little, if any, control over these economic factors. Second, once wages reach at least a satisfactory level, then money plays a diminished role in employee motivation. Even good or excellent wages are not a guarantee that employees will be motivated to give more than just average performance.

The task facing you as a supervisor is to develop an approach to supervision which will provide your employees with more responsibility, a sense of achievement, recognition, an opportunity to learn, and the knowledge that they are being treated as individuals, not as machines.

You must step in and help your subordinates perform in line with their capabilities, closing the gap between performance and capabilities. How can you motivate your employees? The following paragraphs describe some of the excellent techniques you should consider using.

First, **look at some individual motivational techniques**. One technique involves giving special assignments to employees who have demonstrated special abilities or talents. These temporary assignments can be most stimulating and ego-satisfying

to the employee. Be sensitive to the special capabilities and talents possessed by each individual employee and actively look for special assignments for them within the jail or sheriff's department.

Work rotation has been shown to be a very useful technique in creating a stimulating climate for greater departmental production. Rotation eliminates the feeling that one officer is stuck forever with the least desirable task. It has a tendency to force employees out of their job rut. A program of rotation on a regularly scheduled basis may result in more of your time being used for additional training and scheduling, but the result will be well worth the effort.

As a supervisor, you may be in a position to award **special educational or training opportunities** to motivate your employees. Watch closely for these opportunities, and use them as rewards for a job well done. They are also a useful technique to motivate employees to acquire more knowledge about their jobs.

There are many other individual stimuli, such as sincere and well-timed praise, giving credit where it is due, and other possible actions of this nature that let your employees know you care about them and are sensitive to their inner needs.

Sometimes you are faced with the need to motivate your whole unit or squad. Everyone's performance is down and you now have the problem of pulling up a squad-sized slump. The cause of this slump may not be obvious. Most likely, it is internal and psychological. Maybe there has been a loss of interest in the job due to boredom, or your officers are not working well together as a group, or you have lost control of the group. Maybe the employees feel they do not have support from the command staff or jail administrators and that they are not involved in any decision making.

Whatever the cause, it is a problem that cannot wait. You must take some form of action. You may want to consider using the following technique: You can hold an informal group meeting and turn the problem of the low performance levels over to the employees. Let THEM discuss the problem and develop some solutions.

Case Study 12:

Lt. Jasmine Smith was well aware of an emotional slump among the staff at the Capital City Jail. The jobs were still being done, but the officers were tense and abrupt with each other. Everyone seemed to have lost a sense of humor and the atmosphere was becoming unbearable. Lt. Smith decided that a staff-wide meeting was required and called one as soon as possible. She opened the meeting in the following manner: "I would like to share with all of you my concern with what is happening with our relationships with each other. My purpose in meeting with you this afternoon is to seek a solution. I would welcome any suggestions."

For about five minutes there was an awkward silence. Not a word was said. Lt. Smith waited. She did not expect any magical solutions. She just wanted her officers to start talking to each other. Finally, one officer began talking about his feeling of isolation on the job and lack of care about his safety by the administration. Another officer joined in. Before long EVERY-

ONE was discussing the reasons why they felt let down, and how they were going to bring about a change.

As a supervisor, do you think Lt. Smith handled this problem correctly? If so, why? If not, what should she have done instead?

A group meeting such as this can be very successful in bringing into the open the problems that are causing a drop in staff performance. In addition, this type of meeting can be very motivating to each employee, encouraging him as an individual to bring his own performance back up and to restore positive relationships with his co-workers.

Sometimes the focus of the staff meeting will not be a morale problem, but rather a need to brainstorm for ideas or to develop a better way to handle departmental problems. By using a group session for problem-solving, a supervisor can motivate employees to be a part of the smooth operation of the whole unit or squad.

Case Study 13:

At first Capt. Don White intended to set up a new commissary system for the inmates at the Big Sky County Jail without consulting the line officers, figuring nobody really wanted to get involved and would be happy with anything he came up with. However, as he discussed his plans with individual officers, he started hearing objections to some of his plans. He then decided to call a meeting to get input from all the officers. It turned into a very productive session. Capt. White was able to get some excellent ideas and enlist the help of several officers to come up with a final plan. Not only was the most workable system developed, but the officers were motivated to provide suggestions for other problem areas. As a result, they felt more involved in the management of the Big Sky County Sheriff's Department.

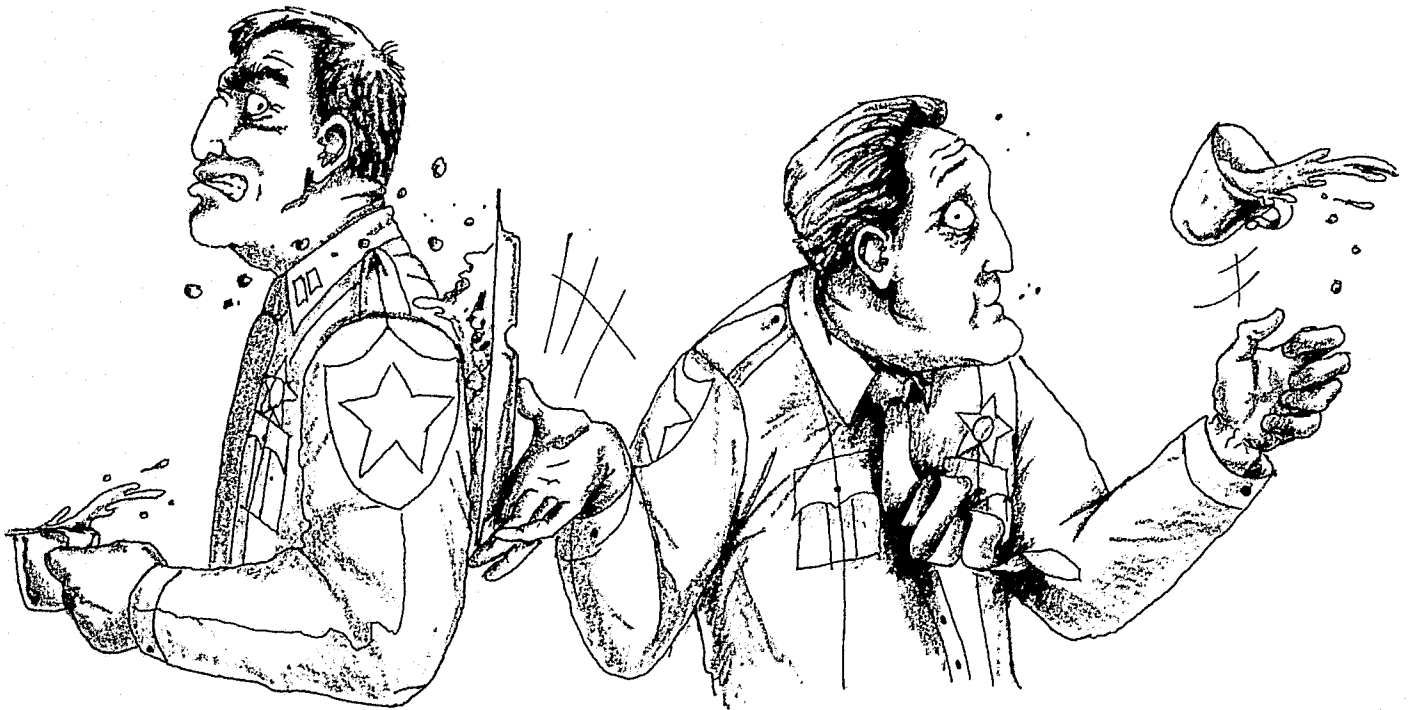
It is very important that you, as a supervisor, understand what your subordinates want from their jobs. You must strive to create a working environment to motivate and satisfy your employees, which will result in increased performance.

RECOGNIZING STRESS

Research has shown that the field of corrections is one of the most stressful of all occupations. **As a supervisor, you must be constantly on the lookout for the symptoms of stress in your subordinates.** If these symptoms are overlooked or ignored, then you will be faced with the more serious problem of **burn-out**. You need to be concerned with stress and the resultant burn-out because it interferes with getting the job done, and could lead to confrontations between officers and inmates.

Stress is not caused by events. Rather, it is caused by the perception of a demand or threat that arouses the individual. All of the officers working for you are exposed to similar situations. But some, because of their perception of the events, will feel much more stress than others. Your concern is not only with identifying the various sources of stress, but with recognizing the symptoms of stress in officers and taking the necessary action to help the officers deal with the stress.

One of the major sources of stress for corrections officers is administrative problems. These problems include: the lack



of clear guidelines, the lack of communication concerning the policies and procedures that govern the workplace, conflicting orders, and the resulting inconsistencies.

It is your job as a supervisor to be a stress reliever and not a stress producer. Briefly stated, you can help relieve stress for your employees by:

1. Making your expectations known and making sure that procedures are clearly stated and followed with consistency.
2. Providing the necessary training for new tasks.
3. Listening supportively and giving frequent feedback.
4. Giving time-outs when needed and debriefing after serious events such as fires or hostage incidents.
5. Making job assignments equitable and interesting.
6. Having a work plan; don't work by crisis.
7. Sharing the decision-making and thereby allowing staff involvement in controlling the work environment.
8. Acting as an advocate for your staff, letting them know that you are taking action.

Even if you are able to relieve many of the sources of stress, there will still be some burn-out among your staff members, and you must be able to recognize the symptoms. These symptoms may include:

1. Constant complaining and blaming;
2. Irritability/argumentativeness;
3. Loss of caring or concern about others/self;
4. Exhaustion and fatigue;

5. Cynicism/negativity;
6. Rigidity and an inability to compromise;
7. Work avoidance;
8. Depression and feeling of helplessness; and
9. Substance abuse.

Burn-out is a very serious and, at times, an irreversible condition. As a supervisor, you must do everything you can to prevent the stress that can lead to this condition. However, once this stage is reached by someone working for you, then it is time to turn to professional help. Be aware of the sources available on a professional level and make sure your employees have access to these sources. Encourage your jail administrators to provide education on this subject for all employees. With the help of your entire staff, you can develop a program to relieve the stress factors found in your jail.

SUMMARY

1. **A supervisor gets results through people.**

This truth is one of the most important a jail supervisor must learn. The production level work you do yourself is secondary to the relationships you establish with your subordinates. Your productivity as a supervisor will be the direct result of your ability to direct, train, and motivate those employees who work for you.

2. **Your responsibility to build and maintain a productive relationship with each employee you supervise must take priority over all others.**

The best way to maintain healthy working relationships with your subordinates is through two-way communication—an input of words and ideas from both sides. When a relationship

with one of your employees becomes emotionally charged, then you must take care to keep the situation calm and under control. There are four steps involved in building good working relationships with employees:

- A. In order to be OBJECTIVE and PROFESSIONAL in the relationship, you must concentrate upon the relationship, rather than upon the personality of the individual.
- B. Relationships should be treated with respect and sensitive consideration.
- C. You must attempt to have solid relationships with all your employees without favoritism despite the fact that you may identify more closely with one person.
- D. You must use, on a daily basis, recognition, attention, and kindness to maintain good relationships with all employees.

Supervision requires a good balancing act. To build good relationships with employees, you need to use some very simple principles, which are:

- A. Give clear and complete instructions.
- B. Let your employees know how they are doing.
- C. Give praise when it is due.
- D. Involve your employees in decisions, whenever possible.
- E. Maintain an open-door policy.

3. If you as a supervisor are positive in your attitudes toward your job, then your employees will be positive.

The mood of the working environment, the degree of freedom present, and the tone are all part of the climate you establish. There are three classic management climates: autocratic, permissive, and democratic. Your task as a supervisor is to choose the climate that results in the highest level of performance for your work unit. As a supervisor and a leader, you must consistently set the best example. You can create and maintain an effective working climate by keeping the following points in mind:

- A. Most employees, regardless of how they may react, prefer strong leadership to weak leadership.
- B. Once you have created your climate, then be consistent in your actions.

- C. It is very important that the adjustments you do make are done gently and frequently enough to avoid major changes.
- D. It is very easy for you, as a supervisor, to become so weighted down by the responsibility of your role that you become too serious.
- E. There are times when you will become so busy with administrative details that you will find yourself cut off from communicating with your employees; this lack of communication will destroy morale and production faster than anything else.
- F. Your own attitude is the primary factor controlling the climate in your working unit.

4. Counseling is one of your major supervisory tools.

There are some very basic principles of on-the-job counseling which can help you perform this necessary task more successfully. They include:

- A. The counseling must be for the right purpose.
- B. The timing of the sensitive counseling process is the primary key to a successful outcome.
- C. Counseling must occur in private where free, two-way communication can take place in confidence.
- D. Having the right approach will help you overcome any fear you may have of discussing a problem with an employee.

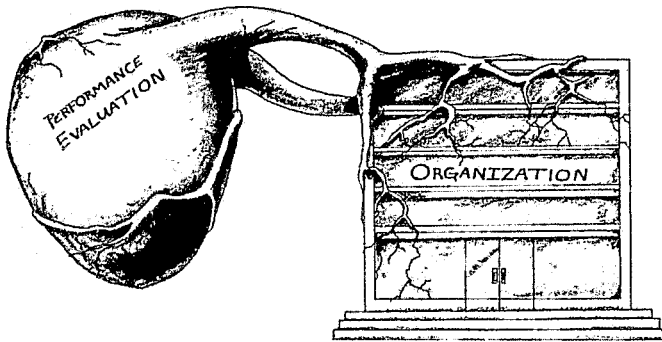
5. One of your most important roles as a supervisor is that of a motivator. You must influence employees effectively so that they become motivated to think and work in a positive manner.

It is your goal to narrow the gap between the actual performance of each employee and his performance capacities. The task facing you as a supervisor is to develop an approach to supervision which will provide your employees with more responsibility, a sense of achievement, recognition, an opportunity to learn, and the knowledge that they are being treated as individuals, not as machines.

6. As a supervisor, you must be constantly on the lookout for symptoms of stress in your employees in order to forestall burn-out.

CHAPTER NINE

EVALUATING THE PERFORMANCE OF EMPLOYEES



Humans—and for that matter, all animals—have in common a life-sustaining organ: the heart. By pumping continuously millions of times throughout a person's lifetime, the heart receives and discharges the blood that is necessary to keep us alive. There is no other organ in the body that can fulfill the requirements and functions which are performed by the heart. In and of itself, the heart is the one most important organ in our body. Its very function is necessary for life. It is the key to life. Without it—or without a mechanical substitute for it—we would die. The blood that the heart pumps carries nourishment and oxygen to all parts of our body.

But during our daily lives, we never really think about our functioning hearts. We really don't concentrate, moment by moment, on the need to have the heart continue its beat. However, if our hearts were to start beating irregularly, we would then be invalids. If our blood did not pick up enough oxygen from our lungs, we would become anemic. If our hearts failed to pump the blood to our digestive systems, we would slowly starve. Without our hearts pumping the lifeblood through our bodies, we would die.

Personnel performance evaluation is as important to job performance as the heart is to life. Performance evaluation has a variety of names, including personnel evaluation, job performance appraisal, performance appraisal, and many, many more. But they all accomplish the same goal.

What is performance evaluation? It is **the process of analyzing and assessing the quality and quantity of an employee's performance on the job within the framework of the goals of the department and the individual task description.**

James H. Auten, in an article in the July 1982 issue of the *FBI Law Enforcement Bulletin*, outlined 10 objectives of performance appraisals. They are:

1. To keep employees informed as to what is expected of them and how well they are doing in meeting these expectations;
2. To recognize and reward good work on the part of employees;

3. To recognize weaknesses in employees so that they can be corrected;
4. To recognize strengths in employees so that they can be built upon;
5. To identify employees who would profit from specific types of training and to identify general departmental training needs;
6. To provide a continuing record of an employee's performance;
7. To guide decisions in matters of promotion, transfer, suspension, termination, and other personnel matters;
8. To verify existing performance standards;
9. To check the accuracy of existing job descriptions or classifications; and
10. To verify the accuracy of recruitment and selection procedures.

This complete list of the objectives of performance evaluation outlines the very "heart" of performance. Just as the heart is necessary to sustain life, good, complete—and, more importantly—accurate performance evaluation is the one part of a supervisor's duties that is necessary to sustain the performance of the organization. Without good and complete evaluation, the organization can become anemic. Without a job-related training program based upon the results of performance evaluations, it can become weak from employee dissatisfaction and poor performance.

To be effective, the performance evaluation system requires two types of feedback: upward to the administrators of the sheriff's department or detention facility, and downward to the individual employees. In this system, you, as the supervisor, perform a task which is similar to the work of the human heart as it pumps blood throughout the body.

HOW DO YOU EVALUATE PERFORMANCE?

There are probably as many different concepts of what evaluation is and should be as there are evaluators. However, there are certain pre-evaluation requirements which should be present if the evaluation is to have meaning and is to be useful.

First, the organization must have a clearly defined goal: a written, specific mission of the sheriff's department or detention center. The sub-unit which you supervise must also have a specific goal.

Second, there must be a written description of the particular employee's job and the tasks he is assigned to perform.

Third, there should be a standard of performance. Many times this standard of performance will be outlined in the actual performance evaluation work sheet. It is important that these three requirements be present before a job performance appraisal is initiated.

Types Of Performance Evaluation Systems

Many different types of formal performance evaluation systems can be utilized. One such method, for example, is depicted in Figure 9:1. In designing an evaluation system for your agency, there are several different variables to consider. For example, who does the rating and how often? The most common interval for rating employees is six months to one year. In some departments, however, the performance rating is conducted more often for new employees—once a month—for a period of one year in order to quickly identify any training, learning, or skill problems.

There are also a variety of performance rating methods or instruments which can be used. The **graphic rating scale** method depicted in Figure 9:1, which is also called the chart method, is the type of evaluation system which is most frequently used. With this method the rater places a check mark on a form next to the word or phrase describing the level of performance for each trait or task, such as "quality of work," "quantity of work," etc. Degrees of performance might be "above average," "adequate," and so forth. A major problem with this method is the meaning of the descriptive words, not only for the trait but also for the degree, all of which are subject to interpretation by the rater. These problems can be minimized somewhat by proper training of the raters or by the use of descriptive statements to explain the various degrees of performance.

A second device for job performance rating is the **rank order method**. With this method, the supervisor or the rater ranks all of the employees in one unit (division, shift, group) from best to poorest. If groups differ in size, comparison between groups can be a problem. However, this can be offset by a statistical adjustment to correct group standing.

A third type of evaluation is the **forced-distribution method**, in which the rated individuals are distributed along one or more scales and fixed percentages of employees are assigned to the best and worst ends of the scale and to the middle. Most of us are familiar with this method from our school days, where it was called "grading on a curve."

A fourth type of performance evaluation is the **paired-comparison method**, in which, for each trait under consideration, every employee in the unit or squad is compared with his fellow employees. A variable to this method is comparing each person of the same rank or position/job to each other. For example, if the jail employs two cooks in the kitchen, they would be compared to each other during the performance evaluation, not to officers who patrol a cellblock. The difference between this method and the ranking of employees individually is that each employee is compared to each of the others. Thus, you have a broader scale system, whereas with individual rankings, you have a system of "one, two, three" check marks. One of the obvious problems with this paired-comparison method of employee evaluation is the number of evaluations required. If,

for instance, you are rating three employees, then there must be three evaluations. But to rate four employees, you must make six evaluations. In very large or medium-size organizations, little else would be accomplished by supervisors other than the evaluation of employees if this method were used.

A fifth method of rating job performance is the **critical-incident**. This method requires keeping a log of unusually good or bad incidents occurring within a certain time (rating) period. The log then is used to provide a factual record for discussion. The one obvious drawback with this method of evaluation is the tendency of human nature to accumulate and/or note a disproportionate number of the bad incidents as opposed to the good incidents. Effective supervision strategy requires that "bad" incidents should not be brought to an employee's attention six months after the fact, but as soon as possible after the incident in order to reduce the chance of recurrence.

A sixth method, **forced choice rating**, has also been developed. This method requires the rater to choose the most descriptive of four statements in a set, along with the least descriptive. This method tends to reduce the subjectivity problems of rating the employee low in every trait if he has a problem in just one trait, or relatively high in all traits if he is outstanding in only one trait.

Positive And Negative Aspects Of Performance Evaluation Systems

In addition to the problems of reliability and validity of each of the methods of rating job performance, there are some other common problems. One is the tendency of certain supervisors to rate high, and others to rate low. This problem is one of perspective and value judgment, and can be corrected in part by training the raters, forced distribution, or—least desirable—a statistical correction. Here again, the use of training and full understanding of rating values will have a correcting impact on the discrepancies among supervisors in their measurements of employees.

Another problem is the collection of information by the rater. **It is important that the supervisor who is doing the rating be in a position—on a daily basis—to observe the employees he will evaluate.** Evaluation, when little is known by the rater about the actual performance of the employee on a day-to-day basis, has a minus effect not only upon the rating itself, but also upon the feedback of the score to the employee.

With these problems in mind, the following factors should be considered when selecting traits for the rating scale:

1. **Observable:** Can the rater actually observe this trait in the employee on a regular basis?
2. **Universal:** Is the trait important in the performance of the particular job being rated?
3. **Distinguishable:** Is the trait clearly distinguishable from another trait?

Another obvious problem which surfaces when evaluating job performance is the **personal bias of the rater**—either against the individual employee, the unit to which he belongs, or the

**Figure 9:1
Performance Evaluation Work Sheet**

Employee Name:					Unit #:	Division:	Shift:	Date:
1	2	3	4		<p>(Section A)</p> <p>FACTOR CHECK LIST</p> <p>A check must be given in the appropriate column for each item listed.</p>			
Not Satisfactory	Needs Some Improvement	Meets Standards	Exceeds Standards	Not Applicable				
					1. Observance of working hours	<p>(Section C) Goals or improvements:</p>		
					2. Attendance			
					3. Grooming or dress			
					4. Compliance with rules			
					5. Safety practices			
					6. Public contacts			
					7. Suspect contacts	<p>(Section D) Performance deficiencies and comments on checks in columns 1 and 2:</p>		
					8. Employee contacts			
					9. Knowledge of work			
					10. Work judgments			
					11. Planning/organizing			
					12. Quality of work			
					13. Volume of work	<p>(Section E) Employee Comments:</p>		
					14. Accepts responsibility			
					15. Accepts direction			
					16. Accepts change	<p>Reviewing Officer Signature:</p>		
					17. Effectiveness	<p>Evaluating Officer Signature:</p>		
					18. Operation and care of equipment	<p>Employee: I certify that this report has been discussed with me. My signature does not necessarily mean that I am in agreement with this report.</p> <p><input type="checkbox"/> I wish to discuss this report with the reviewer.</p> <p>Signature: _____</p>		
					19. Work coordination			
					20. Initiative			
					21.			
					22.			
					23.			
					24.			

EXPLANATION OF PERFORMANCE CRITERIA

Section A:

A check mark must be made in the appropriate column for each of the listed items. Items 1 through 5 are not factors in which one exceeds standards. They are either below standard or meet standards. They also apply to all employees. The listed factors, items 1 through 20, are explained below:

1. **Observance of work hours:** This factor refers to punctuality in reporting to duty in accordance with the prescribed schedule of working hours, breaks, etc. Can the employee be relied upon to be working when and where he is supposed to be?
2. **Attendance:** This should reflect absences from duty for any reason. This factor includes excessive or improper use of leave privileges. Has the employee's attendance become unreliable? If sick leave is greater than the norm, should the employee be seeking medical attention? Are the absences forming a Friday/Monday pattern? Have continued absences been costly to the department, division, or shift? Have repeated absences by this employee been harmful to the morale of others through increased work loads?
3. **Grooming or dress:** This factor deals with the appearance of the employee in comparison to the standard dress code of his position.
4. **Compliance with rules:** Does the employee consistently comply with rules and regulations of the department? Does the employee consistently ignore any of the prescribed rules and regulations of the department?
5. **Safety practices:** Does the officer use common sense and safety practices when dealing with the public? Consider supervisory directives, forethought for potentially dangerous conditions, and whether or not he endangers his own safety or the safety of others by his actions.
6. **Public contacts:** Does this employee's exposure to the eyes and ears of the public reflect credit to the department? Is he courteous and discreet in his public contacts? This should reflect telephone, personal, and media communications.
7. **Suspect contacts:** As with public contacts, this factor reflects the attitude and behavior of the officer; however, the consideration is focused on contacts with prisoners or suspects. Is he too harsh or too timid when dealing with suspects or prisoners? Is his behavior toward suspects or prisoners detrimental to security, a good image, or investigative efficiency?
8. **Employee contacts:** This factor reflects only those contacts which either improve or reduce the effectiveness of other employees. Is this employee a disruptive influence? Is he a positive influence on others?
9. **Knowledge of work:** This factor covers a broad area and includes the range of pertinent policies, regulations, and procedures relating to his assignment. (This should not be restricted to technical knowledge.)
10. **Work judgments:** Does the employee frequently make poor judgments in the course of his work? What effect does his work judgments have on the quantity and quality of his work?
11. **Planning/organizing:** Measure the manner and method in which the employee approaches his assignments and how successful his planning and organizing is in achieving desirable results. Does he take time to plan the sequence of steps required in carrying out his tasks? Does lack of planning or poor organization indicate reasons for low production or low quality work?
12. **Quality of work:** Measure the degree of excellence of the work over the entire working period here. Is the employee's work effective, accurate, thorough, and acceptable? Does his work have to be redone? Do errors in his work affect the efforts of others? Are reports clear, concise, and accurate?
13. **Volume of acceptable work:** This factor reflects the amount of work required to meet standards for the employee's position. Does the employee consistently accomplish a day's work for a day's pay? Does he produce enough work to clearly show that he is a net asset to the department, division, or shift? (The rater should not make allowances here for poor health, age, home problems, or length of service. There may be short-term exceptions to volume standards; however, care should be exercised to see that proper warnings are given when problems are indicated.)
14. **Accepts responsibility:** This refers to the degree of willingness an employee exhibits when given responsibility and the manner in which the responsibilities are carried out. Does he readily accept responsibility or does he avoid it? Does he consistently act in a responsible manner?
15. **Accepts directions:** Does the employee accept and carry out direction (supervision) to the best of his ability? Does he chronically challenge supervision, instruction, or orders? Does he passively accept direction he thinks may be faulty? Does he blindly or maliciously carry out such directions? Does he accept direction but complain about it to fellow employees? Is he resentful of supervision?
16. **Accepts change:** This factor reflects the traits of adaptability and flexibility. Does the employee accept change willingly? Does he adapt satisfactorily to new work surroundings, new equipment, new supervisors, new procedures, etc.?
17. **Effectiveness:** Is the employee capable of meeting the pace, tempo, and stress of his job assignment and producing an acceptable amount of quality work? Does he maintain organization and control during emergency situations?
18. **Operation and care of equipment:** Does the employee show concern for safe, responsible, and reasonable operation or use of equipment? Does he request maintenance or repairs when necessary?
19. **Work coordination:** Measures specifically the coordination of work which directly or indirectly involves other employees, departments, and shifts. Has overall production been hampered because of obstructions caused by the officer?
20. **Initiative:** Refers to initiation of action by the officer. Does he originate investigations or act to produce more efficient, productive, or economical methods or procedures? Does he take opportunities to exercise initiative or must he be prodded into action?

21 through 24 are spaces for additional factors.

rating system or instrument being used. These problems must be confronted by the jail administrator and corrected by training.

We have discussed the negative qualities of ratings and rating systems. However, there are positive points as well. Other than the obvious benefit of helping employees perform their jobs more effectively, appropriate performance evaluations require the supervisor (who usually is the person who conducts the rating) to observe the employees while they perform their assigned tasks. If the supervisor knows that in the future he will be required to rate employees, then he will be more critical of and more involved with the employee's daily performance on the job.

But just as importantly, **the supervisor will also critically evaluate the job description.** It is very important for the supervisor to discuss with the employee the actual job description in order to assure that it accurately describes the tasks to be performed. **Job descriptions are not and should not be considered unchangeable.** Tasks change over a period of time in any job, and only the sloppy supervisor will fail to change the job description. For instance, if the booking officer is still required in his job description to perform certain tasks that may be performed by a computer after a computerized booking system has been installed, then the job description is not valid, and it should not be used to define tasks to be performed in a subsequent job evaluation exercise.

Another plus of a good rating system is that **with proper feedback to the employee, his level of performance can be raised significantly.** After all, one of the primary purposes of the performance evaluation is to improve job performance. But that can be accomplished only if the employee knows the positive and negative factors in his particular evaluation. Thus, an essential component of the system is feedback to the employee.

Controlling The Rating Process

It is the responsibility of the supervisor to control the rating process and to ensure that the integrity of the system remains intact. Rating employee job performance—in and of itself—is wasted if the resultant evaluation is not used.

Peer and subordinate rating processes (see Figure 9:2 for an example) can present problems of control for the supervisor. Although most preferred rating systems involve superiors rating subordinates, peer ratings (or being rated by your fellow workers of equal rank or positions) and subordinate ratings (being rated by those of inferior rank) are not uncommon, and have been used with some success. Peer rating seems to be used more in military and quasi-military organizations, including law enforcement and other criminal justice organizations.

However, **an obvious problem with peer rating systems is that the rater may make observations of performance that are useful to him—and not to the organization.** The peer may not have the goals of the organization uppermost in his mind as he evaluates his co-workers, whereas it is assumed that a superior officer would be thinking primarily of organizational needs as he evaluates his subordinates.

Likewise, being rated by fellow employees of inferior rank could present similar problems insofar as the goals and standards

of the organization are concerned. Therefore, in peer and subordinate rating systems, evaluations could emerge which are not in line with the standards expected by the supervisor. As an end result, the performance of an entire shift or unit could be affected adversely.

Case Study 1:

Rattlesnake County Sheriff Ted Bradley, at the suggestion of the County Personnel Department psychologist, recently implemented a peer evaluation system for all employees of the Sheriff's Department. An hour ago, Jail Lieutenant Dick Bradley (the sheriff's brother), who supervises operational units, called Sgt. Bubba Ray Walker into his office to inform him that the peer evaluations must be conducted for Sgt. Walker's squad of line officers during the week.

When Sgt. Walker looked at the peer evaluation forms, he realized that this evaluation process might not be a very effective way to assess the performance of the men and women in his squad. Of the 14 officers he supervises, Sgt. Walker knows that 10 of them are having problems with each other due to incidents which had occurred off-duty and which fellow employees are trying to hush up to some extent.

But everything going on in his squad eventually reaches Sgt. Walker's ears. He had learned that Officers Juan Gomez and Jose Rodriguez had gotten into a nasty fight down at El Patio Flamenco, a "cop bar" popular with many of the deputies and Fangville City Police Department officers. They were fighting over Officer Imelda Martinez of the Fangville City Police, who had been dating both men, and neither of the men knew she was doing this until that night in the bar when another city officer told them.

Sgt. Walker also overheard in the locker room that Officer Billy Bob Banta was not speaking to Officer Tommy Wilson because Officer Wilson's dope-smoking teenage son had run over Officer Banta's dog with a motorcycle, and Officer Wilson refused to pay the \$325 veterinary hospital bill. Three other officers who pal around with Officer Banta are angry with Officer Wilson for being a "cheapskate" and refusing to punish his son.

In addition, Officer Mary Sue Brown, Sheriff Bradley's niece, is furiously angry with Officer Ray Ed Smith because Officer Smith sold her an old pick-up truck that turned out to have a broken gun rack; it also needs a new engine. She says he deceived her by telling her the truck was in "top-notch condition." She has been begging Uncle Ted to fire Officer Smith "because he is a crook." Officer Brown's best friend, Officer Panchita Bonanza, who is dating Officer Banta, is spreading the "news" around the Department that Officer Smith is a "thief" and will soon be fired by Sheriff Bradley.

Considering that these interpersonal problems exist on Sgt. Walker's squad, do you think a peer evaluation system will be an effective way for him to evaluate his employees? If you think the peer evaluations will be a useful tool, explain your reasoning. If you think another type of evaluation system would work better, explain why you think so. If you were Sgt. Walker, what would you do?

HOW DOES THE EVALUATION HELP MOTIVATE EMPLOYEES?

When men and women fail at their jobs, most often this failure is due to one common fault—their inability to get along

**Figure 9:2
Peer Rating Performance Evaluation Work Sheet**

Employee Name:					Unit #	Date:	
Not Satisfactory Needs Some Improvement Meets Standards Exceeds Standards Not Applicable	FACTOR CHECK LIST				Comments:		
						1. Observance of working hours	
						2. Attendance	
						3. Grooming or dress	
						4. Compliance with rules	
						5. Safety practices	
						6. Public contacts	
						7. Suspect contacts	
						8. Employee contacts	
						9. Knowledge of work	
						10. Work judgments	
						11. Planning/organizing	
						12. Quality of work	
						13. Volume of work	
						14. Accepts responsibility	
						15. Accepts direction	
						16. Accepts change	
						17. Effectiveness	
						18. Operation and care of equipment	
						19. Work coordination	
						20. Initiative	
						21.	Rater:
						22.	
						23.	
					24.		

with others. It makes no difference where we rank in an organization or what particular job we perform. If we are unable to get along with others in the organization—with our co-workers—then chances of remaining in the organization and succeeding at our work are very slim.

This is especially true for those who are in supervisory or management positions within an organization. Regardless of what your definition is of a supervisor, **all supervisors must understand that their effectiveness is measured by their ability to get the job done—to meet the goals of their organization through the performance of their subordinates.** No matter what a supervisor's technical skills may be, if the job does not get accomplished by his subordinates, then the supervisor will be considered a failure as a manager.

Historically, management was—and still is—concerned with **levels of productivity.** The need for all workers to produce at maximum levels of efficiency has become more acute in recent years because of budget restrictions in government service agencies. Criminal justice agencies are no exception. There are few agency administrators today who predict a large increase in funds for personnel in the next few years, in spite of the fact that predictions for increased workloads prevail. We know that the day of unlimited funding is gone with the wind. Therefore, we need more efficient production. Increased production can be achieved only through human beings—our workers.

Along with a recognition that there is a need to increase production, government managers have also become more sensitive to the needs and desires of employees. Through behavioral research and studies, we know that **it is necessary to create a work environment which will offer each employee job satisfaction and fulfillment.** The supervisor in a modern governmental agency knows that he must learn to deal with the humans who work for him, as individuals. He must understand their needs and wants. He must understand that only through motivation of his subordinates will he be able to achieve the objectives and goals of his particular organization or unit. First line supervisors are the most important “cogs” in any organization.

The first line supervisor is the person in the organization who is most directly involved with the human element that controls productivity. In fact, he is more involved than the director of the agency.

A first line supervisor must, however, have the technical skills to direct and supervise his subordinates. But, more important, he must have people skills—the ability to handle his employees. There is a great difference between knowing how to perform the various jobs in a unit or agency and having the ability to get employees to perform those same jobs. By himself a supervisor can contribute only his single percentage to the organization. But a supervisor who has the ability to motivate his subordinates to perform individually and as a team to accomplish a common goal, produces what the organization needs to achieve its objectives.

In effect, the supervisor gets the job done only through the support, cooperation, and/or approval of his subordinates. He lends the direction, but just as importantly, he stim-

ulates his subordinates to perform.

Productivity is the supervisor's responsibility—and his alone. His subordinates rely upon him for encouragement and direction. To most subordinates, the supervisor represents the organization. When the sergeant speaks, in the employee's mind, the sheriff is speaking.

Because most workers are more productive when they are in a productive environment, **the supervisor must portray a positive image.** He must provide leadership that is positive and supportive at the same time that he gives directions, demands production, and holds his subordinates accountable for their work. If the supervisor is able to accomplish this task of motivation, then productivity and morale will be good. If morale and productivity are good, then self-motivation will augment the supervisor's leadership, and the unit will exceed its goals and objectives.

Traditionally, supervisors viewed productivity through the skills and abilities possessed by employees. As long as an employee was able to perform his job and had the necessary abilities and skills, he was expected to produce. In other words, the ability to produce was directly related to the skills and abilities which the employee possessed. Recruitment in the early days of law enforcement, for example, reflected this concept. Those men with the most skills or who possessed attributes to do the job were selected. Thus, police officers in the nineteenth century were selected for their size primarily, as size was considered to be directly related to the ability to perform as a policeman.

No one can deny the importance of skills and abilities when it comes to getting a job done. But when a supervisor is dealing with subordinates, an intangible factor of will to perform is brought into play. This gives rise to one of management's greatest problems, **MOTIVATION.**

Motivating Employees

We know that **motivation is one of the most important elements of job performance.** An employee's technical ability will not be the sole determinant of a supervisor's success. It takes both technical ability and motivation to achieve performance and productivity.

The motivational process has its basis in behavior which is **goal directed;** that is, the behavior is directed toward satisfying a need or desire (of the employee). Some needs are held in common by all employees (e.g., the need for water, food, and shelter), some arise from our surroundings, some are related to people, and some relate simply to one's self. We are motivated to do something when we have a need, and we usually attempt to satisfy the strongest need first. For example, if we have two needs—hunger and thirst—and we are offered a bit of food and a glass of water, we would take the drink of water first, since thirst is a stronger need than hunger.

Frederick Herzberg and his associates, in their 1959 book, *The Need To Work*, summarized 16 studies of a large group of workers analyzing what job factors are most important to them in terms of job satisfaction or dissatisfaction. These studies are

particularly important to the supervisor to help him understand what factors employees consider to be the most necessary for job satisfaction. Employee opportunity for advancement, intrinsic aspects of the job, and working conditions are examples of factors which vary widely in their importance, according to Herzberg's research.

From his research, Herzberg formulated a **motivation-hygiene theory**, which can be summarized as follows:

1. **The Motivators**

- A. Some job factors, when present to a positive degree, increase satisfaction from work and motivate employees toward superior effort and performance.
- B. But when they are absent, these factors do not lead to dissatisfaction.
- C. These factors reflect a need for personal growth and are directly related to the job.

2. **The Hygiene Factors**

- A. These factors, to the degree that they are absent, increase the dissatisfaction of workers with their jobs.
- B. When present, these factors serve to prevent job dissatisfaction but they do not result in positive satisfaction and motivation.
- C. These factors reflect a need for the avoidance of unpleasantness and are related to the context of the job, i.e., its environment.

Herzberg and his associates concluded that **achievement, recognition for achievement, the work itself, responsibility, and advancement were the key factors in increasing job satisfaction and motivation in their respondents.** These were examples of good motivators.

Salary was also reported to be significant in job satisfaction. However, it was considered to be a hygiene factor. Among the hygiene factors (i.e., factors which lead to dissatisfaction if they are absent but which tend not to contribute to satisfaction and motivation), were company policy and administration, technical supervision, salary, working conditions, and interpersonal relations. These were the things employees cited as poor motivators.

As a supervisor, it is important that you understand the connection between the needs of employees and production. Douglas McGregor, a specialist in administration and management, introduced a connection between basic human needs and work. McGregor summarized the needs of employees as follows:

- 1. **Physiological Needs:** Man usually satisfies his physiological needs if he can remain gainfully employed. The motivator is that he must eat, be clothed, and lead a physically comfortable life. He is motivated to come to work. However, physiological needs do not usually give the worker the motivation to improve his job, to seek advancement, or work for organizational goals.
- 2. **Security Needs:** This need usually takes the form of job security. Labor unions are the usual results of em-

ployees trying to fulfill this need. Fringe benefits also help fulfill our need for security. Many people in mundane jobs will perform their job for years to meet a security need, such as a pension and liberal retirement benefits.

- 3. **Social Needs:** Social needs are quite obvious. In the work place, for example, we are all aware of special or informal work groups and cliques of employees. By membership in such groups, these employees are satisfying their social needs. An informal performance agreement or standard can be set by the work group, and no one in the group will exceed the standard or under-perform. People are motivated to abide by the informal production standard because of their need for social acceptance by their co-workers.
- 4. **Ego Needs:** Showing up for work or coming to work and engaging in social activity usually does not satisfy the individual's ego—or self-esteem—needs. This need usually is exhibited when people seek advancement, recognition, and greater responsibility. These people take pride in a good performance, maintain a well-groomed appearance, and want to move up the ladder of the organization. If their particular position in the organization provides none of these need fulfillment opportunities, then they will be very dissatisfied employees.
- 5. **Self-Fulfillment Needs:** People will meet these needs by setting or creating personal challenges for themselves, and work toward fulfillment. In the work place, many times it is difficult, especially in para-military organizations such as sheriffs' departments, for workers to satisfy these needs. But these needs can be met if employees are given opportunities to set their own goals, develop creative thinking skills, improve their work habits, and see things change in the organization because of their own personal efforts. To help employees satisfy these needs, motivation is the supervisor's most important tool.

Incentives are tag-alongs to motivation, but they are not the same. For instance, motivation is the study of why people behave as they do, or what is the internal, compelling force that makes a person, do, feel, or want something. Incentives are the external compelling forces that make people do, feel, or want something. Since we each have control over ourselves and our feelings, the external trigger, incentive, acts on the internal control, motivation. **Incentives trigger or impel a person to act or not act.** As a supervisor you must endeavor to determine the motives of employees and apply specific incentives to encourage employee behavior which will enhance greater job performance and productivity.

There are two tools that the supervisor can use in his endeavor to motivate employees to greater performance: **extrinsic incentives and intrinsic incentives.**

Extrinsic Incentives: These are the **traditional incentives** in many organizations, such as salaries, fringe benefits, opportunities for promotion, furnished uniforms, assigned automo-

biles, etc. **Money**, of course, is the primary extrinsic incentive. As the saying goes, "If I didn't get paid, I wouldn't work here." However, there is not a consensus among researchers of the value of the money incentive as a motivator for increasing productivity. It is true that if a person is not provided a fair wage, then a supervisor will be unable to motivate him to greater productivity. Few people will remain in a job long if they are able to secure a better paying position elsewhere. The general agreement is that money in itself is relatively ineffective as an incentive to greater productivity.

But man does not work solely for money. Two of man's primary needs—those dealing with his physiology and safety—are satisfied largely by money and fringe benefits. Therefore, as these needs are satisfied, they no longer become the prime motivator, and they no longer are the incentive for better job performance. At this point then, the supervisor must turn his attention to man's higher level needs—the social, ego, and self-actualization needs as motivators for increased job performance.

Behavioralist Herzberg's extensive organization and motivation research helps to clarify our understanding of what the motivational effects are of incentives. Herzberg classifies all of the extrinsic incentives as major sources of job dissatisfaction. If these incentives are not present, or if they are present but not in the proper amount, then poor performance and job dissatisfaction will appear in the employee. If they are present, they do not motivate the employee to better performance, but are merely accepted by him.

Intrinsic Incentives: If, as Herzberg contends, the extrinsic incentives are not absolute performance stimulators, what type of incentive does appeal to the higher order needs of our employees? In other words, **provided that all the external rewards are met, how do supervisors motivate beyond the material needs?** This question is very important for the supervisor of today, especially in our affluent society, and when many workers have a certain amount of protection by unions and professional associations.

A supervisor—at least the effective supervisor—must find incentives that lead to satisfaction for his employees. These incentives must satisfy the employee's ego and self-actualization needs. Once the supervisor finds these incentives, then they will become very useful motivators because the ego/self-actualization needs seldom are fully satisfied.

Intrinsic incentives usually are characterized as being **non-material psychological needs**. Therefore, intrinsic incentives must be found to stimulate greater performance and productivity. Many times, though, the most important intrinsic incentives are those that come from the job itself. For example, this occurs when an employee is working on an unusual or interesting and challenging task, or when he recognizes that he is working at his fullest capacity. **Realizing achievement gives satisfaction in and of itself.** This type of satisfaction, according to Herzberg, is the prime source of motivation. It will be followed by maximum performance and productivity.

Since intrinsically-induced motivation is derived from the job itself, supervisors should direct their efforts toward the con-

cept of **job enrichment**. This simply means designing work tasks so that job satisfaction comes from doing the task itself, not from any material rewards. A well-designed or enriched job is first and foremost a complete piece of work; it has an identifiable beginning and end. It is obvious, then, that task specialization flies in the face of this concept, and should be avoided whenever possible.

Additionally, an enriched job is one in which the employee has as much decision-making control over how to carry out the job as possible. Thus, supervisors should assign jobs to be as unstructured as possible so that the subordinate will have some discretion about how the task will be accomplished, with, of course, an acceptable result. This process will then change the employee from a passive follower of instructions who is programmed to perform a task (robotic), to a satisfied employee who is permitted to actively initiate and carry out an assignment.

Lastly, an enriched job is one in which the individual frequently and regularly receives feedback on his performance. It is important that the supervisor help the employee exploit his abilities in decision-making and task performance by constantly providing guidance and counseling in the performance evaluation. Only in this way can the good supervisor provide the employee with the most interesting and fulfilling work possible and utilize the greatest amount of the employee's competence and talent to achieve the most effective job performance.

The most competent supervisors will understand that we must continue to use extrinsic or material incentives because of our traditional custom of measuring value and work. However, we must think in terms of using both intrinsic and extrinsic incentives to enrich the job satisfaction of our employees. Only in this way can we encourage and motivate our subordinates to achieve personal and rewarding experiences in their jobs. Only then will we improve their job performances and enable our work units to achieve maximum productivity.

Case Study 2:

Rattlesnake County Sheriff Ted Bradley recently hired Dr. Patricia Brilliant as director of planning and research, a newly created position to help move the Sheriff's Department forward into the twenty-first century. She obtained her doctorate in public administration a month ago from the University of Texas and wrote a dissertation on jail management that was widely acclaimed in the academic world. However, she has never actually worked in a jail or law enforcement agency; all of her previous work experience was in the State Department of Social Services.

After evaluating the job descriptions of all jail employees, Director Brilliant decided that work could be accomplished more efficiently and with more accountability if all line officers performed a very narrow range of tasks, and did not deviate from those tasks. Under the current system, which has been in use for 20 years, lieutenants and sergeants, using their discretion and assessments of their employees' individual skills and abilities, give line officers a variety of tasks to make the work more interesting and challenging. For example, two officers who are both effective teachers have been encouraged to share a shift in which they alternate cellblock patrol with instructing in the training academy whenever there is a recruit or in-service training program in progress; one officer patrols in the morning while

the other officer teaches a class in his area of expertise. After lunch the two officers switch jobs.

But Director Brilliant argues that this system is basically "unworkable and violates the principles of good management." According to her, "good management demands task specialization and patrol officers should be assigned strictly to cellblock patrol."

As a veteran sergeant, do you agree with her? How would you present a case to Sheriff Bradley that this system she wants to institute may eventually damage the morale of the employees you supervise?

USING COMMUNICATION TO MOTIVATE EMPLOYEES

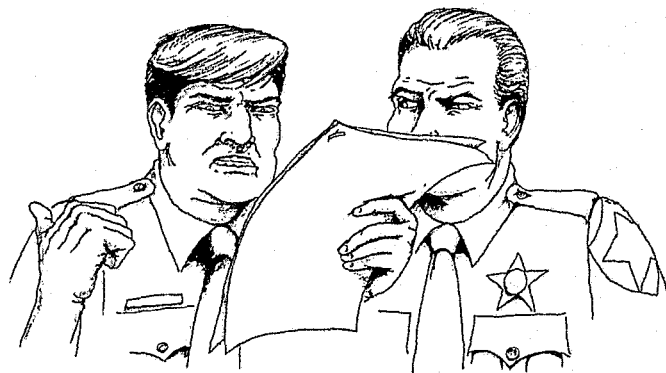
Communication is an essential tool in the supervision of others. It is particularly important in directing operations. But it is also an essential ingredient of the job performance evaluation process. As we direct our employees and give them feedback, the importance of good communication becomes even more critical.

Good communication has been defined as the **interchange of thought or information to bring about mutual understanding and confidence or good human relations.** The term "human relations" most assuredly includes good supervisor-subordinate relations. **Communication is an exchange of facts, ideas, opinions, or emotions between two or more people.** It is also a means by which behavior (job performance) is modified, change is effected, information aids productivity, and goals (personal and organizational) are achieved.

Communication is used to change behavior. For instance, the sender has an idea he wants to convey to the receiver, so he develops a message. The sender then encodes (speaks or writes) the message and transmits it to the receiver. The receiver recognizes the words or symbols and decodes them into what he perceives to be the meaning of the idea. He reaches an understanding of what he received. Is it the same idea the sender conceived and sent? There is no way of knowing unless there is "feedback" between the receiver and the sender.

Let's look at a few examples. Consider the word "base." To the soldier, it is a place of assignment. To a baseball player, it is a position of play on the field. To an architect, it is that part of a column on which a shaft rests, and to a chemist, it is that part of a compound which reacts with an acid to form a salt. Another example is the word "run." To a woman, a run in her stocking could be a social catastrophe. To the person trying to make it to the airline departure gate in time, "run" is a tiring but necessary means of movement. To the ballplayer, "run" means the difference between winning and losing.

The average person has a vocabulary of 2,000 words; about 500 of these words are of common usage, but these 500 words have approximately 14,000 different meanings. With these many variations in the meanings of words, it's not difficult to see why there is a great possibility that communication will break down. This is especially true in a workplace that produces stress, such as a jail.



Some Principles of Effective Communication

For good communication to take place:

1. **The receiver must be tuned for reception.**
2. **The transmitter must be tuned for sending and must choose the best wave length (means).**

Too many supervisors seem to have faulty theories about how to communicate effectively. Among these faulty theories are: **the decibel, the sell, and the minimal information.**

The **decibel theory** means that the receiver will receive the message clearly if the supervisor states his message loudly and often. Many times parents are guilty of communicating in this manner—sometimes with little effect. The truth of the matter is that shouting only makes poor communication louder.

Then there is the **sell theory, which puts the total burden of communication on the sender.** It assumes that influence is a one-way process: the sender is selling and the receiver is buying. The receiver is not given an opportunity to ask questions, to obtain clarifications, or to object to the message he is being sold. This method of communication greatly reduces the chance that the receiver will understand the idea that the sender is trying to communicate to him.

Finally, there is the **minimal information theory, which is in common use in the military and paramilitary organizations.** With this method, the sender tells the receivers only what they need to know in the mistaken belief that there will be few objections raised, no need to ask questions, and no opportunity or need to make any negative judgments. This theory usually is applied by those supervisors who are insecure, who lack knowledge themselves, or who have little respect for their subordinates.

There are several systems of communication. The **formal system** utilizes orders, memos, and other official channels of communication in the organization.

The **working relationship system** is the method employed for the majority of communications within an organization. This system is familiar to all of us, since we use it many times each day. It is our on-going communications among and between supervisors, subordinates, and peers or fellow-workers while on the job. There are times, however, when this system should not be used; examples where it is necessary to revert to the formal system include the need to document security problems in the

jail; the need to request necessary equipment via a written memo; and the need to write a report regarding a counseling session with a subordinate in order to maintain a record.

There is also the **informal system**. This system does not involve work-related information only. Rather, it is based upon friendship. This system is used among officers who joke and banter with each other and is necessary to develop harmonious working relationships.

Another system of communication is the **external communications system**, which involves the exchange of information between the jail and the "outside world." With this system, jail personnel are constantly in the process of providing information to and receiving information from other criminal justice, governmental, and social service personnel, citizens, and relatives and friends of inmates. It is necessary that the agency administrators realize the importance of this system in projecting to the public the "image" of the agency.

Finally, there is the **grapevine system**. The information exchanged through this system usually takes a negative form which could have—and often does have—a devastating effect upon the agency. For instance, rumors, slurs against individuals or components of the agency, cartoons, and locker room gossip can all negatively affect employee morale. This grapevine system of communication is informal and difficult to control.

How does information "flow" in an organization? It flows like ink spilled upon a newspaper: downward and upward and sideways. **Downward and lateral movement** is that information which is provided as decisions and orders by means of official channels of communication. It is a very time-consuming process. The recommended means of downward communication by management experts is the staff meeting since this provides a direct output by the administrators and an opportunity for feedback from the staff.

The **upward flow** of information is very important to feed communication from the lowest level employees in the organization to the command staff. However, with this upward flow, the danger exists that there could be excessive screening of information. To avoid this problem, supervisors should guard against "sitting on" information that should be passed upward. It is important in good management that feedback be available from the line employees to the command staff and supervisors should not become "plugs" to stop this feedback.

There are several barriers to good oral communication, especially in the context of employee job evaluations. Since interviewing and counseling are important parts of the evaluation process, **communicating effectively is absolutely necessary to a successful evaluation system**. But what are these barriers we must avoid? They include:

1. **Hearing what we expect to hear.** We often have preconceived ideas of what people really "are" saying. When conducting employee evaluations, the evaluator tends to hear from the employee only what he has zeroed in on. The employee tends to hear only those evaluative comments that he wishes to hear. For example, if the

employee believes the evaluator has a negative attitude toward him, then he will hear only negative remarks.

2. **Different perceptions.** How many times have you heard the story of the traffic accident that was witnessed by four people standing at an intersection? Since each person viewed the accident from a different perspective, each of them saw a different accident.
3. **Fear.** Fear of full disclosure or fear of rejection of information is a major roadblock to the passing of information, especially between levels of authority in an agency. Subordinates are fearful of rejection by their superiors. Thus, they often make judgments in communication based upon fear.
4. **False expectations.** The supervisor may give a subordinate an assignment, e.g., telling him to appear in court with a witness. So many things in this type of communication are left unsaid; however, the superior erroneously assumes the subordinate knows exactly what he means. Yet, the officer asks himself the following questions: Am I to be in uniform? Am I supposed to be a witness? Who provides for the transportation and summoning? Thus, it is clear that false expectations lead to uncertainty—and to mistakes.
5. **Channelization of message.** In oral communications, there is an estimated 30 percent loss of information in each transmission. Equally as critical is the loss of retention of information that is received orally.

With these problems, it is no wonder that orally transmitted orders often fail to be carried out properly. Also, if all communications in your agency were transmitted by posting them on bulletin boards, how many messages would not be read? The failure of all employees to read posted written information also has an equal in oral conversation. Have you ever transferred information orally to another person and become aware that you weren't being heard? We can overcome barriers to oral communications by using the following methods:

- A. Employ feedback (two-way communication);
- B. Listen with a "third ear" to try to deduce the real message;
- C. Adjust our rate of speaking;
- D. Use face-to-face communications;
- E. Be sensitive to the world of the receiver;
- F. Time messages carefully;
- G. Reinforce words with action;
- H. Use direct, simple language; and
- I. Use the proper amount of redundancy (repeats).

Motivate, Don't Push

For the supervisor, **improving personnel relations is tantamount to improving production**. "Personnel relations" is a somewhat overused and nebulous term in that its definition is

not clear. **"Personnel relations"** are those relationships the supervisor experiences with his employees or employer that relate to the personnel function, i.e., employment, insurance benefits, and the promotion process. Maintaining effective personnel relations is an important function of the supervisory role, and is one that each supervisor should work at mastering.

It is the duty of the supervisor to ensure that employee frustrations are addressed and reduced. Employees who feel unsatisfied with their jobs can be having several frustrating experiences, and it is necessary that these problems be discovered and reduced by the supervisor. Many times, poor supervisors will encourage employee frustrations because the supervisors do not understand the relationships which must be established and maintained with employees. Job frustrations common to jail employees include lack of recognition, an inability to seek promotion, roadblocks, hindering feedback, work overloads, and a variety of problems which reduce morale.

Supervisors must not ignore those employees who exhibit frustrations. Interviews and one-on-one conversations with these troubled employees should be arranged as soon as possible. If the supervisor has been able to build good personnel relationships with his employees, then he should be able to reduce frustrations and the degeneration of morale.

The building blocks to good employee relations are not wholly based upon a foundation of high salaries and/or benefits. As we have discussed earlier in this chapter, the satisfaction of employees is not totally controlled by intrinsic benefits.

Good supervisor-employee relationships must begin by building a bridge of trust, honesty, and reliability. The employee must trust that the supervisor will not "use" him. There must be total honesty in evaluation and job performance interviews. And the supervisor must be reliable; employees should feel that he is consistent in his treatment of all employees. There should be a recognition among the employees that the supervisor is fair, honest, and equal in his dealings with all of them. It is a difficult task for the supervisor, but one that is necessary to ensure that all employees are satisfied with their jobs. If the supervisor performs this task effectively, there should be high levels of production.

DON'T PUSH; MOTIVATE! "Lead; don't push!" There is a term used to describe the externally imposed "generator" of action that will surely lead a supervisor to failure. In our quest for motivational tools, we should examine the most often used (and misused) direct method approach. It is called "Kick Him In the ___," or **KITA**. There are many forms of KITA:

1. **Negative physical KITA.** This is the literal application of the kick to motivate. Of course, it has some drawbacks. It is not elegant. Nor is it nice to treat a fellow employee that way. It stimulates negative feedback in the most physical terms—kick-backs. It could easily result in a lawsuit, the scourge of our profession. In this day of using psychological methods to supervise, it is unnecessary to use the physical KITA method.
2. **Negative psychological KITA.** This type of KITA

really only accomplishes one thing: the supervisor is motivated and the employee moves. The sought-after effect is to have the employee motivated to perform, so this particular motivator is not really usable.

3. **Positive KITA.** It has been said that negative KITA is rape while positive KITA is seduction. Positive KITA is the system of giving employees rewards, incentives, stroking, feedback, and all the right and good things of positive supervisor-employee relationships.

Physical or negative psychological KITA is similar to having a battery that doesn't keep its charge. Every time you want to start the car, you must jump-start. However, positive KITA is the same as a fully charged battery that holds its charge. It never requires a kick.

What are some **positive personnel motivators** that can be used? The following methods often are effective:

1. **Removing some controls while retaining accountability.** This method involves giving the employee responsibility. Thus, when he completes the job well, he has a sense of personal achievement.
2. **Increasing the accountability of an individual's own work.** This method gives the employee responsibility and recognition.
3. **Giving the employee a complete natural unit of work.** This method provides him with responsibility, achievement, and recognition.
4. **Granting additional authority to an employee in his activity—or job freedom.** Here again, this method gives the employee responsibility, achievement, and recognition.
5. **Making periodic reports directly available to the worker himself.** This method gives the employee a sense of internal recognition.
6. **Introducing new and more difficult tasks not previously handled.** This method enables the employee to grow and learn.
7. **Assigning individuals specific or specialized tasks and responsibilities.** This method provides the employee with an opportunity for responsibility, growth, and advancement.

These changes should not be made all at the same time. To motivate employees, start with item one, and add each subsequent motivator as the previous one is achieved successfully by the employee.

The function we are exploring here is **job enrichment**. Job enrichment is an on-going program, but if it is completed successfully, it will provide continuing benefits for the employee, the supervisor, and—ultimately—for the agency. Motivation is the responsibility of the supervisor. To ignore or relinquish that responsibility is to deny that the supervisor is accountable to the organization for the performance of his employees.

PLANNING, ORGANIZING, DIRECTING, AND COORDINATING HUMAN RELATIONS

A supervisor's function is to practice in the field of human relations. Regardless of the technical skills that he may exhibit, it is the primary responsibility of the supervisor to get the job accomplished in his particular area of responsibility in the organization. To do this, he must motivate and lead the employees in his sub-unit to accomplish the tasks assigned to his group. Therefore, in all activities, there is a need for the supervisor to plan, to organize, to direct, and to coordinate the functions of his sub-unit.

Every organization, regardless of its size, needs and utilizes planning—whether it is recognized as planning or not. The volume of planning and the form it takes may differ, but the basic concepts are the same. **Planning is a continuing and on-going exercise** because no situation or function remains static. Manpower needs, operating budgets, calls for service, and the variables of the workload—especially in a jail—change over time. Just as communities change as time goes by, so too does the workplace change—in personnel, duties, responsibilities, resources, and functions. Planning is the **bridge of continuity** as these changes occur.

Planning is the visualization and the determination of a course of action toward some objective. In planning, the supervisor must determine what is to be done, when it is to be done, who will do it, and how it is to be done. All planning is not done at one time. Rather, it is a continuing process. Planning is the anticipation of the future, the analysis of strategies, and the implementation of the strategy which has been chosen.

Once the requirements to implement the plan are determined, then the supervisor must organize the implementation. The implementation may simply involve beginning a response to the plan. However, depending upon the complexity of the plan, implementation may require an ongoing commitment of resources. Thus, organizing your resources to implement, directing their implementation, and coordinating their implementation also is a continuous action.

The total continuum—planning, organizing, directing, and coordinating—is, or may be, a long-term project, requiring time, human and material resources, and the supervisory skills necessary to motivate and guide employees toward the goal of the plan. Planning, regardless of how well thought out or how well meaning the process has been, may be influenced or changed. There are external and internal forces that will influence your project.

In terms of human relations, the influences affecting any plan are as variable as the number of employees. Individual employee abilities, prejudices, and needs each will influence the implementation of the plan. To insure that you successfully reach the goals of your plan, you should provide your employees with an opportunity to make suggestions at all stages of implementation. During the planning stages, the employee can supply you with valuable information. While final decisions rest with the supervisor, those decisions should be made after the subordinates have provided feedback.



“GOOD LEADERS ARE MADE, NOT BORN.” Do you believe that? Can you imagine the problems we would have if the opposite were true? Good leadership doesn't just happen; it requires time to be developed, effort, dedication, sweat, pride, intelligence, humility, skill, and—most important—human understanding. Some of the **requirements for good leadership** which the supervisor must learn include:

1. **LOYALTY:** Faithful adherence to a person, government, cause, or duty.
2. **PATIENCE:** Steadiness, endurance, or perseverance in performing a task.
3. **INTEGRITY:** The quality of being of sound moral principles, upright, honest, and sincere.

Understanding what these leadership qualities mean is where the easy part stops. The first line supervisor and middle manager have a difficult task facing them as they try to adhere to these three traits, simply because of their positions in the hierarchy of the organization. Loyalty for the supervisor flows up to his own supervisor and downward to his employees. When supervisors get into trouble for being disloyal, it is usually because they have lost their personal integrity. Patience with employees hinges upon loyalty and integrity. All three traits are interwoven into the very fiber of a good supervisor, with all three dependent upon the others.

It is important that the supervisor constantly demonstrate loyalty, patience, and integrity to his employees, since it is the supervisor who is responsible for instilling these traits—in fact, demanding these traits—in subordinates. The exercise of loyalty, patience, and integrity by supervisors results in teamwork, harmony, and respect. If the supervisor can instill teamwork, harmony, and respect within his organizational sub-unit, then his unit will be well-oiled and smooth running—an example of good leadership.

SUMMARY

1. Personnel performance evaluation is as important to job performance as the heart is to life.

Performance evaluation is the process of analyzing and assessing the quality and quantity of an employee's performance on the job within the framework of the goals of the department and the individual task description. The objectives of the job performance evaluation are to:

- A. Keep employees informed as to what is expected of them and how well they are meeting these expectations;
- B. Recognize and reward good work on the part of employees;
- C. Recognize weaknesses in employees so that they can be corrected;
- D. Recognize strengths in employees so that they can be built upon;
- E. Identify employees who profit from specific types of training and identify general departmental training needs;
- F. Provide a continuing record of an employee's performance;
- G. Guide decisions in matters of promotion, transfer, suspension, termination, and other personnel matters;
- H. Verify existing performance standards;
- I. Check the accuracy of existing job descriptions or classifications; and
- J. Verify the accuracy of recruitment and selection procedures.

2. There are several different types of performance evaluation systems available. But, no matter which method the sheriff's department or detention center chooses, certain requirements must be met before an evaluation system is implemented. These pre-requisites include: a clearly defined organizational goal, a written description of the particular employee's job, and a standard of performance for the job.

Among the currently used types of employee performance evaluation systems are:

- A. The graphic rating scale, or chart method;
- B. The rank order method;
- C. The forced distribution method;
- D. The paired comparison method;
- E. The critical-incident method; and
- F. The forced choice rating.

Supervisors who evaluate employees must be aware of the positive and negative aspects of each type of rating system and should choose the system which will present the least amount of problems in their particular agency. An essential component of the evaluation system—if the system is going to be effective—is the provision of feedback to the employee whose performance is being assessed. It is extremely important that supervisors control the rating process, not turn it over completely to the employee's peer group.

3. An effective evaluation system is one which can be used to motivate employees to improve their job performance.

First line supervisors are the most important "cogs" in the jail's organizational structure. But to be effective, the supervisor must have "people" skills—there is a great difference between knowing how to perform the various jobs in a unit or agency and having the ability to get employees to perform those same jobs. Productivity is the supervisor's responsibility, and his alone. To achieve productivity, the supervisor must know how to motivate his employees to improve their work performance. Motivation is the supervisor's most important tool.

4. The most necessary device for motivating employees to perform is good communication skills.

Communication is an essential tool for the supervision of others; it is used to change behavior. For effective communication to take place, the receiver must be tuned for reception and the transmitter must be tuned for sending via the best "wave length." There are several systems of communication which are used in jails, including:

- A. The formal system;
- B. The working relationship system;
- C. The informal system;
- D. The external communications system; and
- E. The grapevine system.

A supervisor must be aware of the many barriers to effective communication with subordinates and take steps to remove these barriers. Good supervisor-employee relationships begin when the supervisor builds a bridge of trust, honesty, and reliability. An effective supervisor motivates—he does not kick or push.

5. An effective supervisor plans, organizes, directs, and coordinates human relations.

CHAPTER TEN

PERSONNEL SUPERVISION: EMPLOYEE DISCIPLINE AND COUNSELING

Knowing how to effectively discipline and counsel subordinates is one of the most important responsibilities of the first line supervisor. To be effective at this task, the supervisor must have a good working knowledge of employee discipline and counseling procedures.

The reasons why every jail must have established procedures for employee discipline and counseling are not difficult to identify. It is much easier for the sheriff's department to achieve its goals and objectives when proper employee discipline and counseling procedures are used to improve the performance of each employee. If the supervisor fails to correct the inappropriate behavior which employees sometimes exhibit, and neglects to provide motivation and encourage self improvement, then the results will not only be detrimental to the employees, and perhaps the inmates, but also to the organization as a whole. And, as we have discussed in previous chapters, there are people who are most anxious to file lawsuits against you, the sheriff, and the county.

This chapter will discuss in detail the many aspects of employee discipline and counseling procedures. It will provide you, the first line supervisor, with an understanding of employee discipline procedures and show you how to implement an effective employee disciplinary program in your jail.

WHAT IS DISCIPLINE?

The word discipline originates from the Latin term *discipulus*, which means "a learner." **The concept of employee discipline can best be described as that training which develops proper self-control, character, orderliness, and efficiency of the employee.** It is the opportunity for the employee to learn how to improve himself and correct those traits and behaviors which are unacceptable.

The role of the line supervisor, then, is to use this concept to maintain an effective organization by developing and utilizing the potential each employee has for meeting the program objectives of the department. Maintaining proper discipline among employees is an essential responsibility of the supervisor.

There are many types of situations which require that some form of disciplinary action be taken by the supervisor. Some of the more frequent situations you will encounter might include:

1. Excessive absenteeism;
2. Excessive tardiness;
3. Disobeying established rules and regulations;
4. Defective and inadequate work performance;

5. Blatant insubordination in carrying out legitimate work assignments and instructions;
6. Improper personal appearance; and
7. Maintaining a poor attitude which influences the work performance of other employees.

Corrective action must be taken to get the employee to respond and learn the appropriate behavior. However, the primary purpose of employee discipline should never be for punishment or retribution. Rather, **disciplinary action should be structured so that the main goal is the improvement of the employee's future behavior and improvement in other members of the organization as well.**

Types Of Discipline

The jail supervisor should be aware that there are different kinds of discipline. In addition, there are several approaches that can be taken to minimize the need for discipline, as well as to modify employee behavior.

The **positive approach to discipline** can best be defined as that action implemented by the supervisor to prompt individuals to do what is expected of them. But then there are some people who do not respond to positive approaches. Thus, we also have available to us the **negative approach** to discipline, which is described as that action used to restrain employees from behaving unprofessionally or from implementing unacceptable work practices in the performance of their duties. Both methods can be used effectively by the supervisor to maintain the proper work environment in the jail.

The positive approach to discipline is certainly the more desirable. **Positive discipline can be maintained if the supervisor uses good management techniques to provide a continuous training program through proper supervision.** Some basic steps which can be taken by the supervisor to promote the positive approach to discipline are:

1. Management should develop reasonable rules and regulations for all employees to follow.
2. Post orders for each work assignment should be specific and defined clearly.
3. Standards of conduct should be developed for all employees.
4. Management should make an honest effort to avoid introducing too many rules which seem burdensome and unrelated to the job.

5. The effective supervisor will make certain that the rules are communicated and understood by his subordinates. Often, disciplinary problems are created as a result of misunderstandings and can easily be corrected through appropriate communication.

Employees who feel that the rules of the department are reasonable and easy to understand usually will observe them without question. **Discipline can be considered positive when employees willingly follow established rules.** The good supervisor will promote this aspect of discipline. When employees perform well, it is a good practice, as a supervisor, to comment on, praise, and recognize this performance. This will reinforce the positive approach of discipline and greatly reduce the need for implementing the negative approach.

The negative approach to discipline requires that some administrative action be taken against the employee for undesirable work performance or general misconduct. This action may be relatively minor (oral reprimand) or extremely severe (dismissal). The jail supervisor is directly involved in this approach even though most agencies do not delegate the authority to suspend, demote, or dismiss down to the level of first line supervisors. But the line supervisor usually is the observer and investigator of the disciplinary incident and may recommend to jail commanders that a specific disciplinary measure be considered.

When inflicting the negative aspect of discipline upon subordinates, it is most important that you remember several basic premises. Douglas McGregor, a management specialist, is credited with drawing an analogy between touching a hot stove and undergoing discipline. The "**Red Hot Stove Rule**" can be very helpful to the supervisor in understanding proper disciplinary procedures. This rule suggests that when you touch a red hot stove, your burn (discipline) is immediate, with warning, consistent, and impersonal. You can also apply these four aspects to the negative approach toward discipline.

A valuable lesson can be learned from the "Red Hot Stove Rule" in terms of developing proper disciplinary procedures for your jail. **If the employee knows he will be disciplined each time he violates a rule, and the supervisor will take a specific action, then the rule violation is less likely to occur.** If you tell your employees about this rule, they can learn several important lessons:

1. **The burn from touching the stove is immediate.** There is no question as to what happens when rules are violated. (The supervisor should administer discipline as soon as possible after the incident.)
2. **You had warning.** Since rules and regulations exist, you know what will happen if they are violated. (The supervisor should ensure that all rules are understood by his subordinates.)
3. **The burn is consistent.** Everyone who touches the stove will get burned just as everyone who violates established rules will be disciplined. (The supervisor cannot discipline some employees and ignore the same inappropriate behavior in others.)

4. **The burn is impersonal.** A person is burned for touching the stove and not because of who he is. (The same rule applies in disciplinary situations; favoritism and partiality are not shown.)

The "Red Hot Stove Rule" provides the jail supervisor with those management tools necessary to implement an effective disciplinary program.

Many agencies now provide what is generally defined as "**progressive**" discipline. Under this system of discipline, except for very serious breaches of security or employee wrongdoing, the individual is rarely discharged for the first offense. A progressive discipline process requires that the employee receive a more severe penalty each time that he is disciplined. Usually, the sequence under a system of progressive discipline begins with an oral reprimand and progresses to the written warning, suspension, and ultimately, dismissal.

The Range Of Disciplinary Actions

There are many disciplinary actions which can be used by the jail supervisor or administrator to reduce undesired work performance or employee misconduct. Several of the most common disciplinary actions are:

1. **Oral Reprimand:** The oral reprimand is, perhaps, the disciplinary method most often used by the jail supervisor. In this type of interview between the supervisor and the employee, the supervisor emphasizes the undesirability of the employee's behavior or misconduct. The supervisor should verbally present the facts in a straightforward manner and then give the employee an opportunity to comment. The employee should be told that the oral reprimand is a preventive measure which is being taken to correct his behavior before something more serious occurs.

For this type of discipline to be effective, the supervisor must stress that improvement is expected. He must also make it clear to the employee that if the undesirable behavior continues, then more stringent disciplinary action may be necessary.

It is also recommended that the supervisor use this opportunity to emphasize those positive characteristics of the employee—don't focus solely on the negative points, as this will leave the employee feeling as if his situation is hopeless. Emphasizing the employee's good points will show him that you, his supervisor, are interested in correcting his undesirable behavior, but that you also recognize his positive contributions to your staff or squad.

Even though this disciplinary measure is considered an oral warning, it is a good idea to document the proceedings, give the employee a copy, and retain a copy in the individual's personnel file. This will ensure that there is an accessible record of the incident for future reference if the employee fails to respond to this approach and continues the poor performance or misconduct.

Skillful supervisors usually can use the oral reprimand to correct minor employee deficiencies before they become more serious. It is important that the supervisor conduct the oral reprimand session (and other disciplinary action as well) in private with only the employee present; **never reprimand employees in front of their peers**, because such discipline generally is counterproductive with adults.

2. **Written Reprimand:** Written warnings are considered to be the first formal part of the employee's disciplinary record. These warnings are issued in the form of a "Letter of Reprimand" after discussing the rule infraction with the employee. The written reprimand should simply:

- A. State the facts as they occurred;
- B. Specifically identify the rule infraction;
- C. Address the corrective action to be taken by the employee; and
- D. Indicate potential consequences if the undesired behavior is not corrected.

A copy of the written reprimand will be retained in the employee's permanent personnel file and the employee will receive a duplicate copy of the reprimand. It is also a good practice to have the employee sign the bottom of the reprimand to acknowledge receipt of his copy.

3. **Reduction in Pay:** Reducing the employee's salary can be used for such offenses as tardiness from work or unexcused absences. Simply stated, the employee should not get paid for any unexcused absences. Although not directly identified as a reduction in pay, some agencies have withheld pay increases when the employee's work performance has been unsatisfactory. This procedure has been especially effective for the probationary employee and those agencies using the incremental salary adjustments over a period of time.
4. **Demotion:** The demotion of an employee is another form of disciplinary action which can be taken if deemed necessary. This disciplinary measure requires that the employee be reduced in rank and, ultimately, pay. Many agencies avoid this practice because it breeds dissatisfaction and discouragement in the employee and can be construed as a form of constant punishment for the individual. Generally, this method is used only in those situations in which an individual has been mistakenly promoted and is not capable of performing his job.

Demotions within the agency for disciplinary purposes generally will create a certain dissatisfaction for the demoted employee and may spread to other coworkers throughout the organization. It is for this reason that the supervisor should examine all other avenues of employee discipline prior to recommending demotion.

5. **Suspension:** The suspension of an employee for a temporary period is generally applied after other disciplinary attempts have failed to correct undesirable and unsatisfactory behavior. Suspensions sometimes are also nec-

essary for more serious rule violations and breaches of security.

Those employees who fail to respond to the oral reprimand or written reprimand often take immediate notice when they are suspended without pay for an extended period of time. This disciplinary measure, if used correctly, can salvage the employee from possible future discharge. Suspensions should be of short duration initially (one - three days), unless a serious rule violation has been committed.

6. **Dismissal:** The dismissal of an employee is the most drastic form of disciplinary action that can be taken. It is the ultimate penalty and should be used as the absolute last resort. Every effort should be made to correct the employee's unacceptable behavior, if possible, prior to taking this action. Of course, when a serious infraction occurs, it is sometimes necessary to dismiss the employee immediately. For example, if Officer Jones has been accused of using excessive force on one of the inmates, and this allegation is substantiated by an internal investigation, then it may be necessary to dismiss him.

As a general rule, **when the employee's actions increase the liability for the individual, his supervisor, and the agency, then dismissal is certainly appropriate and recommended.**

The discharge of an employee normally is used as a last resort for obvious reasons. The expense of losing an experienced employee sometimes can be very costly to the organization. Initially, all the training and invested time spent on the employee who is dismissed for disciplinary reasons is lost. The replacement employee will cost an equal amount of money and time to train. Due to the serious consequences of dismissal, supervisors should recommend this type of action only when it is explicitly needed.

NOTIFICATION PROCEDURES OF DISCIPLINE

Whenever disciplinary action is directly taken by the supervisor, or is recommended by him to a higher administrative authority, it is important that the supervisor **document the incident.**

It is also essential to **provide** proper notification to the employee who is being disciplined. Proper notification procedures for the disciplinary process should be spelled out in the agency's personnel manual. The supervisor should provide the employee being disciplined with:

1. An oral explanation of the disciplinary action, including:
 - A. A statement of facts;
 - B. Identification of all rule infractions;
 - C. Recommended corrective action;
 - D. An indication of potential consequences if behavior does not improve; and



- E. A description of pertinent appellate procedures.
- 2. A written summary of the disciplinary action, including a description of pertinent appellate procedures.
 - A. A copy of this document will be retained in the employee's permanent personnel file; and
 - B. A copy will be given to the employee and he will acknowledge receipt by signing and dating the report; this method of notifying the employee when disciplinary measures are necessary will ensure that a record is maintained for future reference, and that the employee thoroughly understands the reason for the disciplinary action.

Appellate Procedures

The right to appeal supervisory disciplinary actions should be incorporated into the agency's disciplinary process. Every employee should have the opportunity to appeal a supervisor's disciplinary action to higher management. Usually, higher management can be identified as the first line supervisor's immediate boss.

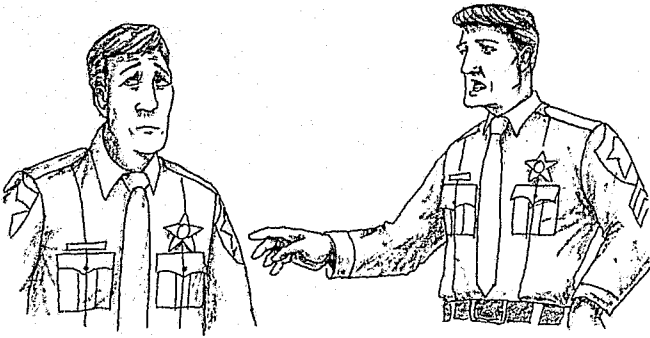
The right to appeal represents **due process** and provides an avenue for the employee to request a review of the disciplinary action. Management has an obligation to establish an appeals process, and to review all such appeals in a timely fashion. A supervisor's disciplinary action against an employee normally will be sustained by management if proper procedures are followed.

Appellate procedures should include:

1. The right of the employee to appeal in writing to the higher authority after the receipt of the written notice of infraction.
2. The employee is required to outline in writing those reasons why he disagrees with the supervisor's disciplinary action.
3. A formal appellate hearing will be conducted to review the employee's appeal:
 - A. Both parties (employee and supervisor) may call witnesses and present evidence;
 - B. Both parties may request that witnesses testify under oath;
 - C. Both parties may cross-examine witnesses and submit rebuttal information; and
 - D. Both parties may present summary arguments.

The appointing authority will then review those facts as presented at the appeals hearing and either uphold the findings, reduce the disciplinary action, or find in favor of the employee. As a general rule, the supervisor will bear the burden of proof during appeal procedures for:

1. Employee reductions in pay;
2. Employee demotions;
3. Employee suspensions; and
4. Employee dismissals.



In other words, the supervisor must have all the facts documented and substantiated when disciplinary action is taken.

Right To Privacy

Disciplinary action should always be administered by the supervisor in private. Many supervisors who are poorly trained in proper disciplinary procedures often make a serious mistake when they counsel subordinates in front of their peers. The following case study best illustrates this point:

Case Study 1:

Turkey County Jail Officer Reno Hetzel arrived for work approximately five minutes late and missed an important portion of daily roll call. Sgt. Tom Bull was giving roll call information to his staff when he noticed Officer Hetzel arrive late. Sgt. Bull immediately stopped his announcements and began disciplining Officer Hetzel in front of his peers. Sgt. Bull told Officer Hetzel that none of his officers would show up late for roll call and get away with it. Sgt. Bull continued to ridicule Officer Hetzel in front of the other officers and several officers began to whisper. Roll call ended and nothing else was said to Officer Hetzel.

The good supervisor will find many mistakes in the method used by Sgt. Bull to give an oral reprimand to Officer Hetzel, but one of the primary lessons to be learned is that discipline should be administered in private to be most effective. By ridiculing Officer Hetzel in front of other employees, Sgt. Bull lost a lot of respect from his employees. Officer Hetzel will most likely become resentful and probably will not respond favorably to Sgt. Bull's disciplinary methods.

Let's look at this case study again. The more appropriate method of giving the oral reprimand would be as follows: Sgt. Bull was giving roll call information to his staff when he noticed that Officer Hetzel arrived late. He continued to disseminate the roll call information. Upon completion of roll call, he told Officer Hetzel that he wanted to see him in his office. Sgt. Bull asked Officer Hetzel why he was tardy and Officer Hetzel said that he had overslept. Sgt. Bull explained to Officer Hetzel the importance of being on time for roll call and gave him an oral reprimand for being late. Officer Hetzel said he understood the warning and assured Sgt. Bull that this would never happen again. Which method of handling this situation would you choose as the most effective?

The purpose of discipline is to condition behavior and not to punish. The "good version" of Sgt. Bull took the time to counsel Officer Hetzel in private. He explained the problems

created by Officer Hetzel's tardiness and avoided the mistake of ridiculing the officer in front of others. Supervisors should make every effort to avoid disciplining subordinates in front of their peers. In addition, do not embarrass your subordinates in front of a group of your peers or command staff simply to make an impression that you are "the boss." You will not impress them at all; rather, you will look like a fool and your own insecurity will be apparent.

Rights Of Officers During Internal Investigations

When a serious incident (brutality, stealing property, drug trafficking, etc.) involving a jail officer occurs, it may be necessary to convene an **internal investigation board**. The purpose of the internal investigation will be to examine facts, review evidence, and interview employees involved in the incident.

It is essential that the members of the internal investigation unit recognize the **basic rights of the jail officer** so that **due process** can be provided during the proceedings. Whenever any jail officer is under investigation or subject to interrogation for any reason that might result in disciplinary action, demotion, or dismissal, then several conditions should be provided:

1. The interrogation should be conducted at a reasonable hour.
2. The interrogation should take place in a quiet and private room, free from such distractions as ringing telephones.
3. The employee being interrogated must be told who (name and rank) is serving on the internal investigative committee.
4. Prior to being interrogated, the employee should be advised in writing of the nature of the investigation.
5. Interrogations should be limited to reasonable periods of time and should allow for personal necessities and rest periods.
6. Members of the internal investigation board should not make any threats of transfer, dismissal, or other disciplinary action.
7. A complete record of the interrogation must be kept.
8. If it is likely that formal charges (criminal) will be brought against the employee, then he should be completely informed of all rights (Miranda Warning) prior to the beginning of the interrogation.
9. The officer under interrogation will be permitted to have a representative of his choice present during the interrogation unless he specifically waives this right.
10. The jail officer is expected to cooperate with the internal investigation unit provided that the basic procedures outlined above are followed.

The first line supervisor might find himself participating as a member of an internal investigation unit. If you are called upon to serve on such a board, it is very important that you recognize the basic rights of the individual who is being investigated and provide the employee with due process. If disciplinary action is

recommended in the form of dismissal, demotion, suspension, or loss of pay, then it is essential that the employee be advised verbally and in writing of the agency's appellate procedures. As a member of the board, you must refrain from discussing board actions with others, particularly members of the news media. It is the responsibility of the sheriff or jail administrator to make public announcements of the board's actions at the appropriate time.

INTER-RELATIONSHIP BETWEEN MORALE AND DISCIPLINE

One of the major concerns for every first line supervisor is the **morale** of his staff members. **Morale can be defined as a state of mind or emotions.** Employee morale is often measured by examining the attitudes of the employees toward work, the environment, the management, and the overall work force. A good supervisor is always conscious of the level of morale in his unit or squad because it affects employee performance and willingness to work, which in turn impacts upon each individual, as well as upon organizational objectives.

The inter-relationship between morale and discipline is very significant. Employees with high levels of morale usually find satisfaction in their positions, have confidence in their abilities, and are enthusiastically motivated toward accomplishing program objectives. **Normally, there will be fewer problems of discipline when morale is high.** Discipline can be viewed as positive when employees willingly follow the rules of the agency. Conversely, though, low morale within the organization usually leads to an increase in disciplinary problems among employees.

Every supervisor and manager should be concerned with the morale of the work force. High morale is best achieved when the supervisor, utilizing good human relations skills, interacts with his work force, providing:

1. Positive motivation;
2. Respect for each employee;
3. Effective leadership;
4. Good communication skills;
5. Participation in problem solving; and
6. Good counseling techniques.

The first line supervisor—more than anyone else—influences the level of morale in the jail. Good supervision usually makes the difference between low morale and high morale and, therefore, almost always dictates the level of discipline.

Importance Of Timing And Consistency

Timing and consistency are two very important aspects of discipline. The disciplinary process should begin as soon as possible after the employee commits the rule infraction or misconduct. The primary reason for this is to make certain the employee associates the disciplinary action with the undesirable behavior. Immediacy suggests that the supervisor, after noticing the rule violation, will investigate the incident and initiate appropriate disciplinary measures against the employee.

Consistency is another requirement of good disciplinary practice which should be used by the supervisor. Employees of an organization should realize that when a rule violation occurs, the supervisor will take disciplinary action in every case. This will ensure proper morale throughout the agency. **The supervisor will make a serious mistake if he fails to be consistent.** Inconsistent supervisors promote employee insecurity and anxiety. They also create doubts in the minds of the employees. On the other hand, by being consistent, the supervisor will be viewed by employees as treating them fairly in disciplinary matters.

Consistency does not imply that the same disciplinary action needs to be taken in every case, but only that disciplinary action will be taken. For example, three employees have been caught arriving at work late on the same date. Should each individual be disciplined in the same manner? Of course not. Although all three should be disciplined, one of the three employees has an extensive history of tardiness and has been issued several letters of reprimand. It would be appropriate in this case to suspend the one employee and orally reprimand the other two.

Sick Leave Abuse

A first line supervisor should be familiar with the sick leave policy of the department. Many agencies provide a specific number of paid sick leave days, recognizing that employees may suffer an illness or medical injury requiring some time off. This sick leave is sometimes abused. A case study is provided for the supervisor's review:

Case Study 2:

Tyrone McIntosh has been employed as an officer at the Palm Tree County Jail for five years. In the past 18 months, Officer McIntosh has been off sick on seven occasions; he used a total of 20 days of sick leave. While off sick, he has been observed shopping and riding around in his car. Most of these occurrences have been immediately prior to or after his regular relief days.

Officer McIntosh has been counseled by his supervisor, Sgt. Bobby Ray Beauregard, about the use of sick leave, but he has provided a medical certificate for the last three occurrences. Sgt. Beauregard is somewhat frustrated about Officer McIntosh's use of sick leave, especially since he has noticed an increase in comments from the other officers about what a sickly fellow McIntosh is.

After examining Officer McIntosh's most recent medical certificate, Sgt. Beauregard realized that the doctor's diagnosis of the illness was very vague. In addition, the medical certificate appeared to be somewhat unusual and was printed on a different form than that normally used by this same physician, who has several patients among the jail staff. Sgt. Beauregard is totally confused and somewhat concerned as to what action he should take.

How can Sgt. Beauregard determine whether an employee is really sick or abusing this privilege? Some suggestions which might help him include:

1. Employees who abuse sick leave will normally develop a pattern. These individuals may report off sick immediately prior to or after regular relief days; immedi-

ately prior to or immediately after a scheduled vacation; before or after a holiday; or immediately after pay day.

2. Employees who are usually too sick to report to work should be at home. If they are not at home, and are seen doing other activities around the community, then the individual may be abusing sick leave.
3. If the employee fails to provide a medical certificate for repeated uses of sick leave, then he may again be abusing this privilege. If the medical certificate appears to be a possible forgery, then the physician should be called for verification of his signature and the employee's illness.

Malingering

In examining the case study of Officer McIntosh, what steps can Sgt. Beauregard take to determine whether or not sick leave is being abused? How can he correct this problem by using proper disciplinary measures? Some of the solutions available to him are:

1. Sgt. Beauregard must monitor the sick leave use for each employee under his direct supervision. A record for each employee should be maintained and examined periodically to see if an abuse of the sick leave privilege is occurring.
2. On the third occurrence of sick leave in a 12-month period, the employee should be interviewed to see if there is a specific problem, chronic illness, or pattern of abuse beginning.
3. Sgt. Beauregard should attempt to identify specific problems during this interview.

Sometimes alcohol abuse and marital problems cause the employee to call in sick. Even good employees often experience problems of this nature and the supervisor should be alerted. If corrective action is taken early, then the employee's sick leave use will improve and he will revert to his good habits.

4. Sgt. Beauregard, as an effective supervisor, will utilize community resources to develop an Employee Assistance Program to assist those employees who are suffering from alcohol abuse, marital difficulties, or other problems. This action will perhaps provide an opportunity to correct the undesirable behavior of sick leave abuse. If the employee fails to participate, then his refusal can be documented and presented as evidence if it becomes necessary to file charges for dismissal.
5. If a pattern of abuse is suspected, then the supervisor may advise the employee orally of his suspicions.
6. If the sick leave use continues as in Officer McIntosh's case, then the supervisor may issue a letter of reprimand or written warning on the fourth occurrence of sick leave in a 12-month period.
7. As the sick leave use increases without substantial improvement, Sgt. Beauregard may require the employee to provide a medical certificate from a doctor substantiating the employee's illness. Usually this action will

curtail the use of sick leave.

8. Officer McIntosh provided the medical certificate as required. Sgt. Beauregard, however, was somewhat confused because the medical documentation was recorded on a prescription form. Sgt. Beauregard followed up by contacting the physician to see if, in fact, Officer McIntosh was under his care.

In this particular case study, Sgt. Beauregard contacted the physician to verify the information which was provided by the employee. In doing so, he discovered that the medical certificate was a forgery. Sgt. Beauregard secured a statement from the doctor affirming that the document was neither official nor accurate. Sgt. Beauregard then confronted Officer McIntosh with this information. Officer McIntosh admitted his guilt. Immediate charges were filed for dismissal. Based upon the good documentation maintained by Sgt. Beauregard, an undesirable employee, who had been given every opportunity to correct his abuse of sick leave, was finally dismissed for his fraudulent behavior.

You will most likely confront many scenarios concerning the use of sick leave. If you are going to be an effective supervisor, then you will **maintain a record of all employees' use of sick leave and provide supportive counseling in the early stages of excessive use to minimize the risk of sick leave abuse. A written record should be maintained.** Generally, those rules outlined in the McIntosh case study will be helpful to the first line supervisor in minimizing sick leave abuse.

GRIEVANCE PROCEDURES

One of the most appropriate channels to communicate employee dissatisfactions to management is an established grievance procedure which functions effectively. Grievances are likely to occur in any organization. When employees feel that an injustice has been done to them, an avenue to express their dissatisfaction is essential. Some grievances may be filed because of a flaw in existing policies or procedures or because of some injustices to the employees. Others, however, are totally ridiculous. No matter whether the grievance is serious or frivolous, they all require, initially, the attention of the supervisor. If the grievance is not settled at the supervisory level, it will be necessary to involve higher management.

The grievance procedure is a necessary avenue of expression for the employee. Usually, in those organizations where morale is low, where policies are not defined properly, and where good supervision is non-existent, more grievances are filed.

It is important when establishing policies and procedures for the grievance process that time frames are incorporated into the process; **for the process to be effective, employee grievances must be reviewed and settled as quickly as possible.** Normally, two weeks should be ample time for all parties to review the complaint and resolve the issue.

When the employee files a grievance, the first person to examine and review the grievance will be the first line supervisor. The supervisor should take immediate action to:

1. **Discuss the grievance with the employee.** The supervisor's role is most critical at this initial step. The employee will have the opportunity to present his complaint in detail to the supervisor. All pertinent facts and information should be gathered at this level so that the supervisor has a thorough understanding of the complaint.
2. **Investigate the details of the grievance fully.** The supervisor should thoroughly investigate all the facts of the grievance, examining existing policies and procedures and those guidelines directly related to the grievance.
3. **Settle minor grievances before they grow into major ones.** Often by discussing the complaint or grievance with the employee and investigating the facts of the case, the supervisor can resolve most grievances at the first level. If an injustice has been done to the employee, or there exists a flaw in the agency's policy and procedure, then it is the responsibility of the supervisor to resolve this issue. A simple explanation to the employee will often resolve the issue.

Every effort should be made to resolve the grievance at the supervisory level. This will not only enhance the effectiveness of the supervisor but will also minimize the need to involve higher management. An informal checklist for supervisors to follow when handling a grievance might include:

1. **Availability:** The supervisor should be readily accessible to any employee who wishes to file a grievance. A good supervisor is prepared to listen and makes it easy for the aggrieved employee to present his complaint.
2. **Be a Listener:** Give the employee every opportunity to express the grievance. Being a good listener indicates to the employee that the supervisor is being fair and impartial.
3. **Maintain Self-Control:** Employees sometimes will file grievances as a method of harassment. Ineffective supervisors sometimes become offended personally and react with anger. Make every effort to avoid a display of emotion.
4. **Take Appropriate Action:** After reviewing all the facts of the grievance, take appropriate action to resolve it.

If the grievance cannot be resolved at the supervisory level, then it will be forwarded to higher management. At the upper management level, officials will review those facts presented at the supervisory level and will listen to both sides. A decision will then be rendered to rule in favor of the supervisor's action, or to rule in favor of the employee and take immediate action to correct the grievance.

Supervisors who have thoroughly examined and reviewed those pertinent issues surrounding the employee grievance and taken appropriate action will be supported throughout the grievance levels. However, if a supervisor has been unfair in dealing with the employee and has acted inappropriately, then higher

management is likely to side with the employee. Good supervisors, therefore, will make a diligent effort at the initial step to resolve the grievance and prevent this.

In summary, grievances present an open channel of communication for the employee to express dissatisfaction with existing practices or procedures. Normally, the employee will feel that an injustice has been done. A grievance procedure is necessary for any organization, but good supervisory skills and the continuous encouragement of a high morale among staff members will quite often minimize the number of employee grievances.

Effective grievance procedures can often help the agency to correct some ill-defined or unacceptable policies and procedures. An effective grievance system enhances employee communication and should be considered as a problem-solving process for the employee.

COUNSELING PROCEDURES AS PART OF THE DISCIPLINE PROCESS

Counseling is a very important responsibility of the supervisor. The supervisor who can effectively communicate will be more successful in constructing proper employee attitudes. Some supervisors are viewed by employees as being tough, autocratic, and insensitive. Consequently, when counseling does become necessary, these supervisors are not particularly effective.

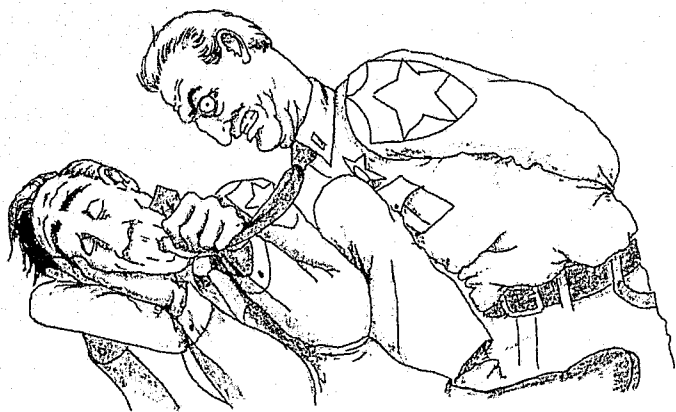
When counseling becomes necessary as a result of poor work performance or violation of department rules, then the supervisor must take **immediate action**. As indicated earlier, the counseling session should be conducted in private.

The first step the supervisor must take is to **discuss the nature of the difficulty with the employee**. This should be done as soon as possible after the supervisor observes the rule infraction or inappropriate behavior.

It is important that the supervisor also possess the attributes of a **good listener**. The employee's behavior may be a blatant violation of rules, or a simple misunderstanding of policies and procedures. All facts and pertinent information should be reviewed before any disciplinary action is taken. Discovering why employees are performing unsatisfactorily and helping them improve or correct their behavior are true assets of a counselor and effective supervisor.

After obtaining all the facts and reviewing the results of the investigation, the supervisor must **communicate to the employee the results of his findings**. As a counselor, it is often necessary to take a stern approach in counseling the employee to ensure that future improvement is achieved.

In any disciplinary process, if the supervisor can impress upon the employee—through good counseling procedures—that his behavior is not acceptable, then the employee will most likely respond. It is also recommended that the supervisor reinforce any positive attributes of the employee during the counseling session. This will reduce the negative climate which sometimes



permeates the counseling session. The following case study illustrates some proper counseling procedures:

Case Study 3:

Officer Steve Jones, assigned to the 12-8 shift at the Rattlesnake County Jail, has just been observed by Lt. Nancy Smith apparently sleeping on duty. Officer Jones has always been a dependable employee, has displayed good work habits, and has received favorable evaluations. Lt. Smith has a notorious reputation of being hard-nosed and a strict enforcer of rules. She is not well respected among the employees. Lt. Smith immediately had Officer Jones removed from his post. She told him that she is recommending a 15-day suspension. Several employees began to openly discuss the harshness of Lt. Smith's actions.

Did Lt. Smith serve as a good counselor and take the appropriate action? Let's review the same circumstances with a different supervisor. After discovering Officer Jones sleeping while on his security post, Lt. Bill Gorman relieved Officer Jones and had him report to his office. Lt. Gorman questioned Officer Jones about his actions. Officer Jones said that his daughter had been admitted to the hospital with appendicitis and he hasn't slept for 36 hours. He said he realized that staffing was limited at work and he didn't want to call in sick.

Lt. Gorman counseled Officer Jones and said that he understood his situation, but emphasized to him that a job needed to be done and sleeping while on duty is totally unacceptable. He further acknowledged the past dependability and good work habits of Officer Jones but pointed out that his recent behavior is creating some real security concerns. Lt. Gorman concluded the interview by giving Officer Jones an oral reprimand and sent him home to get some sleep. Officer Jones apologized for his behavior and commented that this would not happen again.

The comparison between the two supervisors is noteworthy. The first supervisor, Lt. Smith, made no attempt to investigate the incident or question Officer Jones. She failed to be a good listener and didn't even consider the excellent work record of Officer Jones. Employees had no great respect for Lt. Smith and her insensitive, autocratic approach to supervising. On the other hand, Lt. Gorman displayed some good characteristics of what a counselor should be. He listened, considered the employee's good work record, took appropriate disciplinary action, and, in all likelihood, resolved the problem.

At the same time, the employee being counseled learned a valuable lesson. In addition, the entire episode probably will have a positive effect on the other employees of the organization. Lt. Gorman will be viewed as a good counselor and effective supervisor.

How To Handle Goof-Offs

In almost every organization there will be an employee who will want to disrupt the orderly operation of the work force. Generally, fellow employees and supervisors call this person a "goof-off." His behavior is not only unacceptable, but if it is not corrected, then it can be extremely damaging to the morale of the organization.

When a supervisor sees the employee misbehaving, it is necessary to take immediate action. The behavior of a goof-off may include, but is certainly not limited to:

1. Loud and boisterous actions;
2. Telling offensive jokes;
3. Not following established procedures;
4. Ridiculing employees and inmates in front of others;
5. Sleeping on duty; and
6. Other unacceptable behavior.

When the supervisor observes any of the signals of this type of behavior, he should immediately interview the employee and discuss the matter before the poor behavior becomes habitual. The following case study examines the behavior of a goof-off and illustrates good supervisory practices.

Case Study 4:

Officer Tim Meathead was overheard by Sgt. Ignatius Ingram telling offensive jokes in the presence of female officers and inmates. Officer Meathead's jokes are particularly offensive and obscene to the female officers, who have complained about his behavior in the past. Sgt. Ingram decided to have Officer Meathead relieved and instructed him to report to his office. Sgt. Ingram questioned Officer Meathead about his offensive jokes. Officer Meathead explained that his jokes were "just in fun" and that females who work as jail officers should be used to this kind of behavior. Officer Meathead sees nothing the matter in telling a "humorous dirty joke" now and then.

Sgt. Ingram told Officer Meathead that several female officers have complained about the obscene nature of his jokes. Other employees have also commented and complained about Officer Meathead's behavior. Sgt. Ingram also told Officer Meathead that he, himself, heard one of the jokes and it was, in fact, offensive and obscene. Sgt. Ingram informed Officer Meathead that his actions will not be tolerated. Sgt. Ingram told Officer Meathead that he was being given an oral reprimand for his recent behavior, and if further complaints or future observations of this behavior occur, then more stringent disciplinary measures will be taken.

Sgt. Ingram's disciplinary action against Officer Meathead will hopefully have a positive effect and eliminate the unacceptable behavior. If such behavior is left uncorrected, then Officer Meathead, Sgt. Ingram, and higher management may have an EEO complaint filed against them. Such a complaint would be difficult to defend.

Supervisors should make an earnest effort to identify the goof-off and take appropriate action to correct his antics before he damages the reputation of the agency and its employees.

Sound Techniques Of Counseling

In reviewing the counseling methods of Lts. Smith and Gorman in Case Study 3, we can see examples of good and bad counseling. Several counseling techniques can be used to bring about proper employee behavior. The two most common techniques are referred to as **directive and indirective**.

Directive counseling can be explained as that style where the counselor (supervisor) defines the problem to the employee and controls the discussion of the counseling session. The employee will be given the opportunity to express his side of the story, but the supervisor will structure the counseling session. As in the example of Lt. Gorman, the directive counselor, after identifying the problem, will use various methods to advise, warn, exhort, and praise the employee in an effort to correct undesirable behavior. **The directive counselor assumes total control in this setting to resolve the conflict.**

Indirective counseling, on the other hand, directs the conflict resolution toward the individual. This technique emphasizes a belief in the person's ability to solve some of his own problems with the help provided by a good listener. An effective supervisor can often serve as an indirective counselor and resolve some of the employee's problems before they reach the stage of disciplinary action. The psychologist Carl Rogers divides the indirective counseling session into three parts:

1. The release of tension;
2. The development of insight; and
3. The formation of new plans and choices.

The supervisor must promote an open channel of communication when utilizing this technique. The employee is encouraged to evaluate his own behavior, develop a plan of action to eliminate the problem, and to make better choices. The supervisor, to be successful in this role, must also be a good listener.

The employee with an open channel of communication and a supervisor who is a good listener will often be able to resolve his problems before they become serious. The supervisor will be viewed as a facilitator in this role and can become effective in reducing the need for discipline. If the employee fails to respond to indirective counseling, it may be necessary to use the direct approach. The trained supervisor will be able to determine which technique works best to bring about the appropriate behavior of the employee.

SUMMARY

1. **To be effective at his task, the first line supervisor must have a good working knowledge of employee discipline and counseling procedures, since maintaining discipline among employees is one of his essential responsibilities.**

Positive discipline can be maintained if the supervisor uses good management techniques to provide a continuous training program through proper supervision. Discipline can be considered positive when employees willingly follow established rules. If employees do not respond to positive discipline, several disciplinary actions can be taken to reduce undesired work performance or employee misconduct. These actions include:

- A. Oral reprimand;
- B. Written reprimand;
- C. Reduction in pay;
- D. Demotion;
- E. Suspension; and
- F. Dismissal.

2. **Whenever disciplinary action is directly taken by the supervisor, or is recommended to a higher administrative authority, it is important that the supervisor document the incident. It is also essential to provide proper notification to the employee being disciplined. Proper notification procedures for the disciplinary process should be spelled out in the agency's personnel manual.**

Every employee should have the opportunity to appeal a supervisor's disciplinary action to higher management, and the employee's due process rights should be followed. Employees also have a right to privacy; therefore, disciplinary action should always be administered in private. Supervisors should also remember that the purpose of discipline is to condition behavior, not to punish. If it is necessary to convene an internal investigation board to take disciplinary action against a jail officer, it is essential for board members to recognize the basic rights of the officer and ensure due process during the proceedings.

3. **A good supervisor is always conscious of the level of morale in his unit or squad because it affects employee performance and willingness to work, which in turn impacts each individual and organizational objectives.**

The inter-relationship between morale and discipline is very significant. Normally, there will be fewer problems of discipline when morale is high. High morale is best achieved when the supervisor, utilizing good human relations skills, interacts with his work force, providing:

- A. Positive motivation;
- B. Respect for each employee;
- C. Effective leadership;
- D. Good communication skills;
- E. Participation in problem solving; and
- F. Good counseling techniques.

4. **One of the most appropriate channels to communicate employee dissatisfactions to management is an established grievance procedure which functions effectively.**

When the employee files a grievance, the first person to examine and review the grievance will be the first line supervisor. The supervisor should take immediate action to:

- A. Discuss the grievance with the employee;
- B. Investigate the details of the grievance fully; and
- C. Settle minor grievances before they become major ones.

CHAPTER ELEVEN

PRINCIPLES OF COMMUNICATION

When most people are asked to define the word "communication," they will tell you that it involves imparting or sharing information, thoughts, or feelings. However, **to be effective, communication must be received and understood.** If it isn't, the sender might as well be talking to himself. **One of the most vital skills correctional supervisors need to acquire is that of communicating well.**

According to *Webster's Dictionary*, communication is defined as: "the act or instance of transmitting," "information communicated," and "a verbal or written message." Perhaps a more conclusive definition is: "a process by which information is exchanged between individuals through a common system, using spoken and written words, symbols, signs, or behaviors."

A close cousin of communication is "**semantics**," which concerns itself with changes in the significance of words and their meanings. Historically, the meanings of words have changed from one century to the next; for example, up until the 1960s, the word "gay" meant gleeful, jovial, light-hearted, joyous, and lively, whereas now, in the late 1980s, this word often is used to designate a homosexual. Words can also have different meanings which are dependent upon the context in which they are used; for example, to an FBI agent, the word "field" means the area of jurisdiction in which he enforces Federal laws, while to a baseball player, the "field" is where the game takes place, and to a farmer, the "field" is something to plow.

Semantics play an intricate part in human communications. To quote an old adage: "**It's not what you say, but how you say it.**" Two people can quote the same sentences and words but be perceived differently by the listener. This differentiation in perception has to do with two specific entities—the **sender** and the **receiver**. The speaker can use tone, volume, and emphasis to change the meaning semantically, while the receiver or listener too often has a tendency to "hear" the message in the way he wants to hear it (this problem will be discussed at more length later in this chapter).

Communication, then, can be considered as the "glue" that binds an organization together. If communication is effective, it enables the group or organization to function as a unit rather than as a number of independent individuals. This is not to say that there are not problems inherent in this process, for the larger the group is, the more difficult it becomes to ensure effective communication. But, the larger the group is, the more vital its communications become.

Good, effective communication at the supervisory level is an absolute necessity in a correctional institution. The position held by the correctional supervisor is an intricate and vital one which is criss-crossed with various channels of com-

munication. From the pointed top of the traditional organizational pyramid to the broad-based bottom, horizontally and laterally, communication constantly streaks throughout the entire organization. Because of his position in mid-management, the supervisor has the daily responsibility for both receiving and transmitting information in the form of directives, decisions, and general correspondence.

Of utmost importance to the supervisor is not just plain, old, ordinary communication—but effective communication. To accomplish this, the supervisor must develop a plan of action for **selective communication**. In other words, he must separate the essential information from the non-essential. Only with a complete understanding of the necessary ingredients of effective communication can he do this.

But how does a supervisor learn what is essential in the communication process? The jail administration must provide on-going training to teach supervisors what is important, i.e., what specific types of information they need to communicate to various individuals and groups within the jail on a regular basis in order to ensure that operations can be carried out effectively and smoothly. The training in communication techniques and essentials should be regular and continuing; it should not be a "one shot" program of instruction presented by the jail's management staff.

THE ESSENTIALS OF EFFECTIVE COMMUNICATION

One **essential component** of effective communication in a correctional institution is the **attitude and interest of upper management**. Their attitude toward good communication and interest in making certain that communication channels are open at all levels in the jail set the tone and provide an example for first line supervisors, who in turn serve as examples for officers.

In addition to setting a good example, a supervisor should also explain directly to his subordinates the importance he attaches to communication. A first line supervisor often must make decisions which are unfavorable to officers, staff, or inmates, yet he must be able to present these decisions in such a way that his subordinates will carry out orders even if they do not totally agree with them. An effective supervisor is able to accomplish this task and still maintain control of his subordinates without causing them to lose respect for him.

Two major problems which hinder effective communication in the correctional institution include:

1. **Lack of Communication:** Lack of communication precipitates and perpetuates many problems in the supervisor/subordinate relationship. While physical and organizational barriers may impede or inhibit the flow

of communication which is necessary for efficient operations, more often than not, however, communication breaks down because the relationship between the supervisor and the subordinate is a competitive one. Each "side" tends to speak of the other as **THEY** and of themselves as **WE**. For example, how many times have you heard a fellow supervisor say: "We need to get their commitment," thus implying an adversary relationship? In this context, then, we can easily see how suspicion could arise on either "side"—especially from the subordinates because they realize that the supervisor has a certain amount of control over their work operation.

Suspicion also can be fueled by rumors which arise from the informal organizational structure (as opposed to the formal). While the formal structure denotes the actual chain of authority as designated by rank, position, etc., the informal structure consists of a "grapevine effect" of strictly person-to-person communication, in an unstructured way, disregarding position or rank. It is in the informal structure that rumors arise. These rumors generate suspicion and throw up various other roadblocks to hinder the process of communication in the jail.

2. **Informal Communication:** Informal communication occurs whenever individuals are thrown together in work or social settings. Although rumors arise and may be rapidly transmitted through informal channels, other, more substantial information is also carried in this fashion. Thus, informal communication is not always a negative process. But the first line supervisor must be aware of the negative effect of rumors and gossip in the informal channels of communication and take steps to curb their spread. Rumors abound when the true facts are not available, leaving it up to the listener to imagine what the "facts" are. So, when some plausible explanation or interpretation pops into an individual's imagination, he usually does not hesitate to pass this "explanation" on to others. As the idea is passed on, it becomes regarded as fact rather than as a tentative interpretation. What results from this is the creation of a rumor.

The best antidote for rumor is truth. Providing complete information, whenever possible, is the first step in minimizing and controlling rumors. However, once a rumor has started, then corrective action is called for. Rumors can be controlled or halted by a statement of the facts. This may be done in various ways. For example, the supervisor can provide sufficient information to officers (and inmates, if necessary) in the form of directives, rules and regulations, posted assignments, or a verbal explanation at roll call. These simple methods can lead to the elimination of rumors and can be a great help in the development of more positive communications in the correctional institution. Controlling rumors is one of the most important duties of a first line supervisor, since he must put a stop to negative communication before it gets out of hand and leads to such major problems as inmate disturbances and work slow-

downs or other "job actions" on the part of staff members.

Case Study 1:

Refinery County Jail Officers Tex Okie and Dudley Doakie, working the same shift, were discussing rank and future promotions. Officer Okie said he was told by the control room operator, who had overheard his assistant supervisor discussing the situation, that three promotions were going to be made. Officer Okie then told Officer Doakie that since seniority was the primary criterion for promotion, Officer Doakie should be in line for the set of sergeant's stripes. Hearing this, Officer Doakie assumed that the information was valid because such procedures have been followed in the past.

However, being concerned and cautious, Officer Doakie went to his supervisor, Sgt. Mike Gorbacher, and asked him flatly if the information he had was in fact true and if his promotion was forthcoming. "I don't know anything about any promotions coming up," Sgt. Gorbacher responded, "and no one has told me that you are scheduled to be promoted to sergeant soon." Since Officer Doakie's work relationship with Sgt. Gorbacher was a strict superior/subordinate one, he was embarrassed by his sergeant's answer to his question. Dejected, Officer Doakie abruptly ended the conversation and left without further comment.

However, thinking about this while taking a break, Officer Doakie felt, due to the strictly impersonal relationship he had with Sgt. Gorbacher, that Sgt. Gorbacher didn't like him and wouldn't tell him if there were promotions coming up because he probably had someone else in mind for the job. Back in the cell block, Officer Doakie told Officer Okie what had occurred and how he felt about the brief conversation with Sgt. Gorbacher. Officer Okie agreed with Officer Doakie's conclusions and thought it was a rotten thing for Sgt. Gorbacher to consider doing. He suggested that Officer Doakie should take the problem to the union steward.

As the shift wore on, Officer Doakie became more infuriated and began making obscene and lewd remarks about Sgt. Gorbacher to other officers. Sgt. Gorbacher finally got word of what Officer Doakie was doing. Just as he was about to call Officer Doakie in for a talk, Sgt. Gorbacher was approached by the union steward, Officer Tommy Teamster, who stated that Officer Doakie had filed a grievance in reference to assumed promotions. "As the union steward, I need to know what's going on," Officer Teamster said, adding that if Officer Doakie's allegations are true, then a grievance would be filed to upper management citing improper and unprofessional practices in regard to promotions. Sgt. Gorbacher, surprised by this action, went directly to the jail administrator to attempt to resolve the matter.

The jail administrator confirmed that no promotions have been scheduled or even projected at this time.

If you were Sgt. Gorbacher, how would you handle this problem? Is there anything Sgt. Gorbacher could have done, when Officer Doakie first approached him, to prevent the problem from escalating as it did?

This case study is an excellent example of how a rumor is created and what its ultimate outcome can be. It also demonstrates how rumors can be assumed to be facts. How can a situation such as the one illustrated here in Case Study 1 attain the magnitude it did? How can such rumors be stopped before they get

out of hand? Who can stop them? What steps can be taken to prevent future occurrences?

There is no one answer to these questions. However, several things can be done to help stop these problems. The problems illustrated in this case study directly involve communication or, more accurately, the lack of communication. Although rumors invariably will arise, the best remedy for preventing them or quickly killing them is good communication on the part of everyone in the correctional setting—the administrative and command officers, the first line supervisors, line officers, and support personnel.

Establishing Effective Communication

Effective communication in a jail or detention center does not just “happen”—it must be developed by the organization’s administrators in general and by the supervisory personnel in particular.

The supervisor has the greatest opportunity to make certain that effective communication channels are established. To do this, the supervisor must be willing to share information with subordinates; such a sharing of information demonstrates respect which, in turn, cultivates cooperation on the part of the subordinates.

Also necessary in the development of effective communication channels is face-to-face communication between the supervisor and his subordinates. This “personal” type of contact lends itself to a greater degree of understanding and authenticity. However, much depends upon the supervisor’s approach and demeanor if he is to be considered as a professional and command the respect that is necessary in a supervisor/subordinate relationship.

There are two important basic principles involved in establishing effective supervisor/subordinate communications. They are:

1. **Clarity:** Clarity simply involves stating facts clearly and loudly enough so that they can be heard and understood by all subordinates. Planned, to the point, verbal and written communications are absolutely necessary in a jail or detention center. As a leader, the supervisor should develop and promote a good style of speaking, using the correct words, phrasing his statements so that the meaning of what he says is clear, and employing proper grammar. In addition, the supervisor should try to avoid the use of slang, and should never use foul and obscene language when talking to either his subordinates, his fellow supervisors, or to inmates. Let’s try to be professional!

The best way to achieve clear communication is to keep things simple. Short, declarative sentences in the present tense will seldom be misunderstood. The use of an example often helps to clarify the meaning of a direction, order, or explanation. For instance, if you say at roll call, “There was another burning in the dorm area,” it doesn’t mean very much. But if you say instead, “There was a trash fire in K Dormitory on the 4-12 shift last night; as you are aware, there was one

there on Tuesday night, also,” then you are narrowing down the picture. **Be specific, be accurate, and be concise. Do not use opinions, hearsay, or assumptions. Always be factual.**

2. **Consistency and Continuity:** Another important aspect of effective communication is consistency and continuity. Consistency demands that orders, directives, and policies all reflect the same point of view, whether they are being transmitted by different people or at different times. Policies and directives reflect management’s interest in some particular area. If they are inconsistent, it means either that the management is uncoordinated or that lower level supervisors are failing to communicate management’s intentions and interests to the employees.

When there is a lack of continuity, either the policies and directives were not designed properly in the first place or someone at a lower level of supervision did not follow up in the correct way.

There is another problem which exists; it has to do with inconsistency and inflexibility. For example, it is ridiculous to establish a rule in a 500-person organization which states, “Everyone will be at work at 8 a.m.” When considering the size of the group involved, allowances must be made for the occasional exceptions such as the staff physician, who may report to the jail after he has completed rounds at the hospital, and the lieutenant, who reports late every Wednesday because he has to stay late and meet with his counterpart on the swing shift to discuss mutual operational problems.

Although it is contradictory to speak about exceptions in a discussion of consistency, still, some latitude must be allowed in order to give the supervisor a certain amount of flexibility. Continuity, on the other hand, requires that orders be enforced, and that policies be followed throughout the entire operation. Continuity also implies that all aspects of the organization are unified to the extent that the daily operation is one continuous routine with the minimal amount of diversity as everyone combines his efforts to attain institutional goals and objectives.

Preventing Information Overload

In order to make the proper decision, the supervisor must have **adequate information**. Too little information will result in faulty judgments and decisions. On the other hand, **information overload** can be detrimental to the process of communication.

What is information overload? It means that a greater volume of communication than the organization is equipped to handle is being provided. When a supervisor is literally deluged with a flood of information and realizes that he cannot possibly cope with it, then he is a victim of information overload. A first line supervisor has only a limited amount of time available to read directives, procedures, and reports, talk on the telephone, confer with others, and respond to memos from on high. Too

much unnecessary verbiage and details can bog down the supervisor and thus have a detrimental effect upon the organization as a whole, since the first line supervisor's primary responsibility is to directly supervise line personnel.

Information overload can be minimized in various ways.

One method of curbing this problem is to sort out the necessary from the unnecessary communications. For example, how many meetings are called in your jail which are unproductive? How many useless or frivolous reports are you required to write? Another technique for dealing with information overload is "selective receiving." With this technique, the supervisor makes a list of priorities so that he can then disregard certain types of information. "Junk" mail, for example, would be quickly assigned to the wastebasket.

Another good way to alleviate the problem is to make a list of priorities for the processing of information; with this method, information which is not a high priority (i.e., it does not need immediate attention) can be set aside during periods of high activity and taken care of during slow periods. Of course, care must be taken to make certain that informational chores are not forgotten or disregarded.

There are many other methods available to fight information overload. Every supervisor should use his own initiative and ingenuity to develop a personal system which works for him—not against him.

The supervisor at the mid-management level is responsible for the transfer or non-transfer of information. As a supervisor, he must evaluate and disseminate information which comes into his possession. When information is directed upward, the supervisor's immediate superior should be asked to make a decision and/or take the proper action. Unlike communication which flows upward to one person, communication downward spills like coffee from an overturned cup—it must be disseminated to everyone unless otherwise specified.

More often than not, the supervisor finds himself in the precarious position of being a mediator between the line personnel and higher management. This situation requires some special skills for the transmitting of communication. For example, an officer may suggest to his sergeant a change in policy that would improve operations such as changing to winter uniforms on a date different from the one which is specified in regulations. How should the sergeant handle this suggestion? First, he should think about whether the suggestion makes sense and actually would improve operational procedures. If the suggestion appears to be a good one, then he should prepare a memo about the suggested change and forward it to his own supervisor. At the next higher level in the chain-of-command, the memo will be discussed and the feasibility of action will be considered.

Once a decision has been made to act or not act at the command or administrative levels, then the communication process is reversed. Communication again begins to flow, but now it is downward. Whatever the final decision is from the command or administrative levels, the sergeant must tell his subordinates what has been decided and why.

As a mediator, the supervisor is simply a "middleman." In other words, **the first line supervisor must maintain a balance between upper management and the line personnel.** Sometimes this can be a very trying task which will test your patience to the maximum.

As for information that may or may not be communicated upward and downward, the first line supervisor generally has a great amount of discretion. This area includes such widely diversified issues as future plans and proposals, growth and changes in the organization, departmental policy, and other matters of a general nature. To help you determine what you should consider as priorities, **information can be divided into three basic categories:**

1. **Information that should be communicated immediately.**
2. **Information that is classified "as soon as possible," and;**
3. **Information that may or may not be communicated at the supervisor's discretion.**

"Immediate information" would be that information which directly concerns the employees and their jobs, work assignments, operational procedures, rules and regulations, duties, responsibilities, emergency situations, and assessments of employee performance.

Information categorized "as soon as possible" (ASAP) involves communication concerned with knowledge and attitudes necessary to coordinate each employee's work with other employees of the section or unit. Included would be things such as policy matters, the organizational structure, salary and fringe benefits, standards of conduct for personnel, forthcoming changes in operational procedures, or anticipated personnel changes. In other words, ASAP items are those which may influence the individual, the job, or the unit—now or later. However, they are not of immediate urgency.

The supervisor's primary objective is to develop the smoothest running operation possible within the parameters of facility rules and regulations. Some of the areas that present problems for supervisors are worth mentioning, especially institutional security. The supervisor must be security conscious at all times and must understand all security-related aspects of the correctional operation. In addition, the supervisor must understand the needs of other units of the correctional facility, such as treatment, programs, maintenance, and administrative services. **Understanding how all components of the organization function is a necessary key to effective communications.**

As you can see, the key word again is **communication**. When effective liaison procedures are established between and among the various components of an organization, then the total operation is enhanced. This results in an organization which functions smoothly. All units of the organization should, ideally, work together as a well-oiled machine with a minimum of conflict and problems. The majority of conflicts which do occur in an organization result from personality and attitude differences. These differences arise from a lack of communication. The old

adage, "an ounce of prevention is worth a pound of cure," is true in the sense that if proper procedures are planned and implemented, then a great amount of conflict can be "headed off at the pass," as John Wayne would say.

Thus, the supervisor is primarily responsible for carrying out policies and procedures and avoiding conflict. How can he fulfill this role properly? Some suggested steps include:

1. Knowing the rules and regulations.
2. Passing the pertinent information on to subordinates in a clear and concise manner.
3. Telling subordinates what is expected of them.
4. Being available to subordinates to answer questions, make decisions, and assist them as much as possible when they have problems.
5. Having unclear policies and procedures clarified by upper management.

Aside from lessening potential situations of conflict, these procedures should also help the first line supervisor establish a more harmonious relationship not only with his own subordinates but also with other units within the jail or detention center.

The correctional supervisor has a host of other concerns which are related to and are a part of the communication process. **The supervisor's primary responsibility is for the security of the facility. His secondary responsibility is the provision of services.** This provision of services pertains to the care and welfare of the inmates. The services provided—good or bad—will directly reflect upon the supervisor and his command.

Once again, communication comes into play in the sense that information must be passed on to the line personnel concerning what, how, where, and why in regard to their duties and responsibilities. Although most correctional personnel today attend training academies as mandated by state laws, the supervisor also assumes a certain responsibility for training. He must teach his subordinates about organizational policies and procedures and explain their job assignments to them. This process places each correctional officer in a continuous training mode. Whether the officers are recruits or line veterans, their supervisor teaches them daily about revised directives and policies and new job assignments. Thus, **the first line supervisor must develop his ability to communicate as a teacher.**

THE ABILITY TO COMMUNICATE

A first line supervisor can improve his ability to communicate through training. In addition, the subject of communication may be included as a proper part of any training for line officers, particularly in the following types of training programs.

1. **Recruit level:** Basic training and orientation which prepares the officer for his work in corrections;
2. **In-service:** Update training, preferably on an annual basis, to teach officers about new information regarding their jobs and reiterating necessary rules and regulations;

3. **Specialized:** Training in specific areas to keep corrections personnel up-to-date on the latest information and techniques (e.g., such training is offered in classification procedures, transportation, hostage negotiations, personnel management, etc.); and
4. **Roll call:** Training designed to update personnel on a daily basis about new policies and procedures, changes in patrol methods, and specialized areas, such as search techniques.

All training is essentially communication. Although much of the formal training for corrections officers is provided by personnel assigned to the training division or academy, **most general training about specific on-the-job procedures is provided by the first line supervisor.**

In reality then, the supervisor "molds" each officer into an effective component of a well-oiled machine. Although training is a most necessary ingredient in learning communication skills, the individual must take responsibility for learning and developing these skills. To accomplish the goal of becoming an effective communicator, the trainee must make a commitment to self-development and continuous improvement of his own skills and abilities.

As an on-the-job trainer, the supervisor's task is neither a simple one nor an easy one. To teach effectively, he must become an excellent communicator. Constantly, he must ensure that procedures are being followed by all line personnel and that task and job assignments are being carried out properly.

As part of the communication procedure, the supervisor should require **written documentation** of all occurrences and routine events on the respective shifts (e.g., officer cell block tours, medical visits, requests from inmates, and all other activities involved with running a shift).

This written documentation provides the supervisor with a **system for follow-up**, which is necessary to help him determine that all responsibilities and duties are being performed properly. Much of the time, the **feedback** provided by written documentation indicates to the supervisor whether follow-up or back-up checks are necessary. The supervisor can use feedback as a mechanism to determine if certain tasks have been completed and to what degree. Feedback helps him find out if his messages are getting through and if they are being understood by the line staff.

In addition to informal feedback through written documentation, it is also necessary to develop a system of **formal follow-up orders**. This system should be invoked to make certain that a specific order or directive has been properly executed. If there is no formal follow-up, then supervisory time and effort are wasted and the time subordinates spend receiving and considering the order is wasted. **Subordinates become confused and uncertain when an order is theoretically in effect, but is not being enforced!**

Also, when there is no formal follow-up, a negative effect can result: the supervisor loses prestige because of a failure to secure compliance with his instructions, and it thus becomes

more difficult for him to have future orders accepted by the line personnel.

Without formal follow-up, the supervisor will never know whether his subordinates have really accepted his instructions. Some subordinates may be willing to agree that instructions are proper and workable only because they have found that the supervisor will look unfavorably upon them if they disagree. **Agreement does not necessarily mean cooperative and prompt compliance.** Every supervisor should be aware that a number of conditions may arise which can interfere with his effectiveness:

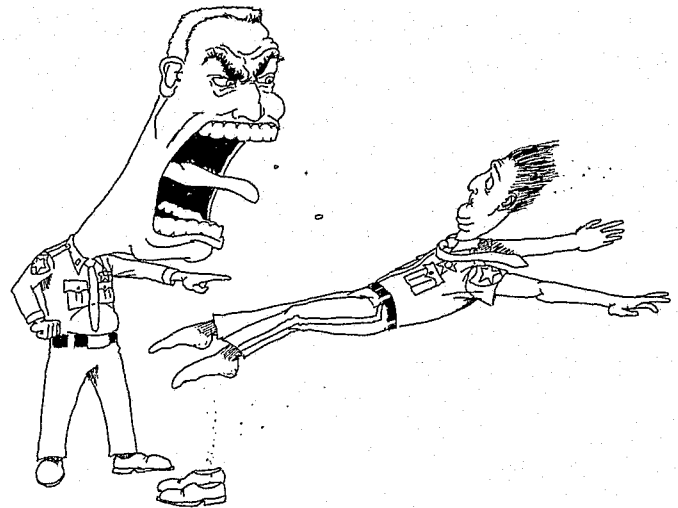
1. Subordinates may agree with instructions at the onset, but object later after they have had time to think about the instructions.
2. Subordinates may comply at first, but slack off later. This is especially true when there is no formal follow-up by the supervisor.
3. The supervisor's formal follow-up procedure basically accomplishes three things:
 - A. It demonstrates the supervisor's interest in the matter.
 - B. It emphasizes the supervisor's belief in and support of the orders.
 - C. It provides the subordinate with a second opportunity for compliance with the specific order, if he has failed to comply when he was first issued the order.

Follow-up reports and inspections may be pursued in various ways. First, the supervisor can check the daily reports and records. Second, if feasible, the supervisor may ask for **special reports**. Special reports require thorough documentation of the execution of specific orders. However, this type of report should be utilized only for special situations and should be discontinued as soon as the purpose has been fulfilled. A third method of follow-up is that of **inspections**, in which the supervisor observes the operation and evaluates the work being done to ensure that subordinates are following orders. **Follow-up reports and inspections should be instituted at varying intervals frequent enough to keep the orders fresh in the minds of the subordinates.**

BARRIERS TO EFFECTIVE COMMUNICATION

Barriers to effective communication between supervisors and subordinates are many and varied. Weaknesses in supervisor-to-subordinate communication are not much different from those in any other type of communication. In order to surmount the barriers to communication, the first line supervisor must implement some procedures which have been designed to foster improvement and excellence in communication. Listed below are some of the most significant barriers to communication, along with ways in which they may be overcome:

1. **Status Distinction:** In most correctional organizations, there generally is a chain-of-command that can be termed "position status." Those in a position high up in the organizational pyramid are considered to be more



important, while the lower echelons contain less important people. Another status system common in the organization is the professional (or "functional") status, which includes counselors, classification officers, and sometimes executive secretaries.

Since the first line supervisor has "position" status, there is a hierarchical gulf between him and his subordinates. Although it is not easy to bridge this gulf, much can be done to alleviate "us versus them" problems by creating an atmosphere of tolerance. If the supervisor wants to improve the upward flow of information from below, he must be conscious of the restraints that he places upon his subordinates. While a supervisor cannot and should not tolerate disrespect, he must be able to tolerate a moderate amount of criticism which may foster better supervisor/subordinate communication. Asking subordinates for their comments and opinions, where pertinent, is one of the simplest and most effective approaches in stimulating upward communication.

2. **Distortion:** Perfect communication would accurately transmit an idea from one mind to another. Unfortunately, this is not always the case. Distortion occurs almost automatically as communications are passed through channels. Changes occur in the original message as it is passed on. Nor is the communicator's idea perfectly reproduced in the mind of the receiver. Although it may not be deliberate distortion, change in the message communicated does occur. The end result may be substantial change in what the communicator is attempting to say.

As mentioned earlier, another area of distortion is based upon semantics. Many times, the same words do not always carry the same meanings for both parties. A supervisor, for instance, may intend to commend a subordinate by commenting upon his "satisfactory" performance. The subordinate may take offense to such a recommendation because he feels he is "superior" and not merely "satisfactory." When words that carry special meanings or varying connotations are used, it is not surprising that distortion occurs. The language vehicle for carrying meaning is faulty.

Closely related to this condition is the listener's inclination to hear what he expects to hear. He may have a preconceived idea of what the other person is trying to say. If so, it is difficult to hear anything that differs from this preconception. For example, if a supervisor commends a subordinate who is convinced that the supervisor "has it in for him," then the subordinate may think: "He must be trying to pull a fast one."

Along with this, emotions, too, can cause distortion. Emotions tend to color one's understanding and interpretation of a communication. For example, if a subordinate is angry, his reaction to a communication is different from what his reaction would be if he were happy. An effective supervisor may offset this condition by emphasizing a subordinate's strong points before trying to correct a weakness. Distortion, then, is one of the major roadblocks to effective communication. It takes many forms and involves, especially, the human aspects of communication.

3. **Listening Versus Not Listening:** Since communication involves both transmission and reception, the receiver is as important to the communication process as the transmitter. The receiver, or listener, can equally "make or break" the communication cycle. What is necessary for effective communication to take place? The receiver must listen aggressively. "Aggressive listening" requires an effort to understand precisely what the other person is saying. A receiver who listens aggressively removes certain barriers which block or distort communication. A perceptive listener screens the speaker's words to clarify their meanings. Thus, to be an aggressive listener, the supervisor must look for hidden meanings behind the words and statements made by his subordinates. To do this, the supervisor might question himself about a subordinate's statement. If, for example, a subordinate makes a statement regarding the pay scale, then the supervisor must try to figure out whether the subordinate is using this particular subject only as a "talking point" or is really concerned about the pay scale. Regardless, the unusually attentive supervisor who has sensitized himself to what and how people say things, is more likely to detect hidden statements or indications that might be completely missed by less alert listeners.

THE INABILITY OF SUBORDINATES TO EXPRESS THEMSELVES

Even though the first line supervisor may feel that he has an open-door policy for his subordinates, many times he doesn't realize how the subordinate views the situation. Since the supervisor is part of management, he is constantly in the process of conducting business. From the subordinate's point of view, the supervisor often seems to be rushed. In such cases, many subordinates will think to themselves that the supervisor doesn't have time to talk to them unless it involves the giving of orders. It is unfortunate when the rush of work is permitted to act as a barrier to communication.

The problem can be further complicated when the subordinate lacks the ability to express himself adequately. Since the position of supervisor requires more talking than does the subordinate's position, the supervisor as a consequence becomes more adept at speaking. Coupled with the supervisor's job knowledge, this can constitute a hindrance to the subordinate who may be embarrassed if he speaks up. In too many cases, the supervisor doesn't help improve the situation because he has learned that he is the boss who gives the orders, answers questions, and therefore should do the talking.

One way to help improve the ability of subordinates to communicate with their supervisors is through **proper channel selection**. In the communication process, "channel selection" refers to the method which is chosen to deliver the message. There are two types of methods: **written and unwritten**. Written communication includes policy statements, official letters and memorandums, personal notes, bulletin board announcements, in-house newspaper articles, employee handbooks, etc. Unwritten or oral communications differ from written communications both in their nature and in their formality. Examples of this type of communication would be a formal speech by the sheriff, roll call instructions, group discussions, person-to-person talks, phone conversations, and videotape presentations.

The supervisor needs little imagination to realize that some channels and methods work better for a given type of communication than do others. Problems for the supervisor in this area occur when the channel and method are not properly tailored to the communication. For example, a formal confrontation prior to an informal discussion of a controversial matter may create hostility and invite opposition.

Another problem arises when the communication channels are overstructured to the point of complication. When this occurs, the channels become unwieldy and essentially strangle themselves to death. This problem can be alleviated by simplifying the channels of communication to the degree that the employees have easy access to them and the information comes through intact, with the least amount of distortion possible.

How do you know when a specific channel of communication is working effectively? One way to measure effectiveness is to look at the amount of feedback you receive through that particular channel.

Regardless of the barriers that may exist to hinder effective communication between supervisors and subordinates, much can be done to improve the situation by creating an **atmosphere of tolerance**. If a supervisor wants to improve the flow of communication, he must be conscious of the restraints that he places upon his subordinates. By assuring the subordinate that he can talk freely—with actions as well as words—the supervisor demonstrates his willingness to accept the sometimes critical expressions of subordinates without retaliation. Thus, he can achieve a free flow of communication while at the same time minimizing the barriers to communication.

The process of communication is an integral part of the smooth functioning of any organization. Leadership is exerted

and coordination is achieved through communication. As supervisors improve their understanding of communication problems and increase their communication skills, organizational performance will improve.

THE SUPERVISOR/SUBORDINATE/INMATE TRIANGLE

We have discussed the supervisor/subordinate relationship with respect to communication, but in corrections we have an additional factor to complicate the matter—the inmates who are the reason for existence of the jail or detention center. Therefore, our next area of consideration must be the supervisor/inmate relationship relative to the subordinate.

Correctional personnel/inmate relationships run a close parallel to the supervisor/subordinate relationship. The supervisor must keep a close eye on the structure of this relationship. Probably no other relationships in our society are so sensitive and delicate than are those in correctional institutions, where humans in positions of power and control deal with other humans who have had their basic freedoms taken away from them. Thus, the jail presents the most adverse conditions possible for the development of effective communication. In order to deal with the many varied personalities and problems in the correctional community, the supervisor must possess a great deal of knowledge about human nature, or "be savvy," to use a more common expression.

The supervisor's position in the jail is unique to the degree that he must attempt to mediate among all concerned factions and attempt to achieve the most agreeable balance possible. The supervisor has the responsibility for receiving and implementing policies and procedures from upper management and interpreting and implementing appropriate procedures to serve the inmate population. In the middle of the relationship which exists between the supervisor and the inmates are the line officers.

Looking at this relationship from another perspective, **the problems and grievances of the inmates must be considered and acted upon in the manner prescribed by the chain-of-command.** All information coming from the subordinates, of whatever nature, must be considered by the supervisor. If possible, each problem must be taken care of—not forgotten or shrugged off—and if the problem is a serious one which impacts upon the entire jail, then the supervisor must pass it on to upper management.

With respect to inmates, the supervisor must have channels of communication available to permit the free flow of information to and from the inmates:

1. TO: Information, decisions, etc., to inmates with the least amount of distortion and exaggeration.
2. FROM: Requests and feedback on grievances.

A procedure should be designed to permit the inmate to have access to the supervisor via an officer or a written request. **The key to effective supervisor/inmate communications is that the supervisor should be aware at all times of each inmate in his charge and the problems each one has.**

Insofar as the line officers are concerned, the supervisor must help them develop certain traits and fundamental concepts of good communication pertaining to the care and custody of inmates. These traits and concepts include:

1. The officer understands and becomes proficient in preparing reports about inmate problems, grievances, and events which occur while he is on patrol or supervising groups of inmates.
2. The officer knows how to respond to inmates when they are presenting problems to him and he understands the importance of providing feedback to the inmates about the steps he has taken to resolve problems.
3. The officer knows how to solve most problems and does not need to ask his supervisor to make routine decisions for him. An effective supervisor is one who is influential rather than persuasive. However, if a subordinate gets to the point where he won't or can't make a decision, then the supervisor has no other alternative but to be decisive. If the subordinate has a problem the supervisor cannot handle, then the subordinate should be referred to an expert, such as a psychologist, chaplain, building maintenance engineer, etc., depending upon the nature of the problem. For example, if a line officer has been asked a legal question by an inmate, then the supervisor should refer the officer to the county attorney for the correct answer.
4. The officer should know how to develop rapport with inmates, without compromising his position of authority. This can be the easiest or the most difficult thing to do. Rapport can occur automatically and develop into an ideal situation or the reverse could happen. Rapport is very difficult to define for all situations. It is essentially the relationship which takes place between two people and puts them on the same "wave-length" or level of understanding. The difficulty in developing rapport in a supervisor/subordinate situation and in an officer/inmate relationship is the rank or authority differential. Still, the astute supervisor can cultivate and develop a certain rapport with his subordinates irrespective of his position of command, and teach them to develop rapport with the inmates. Some of the methods which help develop good rapport are:
 - A. Conferring with individual officers in private except in situations which require the supervisor to speak to his entire squad or unit at once. The supervisor should confer with subordinates in a one-on-one situation. Matters of confidence which are presented to him by officers must be kept private by the supervisor insofar as this is warranted (i.e., if a subordinate discusses with his supervisor a marital problem, then this discussion must, of course, be kept private; but if a subordinate discusses a problem being created by another officer on the job, then the supervisor must use his discretion in deciding how to deal with the problem—handling it in a way which does not violate the confidence of the officer who brought the problem to his attention).



- B. Taking care to make certain that officers try to develop rapport with the inmates they supervise. Inmates should be given opportunities to talk to officers—there should not be an attitude of aloofness and alienation on the part of the officers. Positive channels of communication in the jail lead to a more pleasant atmosphere in which all parties concerned—the inmates, the line officers, and the supervisors—have respect for each other.

Being A Good Listener

Much of a supervisor's time is spent talking. The more the individual talks, the more likely it is that the person is involved in solving major problems requiring highly developed communication skills. Nevertheless, in the supervisor-subordinate relationship, the supervisor might take heed of the old saying: "You never learn anything while you are talking." This is basically true. The wise supervisor should take this into consideration when he is talking to subordinates one-on-one.

Listening to people express themselves is one of the best ways to get to know them. When listening to a subordinate, the supervisor must not jump to conclusions or make assumptions too quickly. Jail employees like to let off steam to relieve the pressures of the job, which, in many ways, is not a pleasant occupation. If a supervisor lets his subordinates "ventilate" when necessary, preferably in private and never in the presence of inmates, then the subordinates will often reveal things about themselves which will help the supervisor understand them better. Such an understanding is necessary to help the employees deal with problems they may have, both on-the-job and in their personal lives.

These same suggestions are applicable when communicating with inmates, but for the sake of safety, the inmate who needs to "blow off some steam" should be taken into an office if at all possible, where he can air his complaints in private. Thus, his "ventilation" would not incite other inmates to a shouting match, which could easily escalate into violence.

In addition, when dealing with inmates, the supervisor must not undermine his subordinates. It is the line officers who actually operate the jail. Under the direction provided by the supervisor, the line officers carry out those functions stipulated in the standard operating procedures. If a supervisor circumvents his own system of communication, it can have a

traumatic impact upon the jail's operational procedures and staff. Staff morale will suffer. The chain-of-command will break down. Communication will be severed and the entire operation will be subverted. In short, the supervisor must follow his own procedures carefully and allow his subordinates to operate within the specified guidelines.

However, we are not saying that the supervisor should avoid contacts or communication with the inmates. There are several occasions when it is necessary for first line supervisors to deal directly with inmates:

1. At the request of an officer when an officer feels the supervisor should see a particular inmate for some legitimate reason;
2. When there is a problem or condition in a certain area and the line officer cannot resolve it—thus, the supervisor is required;
3. When an inmate asks questions which the supervisor is more qualified to answer;
4. Upon receiving information which leads the supervisor to conclude that he should speak directly to the inmate;
5. At the discretion of the supervisor, but taking the necessary precautions to make certain that he is not circumventing or interfering with the line officer's ability to function in his job;
6. In investigating a grievance submitted by an inmate; and
7. Intervening in a dispute between inmates or between inmates and officers in order to determine the facts.

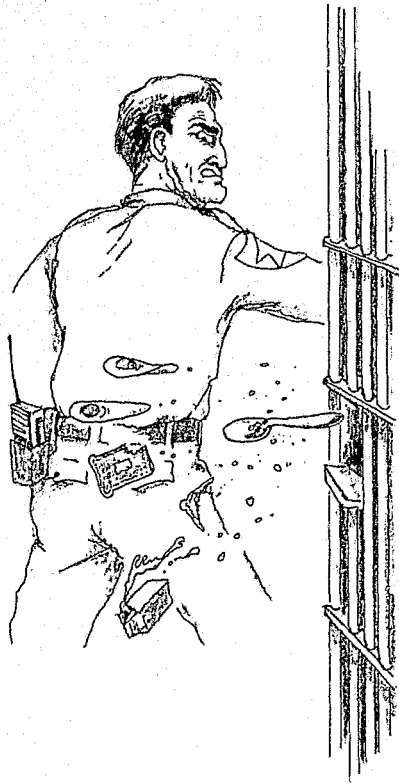
Case Study 2:

Big Sky County Jail shift supervisor Sgt. Jack Alhelp received a grievance complaint from inmate Tyrone Hartim. The grievance stated that Officer Rudy Nocare continuously agitated everyone in the dormitory area by loudly rattling his keys during the night, asking inmates if they were asleep at 2 a.m., and various other things that kept the dormitory's population in a turmoil. Although the complaint was written by inmate Hartim, it was signed by all of the inmates in the dormitory.

Sgt. Alhelp called Officer Nocare in for a talk and confronted him with the complaint. Officer Nocare responded that he did not intentionally do the things alleged by the inmates. He said his demeanor in the dormitory was no different than that of any other officer. Further, he stated that the inmates didn't like him because he went "by the book" and did his job the way he was expected to do it.

Sgt. Alhelp dismissed Officer Nocare and proceeded to investigate the matter. Checking the situation out, Sgt. Alhelp found that these actions of Officer Nocare (rattling keys, loud talking, creating a general commotion in the dormitory in the middle of the night) had occurred a number of times. Other officers who were asked about this hesitated to give Sgt. Alhelp specific answers. But some of the inmates questioned by Sgt. Alhelp were very adamant about the situation and wanted something done.

Later that week, the inmates threw food and drinks all over the floor and walls of the dormitory in retaliation for Officer



Nocare's conduct. This was done at breakfast when Officer Nocare was on duty. Officer Nocare requested a board hearing to discipline the inmates. However, he could not name any specific inmates caught in the act of throwing food. Because the charges were too general, the disciplinary board would not hear the case. Board officials said they needed specific information concerning which of the 20 inmates housed in the dormitory had actually participated in the trouble.

With these facts in hand, Sgt. Alhelp summoned Officer Nocare in again. He told Officer Nocare about the findings of the investigation and asked him if he had anything to say. Officer Nocare said he was not aware of any problems concerning his tours of duty. Also, he felt the food throwing incident did not particularly concern him, but instead was aimed at the "establishment" in general because the inmates didn't like being locked up. Asked why his peers on the disciplinary board would not hear the case, he replied: "Because they're scared. They can't take the heat from the inmates, that's why." Sgt. Alhelp then asked Officer Nocare why the inmates did not complain about other officers. "The inmates don't like me because I go by the book and make them toe the line," Officer Nocare answered. "Other officers let them get away with things like extra food, extra phone calls, longer recreation time, and such."

At this point Sgt. Alhelp knew he must make a decision, but not an easy one. Certain questions must be answered. Is the inmate grievance valid? What type of rapport exists between Officer Nocare and the inmates in the dormitory, his fellow officers, and his supervisor? Does Officer Nocare exhibit an attitude problem? Does he make an attempt to promote good communication?

What is the best method of solving Sgt. Alhelp's problem with Officer Nocare? How can the problem be resolved in such a manner that the correctional staff is not circumvented, but at the same time the inmates are not "put down" if they're not

totally at fault? Whatever decision is made by Sgt. Alhelp, he must make certain that it is in accordance with the rules, regulations, and organizational philosophy of the Big Sky County Jail.

If you were Sgt. Alhelp, how would you solve this problem? How can you prevent the problem situation from escalating into a full-scale inmate disturbance or, conversely, a "job action" by officers?

The Supervisor As A Community Relations Director

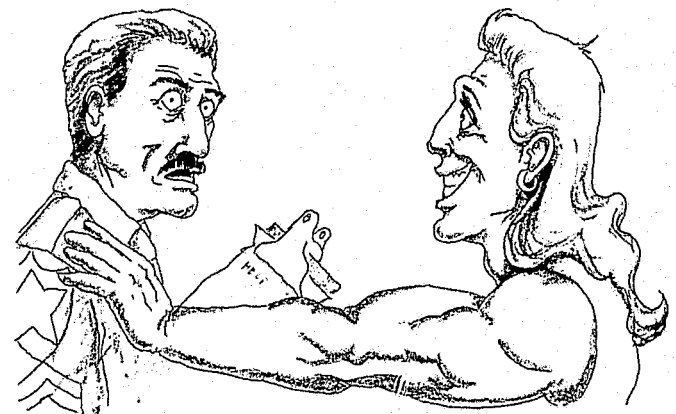
The supervisor holds the position of a **community relations director** in the area of the jail for which he is responsible. In other words, **the supervisor must try to mediate problems, people, and situations.** Among all of the unit supervisors in a modern correctional institution (medical, food service, counseling, chaplaincy, education, etc.), the first line supervisor is the one person who has the latitude (and many times the discretionary power) to "pull" all of these entities together into a unified effort.

The first line supervisor has the most potential for creating the greatest amount of continuity and consistency within the correctional setting. He sets the example for others to follow, particularly his immediate subordinates. Of course, not every supervisor has the charisma, know-how, and savvy to accomplish all things. Still, the potential is there to be utilized in a productive and worthwhile manner.

To serve effectively, the supervisor must be firm, knowledgeable, and flexible. He must use a common-sense approach to the job and its responsibilities.

Communication can be considered as the life blood of an organization. All movement and activity in an organization is initiated by communication. Communication "pulls" all of the parts of an organization together and makes it a functioning unit. The key ingredient in this functioning is the first line supervisor. The supervisor sets the tone for the activities and operations of the organization. It is the style and demeanor of the supervisor that determines how well the particular organization functions.

This is particularly true in the jail. A supervisor who properly utilizes effective communication procedures can greatly diminish the many daily problems in the organization. At the same time, he helps to maintain a more positive atmosphere in the day-to-day operations of the jail.



The correctional supervisor's role is very intricate and involved because of the responsibilities of an operation that not only involves the control of subordinates, but of inmates as well. Thus, it is easy to see how the concept of communication is of special importance and need.

SUMMARY

1. Effective communication can be considered as the "glue" that binds an organization together.

Communication is a process by which individuals exchange information through a common system, using spoken or written words, symbols, signs, or behaviors. Effective communication systems are an absolute necessity in a correctional institution. To be effective at his job, the first line supervisor must develop a plan of action for selective communication—he must separate the essential information from the non-essential and learn the techniques necessary to make certain that his subordinates really understand the messages he is communicating to them.

2. A first line supervisor should explain to his subordinates the importance he attaches to communication.

Two major problems which hinder effective communication in the jail include:

A. Lack of Communication: Communication often breaks down in the jail because the relationship between the supervisor and his subordinates is a competitive one. Too often, there is an "us against them" attitude prevailing, and suspicion arises on both sides, fueling rumors.

B. Informal Communication: When the true facts are not readily available, rumors quickly spread via the jail's informal communication networks. The best antidote for rumor is truth. Rumors can be controlled or halted by a statement of the facts.

3. Effective communication in a jail or detention center does not just "happen"—it must be developed by the organization's administrators in general and by the supervisory personnel in particular.

The supervisor has the greatest opportunity to make certain that effective communication channels are established. To do this, he must be willing to share information with subordinates and encourage face-to-face communication with them. There are two important basic principles involved in establishing effective supervisor/subordinate communications:

A. Clarity; and

B. Consistency and continuity.

4. A first line supervisor can improve his ability to communicate through training. In addition, he can provide

the proper training to his subordinates to help them become effective communicators.

All training is essentially communication. Through on-the-job training, the supervisor molds his subordinates into effective employees. To make certain that his messages are being received and understood by his subordinates, the supervisor must develop formal and informal feedback systems for follow-up.

5. There are several barriers which hinder effective supervisor/subordinate communication in the jail, but they are not insurmountable.

Some of the major barriers, and methods for overcoming them, include:

A. Status distinction, which exists because of the supervisor's rank. This problem can be alleviated by asking subordinates for their comments and opinions, where pertinent, in order to stimulate upward communication.

B. Distortion, which results because changes occur in the original message as it is passed on. An effective supervisor may offset this problem by emphasizing a subordinate's strong points before trying to correct a weakness.

C. Listening versus not listening, a problem which results when the receiver does not listen aggressively and thereby hears only part of the message being transmitted to him. To overcome this problem, the supervisor must sensitize himself to how his subordinates say things in order to detect hidden messages.

6. Proper channel selection enables the supervisor to help improve the ability of his subordinates to understand messages more effectively.

The channel and the method of communication must be properly tailored to the message being sent. Communication channels should not be overstructured, since too much formalization obstructs the free flow of communication upward through the chain-of-command.

7. The first line supervisor's position in the jail is unique to the degree that he must attempt to mediate among all concerned factions and attempt to achieve the most agreeable balance possible.

To accomplish this, the first line supervisor must recognize that he is a "community relations director" in the jail—he must try to mediate people, problems, and situations. One way to handle this job well is to become a good listener. When listening to subordinates and inmates, it is important not to jump to conclusions or make assumptions too quickly. Listening to what people are really saying helps the supervisor obtain the facts he needs to make good decisions.

CHAPTER TWELVE

REPORTS AND RECORDS MANAGEMENT

Increasing concern for the legal rights of inmates has been voiced in recent years by sheriffs, jail officers, correctional specialists, government officials, the courts, and citizens. The mere fact that an individual is lawfully incarcerated does not mean that he has lost all of his rights as a citizen. On the contrary, he can be deprived of only those rights which are clearly inconsistent with his status as an inmate.

The rules and regulations under which a jail operates must be constitutional. Implementation of these rules and regulations is governed by the same strict standard. The law pertaining to the rights of inmates varies from state to state, although rights guaranteed by the U.S. Constitution and Federal statutes are applicable nationally. The law changes from day to day as legislation is enacted and court rulings are announced.

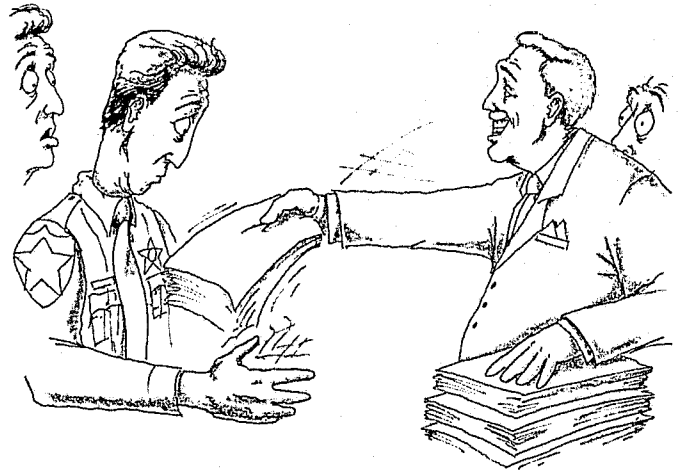
The rights of inmates over which a sheriff or jail supervisor have any control generally involve the operation of the institution itself. Since most aspects of an inmate's life while he is confined are subject to regulation, the protection of the legal rights which the inmate does have is essential.

In recent years, the Federal courts have taken a very active role in responding to inmate complaints. Anyone who works in a jail is aware of how often sheriffs must answer legal complaints dealing with jail conditions, alleged civil rights violations, alleged mistreatment of inmates, and alleged due process violations. Liability actions against the sheriff, his deputies, and the employing county are now vigorously pursued by inmates in both the Federal and state court systems.

There is, however, a reluctance on the part of the Federal courts to interfere with jail operations unless there are constitutional issues present. Federal court decisions primarily serve to alert the sheriff to the development of national trends in the area of liability.

The forms, reports, and records we discuss in this chapter are just a few of those that are used by jails today. Your agency has similar forms or other management tools that fit your specific needs. Why so much "red tape?" **Reports and records provide a firm foundation for sound management and protect your agency against possible lawsuits for failing to provide inmates with their constitutional rights. If you can document what you have done, you stand an excellent chance of winning a legal challenge.**

No matter where you work in the jail, paperwork is a necessity. Some managers have an easy task when they are to compile certain statistics in order to make managerial decisions because they have kept good records; other managers have a difficult task because their records are a mess.



In this age of computers, there is an acronym to fit the dilemma some managers face—GIGO, or "GARBAGE IN GARBAGE OUT." This has always been and probably always will be a sore point for managers who have to rely on reports and records which are inaccurate or incorrect. Instead of making effective management decisions based upon good data, we sometimes find ourselves making poor management decisions because we used bad data. To remedy this problem, first line supervisors should strive to insure that records are purged periodically to correct any deficiencies; periodic updating and housecleaning helps to insure that reports are as accurate as possible.

If the jail is functioning efficiently, your subordinates should feel secure that after an inmate has been "booked" and "processed," no steps were omitted in the in-processing procedure. The inmate's custody form, personal property record, medical record, and supply record should be complete and error-free.

This initial in-processing probably is the most important task which a booking officer can perform for the inmate. When you, as a first line supervisor, patrol the jail to check on your subordinates and inmates, wouldn't you like to be able to hear an inmate, in response to your question, "Is there anything that I can do for you?", answer, "No, the officer who processed me in took care of everything." This good "book-in" eventually will result in fewer problems in controlling the inmates and maintaining their records.

These records and reports also serve as a management tool to influence control and help in making policy.

COMPUTERIZED RECORDS

Computers are having a huge impact upon records systems in today's jails. The storage capability of a computer greatly

reduces the need for the massive amounts of space required for paperwork. The retrieval of the stored data, whether for immediate needs or overnight needs, is done instantaneously. But remember GIGO. You only get out what you put in.

TYPES OF RECORDS

Adequate and accurate information must be collected and maintained on each inmate incarcerated in the jail—from booking to release. **Accurate records are a necessity if proper accounting for inmates is to be done.** And accurate accounting is an absolute necessity.

To insure that accurate records are maintained within the jail system, certain forms should be initiated to keep up with each inmate's activities while he is in your custody. The following records **must** be maintained:

1. Custody records of inmates;
2. Property records of inmates;
3. Medical records of inmates;
4. Records on counts conducted by staff;
5. Records of security inspections;
6. Records of inmate complaints;
7. Records of grievance hearings for inmates;
8. Records of visitations;
9. Legal visits; and
10. Religious adviser visits.

Custody Records Of Inmates

Custody records (see Figure 12:1) insure that both the arresting officer and the correctional officer obtain and record all necessary information of the arrest and booking.

In the booking and admissions process, the supervisor must make certain that various procedures have been followed properly. These procedures include:

1. **Positive Identification of Arresting Officer:** Booking officers must obtain positive identification from any law enforcement officer presenting an arrestee, or transferred inmate, to the jail for incarceration. If the law enforcement officer is not known personally by the jail booking officer, then the law enforcement officer must be required to produce a badge and appropriate credentials, such as a commission (preferably with a photograph), which certifies his authority to make the commitment. Phone calls may be necessary to verify identification. Verification of the identity of the arresting officer should be entered on the custody report. It is the joint responsibility of the arresting officer and the jail admitting officer to insure that the custody report is filled out properly.
2. **Identification of Arrestee/Inmate:** The jail booking officer must ask the arrestee for proper identification, preferably an identification card, such as a driver's li-

cense, which includes a picture and Social Security number. If the arrestee is unable to provide this type of identification, then the booking officer should request the following information from the arresting officer:

- A. **Name, address, and Social Security number of the arrestee.** The name, address, and Social Security number are essential identification elements on each arrestee/inmate.
- B. **Photograph and fingerprints.** Each arrestee must be photographed and fingerprints must be taken by the booking officer. The name of the booking officer must be entered on the custody report.
- C. **Legality of custody.** Jail booking officers must insure that the reasons for processing or detention are fully documented on the custody report. This is the responsibility of the law enforcement officer who requests admission of the arrestee. If the law enforcement officer fails to provide this information, then jail booking officers generally have grounds for refusing to admit the arrestee to the facility.
 - (1) **Additional documentation.** If additional documentation, such as a *mittimus*, *capias*, warrant, or court order, is produced by the arresting officer, then a copy should be filed with the custody report.
 - (2) **NCIC check.** An NCIC check should be performed on all arrestees presented to the admitting officer. Results, whether positive or negative, should be entered on the custody report.

3. **Review by Supervisor:** At the end of each shift, the supervisor of the booking and admissions unit should screen the custody reports on all new inmates admitted during the shift. You should insure that all necessary data elements on the custody form have been completed properly by the booking officer. If a custody form has been completed improperly, or docketed improperly, then you should call in the booking officers and have them correct their errors. This might require that they contact the arresting officers for the correct information; no matter how much trouble it is to do so, they must obtain accurate data, for the data reflected on the custody report is essential if you expect to keep accurate records. **Jail officers who are lax in preparing accurate custody reports will also be lax in the proper recording of data on other inmate forms and records. These officers must be identified, disciplined and trained until their performance meets acceptable standards.**

Property Records Of Inmates

The inmate's property can be classified into three categories—small property, large property, and property issued:

1. **Small Property:** This property would be property normally contained on an inmate's person. It includes, but is not limited to:
 - A. Necklaces;

Figure 12:1. Sample Custody Form

Harrison County Sheriff's Office CUSTODY FORM

Case Number

Suffix

JUVENILE

Right Thumb Print

1. Name of Person Arrested (Last, First, Middle)					2. Alias or Nickname						
3. Address of Defendant			Number and Street		City and State		4. Home Phone No.				
5. Occupation and Employer					6. Social Security Number						
7. Driver's License State?		8. Driver's License Number?		9. Driver's License Type?		10. Driver's License Expiration Date?		Mo.	Day	Yr.	
11. Age	12. Sex	13. Race	14. <input type="checkbox"/> Hispanic <input type="checkbox"/> Non Hispanic	15. Height	16. Weight	17. Hair	18. Eyes	19. Scars, Marks, Tattoos and Amputations			
20. Date of Birth		21. Place of Birth (City & State)		22. Contact In Event of Emergency				23. Relationship			
24. Contact's Address			Number and Street		City and State		25. Home Phone		26. Business Phone		
UCR	27. Date of Arrest	28. Time of Arrest	29. Location of Arrest		30. Arrest Numbers		P L E A	COURT CLERK USE ONLY Ledger/Minutes			
31. Charge/Offense		<input type="checkbox"/> Fel. <input type="checkbox"/> Misd.		32. Date of Offense	33. Court Date/Time	34. Bond Amount		88. Disp.			
35. Charge/Offense		<input type="checkbox"/> Fel. <input type="checkbox"/> Misd.		36. Date of Offense	37. Court Date/Time	38. Bond Amount		89. Disp:			
39. Charge/Offense		<input type="checkbox"/> Fel. <input type="checkbox"/> Misd.		40. Date of Offense	41. Court Date/Time	42. Bond Amount		90. Disp:			
43. Charge/Offense		<input type="checkbox"/> Fel. <input type="checkbox"/> Misd.		44. Date of Offense	45. Court Date/Time	46. Bond Amount		91. Disp:			
CUSTODY STATUS	49. <input type="checkbox"/> Released, No Charge		<input type="checkbox"/> Released, Time Served		50. Detention: Date/Time		47. Total Bond		48. Court/District		
	<input type="checkbox"/> Released, Summons		<input type="checkbox"/> Juvenile Shelter		51. Released: Date/Time						
	<input type="checkbox"/> Pre-Trial Release		<input type="checkbox"/> Juvenile Detention								
<input type="checkbox"/> Cash Bail Receipt		<input type="checkbox"/> Municipal Jail				52. Check Item(s) That Apply to Defendant					
<input type="checkbox"/> Bond Co.		<input type="checkbox"/> County Jail		<input type="checkbox"/> Fine Receipt		<input type="checkbox"/> Drinking <input type="checkbox"/> Drunk		<input type="checkbox"/> Drugs <input type="checkbox"/> Resistive		<input type="checkbox"/> Cooperative <input type="checkbox"/> Belligerent	
53. Individual Armed? <input type="checkbox"/> Yes <input type="checkbox"/> No Weapon:		54. Other Person(s) Arrested For Same Offense			55. Vehicle <input type="checkbox"/> Yes See Property Stamp <input type="checkbox"/> No		56. Arresting Officer No. Name:				
57. How Arrest Was Made Warrant By: Warrant Number		<input type="checkbox"/> On View <input type="checkbox"/> On Call <input type="checkbox"/> Warrant		Warrant Date		58. Assisting Officers (No. & Name)					
59. Officer Fingerprinting and Photographing			60. Jailer/Booking Officer		61. Cell No.		62. Property <input type="checkbox"/> Yes <input type="checkbox"/> No		63. Phone Call: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Refused		
64. Defendants Rights Given By			Date		Time		Place		Witness		
65. Admissions, Confessions or Comments by Defendants					<input type="checkbox"/> Spontaneous <input type="checkbox"/> Prompted						
66. Give Details of What Prompted This Arrest:											
67. Name of Witness to Arrest		<input type="checkbox"/> Affiant		68. Address		Number and Street		City and State		69. Phone No.	70. Age
71. If Juvenile, Parent or Guardian Name				72. Address		Number and Street		City and State		73. Phone No.	74. Contacted By
75. Other Parent or Guardian Name				76. Address		Number and Street		City and State		77. Phone No.	78. Contacted By

- B. Earrings;
- C. Hair combs;
- D. Lipstick or lip gloss;
- E. Bracelets (Do not take medical ID bracelets.);
- F. Watches;
- G. Rings;
- H. Keys;
- I. Wallets;
- J. Purses;
- K. Belts;
- L. Lighters;
- M. Nail clippers; and
- N. Money (any amount not given to the inmate).

Small items of property normally should be sealed and a property form signed by both the inmate and the booking officer. Each sealed packet should include the inmate's full name (last, first, middle), Social Security Number, DOB, race, and sex. Sealed packets should be filed alphabetically in a secure area.

2. **Large Property:** This property would be property that the inmate is wearing or carrying with him. The property would include, but is not limited to:

- A. Coat or jacket;
- B. Shirt or blouse;
- C. Pants or skirt;
- D. Underwear (specify each item taken);
- E. Socks;
- F. Shoes;
- G. Suitcases;
- H. Duffelbags;
- I. Hats; and
- J. Scarves.

(SPECIAL NOTE: All suitcases and duffelbags should be carefully screened item-by-item before being stored in the property room. A tag should be attached to each of these pieces to indicate that they have been thoroughly checked by a correctional officer.)

Case Study 1:

A transient, Jeremiah Lear, was picked up by the Fangville Police Department and turned over to the Rattlesnake County Jail to await charges on a felony. At the time of his arrest, he had two suitcases with him. The jail booking officer put the suitcases in the property room.

Two weeks later, Lear requested some personal belongings from one of his suitcases. Jail Officer Pedro Gonzalez escorted him to the property room. Thinking that inmate Lear's property

had already been searched, Officer Gonzalez allowed Lear to have "free" access to his suitcases without so much as a second thought.

Inside one of the suitcases was a fully loaded .357 magnum. As Officer Gonzalez stood outside the property room smoking a cigarette, Lear approached him from behind, threw a choke hold around his neck, and stuck the gun in his ear. With Officer Gonzalez as a hostage, Lear worked his way to the booking area, grabbed an unmarked car parked outside the sallyport, and fled, forcing Officer Gonzalez to drive. Officer Gonzalez' body was found in a drainage ditch 37 miles outside of town. The unmarked car was found abandoned in San Antonio. Lear remains at large.

What mistakes were made during the booking process? What procedures are in effect in your jail to prevent a similar situation from occurring?

Jails which are managed in the proper way conduct searches of incoming inmates (pat, frisk, body, or strip) to insure that there is no introduction of contraband into the jail system. However, too often booking officers forget to search an arrestee's luggage before placing it in the property room, and then compound this initial error by permitting the inmate to have access to the luggage. Always take precautions to insure that no dangerous contraband is contained in any of the inmate's personal property.

3. **Property Issued to the Inmate:** Jails normally issue property to new inmates to insure that appropriate health and medical standards are achieved. This property includes, but is not limited to:

- A. Soap;
- B. Toothpaste;
- C. Toothbrush;
- D. Razor (disposable only);
- E. Towel;
- F. Sheets;
- G. Blanket;
- H. Mattress;
- I. Jail uniform (list each item); and
- J. Personal property box.

These property records (see Figures 12:2 and 12:3) should be signed by the inmate and the jail officer during the booking process. If the inmate has no property, then the booking officer should fill out the form, indicate "no property," and have the inmate sign the form.

4. **Review by Supervisor:** At the end of each shift, the supervisor in charge of the booking area should screen all the personal property forms of the new inmates to insure that their property was received and stored properly. Forms should be developed and placed outside the storage areas for both small and large property. The forms should contain the inmate's name, the date and time the property was stored, the signature of the officer who stored the property, the date and time the property

**Figure 12:2
Sample Property Record**

RATTLESNAKE COUNTY JAIL INMATE PROPERTY SHEET

INMATE'S NAME _____ **DATE** _____

Personal Property at Admission:

ITEM	AMOUNT	DESCRIPTION
Belt		
Bracelet		
Cash		
Checkbook		
Checks		
Coat		
Comb		
Driver's License		
Earrings		
Food Stamps		
Glasses		
Gloves		
Hat		
Keys		
Knife		
Lighter		
Medicine		
Miscellaneous <i>(describe each item)</i>		
Necklace		
Papers		
Pipe		
Purse <i>(all valuables listed separately)</i>		
Ring		
Shoes		
Wallet		
Watch		
Writing Implements		

I certify that the items listed above are all the personal property that I have at the time of admission.

_____ (Inmate's Signature)

_____ (Deputy's Signature)

RELEASE: I certify that all personal property has been returned to me.

_____ (Inmate's Signature)

_____ (Deputy's Signature)

Figure 12:3
Sample Property Form

RATTLESNAKE COUNTY SHERIFF'S DEPARTMENT INMATE SUPPLY FORM

NAME: _____
 LAST MIDDLE FIRST

CELL NUMBER: _____

AGE: _____ SEX: _____

BASKET NUMBER: _____

CHARGE: _____

PROPERTY RECEIPT NUMBER: _____

DATE ISSUED: _____

DATE RETURNED: _____

BY WHOM ISSUED: _____

TO WHOM RETURNED: _____

Miscellaneous information on supplies issued: _____

NON-EXPENDABLE ITEMS

EXPENDABLE ITEMS

- Mattress: _____
- Sheet: _____
- Blanket: _____
- Razor: _____
- Towels: _____
- Coveralls: _____
- Shoes: _____
- Other: _____

- Toothpaste: _____
- Toothbrush: _____
- Razor Blades: _____
- Bath Soap: _____
- Other: _____

I have received the above items and a copy of the "Rules for Guidance of Inmates" of the Rattlesnake County Jail.

(Signature of Inmate)

Witness(es): _____

CONDITION OF CELL UPON DISCHARGE

Damaged: _____ / Undamaged: _____

Specify any damage and report made: _____

Date inspected: _____

By whom: _____

(Signature of Releasing Officer)

was released, to whom the property was released, and the signature of the releasing officer. As a supervisor, you should compare your new inmate roster to the property roster to insure that property has been accounted for. You should also insure that the property was stored correctly. (Most jails store their property in alphabetical order.) **Jail officers who fail to record or store property correctly should be required to correct their errors on the spot. These officers must be identified, disciplined, and trained until their performance meets acceptable standards.**

Medical Records Of Inmates

The various standards set by the Commission on Accreditation for Law Enforcement Agencies, the Commission on Accreditation for Corrections, your state, and the National Commission on Correctional Health Care (included in the American Medical Association's Standards for Health Care Services in the Jails), should be met, insofar as is possible. Regarding the health and medical care of inmates, all jails should implement the following procedures:

1. **Emergency Health Care Arrangements:**

- A. **Licensed Medical Doctor and Dentist**—Arrangements should be made between your jail and a local licensed medical doctor and a dentist to provide emergency medical and dental care to inmates. Arrangements should be in writing and kept on file in the office of the jail administrator or sheriff.
- B. **Licensed Nurse**—Arrangements should be made to provide a licensed registered nurse for inmate care in the jail. The contract with the doctor may or may not include the services of the nurse. Once again, arrangements should be in writing and kept on file in the office of the jail administrator or sheriff.
- C. **Emergency Room Services**—Arrangements for inmate emergency room care should be made by the jail administrator with the closest accredited medical facility. With such an arrangement in place, an emergency room doctor is always available for emergency health care of inmates. Arrangements should be in writing and kept on file in the office of the jail administrator or sheriff.
- D. **Mental Health**—Arrangements should be made with local mental health agencies to provide for those inmates who suffer from mental health problems or mental retardation. These arrangements should be in writing and kept on file in the office of the jail administrator or sheriff.
- E. **First Aid**—All correctional officers should be currently certified in first aid and CPR. Certification cards should always be carried by the jail officer. Records of certification should be kept on file in the office of the jail administrator or sheriff.

2. **Inmate Medical Care:** A medical receiving and screening form (see Figure 12:4) should be completed for all arrestees admitted into the jail. This form will be used

to screen the arrestee for emotional and physical problems in order to provide appropriate treatment and to protect the health of other inmates and jail personnel.

- A. The admitting officer should record answers to Questions 1 through 11 based upon physical observation. Questions 12 through 26 should be asked of the arrestee, and his answers recorded by the booking officer. If the inmate fails to answer Questions 12 through 26, then this fact should be reflected in the "Remarks" section of the form. The inmate should be asked to sign the form, thereby indicating his agreement with the information entered by the booking officer. If the inmate does not know the answer to any question, then the booking officer should write the word "unknown" by that question.
 - B. If the admitting officer suspects that the arrestee has a communicable disease, epilepsy, a heart condition, or other health conditions for which medication is necessary; or emotional conditions, where surveillance may be necessary; or may require further examination, then the arrestee should be placed in an unoccupied cell. The officer should record his observations and a description of the action he has taken in the "Remarks" section of the screening form.
 - C. All new inmates should be examined by a nurse or medical doctor as soon as possible after being admitted to the jail.
 - D. **Delousing Procedures**—Inmates should be given delousing medication only upon advice from the jail medical staff. Normally, a prescription is given for this purpose.
 - E. **Detoxification Procedures**—Inmates who are under the influence of alcohol or drugs should be isolated from other inmates and closely observed for a 24-hour (or longer) period. If severe withdrawal symptoms occur, then the admitting unit supervisor should arrange to transport the inmate to the closest hospital immediately.
3. **Medical Care of Mentally Ill or Retarded Inmates:** Correctional officers should always be aware of the possibility that an inmate can experience problems which might require the services of a mental health center. When an officer observes behavioral changes in an inmate, he should write a report and pass it on to the relieving patrol officer as well as the next shift supervisor. If the inmate's strange behavior lasts for 24 hours, then a mental health technician should be asked to come to the jail to conduct an interview with the inmate. When the results of the interview indicate that professional help is required, the supervisor of the inmate's housing unit should contact the mental health center and make arrangements for a consultation.
 - A. Where felony charges are pending, some attorneys may request a mental evaluation of the inmate from state hospital personnel. In most states, the courts

**Figure 12:4
Sample Receiving Screening Form**

RATTLESNAKE COUNTY JAIL RECEIVING SCREENING FORM

Date _____

Name _____ Sex _____ DOB _____ Time _____

Inmate No. _____ Officer or Physician _____

BOOKING OFFICER'S VISUAL OPINION

YES NO

- | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------|-------|-------|
| 1. Is the inmate conscious? | _____ | _____ |
| 2. Does the new inmate have obvious pain or bleeding or other symptoms suggesting need for emergency service? | _____ | _____ |
| 3. Are there visible signs of trauma or illness requiring immediate emergency or doctor's care? | _____ | _____ |
| 4. Is there obvious fever, swollen lymph nodes, jaundice or other evidence of infection which might spread through the jail? | _____ | _____ |
| 5. Is the skin in good condition and free of vermin? | _____ | _____ |
| 6. Does the inmate appear to be under the influence of alcohol? | _____ | _____ |
| 7. Does the inmate appear to be under the influence of barbiturates, heroin, or any other drugs? | _____ | _____ |
| 8. Are there any visible signs of alcohol/drug withdrawal symptoms? | _____ | _____ |
| 9. Does the inmate's behavior suggest the risk of suicide? | _____ | _____ |
| 10. Does the inmate's behavior suggest the risk of assault to staff or other inmates? | _____ | _____ |
| 11. Is the inmate carrying medication or does the inmate report being on medication which should be continuously administered or available? | _____ | _____ |

OFFICER-INMATE QUESTIONNAIRE

- | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-------|
| 12. Are you presently taking medication for diabetes, heart disease, seizures, arthritis, asthma, ulcers, high blood pressure, or psychiatric disorder? Circle condition. | _____ | _____ |
| 13. Do you have a special diet prescribed by a physician? | _____ | _____ |
| Type: _____ | | |
| 14. Do you have a history of venereal disease or abnormal discharge? | _____ | _____ |
| 15. Have you recently been hospitalized or recently seen a medical or psychiatric doctor for any illness? | _____ | _____ |
| Describe: _____ | | |
| 16. Are you allergic to any medication? Type: _____ | _____ | _____ |
| 17. Have you fainted recently or had a recent head injury? | _____ | _____ |
| 18. Do you have epilepsy? | _____ | _____ |
| 19. Do you have a history of tuberculosis? | _____ | _____ |
| 20. Do you have diabetes? | _____ | _____ |
| 21. Do you have hepatitis? | _____ | _____ |
| 22. If female, are you pregnant? Are you currently taking birth-control pills? Circle item which applies. | _____ | _____ |
| 23. Have you recently delivered? | _____ | _____ |
| 24. Do you have a painful dental condition? | _____ | _____ |
| 25. Have you tested positively for the HIV AIDS virus? Have you been diagnosed as having AIDS? Circle item which applies. | _____ | _____ |
| 26. Do you have any other medical problem we should know about? | _____ | _____ |

REMARKS:

1. _____
2. _____
3. _____
4. _____

must approve all requests for mental evaluations from the state hospital.

- B. Retarded inmates should be evaluated by professional mental health center officials and treatment should be based upon the results of that evaluation.
4. **First Aid Kits:** First Aid kits should always be readily available throughout the jail (in control rooms) so that officers can render immediate basic emergency care. These kits should be inspected at least weekly by a supervisor.
 5. **Medical Process Explained to Inmates:** At the time of admission into the jail, inmates should be told about medical (sick call) procedures. All sick call procedures should be explained in writing and contained in the rules and regulations handbook that is issued to each inmate.
 6. **Pharmaceuticals:** A small supply of nonprescription medication and medical supplies should be maintained in the jail pharmacy. Any prescription medication for an inmate should be approved by the medical staff, and adequate written records kept by the jail staff regarding the type of medication and the times it is given to the inmate.
 7. **Management of Pharmaceuticals:** Prescriptions should be administered by the doctor, registered nurse, or a correctional officer who is assigned to work with the medical staff. The written orders to the jail officer who administers prescriptions must be contained in the inmate's medical record. All prescription drugs must be signed for (or initialed) by the inmate.
 - A. **Controlled Storage**—Prescription drugs must be stored under lock and key in the medical room of the jail. Access must be controlled at all times.
 - B. **Storage of Nonprescription Drugs and Supplies**—Nonprescription drugs and medical supplies must be stored under lock and key. Access must be controlled at all times.
 - C. **Syringes**—All syringes, including the disposable kind, must be stringently controlled at all times. When disposable syringes are used, they must be physically destroyed. Under no circumstances should inmates ever have access to new or used syringes.
 - D. **Dispensing Medication**—Dispensing medication consists of three major steps: prescribing, recording, and administering.
 - (1) **Prescribing**—The medical staff prescribes medication for an inmate. Upon receipt of the prescribed medication, the jail officer must enter certain data on the Master Medication Log (see Figure 12:5). Mandatory data elements on this form are: Inmate's name, location (cell), the name of the prescribed medication, the size of the dosage, the dosage (times per day), the prescribing doctor, the Rx number, the starting date of the medication, and, if applicable, the

expiration date. The Master Medication Log must be updated daily.

- (2) **Recording**—The correctional officer should transcribe from the Master Medication Log the names of all inmates who are required to have medication administered to them. These names should be recorded on a Daily Medication Log (see Figure 12:6), along with the time the medication is to be administered, a place for the inmate's signature (or initials), and a place for the initials of the officer who administers the medication to the inmate.
- (3) **Administering**—The jail officer assigned to dispense medications must insure that each inmate receives and takes his medication at the prescribed times. If an inmate refuses to take his medication, then a narrative report should be written for inclusion in the inmate's medical records. These refusals should be brought to the attention of the medical staff as soon as possible. Inmates must verify the receipt of their medication by signing their name or their initials in the designated block on the daily medication log.
8. **Review by Supervisor:** If you and/or your jail are going to be sued by an inmate, then one of the most likely areas of complaint will involve medical issues. Medical-related lawsuits are the easiest type to defend if you have followed the above procedures. You, as a supervisor, must insure that all medical procedures which are supposed to be followed have been in fact followed. An inmate's signature that he received his medication does not attest to the fact that he actually took the medication. Your officers must insure that the inmates take their medication as prescribed. An inmate who does not take his prescribed medication could have medical complications at a later date.

When an inmate fails to take his prescribed medication, a report to that effect must be filed by the jail officer who is passing out the medication, and a copy of that report should be signed by you and placed in the inmate's medical file. You should take strong disciplinary action against any of your officers who fail to comply with these procedures. In addition, you must provide your staff with comprehensive training in medical procedures. (Food for thought: Did you ever conduct a shakedown and find a cache of pills? If this happens, then you know your officers are not following correct procedures, and you must provide them with refresher training.)

Records On Counts Conducted By Staff

One of the most effective ways of controlling and maintaining custody of inmates is through proper counts by correctional officers. **Improper counts have resulted in many escapes which could have been prevented.** Counts are taken and registered on a form designed to meet the needs of your institution. There are three types of counts:

1. **Formal Count:** This count should be conducted at least twice during each shift. The first count should be taken when the new shift begins; the second count should be conducted when the shift is ending. All movement of inmates must cease when a count is being conducted.
2. **Informal Count:** This is a frequent, but irregular, check made by the jail officer to verify that all inmates under his supervision are accounted for. These counts are made between formal counts. An informal count is also made when an outside work crew is assembled for work, at frequent intervals during the work period, and when the crew is returned to the jail at the end of the work period.
3. **Emergency Count:** If there is any reason to believe that an inmate is missing, or after any major disturbance is under control, an emergency count should be taken to determine that no one escaped or is in hiding. For those jails which are equipped with electronic doors, an emergency count should also be taken whenever there has been a complete power failure.

Always remember these rules when counting inmates:

1. **Count skin.**
2. **Always use two or more officers to conduct the count.**
3. **Never let an inmate help you count.**

Records Of Security Inspections

The purpose of security inspections is to prevent escape, to check on any malicious waste, to check for destruction of county property, and to discover any health or safety hazards which went unnoticed during a routine inspection. All discrepancies noted during a security inspection should be described in writing and a copy of the report provided by officers to their shift supervisor. Shift supervisors are responsible for resolving these problems immediately, if possible. Problems that cannot be resolved immediately must be described in a written report to the jail administrator or his designated deputy.

Check sheets, designed to meet the specific needs of your jail or unit responsibility, would insure consistent inspections by all shifts. **Remember not to limit your items of inspection to the check sheet; always inspect something new each time.**

Case Study 2:

An inmate escaped from the large, new, multi-story Palm Tree County Jail when a female visitor, using a screwdriver from her purse, removed the screws holding a glass screen in place. Visiting room supervision was on an intermittent basis because of a temporary shortage of personnel. The screws holding the screen in place were supposedly security screws with twist-off heads. Unfortunately, after the inmate escaped, it was discovered that they were not!

The investigation of the escape revealed that no one checked contractor performance to make sure that the jail was built according to specifications.

What can you learn from this case study? In addition to regular and careful security inspections, this case study also demonstrates that it is better to curtail jail activities when staff shortages occur rather than run the risk of operating with too few officers to supervise operations and activities properly.

Records Of Inmates' Complaints

The jail administrator should insure that an inmate complaint system exists and should personally review and act upon all complaints received within two work days. An Inmate Complaint Form (see Figure 12:7) should be developed to permit inmates to register their complaints, in writing, to the jail administrator. When the form is completed, the inmate should put it in a sealed envelope addressed to the jail administrator. The words "Inmate Complaint" should be written on the front of the envelope.

Jail supervisors should insure that:

1. Forms are available to the inmate upon request.
2. The rules and regulations manual for inmates informs the inmates that a complaint system exists, and shows them how to use it.
3. The sealed inmate complaint envelopes go to the jail administrator.

The jail administrator, after reviewing the inmate complaint form, should take the item to the sheriff, if appropriate, and send a written reply to the inmate describing how the complaint is being resolved. **Any action taken—or not taken—should be made known to the inmate who filed the complaint.** Copies of inmates' complaints, and a description of how each complaint was resolved, should be filed in the jail administrator's office.

Jail officers should not be allowed access to the complaint unless the jail administrator needs their help in resolving the problem. **If the complaint is a valid one, then it should be investigated fully.** The degree of the investigation and who shall perform it should be determined by the jail administrator.

Records Of Grievance Hearings For Inmates

The due process rights of inmates must not be violated. Inmate rules and regulations are implemented to establish and maintain order and to maintain respect for the rights, privileges, and property of others. Disciplinary procedures serve the dual purpose of establishing methods of enforcing the rules and regulations and of ensuring inmates' rights with regard to due process, as specified by the U.S. Constitution and affirmed in various cases by the U.S. Supreme Court.

A copy of the rules and regulations manual for inmates should be issued to each incoming inmate. If the inmate cannot read or write English, then an interpreter should be available to explain the rules and regulations to him. If the inmate speaks English but cannot read, then the booking officer should explain the rules and regulations verbally.

Figure 12:7
Sample Inmate Complaint Form

RATTLESNAKE COUNTY JAIL INMATE COMPLAINT FORM

Reporting Inmate Name and Number: _____

Complaint Summary: _____

Turned Over To: _____ (Name of Correctional Officer) _____ (Date)

Inmate Signature: _____ Date: _____

Date Received by Warden: _____

Date Action Taken by Warden: _____

Disposition: _____

Warden's Signature: _____ Date: _____

Violations of rules are defined as "Minor" and "Major" in most jails. **All rule violations should be documented on a Rules Violation Report (see Figure 12:8) and be reported to the jail administrator for information or action.**

SPECIAL NOTE: No form of corporal punishment of such severity as to offend present day concepts of decency and human dignity should be permitted. Jail officers should, however, have the authority to take immediate necessary action without excessive force to prevent acts of violence, destruction of property, or escape attempts, or to restore order. Whenever such action is taken, complete reports describing the incidents must be prepared by the officer involved and his supervisor and then submitted through channels to the jail administrator, the chief deputy, and the sheriff. These reports should also be available to parties who are authorized by statute to review them.

The procedures to be followed for rules violations include:

1. **Punishment for Minor Infractions:** Minor infractions should be documented on a Rules Violation Report. The rules and regulations manual for inmates should define minor infractions and the punishments for such infractions. Those minor infractions requiring disciplinary action should be processed and handled by a hearing officer, who should be either the jail administrator or his designee. The hearing officer should not be the person who filed the complaint.

A. **Written notice of the alleged infraction should be given to the involved inmate at least 24 hours prior to any hearing.** This notice should be documented on a Rules Violation Report (RVR), Part 1, and should identify the rule that the inmate allegedly violated. The hearing should be scheduled within five working days from the time the alleged infraction is reported.

B. **The accused inmate should be provided with an opportunity to appear before the impartial hearing officer to respond to the charge(s), call witnesses, and present documentary evidence relevant to his defense,** unless the jail administrator or hearing officer certifies in writing and gives reasons why permitting the inmate to do so will be unduly hazardous to jail safety or security. A hearing may be conducted in the absence of an inmate if the inmate refuses to appear and cannot be brought to the hearing without force. Such refusal should be witnessed by two jail officers, who should then document the refusal to appear on a narrative report. Any inmate exclusion or absence should be explained and documented on the RVR, Part 2.

C. When the accused inmate is functionally illiterate or when the complexity of the issue makes it unlikely that the inmate will be able to adequately collect and present the evidence in his case, then the accused should, in preparing his defense to the disciplinary charge, be permitted to seek the assistance of a fellow inmate (jailhouse lawyer), or else be provided

with adequate substitute assistance in the form of help from the jail staff or from citizens.

- D. The hearing officer should interview everyone who has pertinent information concerning the violations, unless potential interviewees would supply only redundant, unneeded, or cumulative information.
 - E. The hearing officer should evaluate the evidence, determine the validity of the charge, and decide what punishment, if any, is appropriate.
 - F. The hearing officer should file a **written report** of his findings and the subsequent actions which were taken. **Complete documentation of the incident should be filed in the inmate's custody record.**
 - G. The hearing officer should, at the conclusion of the hearing, provide the accused inmate with a verbal summary of all charges, evidence, and testimony within limits that provide for the safety of the facility. This oral summary should be followed with a written summary that will document the results of the hearing on an RVR, Part 2. If there is a subsequent grievance complaint filed by the inmate, it should be documented on RVR, Part 3. Within five days of the conclusion of the hearing, a copy of the proceedings should be placed in the inmate's custody record.
 - H. **No disciplinary hearing or procedure should interfere with the criminal prosecution of an offense committed by an inmate prior to or during incarceration.**
2. **Punishment for Major Infractions:** The same procedural steps as described above should be taken, with the following exceptions—for major infractions, a disciplinary hearing board should be appointed to process the disciplinary procedures. It is suggested that the board consist of four jail employees, with the jail administrator serving as chairman. The chairman should appoint one jail officer who was not involved in the incident to serve on the board. The sheriff should appoint two additional deputies from outside the jail system to complete the board.
 - A. **No person should sit on the board who has a vested interest in the outcome of the proceedings.** This automatically excludes all jail and sheriff's department employees who have investigated the case or who were witnesses to the alleged violation.
 - B. The board should meet at a time designated by the chairman and should prepare a written summary of its findings on an RVR, Part 2. This summary should be supported by an audio tape recording of the hearing. All parties participating in the hearing should be informed, before they speak, that the tape recorder is being used.
 - C. In each instance, the accused inmate should be advised of his right to confront witnesses against him, except where it would interfere with the safety of the facility. In addition, the accused inmate should

Figure 12:8 Sample Rules Violation Report

RATTLESNAKE COUNTY JAIL RULES VIOLATION REPORT, PART 1

1. Inmate's Name and Number: _____
(Last) (First) (MI) (Number)
2. Major/Minor Infraction Offense Number: _____
3. Rule Description: _____

4. Incident occurred on _____ at approximately _____ hours.
5. Inmate(s) Involved: _____

6. Location of Incident: _____
7. Incident Synopsis: _____

8. Witness(es): _____

9. Reporting Officer: _____ Position: _____
10. Disciplinary action will / will not be taken (circle response).
11. Incident shall be referred to: Inmate File Disciplinary Hearing Officer Disciplinary Board
Outside Agency (circle one): e.g., County Court, District Attorney Office
Other (specify): _____
12. A hearing of this rule violation shall be held on _____ at _____ hours
in _____
(Location)
13. Inmate: See official guidelines for inmate rules/regulations for explanation of rules and types of disciplinary actions.
14. I certify that I have received a copy of this report.

(Signature of Inmate) (Date) (Time)

OR

Inmate refused to sign.

(Signature of Correctional Officer) (Date) (Signature of Witness) (Date)

15. I understand that I may seek assistance from another inmate or jail officer in the preparation and presentation of my defense at a disciplinary hearing for a major violation. I further understand that I may confront witnesses against me, provide witnesses in my behalf, and if I wish, make a statement in my defense.

(Signature of Inmate) (Signature of Witness)

Figure 12:8 (continued)
Sample Rules Violation Report

RATTLESNAKE COUNTY JAIL RULES VIOLATION REPORT DISPOSITION, PART 2

1. Inmate's Name and Number: _____
 (Last) (First) (MI) (Number)
 2. Rule Violation No.: _____ Date of Incident: _____
 3. On _____ at approximately _____ AM/PM, a hearing was held in behalf of _____ on the above violation.
 4. The violation was read to the accused who pleaded: guilty / not guilty (circle response).
 5. Did anyone assist the inmate in the preparation of his defense?
 Yes No Whom? _____
 6. Present at the hearing were: _____

 7. The following witness(es) appeared: _____
 (Name and Number)
 8. Summary of witness(es)' testimony: _____

 9. Summary of accused's testimony: _____

 10. Other evidence considered: _____

 11. Verdict is guilty / not guilty (circle response).
 12. Reasoning behind verdict: _____

 13. Punishment recommended, if any: _____

- Authorized by: Section _____ of rules governing disciplinary action.

14. Inmate was advised of verdict, punishment, and right to appeal (circle responses).
15. I hereby certify that I have received a complete copy of this report and understand that I may appeal this decision in writing to the chief deputy, and that I will receive a responding letter from the chief deputy informing me whether or not the punishment is fair and stands as ordered. I further understand that the chief deputy shall not increase the recommended punishment. I have read a copy of this report on _____
 (Date)

Witness: _____ Inmate _____
 (Signature) (Signature) (Date) (Time)

Figure 12:8 (continued)
Sample Rules Violation Report

RATTLESNAKE COUNTY JAIL RULES VIOLATION REPORT, PART 3

TO: Chief Deputy, Rattlesnake County Sheriff's Department

FROM: _____
(Inmate Name and Number)

1. I appeal my verdict/punishment on violation of Rule No: _____ that occurred on _____ for the following reason:

- I am not guilty.
- The punishment is excessive for the offense.
- Other (specify): _____

2. Information not included in the previous parts of this report that I request you to consider: _____

Inmate: _____ Date: _____
(Signature)

TO: _____
(Inmate Name and Number)

FROM: Chief Deputy, Rattlesnake County Sheriff's Department

I have reviewed the facts of this case, including your statement given in par. 1, above. It is my finding that (check response):

- The verdict is just.
- The punishment is fair.
- You are not guilty.
- Your punishment was excessive and I order your punishment changed to: _____

Chief Deputy: _____ Date: _____
(Signature)

- be advised of his right to present witnesses and documents on his behalf.
- D. The accused inmate should not be allowed to cross-examine witnesses or his accusers.
- E. An inmate may request the assistance of another inmate (jailhouse lawyer) or a staff member to help him in the preparation or presentation of his case. An inmate does not, however, have the right to have an attorney represent him at the disciplinary hearing at the expense of the jail system or the county.
- F. The chairman should call all relevant witnesses, excluding those whose testimony is redundant or cumulative. Board members may question all witnesses. The absence of a witness should be explained and documented on the RVR.
3. **Grievance Procedure:** An inmate should be allowed to file a grievance when he believes he has been subjected to unfair punishment by the hearing officer or the disciplinary hearing board.
- A. If an inmate has been found guilty by the hearing officer or the disciplinary hearing board and he believes that the punishment is unfair or too harsh, then he may file an appeal in writing to the chief deputy. Such actions should be taken on RVR, Part 3. The inmate should document his position on the decision and cite reasons why he believes the punishment was too severe. Again, if the inmate is illiterate or does not understand the English language, then assistance should be provided to insure that his due process rights are not violated. The jail administrator should attach Parts 1 and 2 of the appealed RVR to this grievance document. The jail administrator should not have access to Part 3, RVR, prior to its delivery to the chief deputy.
- B. Upon receiving the report, the chief deputy should study the facts of the case and should respond to the inmate in writing, stating whether or not the punishment was fair and whether it should stand as ordered. The chief deputy should have five work days to respond to the inmate.
- C. The chief deputy should have the power to reduce the punishment, if warranted. However, the chief deputy should not have the authority to increase the recommended punishment.
4. **Rules Governing Disciplinary Action:** The following rules should govern disciplinary actions taken against inmates:
- A. Inmates should be placed in administrative segregation for a minor offense **only after a hearing**, unless the inmate's safety or the safety of others requires such actions.
- B. **Food should not be withheld from inmates as punishment for major or minor infractions.**

- C. **There should be no beating, striking, whipping, or other corporal punishment imposed upon any inmate for major or minor infractions.**
- D. Infraction of a major rule violation may be punishable by placement in a single cell or administrative segregation unit; restriction of commissary, television, telephone, contact visitation, and outside exercise yard activities for up to 30 days; and/or referral to the district attorney's office for prosecution. Placement in administrative segregation should not exceed 48 hours.

Records On Visitation

Visitation rights of inmates should be encouraged in order to reduce the inmate's anxiety from being incarcerated and to help him maintain contact with family and friends. The types of records and various procedures you will need to implement for visitation follow.

1. **The Inmate Visitation Appointment Log** (see Figure 12:9) should be used to make appointments for inmate visits. Visitors should be told to call the jail and reserve time for the visit. The correctional officer taking the call should enter the name of the inmate in the requested time slot for the visit. The proposed visitor's name should also be logged in by the correctional officer. The inmate is then informed of his scheduled visitation. This log will control the flow of visitors in the jail at any given time.
 - A. **Visitation Times:** Family, relatives, and friends may visit inmates during regular visiting hours, as approved by the jail administrator.
 - B. **Frequency:** Each inmate should be permitted one group of visitors per week.
 - C. **Length of Visit:** Visits are normally scheduled for a maximum of 45 minutes. Exceptions may be approved by the jail administrator.
 - D. **Age Limitation:** The jail administrator must determine whether visits by very young children will be restricted under certain circumstances, such as when there is an on-going security problem.
 - E. **Identification:** The correctional officer on duty should screen visitors to insure that they have made appointments and that they are actually the named visitor. Once identified, the visitor should sign the Inmate Visitation Log (see Figure 12:10).
2. **Processing Visitors:** Visitors should be processed as follows:
 - A. As visitors who have received appointments arrive, they should approach the jail through the approved entrance, be escorted through central control, and have their identity established by jail officers.
 - B. **All visitors should be searched before they enter the jail area; a metal detector is suggested.** Signs

Figure 12:9
Sample Visitors' Appointment Sheet

RATTLESNAKE COUNTY JAIL VISITORS' APPOINTMENT SHEET

DATE _____	DAY _____
INMATE'S NAME	INMATE'S NAME
0800	1000
1.	1.
2.	2.
3.	3.
4.	4.
5.	5.
6.	6.
7.	7.
8.	8.
9.	9.
10.	10.
0900	1100
1.	1.
2.	2.
3.	3.
4.	4.
5.	5.
6.	6.
7.	7.
8.	8.
9.	9.
10.	10.

announcing such searches should be posted at all visitor entrances.

- C. All packages for inmates should be labeled with the inmate's name and be left with the correctional officer in charge, who will search the package and then deliver it, minus any contraband, after the visitation period is over.
 - D. No one should be allowed to carry handbags, diaperbags, or packages into the jail area. These items should be checked with the correctional officer on duty.
 - E. The correctional officer on duty must be in control of visitors at all times during visiting hours.
3. **Securing Inmates:** All inmates receiving visitors should be securely locked in the visitation area at all times.
 4. **Supervision:** A correctional officer must be posted in or near the visitation area at all times so that inmates and visitors are under constant surveillance.
 - A. Visitors should be kept orderly at all times. If a visitor refuses to conform to the rules and regulations of visitation, then the correctional officer should ask the visitor to leave the jail.
 - B. Visitors should not be allowed to transfer in and out of the visitation area.
 - C. If a visitor asks to leave the jail, then he should not be allowed to re-enter the visitation area again that day.
 5. **Denial of Visits:** The correctional officer on duty may deny a visit if:
 - A. The visitor is under the influence of alcohol or drugs.
 - B. The visitor refuses to show identification or submit to a search.
 - C. The visitor is disruptive or dangerous.
 - D. The visitor has a recent history of disruptive behavior in the jail.
 - E. The inmate refuses the visit.

(All denials of visitation should be explained in writing.)
 6. **Security After the Visitation:** When visitation has ended for everyone that day, the officer on duty should check the area to insure that all visitors are out of the jail area and that the area has been thoroughly searched for contraband.
 7. **Return of Visitors' Items:** All items taken from visitors before they enter the visitation area should be returned to the visitor, unless the item is in itself, illegal, such as narcotics paraphernalia.
 8. **Special Visits:** Special visits may be arranged for visitors from out of town or for emergency situations. The jail administrator should approve such visits.

Legal Visits

An inmate has the right to consult with his attorney privately at the jail as often and for as long as necessary. If there is a genuine possibility of violence or attempted escape by the inmate, then the inmate may be kept under observation while he meets with his attorney, but **his conversation with his attorney cannot be monitored.**

Although it might appear that there are no limitations on attorneys' visits, it is reasonable to insist that such visits can be interrupted by the demands of jail operations, such as inmate counts and fixed meal times. In other words, **the times and places of an inmate's consultations with attorneys may be governed by reasonable regulations as long as they do not cause a hardship for the inmate or his attorney.** However, courts have struck down rules which limit attorneys' visits to a specified number of minutes, or which strictly require that the visits be conducted only at specified hours.

Each attorney, upon entering the jail to visit a client, should be required to register his name, the name of the inmate client, and the time of entry, on an Attorney Visitation Log (see Figure 12:11). Upon leaving the jail, the attorney should sign the log and note the time of his departure.

Religious Adviser Visits

Inmates have the right to freedom of religious affiliation and voluntary religious worship, provided that exercising this right **does not directly interfere with the security and discipline of the jail.** Every reasonable attempt should be made by the jail staff to facilitate the free exercise of religious beliefs by inmates, following these suggested guidelines:

1. All ministers or religious groups gathering at the facility for religious purposes should be there voluntarily. All religious faiths, if authentic, should be approved to perform religious services or provide spiritual counseling. Certain practices may be prohibited. Approvals and prohibitions should be described in writing by the jail administrator.
2. The jail should not pay for religious services. Nor should the jail solicit clergy from a specific denomination to conduct religious services for all inmates.
3. All ministers who visit the jail must be approved by the jail administrator and, if applicable, the senior jail chaplain.
4. A Religious Adviser Visit Log (see Figure 12:12) should be completed by any minister who visits the jail.

SUMMARY

1. **Reports and records provide a firm foundation for sound management and protect your agency against possible lawsuits for failing to provide inmates with their constitutional rights.**

If you can document what you have done, you stand an excellent chance of winning a legal challenge. Records and reports also serve as a management tool to influence control and help in making policy decisions.

2. Adequate and accurate records must be collected and maintained on each inmate incarcerated in the jail—from booking to release.

To insure that accurate records are maintained within the jail system, certain forms should be initiated to keep up with each inmate's activities while he is in your custody. The following records must be maintained:

- A. Custody records of inmates;
- B. Property records of inmates;

- C. Medical records of inmates;
- D. Records on counts conducted by staff;
- E. Records of security inspections;
- F. Records of inmate complaints;
- G. Records of grievance hearings for inmates;
- H. Records of visitations;
- I. Legal visits; and
- J. Religious adviser visits.

CHAPTER THIRTEEN

SUPERVISING SECURITY OPERATIONS

The basic mission of any jail supervisor is to provide for the safe and secure operation of a corrections or detention facility. Security is central to all programs, services, and other activities that take place within the jail setting.

Unfortunately, security also happens to be the area that becomes the most mundane in the eyes of the corrections officer. He is continually plagued with requirements to get inmates to court, to sick call, to visitation, and to respond to other situations that tend to make him lose sight of important security issues.

It is therefore the responsibility of the jail supervisor to continually reinforce, with all employees, the importance of security and to evaluate the daily operations to insure that sufficient care and control are taken to provide a safe atmosphere for staff, inmates, and the community. This chapter reviews some of the major aspects of correctional operations to determine what security measures should always be in force.

PHYSICAL SECURITY

Physical security in the jail concerns itself with the following responsibilities:

1. Preventing contraband from being introduced into the jail.
2. Preventing escapes from the facility.
3. Protecting staff from inmates.
4. Protecting inmates from other inmates.
5. Preventing inmates from doing harm to themselves.

A supervisor must constantly stress the need for proper physical security during all aspects of the correctional process. Some specific areas of concern include the booking/processing procedure, perimeter security, and transportation of inmates.

The Booking/Processing Procedure

It is at this time that the facility is perhaps the most vulnerable to the introduction of contraband. It is also at this time that the least amount of information is available about the inmate being brought into the jail.

One aspect of security that should be examined during the booking/processing procedure by a supervisor includes the type of officer who is assigned to the booking area. This officer must be "wise" to attempts by prisoners to bring contraband into the facility and not be easily distracted from his duties. He must be firm, calm, and unperturbable in handling his duties.

The conscientious supervisor should continually evaluate the performance of these officers and make adjustments in as-

signments promptly. "Burn-out" of staff members in these positions is historically very high. On the other hand, the employee who is not assigned to the booking area on a regular basis can be careless in his actions and therefore be a danger to both his fellow employees and the security of the jail.

Historically, the vast majority of use of force incidents take place during the period of time surrounding booking. The inmate is an unknown factor—the only charge that he may have might be a traffic violation, and yet he may be the most violent of people. Having a methodical medical and classification team connected with the booking process will assist to a great extent in discerning those individuals who require special handling of some type: protective custody, psychiatric evaluation, suicide precautions, escape risk, or administrative segregation. This concern over the unknown inmate must extend past the booking process and into the specific housing areas in which inmates are placed until they have had their first court appearances.

Depending upon the specific jurisdiction, most prisoners who are held in a jail must attend an initial hearing within the first 24 hours of their arrest. Many jurisdictions do not place the new arrivals into general population until a judge makes a determination as to whether the inmate is eligible to have his bond reduced or be released on his own recognizance. This original "pretrial confinement" is a time when the inmate has the greatest anxiety and the greatest ignorance about jail policies and procedures, unless he is a veteran repeat offender who has been in the jail many times. It is a time when inmates act spontaneously and can injure either themselves, other inmates, or staff members.

Closely aligned to the problems entailed in handling the inmate during the admissions process are the issues raised in **conducting a proper search**. The jail supervisor must be on the alert for officers who fail to use common sense when conducting searches of new admissions.

Recently, there have been a number of court decisions which address the matter of strip searches of persons arrested for relatively minor crimes. Although some detention administrators have argued that a general strip search policy prevents the introduction of contraband within the walls of the facility, a number of studies have been conducted which refute this contention. In attempting to decide whether a jail policy is permissible, courts sometimes use what is called "**the balancing test.**" The court will balance the importance of protecting an individual's rights against the importance of restricting them. If it could be proved that a large proportion of people arrested were found with contraband, then justification for a general search policy would be more appropriate. Since this is, in fact, not the case, supervisors must insure that the admissions staff do not become "overly enthusiastic" in carrying out their duties.

Also, the supervisor must continually stress the importance of a thorough, methodical pat-down search for all inmates who cannot be strip-searched. In any case, it is the responsibility of the admissions officers to conduct a search. On occasion, the booking staff may be advised by the arresting officer that he has already conducted a search of the arrestee. While not doubting the word of the police officer or road deputy, the jail officer should continue to follow normal procedures in conducting an admissions search to ensure that nothing has been overlooked or picked up since the initial arrest.

Items that are taken from an inmate should be properly documented and stored in a safe place. Weapons that are confiscated should be handled in a manner approved by local policy; however, **under no conditions should they be stored in the secure part of the jail**, where there could be a possibility of some sort of inmate disturbance, and an inmate could have potential access to these items. Similarly, alcoholic beverages that are brought into the jail should either be disposed of or stored in an area outside the secure portion of the jail.

Case Study 1:

Rattlesnake County Jail Lieutenant Marvin Reigle had always been uneasy about prisoners brought in by the Highway Patrol. In several situations, weapons had been found on prisoners during the booking process—usually after the handcuffs had been removed.

An hour ago a prisoner was stopped on a routine traffic violation by the Highway Patrol and a records check revealed a felony warrant from another state. The prisoner was brought to the jail to be booked. While the prisoner was being processed, Lt. Reigle observed that his behavior was nervous and uneasy. Lt. Reigle ordered an immediate search (before removing the handcuffs), which revealed a fully-loaded .25 caliber handgun stuffed in the prisoner's rear waistband.

If you were Lt. Reigle, what would you do to make certain problems such as this do not occur again?

Perimeter Security

Perimeter security deals not only with the outer border of the jail complex, but also with points of entry. Jails come in all shapes and sizes, from the small five- or 10-man jail which is an extension of the county courthouse or city police department, to the detention "metropolis" which consists of separate facilities inside a large compound. But **regardless of the type of facility, basic security procedures must be followed by all staff members.**

Few places of business have as much in-and-out traffic 24 hours a day as does a jail. Visitors, relatives, employers, members of the criminal justice community—all want access into a jail, and they all bring security problems with them for the jail supervisor. For example, many attorneys are unaware that they have an obligation to submit to a visual inspection of their briefcases when coming into a detention facility. When requested to do so, they can become argumentative or, in fact, refuse to allow such an inspection to be conducted. It then becomes the responsibility of the supervisor to be aware of what procedures and statutes are in place to cover such an occurrence, and to handle the situation firmly, confidently, and professionally.

There should be at least one officer on each shift who is assigned the responsibility of controlling entry into the jail. This officer should be thoroughly trained in his duties and be aware of the "back-up" which will be provided by a supervisor. It can be extremely frustrating and embarrassing to a jail officer to refuse to admit an individual or property into a jail, in accordance with jail regulations, and then, when a supervisor is called, have that supervisor override the decision which the employee made.

Although there are always special circumstances which call for the decision-making ability of a supervisor, these should be kept to a minimum. When such a situation does take place, however, the supervisor should, as soon as possible, privately explain to the officer why the decision was reversed. An employee who is continually contradicted in security decisions will begin to doubt himself, or doubt the importance of his post. That is when security breaks down and problems develop.

All of the great movies of the "Wild West" have at least one scene in which there is a spectacular jail break. This usually involves the use of horses to pull down the jail bars and allow inmates to escape, or the planting of explosives, or the introduction of a weapon into the jail cell. With today's sophisticated and cosmopolitan jails, the correctional supervisor may forget that the outside of a jail is as vulnerable today as it was a hundred years ago.

It should be built into a security procedure that external checks of the compound or building be made consistently, and that these checks be more than just a casual stroll around the perimeter. Fences and security grill work should be examined for breaks, cuts, or other damage, and security lighting should be checked to ensure its operation. Areas in the vicinity of the fence or walls should also be observed for items or occurrences out of the ordinary. For example, a cluster of garbage cans against the wall of a jail that have never been in that vicinity before could indicate items that have been hidden to facilitate an escape, or in fact, could conceal something as lethal as an incendiary device.

The perimeter patrol may also be effective in thwarting the plans of inmates attempting to escape if the inmates are unsure as to the timetables of such patrols.

With the mandate for outside recreation and the growth of larger facilities, many detention administrators have felt the need to establish static positions such as guard towers. Although they are certainly functional and a great asset to an elaborate security plan, **the tower post itself creates an additional problem for the jail supervisor.** Officers assigned to these posts become easily distracted or bored. The very construction of a secure guard tower makes it difficult for the security supervisor to combat this problem. While we do not recommend that supervisors sneak up on a tower officer in order to determine his alertness, we do advise that **periodic checks** of the tower officers be made to prevent inattention.

Staffing shortages abound throughout jails in the United States, and one of the greatest complaints about manning a static perimeter position is the lack of relief or frequent breaks. One

suggestion in handling this situation when there are multiple static posts is to rotate officers from post to post every two or three hours. Although the same officers are assigned to the external positions, by rotating them the supervisor is able to obtain a fresh perspective on the area under observation. Rotation also allows the officer time to "refresh" himself by moving to the new position.

Transportation

Supervisors assigned to monitor transportation operations have a dual role: **First, there is the responsibility for coordinating all activities of the transportation section; second, the supervisor must train the staff members who are assigned to that unit.**

Time should be taken to teach the jail officers to use the most secure methods of transporting inmates, and the supervisor should periodically check up on the officers to make certain that they are following instructions. For example, the supervisor can help the driver develop multiple routes in order to prevent a pattern from being formed. He can stagger travel times whenever possible, and establish "safe" stops along the route for the officer and the prisoners that he is transporting.

The transportation supervisor is unique in that ordinarily he sees very little of his staff members, since they are usually out on widely diversified missions. The good transportation supervisor, however, makes an effort to ride with his officers frequently to evaluate their abilities and allow them to know that he is concerned about their safety and well-being. Simultaneously, the supervisor should observe the actions of the officer from the time that the officer picks up the inmate until the time when the inmate is delivered to his destination. The supervisor should help the officer make necessary adjustments in his procedures to prevent security breakdowns.

Case Study 2:

The Palm Tree County Jail system is a sprawling complex consisting of a juvenile facility, four adult facilities, and a criminal courts complex. The juvenile facility is easily accessible to the highway. The adult facility, where prisoners are processed, is about one mile into the complex.

Transportation officers have been instructed to discharge adult prisoners first because the juvenile facility does not have the same security arrangements as the adult facility. However, the transportation vehicle provides for adequate separation of juvenile and adult offenders.

Officer Sally Stetson was returning from the Health Department with two adult prisoners and one juvenile, and it was already 30 minutes past her normal quitting time. In order to make up for lost time, she stopped to discharge the juvenile prisoner first. When she opened the rear of the van, the two adult prisoners pushed her out of the way and made a break for freedom while they were still handcuffed. Because the juvenile facility did not have a place for weapons storage, the officer had locked her weapon in the van and could not shoot. She also could not pursue the inmates because she could not leave the juvenile unattended. One of the prisoners who escaped was charged with first degree murder, and the other was charged with armed robbery.

Could you, as a supervisor, have done anything to prevent this situation from occurring? What should you do now?

PATROL PROCEDURES

The officer who is responsible for patrolling individual areas of the jail performs one of the most important security functions within the detention setting. Very often, however, this patrol procedure becomes monotonous. That is when security breaks down.

The "boredom" factor becomes increasingly evident during the midnight shift. This is the shift when there is the least amount of "legal" movement within the jail setting, and it should be the time when the patrol procedures can be accomplished most effectively. Unfortunately, this is not always the case. Historically, the midnight shift within a jail becomes the destination of various types of officers who, for one reason or another, do not perform effectively on other shifts. There are, of course, some officers who sincerely enjoy working the midnight shift and do perform well. Other officers enjoy midnights because there is less confrontation with inmates; it is a time for "relaxation" or a time when one is close to retirement and there are "fewer hassles."

Therefore, it is a challenge for the night shift supervisor to instill in his officers the need for effective patrolling. It is helpful here to review the **basic purposes for patrolling:**

1. Prevention of confrontations among inmates. This is especially true in an overcrowded jail where inmates are forced to double-bunk, or in less secure common sleeping rooms, such as dormitories.
2. Prevention of suicide.
3. Prevention of serious medical problems.
4. Discovery of psychiatric disfunctioning.
5. Prevention of escapes or escape attempts.
6. Discovery of contraband.
7. To assure fire safety.
8. To inspect for health and hygiene discrepancies.
9. To discover maintenance problems.
10. And, perhaps most importantly, to give inmates access to staff members.

We cannot emphasize enough the importance of the last purpose. Jail assaults, illnesses, or suicides, when investigated, often reveal the fact that patrols either are not conducted at all, or are conducted in a cursory manner. Inmates who have been victims of assaults often say that they are afraid to put any request forms or written documents out, but wait until they can verbally attract the attention of officers.

Besides continuously stressing effective patrol procedures with subordinates, a good supervisor should make every attempt to **make rounds with his officers** as often as possible. Accompanying an officer on patrol can be a vital teaching tool. During the course of the rounds, while observing the inmates themselves

and their environment, a supervisor will be able to watch the performance of the officer. He can then use these observations to help the officer improve his own patrol methods and to improve security as a whole.

One major liability-reducing technique is the use of some type of recording device to verify that patrol rounds have been accomplished. Documentation is one of the most effective methods available for countering allegations of staff inactivity. The supervisor should examine these recording devices frequently to insure that patrol times do not become routine, but are staggered. Aggressive and irregularly spaced patrolling has thwarted many suicide or escape attempts.

COUNTS

The importance of counts cannot be emphasized enough. In today's jail atmosphere, the supervisor is swamped with inmate movements that did not plague his predecessor 30 years ago. The jail officer of 30 years ago was simply a "keeper." He fed the inmates, got them to court, and put them back in their cells—that was the basis of his operation. Today, however, the jail society is vastly more complex. From the time inmates awake, they are on the move, whether it's to visitation, exercise, sick call, or program services. This traffic flow makes it very difficult for staff members to keep track of inmates. Thus, it is vital that there be specific periods of time set aside each day when as much inmate movement as practical is halted so that positive counts can be made of the jail population.

Counts are conducted in a variety of ways and at different times. It has been suggested by one corrections specialist that correctional officers are always counting inmates, and perhaps this is, in fact, the truth. A control officer should perpetually be checking his figures to insure that his out-count, those inside of the facility, and totals always match.

For a supervisor, however, the most important need is to insure that officers assigned the responsibility of taking a count, **do it properly.** There must be an effective count system. Relying on checkmarks on a sheet of paper, or numbers of cell doors that are shut, or other "shorthand" methods may work once or twice, or even for a period of time. But this method eventually will trip up the supervisor and allow a major security breach to occur.

Officers need to be taught the importance of **observing "flesh"** when making a count. While waking inmates every hour during count procedures is never condoned, it is necessary to insure that what is being counted is, in fact, a human being: not a mound of clothing or bedding. Counts during the daylight hours are more difficult because of the constant movement of inmates. Still, supervisors must try to establish periods of time when formal counts can be taken with minimal inmate movement.

A supervisor should also be aware, however, that a count not become a "sacred cow." Frequently, inmates will be out of their assigned areas either at an extended sick call, in the middle of an attorney visitation period, in court, or for some other legitimate reason. If accountability for the inmate can be pro-

vided, then that figure should be introduced into the total count. On the other hand, the supervisor should not allow himself to become intimidated by demands for unnecessary inmate movement during the period of counts. For example, an attorney who demands to see a client during the 10 or 15 minutes of count procedure should be advised to wait until the count has been completed successfully.

It should also be a primary rule for a supervisor that **formal counts** (i.e., counts that are held at established times of the day) **are augmented by informal, unannounced counts.** A formal count system rigidly adhered to may provide inmates with the opportunity to indulge in illegal activities, since the fear of being discovered will be greatly reduced.

FEEDING

From a security standpoint, **those periods when inmates are fed present a real threat.** In many institutions, this is also the time when staff members usually eat. Unfortunately, if staff meal breaks are not controlled properly, there will be reduced security at the very times when the officers are needed the most.

Inmates can be fed in a number of ways: from the minimum security dining room concept, to direct feeding in individual cells in a segregation or detention mode.

But whatever feeding system is used at an institution, **security must be of prime concern and immediately addressed.** Proper inmate supervision is always required, and should be provided by trained jail officers. Too many jails make the mistake of leaving the supervision of meals in the hands of food service supervisors, who may or may not be trained jail officers, and who are more properly concerned with the delivery of the food. While meals are being served, routine patrol procedures in inmate housing areas unaffected by feeding must be continued, and these areas must be supervised to insure that security does not decline.

The jail supervisor cannot disassociate himself from the food delivery system, either. It is essential that he meet with food service personnel on a regular basis so that problems in the delivery of food can be brought to the attention of the food service staff. Portion control, food quality, and proper distribution can be valuable tools for preventing inmate unrest.

Another security problem in the feeding process involves the use of inmate **"trusties."** Unfortunately, there are times when officers believe that "trustee" equals trustworthiness. Nothing could be further from the truth. Just as correctional officers and inmates in the general population suffer from **peer pressure**, so do trusties. This pressure may cause them to act with favoritism in the dispensing of food, which could lead to troubles from other inmates. In addition, in-cell feeding leads to trusties being able to introduce contraband to inmates who are being kept in segregation or maximum security housing.

Hoarding of food by inmates should never be permitted. Not only does it pose a sanitation problem, but it also permits inmates to use various types of food for the making of homemade alcoholic beverages.



Incidents of inmates refusing meals should be documented immediately, along with the purpose for the refusal. Reasons given by the inmates may range from a hunger strike to the inmate just not being hungry. However, upon further investigation, a supervisor could become aware of impending trouble. For example, an inmate may say he "wouldn't want to get involved," and thereby refrains from participating in a meal situation; this should tell the supervisor that there is "something going on" in the dayroom, for instance, that could mean trouble.

FIREARMS

The whole concept of the use of firearms by correctional personnel revolves around one word - **TRAINING**. This training includes not only how to hit the target aimed at, but also when to shoot and when not to shoot, and the mechanics of the weapon itself. There are a number of reasons why a jail officer would use firearms in the course of his assignment: the transportation of inmates, for static perimeter posts, and while on recreation yard guard duty, for example.

Training in the proper use of firearms should be the responsibility of the sheriff's department training section. **It is the ultimate responsibility of the first line supervisor, however, to insure that his officers have had the necessary training on a continuing basis; are familiar with the post orders of the positions that would require them to handle weapons; and are comfortable with the weapons themselves.**

One of the main differences between police officers and corrections officers is that the former carry a weapon on a daily basis as a tool of their trade. Police officers become intimately familiar with their weapons, and they are used to the gun's weight, its use, and its effect. Conversely, the correctional officer usually does not have this advantage. This problem has been compounded by staffing shortages; officers who one day work in the control room are assigned the next day to a position requiring the use of a weapon. An officer who is not confident with a weapon is not an effective employee. He may, in fact, be a danger to those around him. Thus, **constant monitoring** of these officers by the supervisor is imperative.

Training is the key to proper firearms usage. Part of this training should be in the operation and use of the weapon to achieve a qualifying score. **This training should be mandatory**

at least once every six months, depending upon the size of the agency. Officers should not be allowed to train with personal or modified weapons unless those are the specific weapons they will be using in a duty status. Conditions of the firing range should parallel as closely as possible the conditions in which an officer will actually have to carry a weapon. For example, if perimeter towers or recreation guard towers are employed by the agency, then there should be an attempt made to build a tower at the range in order to make the officer comfortable in obtaining a proper site picture while he is at an elevated angle to his target.

Once this weapons qualification training has been accomplished, there should be additional instruction in when to shoot, and when not to shoot. Very often this will be covered by state statutes. However, most agencies have their own internal policies which govern the use of firearms. **A JAIL SUPERVISOR CANNOT LEAVE THIS INSTRUCTION TOTALLY UP TO A TRAINING SECTION. IT IS INFORMATION WHICH MUST BE CONTINUALLY REINFORCED WITH THE OFFICERS.**

Tied in with this information is the knowledge of the post position to which an officer is assigned. For example, the requirements of a guard tower at a maximum security facility as it is concerned with a "shoot, don't shoot" policy would be markedly different from the procedures used at a perimeter post at a minimum security facility.

Finally, the supervisor has the added responsibility of **checking the weapons** used by jail officers on an on-going basis. Recently, at one police department where shotguns were carried vertically in the vehicles, an inspection revealed that the barrels of the weapons had been used as ashtrays and, in fact, that there were cigar butts lodged in the barrels of several weapons. The effects of a blockage, when the gun is fired, would be very dangerous to the operator.

This kind of activity can occur in the corrections sector as well. In reality, it probably occurs more often than it does in policing. Since the weapons at most corrections facilities are not personally assigned to individuals, the officers seem to have less regard for ownership, for caring for the weapon, and for ensuring that it operates properly.

Firearms require the same kind of preventive maintenance as any other piece of equipment within a jail's inventory. Weapons should be checked on a daily and weekly basis by both the operators and the supervisors. A weapon which misfires when it is used may seriously injure the officer. At the same time, a misfired weapon may permit an escape to occur. An event of this nature would certainly result in disciplinary procedures for negligence and could also be grounds for litigation by an innocent victim hurt as a result of the escape.

Case Study 3:

Officer Wilbur Johnson has been assigned to a tower guard position at the Mozzarella County Jail, which involves carrying a shotgun. Approximately 1-1/2 hours after he began his assignment, Officer Johnson notified the control room that the

weapon has discharged and there is now a hole in the roof of the guard tower.

Sgt. Roosevelt Green responded to the scene and found Officer Johnson sitting by the telephone shaking uncontrollably. When Sgt. Green asked him if he was okay, Officer Johnson said he was and then commented, "I don't know what happened. All I did was move this little lever here, and the gun went off!" Sgt. Green, after further conversation, found out that Officer Johnson has not yet attended firearms qualification training; he received only a brief familiarization with the shotgun during his job orientation.

What actions should be taken in this matter? How could such a situation be avoided in the future?

TRUSTIES

Earlier in this chapter in the discussion of proper food service procedures, the use of trusties was examined briefly. The trusty can often be a valuable resource in facility maintenance and sanitation—if he is properly supervised by jail officers.

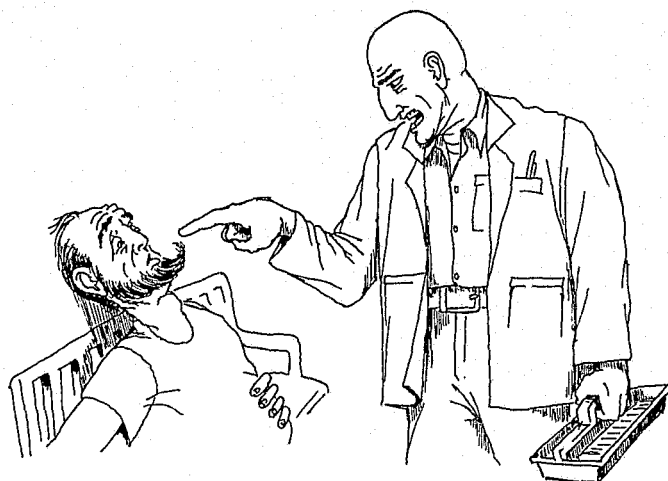
Unfortunately, the complacent, industrious trusty is sometimes so prized that the correctional employee forgets the trusty is, in fact, an inmate who has been incarcerated in the institution. That point should always be stressed by the jail supervisor to his staff members. There have been situations throughout the history of corrections of trusties coming to the aid of officers, preventing assaults upon them, performing life-saving functions, and putting out fires. In spite of these actions, however, **they cannot and should not be considered as members of the facility staff.**

While making security inspections, supervisors should observe the interactions between jail employees and trusties. Is there overfamiliarity? Is there a tendency to forget that the trusty is even present and discuss matters which, if not classified, would at least be considered for official use only? Are trusties given assignments which are outside the scope of good correctional management?

Trusties should never be permitted to handle security keys nor to run control rooms in the absence of staff members. They should never be placed in positions of authority over other inmates where abuse could cause serious repercussions for the inmates and for the facility.

Jail officers should be warned that they are negligent if they discuss official matters within earshot of trusties. Inmates who have been placed in protective custody, or inmates who are being used as confidential informants, can have their safety compromised by careless conversation.

Finally, it should always be remembered that the complacent trusty might be working with inmates who are in a more secure atmosphere in an effort to initiate a successful escape or hostage situation. Although they are vital to jail operations, trusties can cause the most sophisticated security system to be totally useless if jail officers are careless around them.



LOGS AND JOURNALS

Supervisors must emphasize the importance of documentation of even the most mundane and routine activities in order to provide verification of any incident or activity which may reflect on the accountability and responsibility factors involved in operating a professional correctional institution. Lawsuits do occur. These legal actions often allege negligent actions on the part of jail personnel. A commander may find it difficult to refute these allegations because of a lack of documentation. The courts want to see **written proof** that jail officials did what they were legally required to do.

Records are born to be maintained. It is therefore the responsibility of the jail supervisor to check these logs routinely to insure that tasks which have been assigned to various employees are carried out and documented. Experts in the field of litigation are fond of commenting that actions which are never documented never occurred! **Good intentions mean nothing unless they are backed-up by proper paperwork.**

On the other hand, the supervisor must also inspect journals and logs to ensure that they are not being completed either in mass production style, or by rote. Variances do occur in times when activities take place, in the numbers of inmates participating, and so forth. **Too much duplication in the logs indicates that mere mechanical processes are being followed and not much actual work is being accomplished.**

Remember: Documentation is the one sure way to eliminate or overcome litigation against sheriffs, corrections agencies, supervisors, and jail officers.

KEY AND TOOL CONTROL

The control and accountability for keys and tools within a jail is critical to the maintenance of security. Although it seems fairly logical that these two areas would be given the highest degree of concern possible by all members of the security staff, sometimes by their very nature they are overlooked. The escapes which occur due to the use of security keys or tools which are kept in an institution can almost always be traced back to the failure of a security system and the negligence of some staff member to follow stated guidelines.

It must be stressed again, however, that **jail officers do not develop negligent tendencies overnight.** Inattention to de-

tail is an eroding process; it occurs only after periods of time have gone by. Inattention is reinforced when supervisors fail to respond to noticeable laxness on the part of officers.

Guidelines for proper key and tool control in the jail include:

1. Key Control

- A. **Accountability:** Key control systems require simple and efficient daily checks of all keys and locks within the facility. Any changes (additions or deletions, etc.) must be authorized by the facility commander. **Keys should be inventoried at each change of shift.** This inventory should be documented. A key-board or shadow board should be established within a secure cabinet that will allow for an efficient inventory and instantaneously show the keys that are out.
- B. **Issuance of keys:** Keys should be issued only by the shift supervisor. Although this can mean additional "work" for an already overburdened supervisor, the seriousness of this issue makes it worthy of his personal attention. **Keys should be signed out on a log and should always be returned before the end of the shift.** Staff members should not be allowed to take keys home with them.
- C. **Handling of keys:** During routine security patrols the jail supervisor should make certain that his staff members are following proper key control procedures. These procedures should include: (1) carrying keys as inconspicuously as possible; (2) avoiding reference to the key number or any other identifying information in the presence of inmates; (3) whether keys are being tossed from officer to officer (or even worse, slid along the floor!); (4) not allowing an inmate to handle security keys under any circumstances; (5) careless operation of locking devices which could lead to malfunction or other damage; and (6) whether key exchange is being performed in a proper manner.
- D. **Duplication of keys:** Supervisors should, on a recurring basis, inspect staff members to insure that they do not have unauthorized possession of facility keys. Sometimes employees consider it a "pain" to have to continually sign out nonsecurity keys, especially office keys, and therefore unauthorized duplication occurs. While this duplication in itself is not necessarily harmful, the facility loses accountability for the keys. Should the individual who has duplicate keys lose his set, then the jail's security could be breached without anyone in authority having any knowledge of it.

2. Tool Control

- A. The daily operation of any correctional facility requires members of the staff (and to some extent trustees) to have access to various tools and culinary equipment. To prevent this equipment from falling

into unauthorized hands, a system of **internal accountability** must be established.

- B. The supervisor must insure that a procedure is developed which will assure responsibility and accountability for the tool from the time that it is originally received at the jail until the time when it is finally destroyed or removed because it is incapable of performing its function.
- C. **Tool control procedures should parallel those techniques used with keys.** Tools should be inventoried daily by a supervisor. Documentation of this inventory should be made and included with the other reports completed by the supervisors. Tools should be marked or etched with some type of device to show that they are jail tools. If a tool is found that does not have this marking on it, then it can be readily identified as contraband. Tools should be mounted on a shadow board in order to immediately warn an officer who is reviewing the board that tools are missing.
- D. Since tools are used throughout the jail, the primary responsibility of a supervisor is to ensure that they are being used in a proper manner, and in accordance with applicable jail rules and regulations: Are staff members keeping tools under their control? Are inmates who are permitted to use tools supervised closely? Are tools used safely? Sometimes this last question is ignored. Yet, more and more supervisors are being reprimanded for laxness in supervision that allows inmates or staff members to hurt themselves through negligence or carelessness. This type of attitude on the part of staff members can result in litigation that is as serious and as costly as that caused by an escape or an inmate assault.

CONTROL CENTER OPERATIONS

Correctional officers are overworked. There are few people in today's criminal justice system who would refute that statement. We are also in an era of cutback management and fiscal constraints. For these reasons, jail officers sometimes feel that in order to get the job done, they have to take shortcuts. They avoid doing things which they see as being unnecessary or an "expensive" use of time. Something as minute as locking a control room door can be overlooked through either negligence or unconcern.

Once again it is necessary to emphasize the need for **continual inspections by supervisors**. Only by physically visiting each control room can a supervisor keep control of this situation. Depending upon local policies, a supervisor should be aware of unauthorized items which exist in the control office, such as coffee pots, miscellaneous reading material, and decks of cards. The presence of these items when they have not been authorized indicates that staff members are not paying proper attention to their assigned duties. This inspection of the control room should also include the review of logs and journals to ensure that they are being kept accurately and on a timely basis.

Case Study 4:

During her tour of duty at the Big Sky County Jail, Sgt. Sally Jo Mandrake checked the control rooms in the three areas of the jail complex. In Control Room A, she found three of the four officers assigned to this area sitting down and having coffee which had been freshly made on the coffee-maker in the control room. The control room itself is neat and all equipment appears to be properly stored.

The officer in Control Room B obviously got the word that Sgt. Mandrake was making rounds. When she arrived, he was standing outside the control room watching a trusty who was vigorously mopping the floor.

Sgt. Mandrake noticed that the keys to the control room were hanging in the lock of the door. The officer appeared to be very nervous, and upon questioning him, Sgt. Mandrake learned that this was Officer Larry Seebach's first tour of duty as officer in charge of the control room. Sgt. Mandrake reviewed his journals and noticed that few entries had been made since the beginning of the shift. Officer Seebach was quite upset about the entries that had been made by other officers working the floor. He said he felt that it was best to keep informal notes and then fill the control room log and write at the end of the shift so it would be neat and error-free.

In Control Room C, Sgt. Mandrake commented to the officer in charge that it seemed as if there had been a riot in that particular area. The control room was filthy, with overflowing ashtrays and garbage cans, food, and newspapers scattered around. An inspection of the first-aid kit showed that the majority of the items were either missing or out of date. Sgt. Mandrake then checked the airpack used in fire emergencies and found that the tank was empty.

As a result of the inspection, what actions should Sgt. Mandrake take? What particular key points do you see that need to be addressed? Are there any trends that have developed here?

SUMMARY

1. **There is perhaps no subject more essential or more central to the effective operation of a jail than security.**

Supervising security in a jail means paying close attention to the following areas:

- A. Physical security;
- B. Patrol procedures;
- C. Counts;
- D. Feeding;
- E. Use of firearms;
- F. Trusties;
- G. Key and tool control;
- H. Logs and journals; and
- I. Control center operations.

Certainly the experienced supervisor can think of even more areas of concern.

2. **What must be impressed upon a jail supervisor is the need to supervise and not do the job of the correctional officer.**

However, if a supervisor expects the officer to do the job, the officer must have a clear understanding of what the job requires. He must also know that he can count on receiving both physical and moral back-up from the supervisory staff. The key to good security operations is for the supervisor to **LISTEN**: Listen to the concerns of the jail officers as they go about their daily duties; and, in addition, listen to the inmates. **Security problems are caused when there is a sudden change in the behavior of inmates that is not discovered by the correctional staff.** That is what can lead to disturbances, riots, escapes, and injuries.

CHAPTER FOURTEEN

SUPERVISING SPECIAL AREAS OF THE JAIL

Every jail or correctional institution, because of its volatile nature, has the potential to instantly change from a secure situation to a hazardous environment for both the inmates and the staff. Many inmates, incarcerated because of an act of violence, pose the danger of repeating that same offense within the walls of confinement. While some inmates are a danger only to themselves, others create a security risk for the entire institution due to their propensity to steal, sell contraband, or perpetrate violent acts while confined.

In order to ensure the safety and security of all the prisoners and staff members, **the following areas of a jail should receive special attention and supervision:**

- Property Room
- Records Room
- Booking Desk
- Kitchen Facility
- Laundry, Tool Shop, Work Areas
- Visiting Areas
- Library
- Medical Section
- Dormitories
- Recreation Yard/Gym
- Storage Rooms.

Depending upon the size and design of the jail, these areas may or may not be staffed on a full-time basis. But no matter whether they are staffed full-time or only part-time, **they always require conscientious and specialized trained staff members to oversee their operation.** In order to provide consistency and continuity from shift to shift, Standard Operating Procedures (SOP) for these areas are essential.

Some jurisdictions may use inmate labor or trustees to assist in performing some of the functions in these areas. If inmates are assigned to these areas to work, this requires even closer coordination, supervision, and documentation to avoid being used or manipulated. Some of these areas require **constant searches**, both of the area itself and of inmates.

PROPERTY ROOM

The purpose of a Property Room is three-fold:

1. Ensure the safekeeping of all property taken from the inmate at the time he is booked into the jail;

2. Ensure the safety of the institution by diminishing the opportunity for the introduction of contraband into the general population; and
3. Ensure the security of the institution.

Inmates, while incarcerated, have property that is legal to possess and have the constitutional right to have that property protected. However, some of this property, when it is introduced into the institution, becomes contraband which, in turn, becomes a serious security and safety problem for both staff members and the inmate population.

To help alleviate potential problems, **it is wise to restrict the inmate's possession of personal property.** When some inmates have too much personal property in their cells, this causes discontent among the inmate population as a whole. The property can be bartered, stolen, or used as tender for gambling. The loss of this personal property may lead to assaults, fights, and riots which could result in injury or even death to staff members and inmates. Jail supervisors should be aware that inmates, like the general population, suffer from the temptations of greed and envy.

Property which is taken away from inmates should be secured in a Property Room designated by the supervisor; the Property Room should always be located outside the security area of the institution and inmates should not have access to it.

Since the agency head or sheriff cannot maintain a constant vigil over the operation of the Property Room, the responsibility for its security must be delegated. The overall responsibility for the storage and security of all property taken from inmates should be assumed by **one supervisor**, with each squad or shift having **one jail officer** designated as the "inmate property officer." By assigning one officer to this position, the possibility that property will be lost, stolen, or misplaced decreases.

Only the inmate property officer should be allowed access to the Property Room, which should be locked at all times to ensure control and security of the property within its perimeter. Such a policy would, at the same time, fix responsibility if any complaints or questions arise requiring an investigation by the department.

Under no circumstances should inmates, including trustees, be allowed access to the inmate Property Room.

All inmates' property entering the Property Room should be **searched and inventoried**, with each item distinctly described on an Inmate Personal Property Receipt Form. Both the inmate and the jail's property officer should sign the property

form to verify its validity. The inmate should be given a property receipt. A locker or bin number should be placed on the property form, and the property should be placed in the assigned numbered locker or bin. The inmate's property should remain in the assigned locker or bin until the inmate is released or transferred.

Upon the inmate's release or transfer, the inmate property officer, in the presence of the inmate, should inventory the property. Once again, both the inmate and the property officer should sign the receipt form to document that the inmate has received all his property being held by the facility. After the transaction has been completed, this form should be filed and retained for three years. This system should be used when the jail receives inmate property from the booking process, from visitors, and through the U.S. mail. Keep in mind that **documentation is of the utmost importance.**

Also extremely important is **proper** documentation. **Inmate property must be accurately described.** For example, the jail's property officer listed a gold ring with diamonds. He signed the forms and followed the steps for proper storage. Several weeks later the inmate was released. The inmate looked at the ring and said: "Hey, man, that's not my ring. My ring was gold with diamonds. This thing is a fake with glass stones. I want my gold ring with diamonds." What do you do? The inmate has a receipt which states: "gold ring with diamonds." Someone is going to be stuck with restitution, since you are forced to take the inmate's word at this point. To prevent this type of problem from occurring, the property officer should have described the ring as follows: "1 ring, gold in color with clear stones." Thus, the problem would be solved.

To summarize, safety, security, and documentation are the most important steps to follow for an effectively operated inmate Property Room. The key to a successful Property Room operation is good, vigilant supervision.

RECORD ROOM

The Record Room is a vital part of any institution and contains valuable information, some of which is public and some of which is confidential. Information governed by Federal or state Privacy Acts is confidential and, as such, is protected and cannot be released to non-law enforcement personnel. But information governed by Federal or state Freedom of Information Acts is considered public and therefore can be provided to the general population.

The Record Room should be in a secure or controlled area within the institution. Only personnel with a "need to know" should be allowed in this area. **Inmates or trustees should never be assigned work duties in the Record Room.**

As institutions progress, they become computerized. The computer is an outstanding tool which has many uses. However, a power failure or a fire may cause the computer to lose data. Therefore, **the Record Room supervisor should ensure that an "active" mobile file (inmates presently in the institution) is kept in a location where it can be easily moved in the event of an emergency (fire, riot, etc.).** This file could be the only means of identifying the inmates, giving proper medical care, etc., in the event of an emergency. Thus, the mobile file stores

important documents about the inmates. Examples of such important documents are out-of-state warrants, detainers, special medical needs, etc. The Record Room supervisor should designate two or three employees to be responsible for moving this mobile file when deemed necessary.

Strict and consistent security within the Record Room—without exception—serves a dual purpose. First, it provides protection for the institution from liability suits in the event that inmate information falls into the hands of unauthorized persons. Second, it befriends the inmate as well since it protects his privacy rights by concealing certain information.

Two of the most frequent offenders who attempt to breach the security of the Record Room are attorneys and bondsmen. Since members of both of these professions have frequent encounters with the institution's personnel, they often attempt to obtain classified information by cultivating friendships. Thus, **supervisors should doublecheck Record Room employees prior to the release of any information concerning an inmate.**

Another ruse employed by attorneys and bondsmen is the request to use the Record Room to make it "easier" to conduct their business. Be assured that if either ploy succeeds and wrong or classified information is revealed, the institution may find itself in court. The liability on the part of the jail and the sheriff's department for the protection of these records is overwhelming. Protection of these records is of utmost importance since ultimately this ensures the protection of the institution.

When employees are asked to provide information to attorneys, bondsmen, and media representatives which goes beyond the norms of the jail, they should seek assistance from their supervisors. **Original records should never be released, only duplicates.**

BOOKING

The inmate booking process is the foundation of the jail operation and should receive first priority by the supervisor. Proper supervision of the booking operation is of the utmost importance. The supervisor should choose at least two officers from each squad or shift and train them as "booking officers" with a third officer selected and trained as a back-up. The following qualifications should be taken into consideration when selecting the candidates for this position. They are: (1) experienced in handling inmates; (2) capable of working under pressure; (3) able to deal with the public politely under various situations; (4) able to learn quickly; (5) possess the trait of self motivation; and (6) have the ability to work cooperatively with fellow employees.

Once the booking officers are selected, the training process begins and becomes a never-ending responsibility for that position. Not only should the booking officers be trained in departmental procedures and policies, as well as local, state, and Federal laws regarding inmates, they should also receive training to understand the functions and operational procedures of the court system, bonding, and the magistrate's office.

After the basic knowledge is acquired, the training does not cease. Instead, it escalates in intensity because the booking

officer must keep updated on changes which occur frequently, such as parole laws, statutory good time, extraordinary good time laws, and state department of corrections' policies and procedures. In order to have a systematically controlled facility which operates uniformly and efficiently, the supervisor must ensure that there is complete cooperation between his officers. Because of this need, the booking officers must all be trained in the same manner; during their training period, **the importance of uniform actions by each squad should be stressed.**

The booking card or court sheet should be reviewed constantly. Does it contain the necessary information? Does it contain information required by law? Does it need this information anymore? Should other information be added?

Booking supervisors should have a **doublecheck policy** built into their procedures for admittance, as well as release, thus reducing the margin for error. When a computer is used during the admissions process for on-line direct booking, a paper file or "hard copy" should be made, and filed in the mobile "active" file. The admittance card or request from the magistrate or the court should be checked very carefully. If instructions are not understood clearly, then the booking officer should contact the issuing authority for clarification. This request for clarification should be documented by the booking officer.

The inmate should be placed in a receiving cell while the booking officer determines the cell assignment best suited for both the inmate and the facility. With few exceptions, initial cell assignments should be made by the booking officers, unless the jail is large enough to have a classification officer assigned to each shift. Because booking officers in most small and medium-sized jails must make classification decisions, these officers must possess the skills necessary to make mature judgments. They should be able to determine when they will need to consult others for guidance in the classification decisionmaking process, such as the jail's medical staff personnel.

Once a decision is made concerning the new inmate's classification status, the booking officer should document the cell assignment. Again, using the check and balance system, a hand-written cell assignment sheet should be kept up-to-date at all times to forestall problems when emergency situations occur, such as a computer shutdown due to a power failure.

The booking officers should be trained and continuously updated on the process involved in computing the time served by inmates. Prior to releasing an inmate on time served, the booking officers should check and doublecheck the time computation. Any problems or questions should be handled prior to the inmate's release. An error could create long lasting problems for the facility.

Prior to the end of a shift, the supervisor and the booking officer should review all transactions conducted during the shift. If mistakes are found, they should be corrected prior to the shift change. The booking officer, along with the supervisor, should take a count of the entire jail population and document the count. It is the supervisor's responsibility to make certain that all documents and forms are completely filled out and filed properly.

In addition, he must ensure that all actions taken by the booking officers are documented and up-to-date prior to the shift change.

The oncoming booking officers and their supervisor should repeat the process prior to taking over the duties, thereby providing a doublecheck. **It should never be taken for granted that everything is in working order.** Following these procedures carefully lessens liability.

When releasing an inmate, the booking officer should repeat the doublecheck by searching the computer and hand-checking the inmate's file; he must ensure that there are no outstanding warrants or detainers on file for the inmate before the inmate is released. The inmate should be asked his Social Security number, address, and date of birth. A photo or fingerprint comparison should be conducted. **The booking officer should be satisfied—beyond any doubt—that the inmate identified for release is indeed the right individual.**

The doublecheck system must function consistently without exception. The responsibility for ensuring that this duty of doublechecking is performed constantly rests with the supervisor. Not only would the sheriff's department suffer a great deal of embarrassment if the wrong individual is released, or released before his time, but there would also be a question of liability involved, especially if that individual commits another crime while on the outside. The preventive measure is simple: **Check and doublecheck!**

KITCHEN

In supervising a kitchen or food service operation in a jail, **security is the first priority.** The supervisor must keep this in mind at all times. It is always necessary to use equipment and supplies that are very dangerous. Thus, a strict policy and procedure for control must be followed.

Knives should be secured in a safe or lock box located in a locked room or office with access allowed only by the on-duty kitchen supervisor. The safe or lock box should be opened only when issuing controlled items. The supervisor should document each issue of equipment.

Tools should also be kept in a locked and controlled location, unless they are in use. Caustic and cleaning supplies, as well as aerosol-type dispensers, should also be kept in a locked and controlled location.

Culinary equipment should be kept in a safe or lock box. The supervisor should issue and supervise the use of these items. When an item is issued, a notation of the date of issue, type of item, who issued it and to whom it is issued, time issued, time returned, and the staff member receiving it should be made in a log provided for this purpose.

The kitchen supervisor going off duty and the oncoming shift's kitchen supervisor should inventory the security container at shift change. When the kitchen is secured for the day, the confinement supervisor and the kitchen supervisor should both inventory the security container. The kitchen supervisor on duty for the first a.m. shift should inventory the container prior to the



start of the shift. **Once again we see the importance of a system of checks and balances to help safeguard the jail's security.**

An ongoing inventory of all eating utensils should be maintained by the kitchen supervisor. A log should be maintained and updated, entering the number of, type of, and location of these utensils. Prior to closing the kitchen for the day, the log should be verified and signed by the kitchen supervisor.

Food items such as yeast, nutmeg, mace, and extracts with an alcoholic base should be accounted for and secured at all times and used only under the direct control of the kitchen supervisor. Again, a log should be maintained to document the use and location of these items.

The jail's kitchen area should remain locked and secure at all times when it is not in use. At no time should an inmate be left in the kitchen alone. The kitchen supervisor should notify the on-duty confinement supervisor when it becomes necessary for him to leave the kitchen. A confinement officer should be posted in the kitchen until the kitchen supervisor returns.

The sheriff or jail administrator should appoint a command grade officer to manage the kitchen or food services operation. This manager would have complete responsibility for the entire food services operation. He would ensure that all department policies and procedures and all jurisdictional budgeting, purchasing, and accounting practices are followed, including:

1. Keeping the cost for each meal served within the mandatory budget guidelines;
2. Purchasing food from state institutions and contract wholesalers; and
3. Taking full advantage of free or reduced rate food from government agencies, such as the U.S. Department of Agriculture.

The kitchen manager should have all equipment inspected on a regular basis by state or local officials to ensure that all of the equipment meets proper safety standards. He should also conduct weekly inspections of the food services area. **The results of these inspections should be documented.**

The kitchen manager should appoint a food services supervisor, who would be responsible for the daily operations of the food services unit. The food services supervisor should ensure that:

1. Daily operations are in accordance with all departmental policies and procedures;
2. Menus are prepared and a record of meals served is kept for three years;
3. Meals are prepared and served;
4. All food service employees and inmate workers are properly trained and supervised;

5. A monthly report of meals served is sent to the kitchen manager and a copy filed for budgetary purposes;
6. Temperature readings on cold food storage areas and water temperatures are recorded daily;
7. Each food container in the food storage area is dated and rotated accordingly; and
8. A high standard of health and safety is maintained.

In addition, the food services supervisor should ensure that food is prepared and served in a sanitary manner. Inmate workers should initially be cleared by medical personnel, comply with medical standards, and obtain a monthly medical examination. Employees should also be required to take frequent medical examinations. It is the responsibility of the supervisor to make certain that food service employees and inmate workers maintain a high standard of personal hygiene and that all food service areas follow proper sanitation procedures.

The jurisdiction's health department should conduct monthly inspections of the food services unit and its equipment to check that sanitation and safety standards are being met. Results of the inspections should be retained on file in the sheriff's department, since this file could be of great assistance in liability cases.

Finally, the food services supervisor should work in conjunction with the department's medical, classification, and chaplaincy units in order to satisfy special diets (e.g., vegetarian, medical, non-pork, etc.). These special diets must be granted because of state laws and various court decisions.

LAUNDRY

The jail laundry operation is an important function that at times is overlooked. However, this operation is critical to the overall operation of a jail.

The maintenance of security should be the first priority in the laundry operation. The second priority is to provide the inmates with clean, presentable, and suitable clothing, bedding, linen, and towels.

Management of the laundry operation should be assigned to a command grade officer, who should know how to purchase equipment and supplies and contract for maintenance personnel. The command grade officer should appoint a laundry supervisor, who would be responsible for the laundry's daily operations, including the cleanliness of the area and the equipment. The supervisor also is accountable for issuing and exchanging all items in the laundry.

The laundry supervisor should set up a cleaning schedule for jail-issued clothing, bedding, linens, and towels, as well as for inmates' personal clothing, such as socks and underwear. These schedules should be established after consulting with confinement officers and support staff in order to avoid scheduling conflicts.

The laundry supervisor should notify the command grade officer as soon as possible when equipment malfunctions. In

addition, he should ensure that the laundry area is safe and secure at all times.

VISITING

There are two types of inmate visiting systems: **contact** and **non-contact**. **Contact visiting presents the most problems with maintaining security and control.**

Ideally, contact visits should be limited to "professional visitors," such as attorneys, law enforcement officers, approved medical personnel, chaplains, and court officials. **These visits should always be monitored and controlled**, and the professional visiting rooms should be in a secure area outside of the housing area. The visiting rooms should provide for confidential visits, but with maximum visibility and security, thus promoting safety for all concerned.

A log should be maintained, listing the name of the visitor, the inmate visited, date, time-in, time-out, and agency represented by the visitor. This log will provide a record to be kept on file, a ready-location record in case of emergencies, and a service log that can be used by the professional visitor in case of a lawsuit. For example, if an inmate claims that his attorney did not visit him while he was in jail, the log will document the attorney's visits, how often, how long, etc.

The sheriff's department must also control the times of these contact professional visits. While attorneys have the right to visit their clients at practically any time, **the security of the jail must come first**. During troublesome periods (power failure, feeding, etc.), attorneys can be asked to return at a later time.

Professionals may be searched prior to a visit with an inmate. There are several cases on record throughout the United States in which an attorney, law enforcement officer, or social worker has passed contraband to an inmate—including weapons. **So be alert! You do have the right to search professional visitors, no matter how indignant they become.**

At certain times it is necessary to grant a family member or business partner a contact visit. Again, the visit should be logged. At the end of the visit, the inmate should be strip-searched. Prior to the visit, the visitor should be pat-searched. All items should be taken from the visitor and stored for safekeeping. During the contact visit, the supervisor should ensure that an officer visibly observes both the inmate and his visitor at all times.

In a non-contact visit, the inmate and visitor communicate through a glass or wire screen or by telephone. These visitors are usually family members or friends.

During a non-contact visit, supervisors or officers should be stationed on both sides of the visiting screen. The high visibility of the officers will inhibit the visitors from passing contraband and may even frustrate their ability to discuss and formulate escape plans. The visiting area should be located outside of the general housing section of the jail, and should be divided into two sections: a maximum security section to be used by the inmates, and a limited access section for the visitors. Both the entry and exit points of the visitors area must be controlled.

Visitors should be spot-searched. All articles brought into the jail by visitors should be secured and not permitted in the visiting room. The visits should have a time limit set. Specific days for visiting should be scheduled by jail officials.

Visiting is a tool which can benefit the jail, since it helps to keep inmate morale high. But if the visiting period is left unsupervised, then visiting can be a very serious problem: Contraband will be introduced into the jail or—worse—an inmate will escape.

Case Study 1:

The Refinery County Jail, a large metropolitan complex, recently had a "scary" experience which taught jail personnel a very valuable lesson.

The jail was new and followed modern architectural concepts for jail design and construction. The visiting area was set up in textbook fashion: The inmates were in a secure area of the jail, while their visitors were located in a less secure—but controlled—area. Visits were conducted through a security-type glass with telephones.

On a summer evening, a request for a visit was granted. The visitor was Miriam Margolies, 22, from out-of-state. She asked to see her boyfriend, Rufus Schnell, 39, an inmate, outside of normal visiting hours. Duty officer Vic Owen, out of kindness, directed Margolies to the visitor's room and then escorted Schnell to the inmate side of the visiting area. They were the only two people in the area.

While Margolies was visiting Schnell, Officer Owen and the other two officers on duty with him became preoccupied with an inmate who tried to commit suicide while high on contraband hallucinogenic drugs. They forgot about Margolies and Schnell for a period of approximately three hours. Margolies had a large purse, which was never searched by the staff; nor was it taken away from her. The purse contained a blow-torch. When Officer Owen finally remembered to go check on Margolies and Schnell, he caught Schnell climbing through a hole in the security glass made by Margolies with the blow-torch.

Not only did this oversight cause Refinery County considerable embarrassment, but the hole also cost a great deal of money to repair. This incident could have cost much more if the attempted escape had been successful.

Case Study 2:

John Atbar, a 26-year-old inmate in the Big Sky County Jail, was awaiting trial on burglary charges. He had been incarcerated at the jail several times before, both as a juvenile and as an adult. Atbar had a history of drug abuse, with needle marks on his arms from shooting heroin. His record states that he was an admitted heroin addict.

Once he was detoxified, however, he always became a trusty because he was well known among the officers and had a cooperative attitude.

While removing a plastic trash bag from the dispensary one day last year, Atbar noticed a needle sticking out through the side of the bag. He removed the needle, concealed it in the pocket of his inmate uniform, and took it back to his cell.

Since Atbar was a trusty who was popular with the officers, they occasionally allowed him a contact visit. Following a contact visit with a friend one night, Atbar went back to his cell in

the trusty quarters, took the needle he had found in the trash, and shot up with the heroin his friend had smuggled in to him. Unfortunately, the heroin was 13 percent pure and Atbar had been used to only three percent pure heroin on the street. He was found dead in his bed the next morning.

As a result of this incident, the sheriff and the shift supervisors had to defend a wrongful death suit. The County made a substantial out-of-court settlement to Atbar's wife and children.

This unfortunate and needless incident could have been prevented with proper supervision in the visiting area and proper removal of medical equipment and trash from the dispensary.

Is it important to properly supervise visiting situations? What have you learned from these two case studies? What improvements can be made in the visiting procedures of your own jail or detention center?

Regardless of the type of facility you work in, **good people are essential to assure the security of visiting situations. You not only need alert and conscientious officers, but you also need effective supervisors as well. To be effective, a supervisor must pay attention to the finest details.**

LIBRARY

Supervising the inmate library is an important job, although all too often it is one that is overlooked.

Jails today should have two libraries—or one library with two functions: a "law library" and a "recreational library."

The law library is, without doubt, the more important. Courts have ruled that inmates must have access to current court decisions as well as both state and Federal standards for detention facilities. Failing to provide the inmates with a law library could place the jail and its staff members at risk for a liability suit.

The sheriff or jail administrator should place the law library under the direction of a command staff officer, who should appoint a director responsible for ensuring that all materials in the library are current at all times.

The director should institute a policy for the use of the law library. The following policy from the Rattlesnake County Jail serves as an example:

Policy No. 87-43, Sec. 2, Inmate Legal Rights: The inmate should be instructed to file a written request asking to use the law library. Upon receiving the request, the director must document the time and date he received the request. The director should set up a time and date the inmate is to use the law library. The inmate should be advised of the appointment in writing, and sign a notification receipt. The inmate's name should be documented and kept by the director when the appointment is kept. The request, receipt of notification, and the log must be maintained as a file for three years.

Use of the recreational library should be handled in the same fashion as the law library. However, the written notification receipt is not necessary. Again, document all library use by inmates.

Security and safety must be the first priority of the library staff. Books in a cellblock should be kept to a minimum, as they may constitute a fire hazard.

MEDICAL UNIT

A dispensary or first aid room within a jail or correctional setting requires a great deal of attention as far as supervision is concerned. The jail command staff must provide administrative supervision while the physician or trained medical staff (Registered Nurse or Physician Assistant) provides medical and clinical supervision.

There are many things within a medical unit which need to be controlled. **All medication should be controlled and accounted for at all times.** Some jurisdictions may wish to use unit dosage medication or liquid medication. If pills are used, crush them prior to issuing them to inmates. Every single pill should be accounted for and distributed by medical personnel only. If the facility uses needles, then **all used needles need to be destroyed.** The trash in which the needles are deposited should be carefully monitored to eliminate the chance of a trusty retrieving a needle from the trash receptacle.

Many of the treatment ointments and cleaning supplies used in a hospital-type environment are alcohol-based and should also be controlled at all times. The medical area should always be clean and sanitized.

DORMITORIES

The practice of posting an officer in dormitories around the clock, in direct, barrier-free contact with inmates, has become known as "**direct supervision.**"

As a result of overcrowding, dormitories may be created in make-shift areas not designed originally for housing. When it is necessary to create make-shift dormitories, the proper classification of inmates becomes extremely critical from the viewpoint of institutional security: **the safety of the staff, as well as the inmates, is a primary concern.** Inmates who have a history of violence, mental illness, or criminal sophistication should not be placed in a dormitory. Rather, the dormitory should be used to house misdemeanants, trusties, elderly offenders, and property or non-violent offenders.

The supervisor must ensure that the staff members assigned to dormitories are mature and possess strong supervisory and communication skills. The staff officers and supervisor need to make periodic checks of the dormitory and conduct frequent shakedowns. Inmates assigned to dormitories should be kept active and the area should be inspected often for security and sanitation problems.

RECREATION YARD/GYM

Inmates should have an opportunity to participate in an exercise program outside their cellblock at least one hour per day, which should include both indoor and outdoor exercise—weather and facility permitting. Recreation should also include exercise in both the active and passive form. Some examples of active exercises include volleyball, basketball, ping pong, and

calisthenics. Passive recreation includes such activities as chess, checkers, games, and walking.

Exercise equipment which poses a potential danger for inmates, staff, or the facility should not be brought into the jail. Recreation supervisors should carefully evaluate authorized recreation equipment for potential liability. Some examples of potential weapons include pool cue sticks and loose weights.

Recreation should be used as a tool to promote positive behavior, with all inmates encouraged to participate. Hopefully, recreational programs will allow inmates to vent their feelings of hostility or tension or relieve any anxieties or frustrations in a positive manner, rather than attacking other inmates, staff members, or the facility and equipment.

Depending upon staff availability and the design of the institution, recreation should be limited to groups in manageable numbers. Small groups which are easy to control should be moved to and from the recreational area with precise documentation kept on participants. The classification staff plays an important role in inmate security and safety during recreational activities. Supervisors should be aware of "keep separates" and those inmates whose physical activities must be limited because of medical problems.

Clear rules for recreational activities should be established and explained to the inmates in advance. The activities should be organized so that a few inmates cannot dominate the recreational area. Shakedowns before and after recreational periods should be conducted. Officers and supervisors should always remember that recreation is a right and not a privilege.

CONCLUSIONS

Probably the greatest concern about working in a jail or correctional environment is personal safety. Unfortunately, our detention facilities have gained a reputation of danger and fear. But despite the fear the general public has of our jails, there is an expectation on the part of both citizens and the legal profession that inmates should be safe and the staff members who operate the facilities should not be exposed to undue hazards.

The basic mission of a jail is to keep safe and secure all prisoners until they are released. Supervisors should always be in total control of their jail at all times. Control should never be shared with inmates.

SUMMARY

1. **Some areas of the jail pose special security risks and require conscientious and specialized trained staff members to oversee their operations.**

These areas of the jail include:

- A. Property Room;
- B. Records Room;
- C. Booking Desk;
- D. Kitchen Facility;

- E. Laundry, Tool Shop, Work Areas;
- F. Visiting Areas;
- G. Library;
- H. Medical Section;
- I. Dormitories;
- J. Recreation Yard/Gym;
- K. Storage Areas.

2. The Property Room should always be located outside the security areas of the jail and inmates should not have access to it.

All inmates' property entering the Property Room should be searched and inventoried, with each item distinctly described on an Inmate Personal Property Receipt Form. Proper documentation is of the utmost importance. The key to a successful Property Room operation is good, vigilant supervision.

3. The Record Room is a vital part of the jail and contains valuable information, some of which is public and some of which is confidential.

The Record Room should be in a secure or controlled area within the jail. Only personnel with a "need to know" should be allowed in this area. Inmates or trustees should never be assigned work duties in the Record Room. Original records should never be released, only duplicates.

4. The inmate booking process is the foundation of the jail operation and should receive first priority by the supervisor.

Booking officers must receive constant training and they should all be trained in the same manner; during the training period, the importance of uniform actions by each squad should be stressed. Booking supervisors should have a doublecheck policy built into their procedure for admittance, as well as release, thus reducing the margin for error. The doublecheck system must function consistently, without exception.

5. In supervising a kitchen or food service operation in a jail, security is the first priority.

The following items should be kept in a locked and controlled location at all times: knives, tools, caustic and cleaning supplies, aerosol dispensers, and culinary equipment. The jail's kitchen area should remain locked and secure at all times when it is not in use. At no time should an inmate be left in the kitchen alone.

6. The maintenance of security should be the first priority in the jail's laundry operation.

The second priority is to provide the inmates with clean, presentable, and suitable clothing, bedding, linen, and towels.

7. Of the two types of jail visiting systems—contact and non-contact—contact visiting presents the most problems with maintaining security and control.

Visits between inmates and professionals (such as attorneys, chaplains, and social workers) should always be monitored and controlled and the professional visiting rooms should be in a secure area outside of the housing area. The visiting rooms should provide for confidential visits, but with maximum visibility and security, thus promoting safety for all concerned. The security of the jail must come first. Thus, professionals may be searched prior to a contact visit with an inmate. In a non-contact visit, supervisors should be stationed on both sides of the visiting screen, and visitors should be spot-searched.

8. Too many jails fail to properly supervise the inmate library, thus encouraging both legal and security problems.

Courts have ruled that inmates must have access to an up-to-date law library. All inmate use of the library should be documented thoroughly. Security and safety must be the first priority of the library staff.

9. A dispensary or first aid room within a jail requires a great deal of supervision.

All medication should be controlled and accounted for at all times. Every single pill should be accounted for and distributed by medical personnel only. All used needles should be destroyed.

10. The security and control of "direct supervision" dormitories depends upon proper classification of inmates.

Dormitories should be used only for the housing of non-violent offenders, misdemeanants, trustees, and elderly inmates.

11. Inmates should have an opportunity to participate in an exercise program outside their cellblock at least one hour per day, which should include both indoor and outdoor exercise, weather and facility permitting.

Recreation should be used as a tool to promote positive behavior, with all inmates encouraged to participate. Depending upon staff availability and the design of the institution, recreation should be limited to groups in manageable numbers. Clear rules for recreational activities should be established and explained to the inmates in advance.

CHAPTER FIFTEEN

SUPERVISING CRISIS SITUATIONS



One of the toughest parts of your job as a first line supervisor is **resolving crisis situations**. As a supervisor, your objective is to attempt to manage your area as best as you can to prevent a crisis. But the inevitable crisis will occur no matter how hard you work to prevent it. Thus, the goal of this chapter is to provide you with some suggestions for handling and solving crisis situations.

RIOTS/DISTURBANCES/FIGHTS

Most custodial institutions today, particularly those in metropolitan areas, are overcrowded and have difficulty providing adequate housing for inmates. This problem plagues the prison and jail industry nationally and is one of the leading causes for the numerous "conditions of confinement" class-action lawsuits filed by inmates. Custodial institutions, which generally have very limited funding, attempt to maintain safe and secure environments for their personnel and inmates.

But every correctional officer is aware as he reports to work each day that he will be responsible for dealing with many violent and dangerous people. This is a fact of life in the corrections profession, no matter how up-to-date the security system is in the jail and no matter how well trained the officers are. Emergencies do occur and inmates do create disturbances even under the best of circumstances.

Riots or disturbances require that action be taken **immediately**. In the heat of the crisis, first line supervisors must employ sound judgment and make the correct decisions. **The main concern of the first line supervisor is to minimize injuries to staff members and inmates and to prevent inmates from damaging the facility.** If you hesitate to take immediate action at the first sign of a disturbance, then you may wind up dealing with a full-scale riot, since inmate problems which are not solved at their inception generally fester and escalate.

As supervisor, **you must be totally familiar with the jail's policies and procedures for handling crisis situations.** As you study the policies and procedures, **always consider the security of your entire institution**, since decisions you make during a riot or disturbance must not jeopardize other areas.

Deaths and injuries are also one of your primary areas of concern. To minimize the risk of deaths and injuries, the first line supervisor must make certain that all employees in his unit have been trained in the jail's procedures for handling riots, disturbances, and fights. Your staff members will often follow your example and respond to your behavior. Thus, as the supervisor, **you must present a decisive attitude which shows the employees that you are in control.** If you are indecisive and hesitant in your actions, then you will soon have a major problem, since your staff members will not respond as they should. The rioters will notice the lack of effective leadership and consequently will escalate their control of the situation. Where there is a "leadership gap," there is a danger that the crisis situation will soon get out of hand.

All employees on your staff must be trained to bring riots, disturbances, and fights to a quick end, following the policy guidelines and established procedures of your jail. They must also know and understand their individual roles in the institution in the event that a major crisis erupts. One good way to ensure that your staff members are informed about crisis procedures is to discuss one item of a procedure during your roll call briefing each day. This is a good opportunity since your entire staff usually is present for the roll call. In addition, these short briefings do not take much time. This "one step at a time" will also allow for some interaction among the staff members pertaining to the procedural methods involved in dealing with different types of crisis situations.

One of the best ways to prepare for riots and disturbances is to set up a **mock riot situation** and have an actual exercise. This should be conducted by your department as in-service training so that all staff members will have hands-on experience. Mock training exercises also help to standardize the entire procedural operations of the institution.

If a riot or disturbance breaks out when you are on duty, then your role as a supervisor is to **take control immediately**. Often, many supervisors attempt to get too close to the situation. If you have enough staff officers to handle an assaultive inmate and you—the supervisor—get physically involved in subduing the prisoner, then you will lose your objectivity and possibly your control of other problems in your assigned area of the jail. Your emotions will run high and this reaction could cause you to make instantaneous decisions you normally would not have made.

After a riot or disturbance has been brought under control, the first line supervisor must check on the well being of his staff members to find out how they are doing emotionally and mentally. One good way to handle this component of your job is to have all your staff members assemble for a **debriefing**. This will help accomplish several things:

1. It will give you an opportunity to see how each member of your staff is reacting.
2. Your employees will have a chance to unwind before going back to work or home.
3. Debriefing will give you a chance to find out all the facts.
4. Usually you will get good input on how to prevent problems from recurring and/or how to resolve problems more effectively in the future.

FIRES

One of the most frightening and deadly problems in correctional institutions is fires. When a fire breaks out, inmates must immediately be moved away from the danger of being burned or inhaling smoke. To make matters worse, the visibility in a jail is almost always impaired due to smoke and debris. Staff members have to be trained to wear bulky air packs; sometimes this breathing apparatus will impair effective communications.

As a supervisor, you must deal swiftly with fire situations when they occur. The best suggestion is to have a very good fire prevention and officer safety program in your jail. Currently, most institutions require that one or more officers be assigned to this post on a full-time basis. Prevention of fires cannot be emphasized enough.

If your institution does not have a full-time fire prevention officer, then we suggest that you evaluate the needs of your jail in this area. Most training academies usually provide some training on fire prevention and what to do in case a fire breaks out. However, this training is too often presented only at the recruit level and then it is forgotten. **As a supervisor, you must constantly ensure that all members of your unit know how to handle their emergency fire equipment. Then make certain at the beginning of each shift that all the equipment is in proper working condition.**

If budgetary problems have prevented your jail administrators from appointing a full-time fire safety officer, then we suggest that you use your local fire department as a resource for training and information.

As a first line supervisor, you most likely will be the first person to be notified when a fire breaks out in the jail. You should be prepared ahead of time to make a variety of decisions based upon your assessment of the situation. You will have to decide, first of all, if the fire and smoke is serious enough and, if it is, are you going to evacuate the area? Other questions you must ask and quickly answer include:

1. Is it necessary to send one of your officers into a smoke-filled room to evacuate inmates?

2. Should you evacuate other areas of the jail in case the fire spreads?
3. Is this a diversion for an escape attempt?

You will have hundreds of questions pop into your mind and your staff members will expect you to take command and make decisions. In addition, **you must be prepared to deal with possible panic on the part of the inmates**. Since they are locked up, they have no control over what is going on or over their own safety, and this type of situation causes tremendous fear. As the supervisor, you are faced with making quick life and death decisions.

You should feel confident that if a fire does break out, then you and your staff members will respond quickly and maintain control. In addition, the inmates should know in advance that if they are caught in a fire, then you and your staff will protect their lives and bring the situation under control.

How do you as a supervisor instill this confidence? **First, you must constantly train your staff members to deal with fire situations.** Maintain a log of the employees on your shift, and record information about the training you provide to them, such as teaching them about the proper use of the air pack breathing apparatus. Insure that all your officers know how to place the breathing equipment on themselves and operate it efficiently. Rehearse with them the location of the fire exits and see if your officers know the alternate routes in case the main exit is blocked. Ask your subordinates if they know where the fire fighting equipment is and if they remember how to use the various tools. Then make certain that they do. **There is no such thing as too many fire drills.** These are some steps which you can take to prepare your staff for the possibility of a fire.

Your sheriff's department or detention center administrators should provide the entire staff of the institution with training in fire procedures **at least once a year**. This is done throughout modern facilities and is highly recommended by the American Correctional Association (ACA). If your agency does not provide training, then you should recommend that an annual training program be established.

By now it may have become clear to you that we are emphasizing the importance of **constant training**. We also suggest that facility-wide fire drills be conducted quarterly. There is nothing that can beat hands-on experience. When you are in charge of a shift, the lives of staff members and inmates are your responsibility if a crisis occurs. How well you are prepared to deal with a crisis will determine—for better or for worse—the decisions you make.

NATURAL DISASTERS/MAN-MADE DISASTERS

Mother Nature can be overwhelming at times. Very high winds, tornados, hurricanes, and flooding are a few disasters which sometimes arrive unexpectedly at our jails. When they hit, these natural disasters cause damage to our facilities and may cause deaths and injuries. A natural disaster can make it very difficult for a jail to continue to function normally. Often these kinds of problems can be forecast. Thus, safety precautions

can be taken, but that does not always mean the problem has been solved.

In addition to natural disasters, jails sometimes have to cope with man-made disasters. This can be a problem stemming from a tanker truck carrying highly volatile chemicals which crashes and spills near your jail, releasing harmful or deadly gases and fumes into the air. Or an airplane or helicopter could crash in your exercise yard or hit the roof of your building.

You might want to think that these disastrous encounters are few and far between and not likely to occur on your shift. While we admit that a natural or man-made disaster is not a common problem for a jail supervisor and, therefore, we will never have to deal with one, it would be a mistake to neglect to prepare for the possibility. Problems occur when they are least expected. When disaster strikes, too many jail supervisors must scramble to figure out how to contain inmates and move people around in a safe manner with minimal loss of life and damage to the facility.

It is obvious that you, as a first line supervisor, cannot control Mother Nature, chemical spills, and nuclear reactor catastrophes. So what are you going to do? Again, we emphasize **training and preparation** for handling all types of problems that may arise. Disasters should not be a surprise situation insofar as control of inmates and institutional security is concerned.

To prepare effectively for disasters, jail administrators must develop policies and procedures which address every possible situation. You should already have fire evacuation plans for your institution; it is not that difficult to prepare similar plans for natural and man-made disasters.

When writing plans and procedures for natural and man-made disasters, don't do it by yourself; use your staff members and include other supervisors. Most likely your jail administrators will also assist you. And don't forget to work with your city, county, or state police and emergency services departments, as well as civil defense agencies and the Federal Emergency Management Agency (FEMA).

Since you cannot control disasters, it will be hard to prevent them. Thus, the best course of action is to **be prepared to face them.**

When a disaster occurs, maintaining control of your institution and preventing deaths and injuries will be your two most important priorities. Always maintain a calm and controlled demeanor. Remember, your staff will look to you for leadership. If you show uncertainty or indecisiveness, then they will become aware of your fear and inability to guide them. As a result, some of your subordinates might attempt to take control of the situation, which could lead to more confusion. **Always be prepared to ACT.** As you act, you should keep the following points firmly in mind:

1. **Preservation of life is your paramount objective.**
2. **Prepare to move inmates as necessary, following the procedures in your previously established plans.** Evacuation must be conducted in a secure manner. If you

need assistance from other law enforcement agencies, then ask for help!

3. **Be prepared to accurately report the extent of damage** so that expeditious repairs can be made.

As the first line supervisor, you are responsible for making the decisions in emergency situations. However, you must also remember that an emergency is not an individual show. Thus, you should keep your eyes and ears open and listen to suggestions from your subordinates and peers. **The solution to natural and man-made disasters is not necessarily prevention. Rather, it is one of being prepared to deal with the problem.**

DEATHS IN THE JAIL

As a supervisor, you must ensure that all your subordinates are aware of and understand the procedures of your organization in the event that someone dies in the jail—either an inmate or an employee. Personnel should know the specific actions to be taken.

When you are the initial supervisor at the scene, lower-ranking personnel will look to you as the decision maker—a person who will coordinate the actions of other personnel. Your ability to be a leader will be judged by those who are involved on the scene. Thus, knowing exactly what to do and keeping “cool” in the middle of a crisis is important.

Immediately upon the discovery of a body, the first step to take is to send for a physician or licensed nurse to confirm the death. At the same time, you, the supervisor, must take immediate action to **secure the area** in which the body is located in order to preserve any relevant evidence. **You should never assume that a death in the jail is anything less than suspicious!** Therefore, securing the scene properly enables the homicide investigators to more accurately pinpoint the circumstances of the death.

When you arrive at the death scene, you should make certain that your department's communications unit has been notified and that a field deputy or detective has been dispatched to the scene. Notification of command personnel is also necessary, since the policy of your department may require them to participate in the investigation. Some of the personnel you may need to notify about the discovery of a body include:

1. Shift commander;
2. Commander of jail operations;
3. Chief of security;
4. Jail detectives;
5. Medical supervisor;
6. Jail physician;
7. Medical examiner; and
8. Sheriff or chief deputy.

The notification of these personnel may vary according to your department's policies and procedures. Many states require by law that the medical examiner be advised of all deaths in

jails. As a supervisor, you should ensure that your jail has an up-to-date list of all persons who are to be notified when deaths occur. This list should contain current phone numbers and should be verified frequently; too often, such procedures are developed and then filed, thereby becoming somewhat outdated and useless when an emergency occurs.

Reports

Clear, concise reports are an important tool in any investigation. All staff members involved in the discovery of a dead person in the jail or who have participated in the follow-up actions should be required to submit reports as soon as the crisis has passed and prior to going off duty. As a supervisor, you should review each report for accuracy, clarity, and legibility before the staff member who prepared the report leaves the facility. Many people lose their ability to retain information as time lapses. Thus, it is imperative that all personnel who were involved in the death investigation be relieved of their immediate duties as soon as possible so that they can write their reports while details are still fresh in their minds.

To assist both the homicide investigators and jail administrators, as well as to prepare for possible future lawsuits, you should secure reports of officers' rounds and any tie-in logs for the unit in which the death occurred. You should also submit to your supervisor a chronological chain-of-events which depicts such things as:

1. Time you were notified of the death or discovery of the body;
2. Time you directed each response to occur:
 - A. Medical assistance;
 - B. Shift commander notification;
 - C. Administrative personnel notification; and
 - D. Notification of homicide investigators;
3. Personnel you involved in the situation, listed by name, rank, and assigned duty station or position;
4. Time of arrival of all additional personnel, listed individually; and
5. Any and all actions you took.

Property

Any property that is being held for the deceased inmate—including funds—should automatically be frozen. According to the policies of your jail, the authorization for release should come from you, the shift commander, or the jail administrator. But no property should be released without the approval of the investigating detectives.

Any property at the scene should be left intact and in place until the scene is released by investigating detectives. Once the scene is released, then you should assure accountability by having all items at the scene tagged and secured for release.

Media Information Release/Notification Of Next-Of-Kin

In order to ensure the integrity of the investigation, special attention to what is released and communication with investi-

gating detectives is important. For this reason, it is best that your staff members refrain from discussing the death with media personnel unless you have been notified by your supervisors that such interviews are authorized.

The notification of the dead inmate's next-of-kin is normally made before any details are released to the media. Making notification is not the responsibility of first line supervisors in most jails. However, you do have a responsibility to provide investigating detectives with the inmate's record to assist them in their investigation.

Board Of Inquiry

Many departments will have a board of inquiry staffed by outside personnel for all deaths in the jail. If your agency has such a board, then the actions which you took and your efficiency in handling the crisis will be judged by this board. Depending upon the individual agency, the function of a board of inquiry primarily is to determine whether or not proper procedures were followed or if changes in policies or procedures are necessary. A board of inquiry is not always out to "hang someone." A board which operates effectively and with an open attitude toward inquiry can be a very useful tool in improving or reviewing the jail's operational system.

Your participation in the inquiry as a first line supervisor will most likely involve discussing the events of the death. Thus, it is extremely important that you thoroughly review all reports as they are being prepared by your subordinates. You must also take care to be very thorough with your own report, but be careful not to draw unfounded or premature conclusions.

It is best not to view a board of inquiry as a negative experience. Rather, you should have an open mind and look upon the board's actions as a constructive method of reviewing your department's policies and procedures. The inquiry will also assist you in assessing your staff's ability to respond to a crisis situation.

Staff Reactions

Many times we tend to overlook the needs of our subordinates. This is understandable because when a crisis occurs, we get completely wrapped up in resolving the crisis. All of us can remember clearly the first death in a jail we saw—hanging, cut wrists, slashed throat, beating, or a jump from an upper tier of the cellblock. Many staff members try to black these scenes out of their minds. But this usually cannot be done. People react differently to death. Some are more sensitive than others. Thus, **you must pay attention to the reactions of each of your officers.**

As a supervisor, you should make it your business to know the men and women who work for you. An important part of any crisis is to talk with your subordinates about it. By talking to them, you should be able to learn (if you know your people) how they are handling the crisis. If you see a problem or sense one, then follow up! Do not be afraid to find out what is wrong. If necessary, refer the staff member to professional help (staff psychologist or chaplain). Do not overlook the most important asset your organization has—its employees.

RESPONDING TO STAFF/INMATE INJURIES

The need to have clearly defined policies and procedures for responding in emergencies is essential, as this chapter has repeatedly emphasized. The ability of each staff member to know precisely what to do in the event of an injury to a fellow employee or an inmate often means the difference between life and death. When lives are at stake, we must look at the situation from the standpoint of human beings needing help. And we must provide the best help possible. We must not say: "Oh, he's just a mass murdering dog, so let him bleed to death like all those innocent people he wasted."

The supervisor can instill respect for human life among his subordinates. The supervisor serves as a professional model for his subordinates and others to follow.

To be prepared to deal with any emergency that may arise in the jail is the best any supervisor can do. Remember, if you put effort into up-front preparation and follow established procedures, then you reduce your exposure to liability considerably. Training should be provided and practice drills should be conducted with other units of the jail in order to deliver the best service available. Thus, you should make full use of all the resources available to you, including:

1. Fire and rescue department prevention and training officers;
2. Institutional medical personnel;
3. Your department's training academy personnel;
4. Ambulance service personnel; and
5. Community hospital personnel.

When we discuss staff and inmate injuries, we must always be aware that the infliction of the injury may be a criminal assault. For that reason you must always keep in mind that **the preservation of evidence at the crime scene is important and necessary to make an effective case for prosecution. However, the importance of protecting evidence should not affect the way in which you treat an injured party. The preservation of life should come first.** But keep in mind the need to preserve the crime scene as effectively as possible.

Another item to be aware of as you plan responses is the number of people involved in the situation which resulted in injuries. The greater the number of inmates involved, the greater amount of resources you will need to respond effectively. In the jail, we often see single incidents occur—one-on-one situations. Such incidents are not too difficult to handle. On the other hand, the infrequent but highly possible large-scale riots or disturbances which seem to break out spontaneously often result in multiple injuries which are difficult to handle efficiently because of their variety and the need for large numbers of rescue service personnel who normally have to respond from outside the jail.

Most of us tend to act instinctively when we are confronted with an inmate or staff member who has been injured. When staff members are injured, jail officers, like their police coun-

terparts, want to rush to the scene immediately and provide assistance. What you must do as a supervisor is to **control the response**. To be prepared to do this, invent various scenarios in your head and mentally determine how you and your staff members would react during an emergency. You may want to write out some of these possible scenarios and discuss them with your staff at roll calls. Get their ideas, too.

We cannot stress enough how important it is for you, the supervisor, to take immediate control of a situation in which an officer has been injured. What you do **not** want to happen is have staff members go into a situation where they may be taken hostage or incur injury themselves.

Set-up situations are common in correctional institutions, and your officers can become easy victims. When a staff member is injured, the responding officers tend to lose their objectivity and perhaps some of their survival instincts, and instead become emotionally involved. This can lead to their own victimization if they have rushed into a set-up, or excessive force allegations, riots, and further injuries or deaths. Thus, your role as the first line supervisor is vital. Your ability to take control and be a decisive leader are normally tested during such a situation. Be certain your staff members are prepared. You can do this by ensuring that they know:

1. First aid procedures;
2. Organizational policies and procedures;
3. Locations of first aid kits and equipment; and
4. Emergency phone numbers.

After an emergency response is completed, you should **debrief your staff**. This debriefing can be a very helpful tool in critiquing how you and your staff members reacted. You should **review the scene objectively**, looking at how everyone responded to the initial call for assistance, the actions each staff member took, and what methods of treatment were provided for the injuries. By discussing how everyone responded and reacted, you and your staff members will be more comfortable when future emergencies occur, as they inevitably will. Needless to say, the post-incident critique is an excellent training tool.

As the first line supervisor, your ability to be responsive and decisive and to lead and control will be tested during a crisis. Your best preparation is to have well trained staff members and to prepare yourself. Remember, your knowledge and skills can mean the difference between life and death—for yourself as well as for the officers and inmates assigned to your care and supervision.

Case Study 1:

The call came over the radio: "Officer needs assistance, E-Tank." Refinery County Jail Sgt. Tony Rigatoni knew immediately this must be serious since the inmates housed in that unit are behavior problems and too often are assaultive. By the time Sgt. Rigatoni arrived in E-Tank, Officer Reuben Washington, assigned to the duty post, had left the long catwalk and was standing by the entrance doorway to the catwalk. Officer Washington, shaken but not injured, had been grabbed by inmate Rudy Rodriguez, who is housed in the second to last cell. Rod-



riguez had hit Officer Washington on the head with a can of shaving cream, using the can to strike blows as if it were a hammer.

Some of the other officers on the post were talking about what should be done to prevent Rodriguez from assaulting others. The number of jail officers now amounted to 10. In the middle of this group stood Sgt. Leroy Manes, who is assigned to prisoner transport, but who had responded to Sgt. Rigatoni's unit to help when the call went out over the radio. As the conversation among the officers heated up, someone made the decision to restrain inmate Rodriguez until his behavior became less aggressive.

With this decision made, all the officers began to walk down this four-foot-wide catwalk. When the officers reached Rodriguez' cell, they yelled to have it opened. Sgt. Manes complied with the order. As soon as the cell door opened, Rodriguez came out fighting.

What happened after that was a disaster. Other inmates began throwing things out of their cells at the officers. Instead of restraining Rodriguez, the officers subdued him and carried him kicking and fighting to the front of the tank. This set off all the other inmates, who rushed out of their unlocked cells. In the end, five jail officers were injured, two serious enough to require suturing.

In reviewing this case study, ask yourself:

1. Did Sgt. Rigatoni, the E-Tank supervisor, control the scene effectively?
2. Were his staff members properly trained?
3. Was there another way to handle this problem more effectively?
4. How would you have handled this incident?
5. What action, if any, should be taken regarding Sgt. Manes?

HOSTAGE INCIDENTS

A hostage incident within a jail is one of the most trying incidents any staff member can ever experience. The need to make immediate life-and-death decisions calls upon all our previous experience and knowledge. A hostage situation is much more difficult to handle than a riot or disturbance because it must be resolved while providing for the safety of the hostage or hostages. In addition, non-involved inmates must be protected and escapes or breaches of institutional security must be prevented.

As the first line supervisor, you most likely will be the first person of supervisory rank to arrive at the scene. Once on the scene, you should keep in mind the following priorities:

1. Safety and welfare of hostage(s);
2. Prevention of the escape of the hostage-takers or other inmates;
3. Safety of non-involved inmates and others in the jail;
4. Safety and welfare of the public;
5. Protection of property; and
6. Accounting for all staff members assigned to that specific area of the jail.

Immediate decisiveness and leadership will be demanded from you by your staff members. Your ability to take command and make logical common-sense decisions may result in the incident ending without harm to anyone involved, or eventually ending with deaths and injuries. In any hostage situation, **time is of the essence**. Indecisiveness or failure on your part to be an effective supervisor can result in the loss of control over the incident.

Upon your arrival on the scene, you should check immediately to be sure that:

1. No routes of escape are open;
2. The situation is contained in one area;
3. Other areas are closed off to prevent escalation; and
4. Non-involved inmates are given an opportunity to withdraw from the area.

The above steps should be taken only if their implementation does not jeopardize the safety of the hostage(s).

Notification of the jail's command staff must be made, since it must be quickly determined how much additional assistance is needed. Thus, you should be prepared to provide the following information:

1. Names and numbers of hostage-takers, if available;
2. Names of hostages (staff or inmates);
3. Circumstances leading to the incident;
4. Any weapons involved, if known;
5. Any demands being made; and

6. Any injuries which have resulted so far.

Many times the staff member who discovers the hostage incident or the first supervisor on the scene will establish communication with the hostage-taker. This communication should involve **more listening than talking. Remember, do not make any promises.** It is also important to keep in mind that **hostages, regardless of rank, have no decision making or command authority.**

Unless you have established good rapport with the hostage-taker, you may be replaced by an experienced and trained negotiator. If this happens, don't let your ego get in the way. **The life of the hostage is everyone's primary concern.**

The first line supervisor is also responsible for the smooth operation of non-affected areas of the jail while the hostage incident is in progress. Establish communication with staff members in other areas of the facility. Reassuring staff members that they are safe can go far to relieve anxiety throughout the jail. **But be careful not to give out vital information which could jeopardize the resolution of the hostage incident; provide just enough information to assure your staff that the situation is being handled properly.** You should remain very visible to the staff, since visibility demonstrates control and concern. This also allows you, as a supervisor, to monitor the environment of the rest of the jail to be sure no spin-off incidents occur.

Media Communication

Extreme care must be taken to not only control media access to the area but to be careful that unauthorized information is not distributed. Steps should be taken to keep the media representatives gathered in one selected area. **You must also make it clear to your staff members that no unauthorized discussions or comments to the media should be made.** To do otherwise could place the life of a hostage in danger, since hostage-takers often have radios or televisions which they monitor for news about themselves.

Conclusion Of The Hostage Incident

At the conclusion of the hostage incident, immediate steps should be taken to:

1. Provide for the injured;
2. Conduct a security lockdown of the hostage-takers;
3. Make certain the crime scene is secured; and
4. Repair any breaches to institutional security.

As with any crisis situation, you should ensure that accurate and complete reports are submitted by all involved staff members before they go off duty. You should read each report and question any unclear areas. Complete, concise reports can make the difference between a successful prosecution and a marginal one.

Another area that should not be neglected is the mental well-being of the staff members who were involved in the incident, not just the hostage. Assisting the staff members to deal with the stress and encouraging them to seek professional help will go a long way toward helping your subordinates accept the incident and overcome stress and emotional problems.

Case Study 2:

Rattlesnake County Jail Officer Jimmy Joe Carter, who has been one of the most proficient and dedicated officers in the Security Division headed by Lt. Dick Bradley, has been "acting out-of-character" for the past three weeks, Lt. Bradley has noticed. Not only has Officer Carter been late for roll call four times—something he had never done since being hired seven years ago—but he has also been turning in poorly prepared and sloppy reports. His reports were always the best in the jail and were used in recruit training classes as examples of how to prepare a proper report.

Last night shift supervisor Sgt. Manuel Ramirez filed a disciplinary report against Officer Carter because Officer Carter had lost his temper and slapped a sarcastic inmate across the mouth. The inmate did not initiate a physical attack against Officer Carter—all he did was say, "Yes, Sir!" in what Officer Carter perceived to be a sarcastic tone of voice. Later today the inmate is scheduled to meet with a lawyer from the American Civil Liberties Union to determine if he has been the victim of "brutality."

Concerned that something is bothering Officer Carter, and that the jail could eventually lose a good officer or have a Section 1983 lawsuit filed against it for official misconduct, Lt. Bradley decided that action must be taken as soon as possible to find out why Officer Carter is behaving so poorly and so out-of-character. Lt. Bradley picked up the phone and asked Sgt. Ramirez to come to his office for a chat.

"Look, Manuel, there's something bothering Jimmy—there's got to be," Lt. Bradley said. "He has an outstanding record—officer-of-the-month so many times I've lost count. And now this! Do you have any idea what it could be? Any problems with the other officers on his shift? Something go wrong at home? In-law trouble? Bills piling up? I can't figure it out, this sudden change in conduct."

"No, he hasn't said anything to me, Lieutenant," Sgt. Ramirez replied. "And as far as I know, he hasn't said anything to anybody else in the squad, either, because I've talked to most of my people sort of on the quiet, you know, and nothing, as far as we can figure, except some of the guys said he's strung out tighter than Willie Nelson's guitar strings."

"What about calling his wife?" Lt. Bradley asked. "Think she might be able to give us a clue?"

"If it's something at home bothering him, maybe she'll say," Sgt. Ramirez answered. "Maybe I better do it, though, because my wife and me, we kind of pal around with them for barbecues and stuff. Our kids are all in the same classes at school."

"OK, good idea," Lt. Bradley said. "She might be a little afraid of me, anyhow. Rank and all that, you know. I don't want her to turn into a nervous wreck thinking Jimmy's got himself into a real jam."

A couple of hours later, Sgt. Ramirez knocked on Lt. Bradley's door and said he had the information they were seeking.

"That hostage incident that went down three weeks ago—that's what did it to him, from what his wife says," Sgt. Ramirez said.

"But how?" Lt. Bradley asked. "The only hostage was Officer Whipple, and even though he got stabbed pretty bad, he's gonna be OK, the Doc says. And nobody else was in danger since Sgt. Rambo and his SWAT team got everything under control so fast."

"Well, Sue Ellen—Mrs. Carter—says Jimmy started having real bad nightmares and waking up in a cold sweat right after that thing went down," Sgt. Ramirez said. "She said it's all he talks about, and he snarls at the kids and didn't even take hardly any notice when one of them hound-dogs he raises got run over by an 18-wheeler out there on the highway. And she says he ain't touched her in the whole three weeks, either. Worse, she says he's been killing a six-pack all by himself every night after shift, and you know Jimmy hardly has more than one whenever the guys have choir practice down at the Broken Spoke after shift. He's always so anxious to run on home . . . anyhow, Sue Ellen said the only time he starts to act his old self a little bit is on his days off, she noticed."

"What post did you have him assigned to that night?" Lt. Bradley asked.

"No big deal," Sgt. Ramirez said. "We put him in charge of babysitting all those creepy reporters that turned up here for the big show."

"Did anything happen to upset him, can you remember?" Lt. Bradley asked.

"Well, now that you mention it, those reporters did upset him some," Sgt. Ramirez said. "At the debriefing he did say they gave him a lot of trouble, especially that dirtbag from the Fangville Daily News. You know the creep—he's always out to pin something on us. A real commie wimp. Anyhow, when Jimmy wouldn't let the commie dirtbag roam around the jail like he wanted to, the guy threatened him with the ACLU and told him his turn was coming—that the next hostage incident that goes down here, well, he says Jimmy's gonna get grabbed and the animals in Cell Block B are gonna cut his guts out. And Jimmy said at the debriefing he's afraid the reporter is gonna set something up, because he's always in here interviewing those scum in Block B. He's their own personal Ann Landers."

"Well, damn! No wonder Jimmy's gone off the cliff a bit," Lt. Bradley said. "You ever hear of Post-Trauma Stress Syndrome? It's what happens to soldiers, a lot of public safety people, and rescue workers after stuff like firefights and plane crashes. I seen a lot of it in Nam. It's a whole new field of study for the shrinks now, and they're getting pretty good at dealing with it. I think we should ask Jimmy to see Dr. Goldbloom over in San Antone. He's been teaching a course on this stuff down at the U.T. Med School. What do you think?"

"Good idea, Lieutenant," Sgt. Ramirez answered. "You want me to talk to Jimmy while you set it up?"

Did Lt. Bradley and Sgt. Ramirez handle this situation properly? Should they have acted sooner? What would you do if a similar situation occurs in your jail?

CRIMINAL INVESTIGATIONS

Inmates in our jails and prisons today are very sophisticated when it comes to criminality, generally making our jobs harder. While inmates who commit crimes in jails against employees or other inmates often are charged with criminal offenses, too often we fail to prosecute them successfully for the crime.

One of the major reasons for this failure to prosecute effectively is that in the corrections industry as a whole, we generally do not provide enough training to our staff members concerning the **preservation of crime scenes**. Rules regarding the chain-of-evidence and the collection of evidence are often

violated. Perhaps this occurs because jail staff members are anxious to resolve the problem quickly and effectively; in the "heat of battle," the rules for crime scene preservation and evidence collection can be easily overlooked.

However, there is another common problem which results simply from carelessness—after the situation is contained, **too many people walk through the crime scene**. As they do this, evidence is destroyed and lost and the crime scene changes in appearance. Thus, it becomes extremely difficult for investigators to reconstruct the crime scene. In such situations, how then can the prosecution have a good case against the offender?

Most attorneys who are defending inmate clients will look for flaws in your system and will require absolute proof from you that the inmate client committed a crime in your jail. The lawyers will subpoena you, the supervisor, and as many of your staff members as they legally can if they know that the crime scene was not handled well. Lawyers can be very brutal to you when you are on the stand to testify against their client. Their usual tactic is to prove that the jail administration is incompetent to manage the facility. This is proved by showing that policies and procedures do not exist for specific matters. Or the lawyers attempt to demonstrate that staff members are not knowledgeable about certain policies and procedures; they do this by generating conflicting and contradictory testimony from various employees in the jail.

If a crime scene is not handled well from the start, then the chance of a successful prosecution is poor. When this happens too often in a jail, then most prisoners will "get the message." Thus, you will find yourself facing a high rate of assaults, thefts, strong arming, drug abuse, and other problems. **It is therefore paramount that you have a 100 percent successful prosecution rate against inmates who commit crimes in your jail.**

As the supervisor, you probably will be the first person called to the scene of a crime. It is important that you carry a note pad with you at all times, since you need to be able to record data about the crime scene immediately. You also need to prepare a record of time factors regarding the crime, personnel who reported to the scene, and the actions taken by each person, etc.

How can you judge effectively what information you should record and what you should delegate to officers? For example, if an inmate was assaulted with extensive injuries, and the assault was witnessed by one of your officers, then the officer can more accurately record the specific facts regarding the assault itself, since he is an eyewitness. In this particular case, medical attention for the victim and the offender will be your priority.

But, you also want to ensure that you have photographs of the injuries before they are bandaged up if it is possible to take them without jeopardizing medical treatment. That is why it is important to have identification unit officers on the premises at all times, or, if your jail is too small for a separate identification unit, you should make certain that various officers from each shift are trained to operate cameras and collect evidence. Your identification officer should be trained to respond to the crime

scene immediately with his camera and proceed to photograph injuries before they are covered up. Weapons should also be photographed when they are found and should not be touched by other people; e.g., blood stains should be left on the weapon and not wiped off. Your officer who takes the photographs should maintain a time log and written record regarding all evidence that was gathered up and secured.

Most medium-size and larger sheriffs' departments have trained staff members who are assigned to an identification unit on a full-time basis. These officers are your best safeguard for gathering evidence effectively, since they know what to look for and know the legal rules for protecting evidence from contamination. If your department does not have an identification technician available, then you should recommend that some of your staff members attend in-service training programs to learn the fundamentals. Training is usually provided at no charge by state and Federal law enforcement agencies. You should also suggest to the sheriff that a trained identification technician be on the premises and available to you and other first line supervisors at all times. It is also recommended that all of your officers be trained by qualified personnel since they may be handling evidence as part of their routine patrol work in the jail.

In conclusion, **your primary responsibility as a supervisor is to ensure that the scene is preserved and protected.** You must also make certain that evidence is gathered, dated, and the time noted. Initial all documents which account for evidence. Whenever you turn your evidence over to someone else, **the chain-of-evidence must be maintained.** Try to have as few people as possible handle evidence. The jail should have a storage area or safe that is used only for the warehousing of evidence until it is turned over to law enforcement agencies.

Remember, the success of a criminal case often depends upon how well the evidence and the crime scene are preserved.

SUMMARY

1. **First line supervisors must deal occasionally with riots, disturbances, and fights in the jail; if these situations are not handled quickly and effectively, deaths and injuries can occur and the facility might be damaged to the point where escapes are feasible. Thus, the supervisor, as a first-responder, must be totally familiar with the jail's policies and procedures for handling crisis situations and must know how to take control immediately, exercising leadership and bringing the crisis to a quick end with a minimal amount of deaths, injuries, and damage.**

The supervisor's primary objectives in riots, disturbances, or fight situations are to:

- A. Prevent deaths;
 - B. Minimize injuries to staff members and inmates;
 - C. Prevent inmates from damaging the facility; and
 - D. Safeguard the security of the entire institution.
2. **One of the most frightening problems in a jail is a fire. The first line supervisor must not only exercise leadership**

in bringing the fire under control quickly and providing for the safety of staff and inmates, but he must also assure inmates that they are safe, thus averting panic.

The supervisor must take a leadership role in assuring that his jail has effective fire prevention, control, and evacuation plans, and that drills are conducted frequently so that every employee is completely familiar with the proper procedures to follow in the event that a fire does occur. There is nothing that can substitute for hands-on experience, so drill, drill, drill.

3. **While natural and man-made disasters may hit your jail only once every century, you do not know the exact time that this will happen. Therefore, as a supervisor, you must ensure that your jail has policies and procedures to deal with likely natural disasters (e.g., hurricanes, tornados, earthquakes) or unanticipated man-made disasters (e.g., nearby chemical spill, nuclear reactor failure, plane crash on jail premises). You must also ensure that your personnel have been trained to handle the unanticipated disaster effectively.**

While it is difficult to prevent these disasters, your entire staff must be prepared to face them. Always be prepared to ACT. As you act, you should keep the following points firmly in mind:

- A. Preservation of life is your primary objective.
 - B. Prepare to move inmates as necessary, following the procedures in your previously established plans. Evacuation must be conducted in a secure manner.
 - C. Be prepared to accurately report the extent of damage so that expeditious repairs can be made.
4. **As a supervisor, you must ensure that all your subordinates are aware of and understand the procedures of your organization in the event that someone dies in the jail—either an inmate or an employee.**

You should never assume that a death in the jail is anything less than suspicious! Be prepared to preserve and gather evidence and write accurate, detailed reports.

5. **A hostage incident within a jail is one of the most trying incidents any staff member can ever experience. You, as a supervisor, need to make immediate life-and-death decisions.**

When you arrive on the scene of a hostage incident, your immediate priorities are the:

- A. Safety and welfare of the hostages;
- B. Prevention of the escape of the hostage-takers or other inmates;
- C. Safety of non-involved inmates and others in the jail;
- D. Safety and welfare of the public;
- E. Protection of property; and
- F. Accounting for all staff members assigned to that specific area of the jail.

6. Because of the sophistication of today's criminals, inmates frequently commit crimes within the jail. The goal of the supervisor is to prevent these crimes, if possible, but if crimes do occur, then to make certain that the offenders are prosecuted effectively.

Effective prosecution depends upon good evidence. Thus, the supervisor's objective should be to secure the crime scene for investigators. If a crime scene is not handled well from the start, then the chance of a successful prosecution is poor.

CHAPTER SIXTEEN

MANAGEMENT OF INFECTIOUS DISEASES WITHIN THE CORRECTIONAL SETTING

Correctional facilities have a specific responsibility to protect the health of both inmates and employees and to provide medical services to inmates who become ill while incarcerated. Thus, the presence of infectious diseases such as Hepatitis B and Acquired Immune Deficiency Syndrome (AIDS) within the correctional environment poses a number of special management problems.

MEDICAL ISSUES

In order to develop appropriate procedures for the identification and management of infectious diseases, it is essential to differentiate between a contagious disease and an infectious disease. A **contagious disease** (i.e., influenza, colds, measles, etc.) is one caused by a bacteria or virus, which can be transmitted from one person or animal to another person by one or more methods. The transmission of contagious diseases may be either by **direct or indirect** means. **Direct infection** means that transmission of the bacteria or virus occurred over a relatively short period of time. Contagious diseases may be transmitted by soiled hands, contaminated clothing, infected eating utensils, remnants of food, or sneezing. Personal contact with the infected individual may not be necessary. **Indirect infection** means that infection occurred over a relatively great distance or long period of time by an agent such as water, food, soil, insects, or soiled articles.

Infectious diseases (i.e., Hepatitis B, AIDS, etc.) are those which are caused by a specific virus or bacteria and which are transmitted through close personal contact (i.e., intimate sexual contact or the exchange of blood or blood products). Contracting an infectious disease through soiled articles, contaminated clothing, eating utensils, or shared household or toilet articles generally is not possible.

To completely prevent diseases from being transmitted in the close and often overcrowded environment of a correctional facility may be virtually impossible. However, by establishing sound infection control measures—including sanitary house-keeping, personal hygiene, insect and pest control, and food sanitation—it may be possible to keep contagious diseases under control.

The identification and management of infectious diseases presents a more complex problem for the jail supervisor. Due to the serious and/or life-threatening nature of some infectious diseases—such as AIDS—the supervisor must be familiar with the policies and procedures necessary to ensure proper medical care for the infected inmates and the protection of other healthy inmates and correctional staff from possible infection.

INFECTIOUS DISEASE CONTROL POLICIES

Infectious disease control policies should be based on the principle that **all blood**, regardless of an individual's known health status, must be considered potentially infectious. Such a policy takes into account not only possible exposure to HIV but also to Hepatitis B. Both of these blood-borne viruses present a very real occupational risk to jail officers who may be exposed to blood as a result of violent confrontations with infected individuals, puncture wounds from contaminated hypodermic needles or weapons, or contact with blood during homicide/suicide investigations.

The Federal Centers for Disease Control (CDC) has developed specific guidelines to reduce the risk of acquiring HIV and HBV for forensic laboratory workers, law enforcement and correctional officers, and persons performing autopsies and handling deceased persons. However, all these guidelines rely on the principles of **universal blood and body fluid precautions**.

Universal Precautions

Universal precautions, as established by CDC, provide the framework for an effective infection control policy. These precautions are not only comprehensive but also recognize that infectious disease control policies should be occupationally-specific. For example, jail officers who work in infirmaries or who transport prisoners should take additional precautions that may not be necessary for victim services and drug/alcohol counselors, who do not routinely come into contact with contaminated blood. Universal precautions recognize that cardiopulmonary resuscitation (CPR) is not a method of HIV transmission but **may** be a mode of transmission of other infectious diseases. Thus, the precautions recommend that CPR masks with a one-way valve be made available to all corrections personnel who may engage in emergency rescue responses.

Universal precautions apply to blood and other body fluids containing **visible** blood, semen and vaginal secretions. Universal precautions **do not** apply to feces, nasal secretions, sputum, sweat, tears, urine and vomitus **unless** they contain visible blood. However, good hygiene requires that the precautions be followed for **all** body fluids. The precautions may be summarized as follows:

- Gloves should be worn for touching blood and body fluids, and should be changed after each contact. Whenever practical, masks and protective eye wear, gowns or aprons should be worn during procedures that generate splashes of blood or other body fluids.

- Hands and skin surfaces should be washed immediately and thoroughly if contaminated with blood or other body fluids. Hands should be washed immediately after gloves are removed. Contaminated surfaces may be effectively cleaned with a dilution of 1:10 bleach to water.
- Workers should take precautions to prevent injuries caused by needles and other sharp instruments. Needles should not be recapped, bent or broken by hand. After use, needles should be disposed of in puncture-resistant containers.
- Although saliva has not been implicated in HIV transmission, to help ease jail officers' concerns about emergency mouth-to-mouth resuscitation, mouthpieces or other ventilation devices should be available for use in resuscitation.
- Jail employees who have open sores or weeping dermatitis should refrain from direct contact with blood or body fluids until the condition is resolved. Cuts should be covered with adhesive bandages that repel liquids.
- Pregnant jail employees are not known to be at greater risk of contracting HIV infection than women who are not pregnant; however, if HIV infection develops during pregnancy, the baby is at risk of infection. Thus, pregnant employees should be especially familiar with and adhere to precautions.

Figure 16:1 is a sample infectious disease control policy, and Figure 16:2 is a sample exposure incident form.

Handling Of Biohazardous Evidence

The safe handling of biohazardous evidence is of particular concern for jail officers who respond to crime, accident or suicide scenes in the jail, courthouse, or while transporting inmates. **Officers must be especially cautious when large amounts of blood and body fluids are present.** Correctional agencies should implement policies which address all aspects of evidence collection and management, including: (1) Crime, accident or suicide scene precautions; and (2) packaging of biohazardous evidence.

Vaccination For Hepatitis B

While most correctional agencies do not require that all employees be vaccinated for Hepatitis B, administrators may wish to consider such a requirement for employees who are in daily contact with large quantities of blood or body fluids. Such a category of employees would include jail officers assigned to an infirmary and other medical unit personnel.

Elements Of An Infectious Disease Control Policy

The infection control policy should encompass the following elements:

- **Purpose of the policy.** The purpose of any infection control policy is to inform employees of the appropriate precautions to prevent the transmission of infectious diseases within the workplace and to describe the procedures for reporting exposure to an infectious disease within the workplace.

- **Definitions of terms.** This section should **operationally** define terms referred to in the policy. These terms should minimally include: "infectious disease," which may be defined according to statutory guidelines; "pocket mask," "gloves," "body fluids," and "exposure."
- **Policy statement.** This should be a statement of the agency's commitment to the prevention of exposure to infectious diseases, including a commitment to provide necessary equipment and training/education regarding infectious disease control to employees. The policy statement should state the agency's adherence to Federal, state and local laws addressing infectious diseases.
- **Procedures.** This section should specify the procedures to be used in the handling, clean-up and disposal of blood and body fluids as well as contaminated materials. It should, in detail, describe specific steps to be followed to reduce the risks of exposure to infectious diseases; identify the protective equipment to be provided to employees; and delineate the process for reporting occupational exposure to an infectious disease.

Infection control policies may also include a discussion of the confidentiality of medical records of employees and inmates and the requirement that jail employees provide emergency medical care and CPR. These provisions may also be incorporated into other agency policies which address privacy and confidentiality of medical records or which describe specific job duties and responsibilities of employees.

SCREENING OF INMATES

Management decisions regarding housing and work assignments often depend upon the health of the inmate. Therefore, jail supervisors may wish to familiarize themselves with the issues surrounding health screening of inmates for infectious diseases.

Careful health screening is necessary during the booking process to help prevent later medical emergencies and to aid in the control of infectious and contagious diseases in the jail. **It is the intake officer's responsibility to conduct this preliminary health screening.**

Initial health screening will also help to identify inmates who may be in need of immediate medical attention, who may show abnormalities that will require reexamination and/or monitoring at a later date, or who may actually have an infectious disease at the time of admission.

As a first step in the management of infectious disease within the jail environment, health screening forms used by the intake officer may be expanded to include questions and observations concerning infectious diseases such as tuberculosis, hepatitis, and AIDS.

Figure 16:3 is an example of a recommended health screening form which has been expanded to include symptoms for infectious diseases, including AIDS (for a comprehensive discussion of the issues and options surrounding the screening of

Figure 16:1 Infectious Disease Control Policy

SAN FRANCISCO COUNTY SHERIFF'S DEPARTMENT

PURPOSE:

The purpose of this policy is to provide jail officers with the necessary information to increase their safety on the job. This policy was written in accordance with the universal precautions for preventing the spread of infectious disease in the work place, developed by the Centers for Disease Control. The procedures and guidelines in this policy should be followed when handling all prisoners or other persons in any facility, section or other area of the Sheriff's Department.

DEFINITIONS:

- **INFECTIOUS DISEASE:** Any of a number of diseases identified in the California Health and Safety Code as a communicable reportable disease, including, but not limited to, Hepatitis B, Tuberculosis, AIDS, etc.
- **POCKET MASK:** A plastic face mask with a one-way valve used to administer cardiopulmonary resuscitation (CPR).
- **GLOVES:** Surgical-type latex or nylon disposable gloves.
- **BODY FLUIDS:** Any fluids secreted by the body including, but not limited to, blood, semen, saliva, urine, feces, etc.
- **EXPOSURE:** Direct contact with body fluids on open cuts, breaks in skin or mucous membranes such as the mouth or eyes.

POLICY STATEMENT:

It shall be the policy of the San Francisco Sheriff's Department to provide training and equipment, as necessary, to insure the safety of its officers, as it pertains to the prevention of exposure to infectious diseases, while working in all areas of the department. The San Francisco Sheriff's Department and its personnel shall adhere to all Federal and State laws and local ordinances, legal opinions and Civil Service regulations pertaining to infectious diseases.

I. GENERAL PROCEDURES

A. GENERAL GUIDELINES:

1. All personnel should wear disposable gloves when they are or can anticipate handling persons, equipment or materials contaminated with blood or other body fluids.
2. All personnel should use a pocket mask when administering CPR.
3. All contaminated materials, except sharp objects, should be disposed of in a clearly marked bag identified as a contaminated material bag.
4. Personnel who come into contact with blood or other body fluids, whether wearing disposable gloves or not, should wash their hands with warm water and soap as soon as possible following the contact.
5. Any open cuts or breaks in skin should be covered with a Bandaid or other bandage and kept dry. If the protective covering gets wet, a new covering should be put on.
6. All personnel should handle any sharp object with extreme caution.
7. All sharp items should be placed in puncture resistant containers and clearly marked as containing sharp objects.
8. No department personnel shall refuse to provide emergency medical care or CPR to any person or prisoner, whether pocket masks or gloves are available or not.

B. EQUIPMENT ITEMS:

1. The department will provide the following equipment items to all personnel:
 - a. Pocket Mask with one-way valve and carrying case.
 - b. Disposable latex or nylon gloves and glove pouches.
2. The department will provide the following equipment items in the facilities and sections:
 - a. Disposable plastic bags clearly marked as containers for contaminated materials.
 - b. Puncture resistant containers for securing sharp objects.
 - c. Disposable paper towels and cleaning supplies.
 - d. Gowns and surgical face masks, when necessary.

C. DISPOSABLE GLOVES:

1. Department personnel are responsible for having disposable gloves on their person while on duty.
2. Disposable gloves should be worn by personnel if they have uncovered open wounds or breaks in the skin on their hands.
3. Disposable gloves should be worn when handling persons who are bleeding or who have open wounds or lesions.

Figure 16:1 (continued) Infectious Disease Control Policy

4. Disposable gloves should be worn when handling clothing, bedding or other material contaminated by blood or other body fluids.
 5. Disposable gloves should be worn when handling equipment items contaminated by blood or other body fluids.
 6. Disposable gloves should be worn by personnel in any situation where they may be exposed to blood or other body fluids.
 7. Disposable gloves should be worn once and discarded. If the gloves have been contaminated by blood or other body fluids, they should be placed in a disposable bag that is clearly marked for contaminated items.
 8. When removing disposable gloves, there should be no contact with the mouth. The gloves should be pulled off inside out to prevent any contaminated fluid from having contact with the skin.
 9. Personnel should wash their hands as soon as possible after removing disposable gloves.
 10. Disposable gloves should never be worn for extended periods of time. Personnel should use a pair of gloves when warranted by the situation and then discard the gloves.
 11. Replacement disposable gloves should be readily available and easily accessible at the work location.
 12. Personnel shall not refuse to provide any emergency care or any service to the prisoner or any other person, whether disposable gloves are available or not.
- D. POCKET MASKS:**
1. Department personnel are responsible for having their pocket masks on their person while on duty.
 2. Pocket masks should be worn by personnel when administering CPR.
 3. Pocket masks should be cleaned thoroughly after each use. The masks can be cleaned with soap and water or wiped off with alcohol. Either way is sufficient to decontaminate the mask. Pocket masks should be dried thoroughly before being returned to the carrying case.
 4. No department personnel shall refuse to provide CPR to a prisoner or any other person, whether the pocket mask is available or not.
- E. OTHER PROTECTIVE ITEMS:**
1. Disposable surgical type face masks should be worn when there is a potential for the splattering of blood or other body fluids.
 2. Disposable or laundered gowns should be worn when there is a potential for the splattering of blood or other body fluids.
- F. SEARCHES:**
1. General Guidelines:
 - a. Personnel should never put their hands blindly into purses, bags, pockets, or any item that is not a clear container.
 - b. Personnel should always empty out the contents of purses, bags, or any item that is not in a clear container prior to searching.
 2. Cell Searches:
 - a. Personnel should exercise extreme care while conducting cell searches. Personnel should never put their hands into an area they cannot visually inspect. Flashlights and mirrors should be used to assist in visual inspections.
 - b. Personnel should exercise extreme care when searching any clothing or bedding items in the cell. Clothing and bedding items should be shaken gently and not patted or groped, to reduce the potential for being stuck by sharp objects that may be hidden in the clothing or bedding.
 - c. Personnel should wear disposable gloves while conducting cell searches.
 3. Body Searches:
 - a. Disposable gloves should be worn while conducting a body search because the searching officer may come into contact with blood or other body fluids.
 - b. Extreme caution should be exercised by the searching officer when searching the clothing of the person being searched to reduce the likelihood of being stuck by a sharp object that may be hidden in the clothing.
 4. Pat-Down Searches:
 - a. Prior to conducting the search, the searching officer should ask the person being searched if he/she has any sharp objects on their person or clothing. If yes, the searching officer should instruct the person being searched to remove the sharp objects from their person or clothing.
 - b. The person being searched should then be instructed to remove all remaining items from the pockets.
 - c. To provide safety for the searching officer, the person being searched should be directed to use the left hand to remove items from the right pockets and the right hand to remove items from the left pockets.
 - d. Before conducting any pat-down search, the searching officer should visually inspect the person to be searched for any noticeable

Figure 16:1 (continued) Infectious Disease Control Policy

bumps in their clothing that would indicate a hidden object.

- e. While conducting any pat-down search, the searching officers should avoid rapidly sweeping movements with their hands down the arms, legs and torso of the person being searched.
 - f. The searching officer should carefully pat areas before using the groping search technique to reduce the likelihood of being stuck by a hidden sharp object.
 - g. Extreme caution should always be exercised by the searching officer while conducting any search to reduce the likelihood of being stuck by a sharp object that may be hidden on the person being searched.
5. Clothing Searches:
- a. Extreme caution should be exercised when searching clothing to reduce the potential for being stuck by sharp objects that may be hidden in the clothing.
 - b. As much as possible, clothing should be removed from the person prior to the search.
 - c. Disposable gloves should be worn by personnel if they may come into contact with blood or other body fluids.

G. SHARP OBJECTS:

1. Personnel should handle all sharp objects with extreme caution and all sharp objects should be assumed to be infectious.
2. Needles should never be bent, broken or otherwise tampered with by department personnel.
3. Sharp objects should be placed in a puncture resistant container and clearly marked as containing sharp objects.
4. If puncture resistant containers are not available, personnel should carefully wrap the sharp object in paper or cloth, place the wrapped sharp object in an envelope or bag, and clearly mark the envelope or bag as containing sharp objects.

5. As an added precaution, heavily soiled clothing items should be washed separately from other wash items.

B. EQUIPMENT:

1. Equipment items that are contaminated with blood or other body fluids should be thoroughly cleaned after use.
2. A solution of 1 part household bleach to 10 parts water is a sufficient solution to decontaminate equipment items.
3. This solution needs to be made freshly every 24 hours. Mixed solutions of bleach and water lose their potency after 24 hours.
4. This solution will not damage equipment items such as weapons, handcuffs, keys, car seats, etc.

C. SPILLS:

1. A solution of 1 part bleach to 10 parts water is sufficient to clean up any spills of blood or other body fluids. The solution should be poured into the fluid spill and then mopped up.
2. Never pour undiluted household bleach into blood, urine or other body fluid.
3. Disposable towels should be used as much as possible to clean up blood or other body fluids. Disposable towels should be discarded in a disposable bag that is clearly marked for contaminated items.
4. Mops should be thoroughly cleaned in the same solution (1:10 bleach to water) after being used.
5. Disinfectants used in regular jail cleaning are sufficient to decontaminate areas where spills occur, if the bleach and water solution is not available.
6. Disposable gloves should be worn when cleaning up any spills of body fluids. Gowns and face masks may also be appropriate, if there is a potential for the splattering of the body fluids.
7. Disposable gloves, and gowns and face masks, if appropriate, should be provided to inmate workers who are required to clean up any spills of body fluids.

II. CLEAN-UP PROCEDURES:

A. CLOTHING:

1. Uniform clothing and any other clothing that becomes contaminated with blood or other body fluids should be removed as soon as possible.
2. Heavily contaminated clothing should be put in a disposable bag for taking home.
3. Normal washing using regular detergents in a washing machine will decontaminate clothing.
4. Normal dry cleaning will decontaminate those uniform items that must be dry cleaned.

III. REPORTING PROCEDURES:

A. EMPLOYEE RESPONSIBILITY:

1. At any time during the course of a work assignment when an employee has direct contact with blood or other body fluids on open cuts, breaks in skin or in mucous membranes, or is stuck or cut by a sharp object, or is unsure whether an occurrence constitutes the likelihood of such an exposure, the following steps should be taken:

Figure 16:1 (continued) Infectious Disease Control Policy

- a. Cleanse the area thoroughly, as soon as possible, with warm water and soap for at least 30 seconds, then rinse with copious amounts of warm water. (If water is not readily available, an alcohol wipe is sufficient for initial cleansing of the area. Washing with warm water and soap should be done as soon as possible.)
 - b. If the exposure includes extensive contamination of clothes, put on disposable gloves, remove soiled articles and rinse with soapy water.
 - c. Remove gloves carefully and wash hands thoroughly with warm soapy water for at least 30 seconds.
 - d. Redress with clean garments.
 - e. Cover any open wounds with clean bandage.
 - f. Fill out an exposure incident form.
 - g. The exposure incident form shall be submitted to the facility watch commander, who, after reviewing the form, shall submit it to the facility commander and placed in the employees' facility file.
4. If the exposure is determined to be a possible means of transmission, the head nurse will determine if the prisoner involved has an infectious, reportable disease.
 5. If the prisoner has an infectious, reportable disease, the public health officer shall be notified.
 6. The public health officer is responsible to report back to the employee the type of infectious, reportable disease the employee has an exposure to, and recommend appropriate treatment.
 7. The identity of the individual who has an infectious and reportable disease shall be confidential. Every effort shall be made by all persons involved to protect the individual's right to confidentiality.

B. MEDICAL STAFF RESPONSIBILITY:

1. If an exposure to the employee was a result of providing emergency medical care or CPR, the facility commander shall submit the exposure incident form to the head nurse of the medical staff at the location where the incident occurred. If the incident occurred in other than a jail facility, but involved a prisoner, then the exposure incident form shall be submitted to the head nurse of the jail facility where the prisoner is housed.
2. Upon receiving an exposure incident form detailing a possible exposure while providing emergency medical care or CPR, the head nurse will promptly review the report to determine whether the exposure constitutes the risk of transmission of an infectious disease.
3. The head nurse will contact the employee involved, if necessary, to gather more information or to allay concern.

IV. LEGAL ISSUES:

A. CONFIDENTIALITY OF PRISONER MEDICAL RECORDS:

1. Pursuant to Federal and State law, and in accordance with the legal opinion of the San Francisco City Attorney's Office, medical records of all persons are confidential. This confidentiality of medical records extends to all prisoners.
2. Jail Medical Staff are not permitted to release any information regarding the diagnosis of a prisoner's medical condition to a San Francisco Sheriff's Department employee, except as provided for in P C 7521 (b) and P C 7522 (a).

B. EMERGENCY MEDICAL CARE AND CPR:

1. Pursuant to the State Legislative Counsel's opinion and the opinion of the San Francisco City Attorney's Office, all department personnel are required to provide emergency medical care and administer CPR to any person in their care and custody, when they have been trained to do so.
2. An employee's refusal to provide emergency medical care or CPR may result in criminal negligence and the employee may be held civilly liable for any damage caused from the refusal to provide proper care.

**Figure 16:2
Exposure Incident Form**

SAN FRANCISCO COUNTY SHERIFF'S DEPARTMENT

EMPLOYEE NAME: _____

DATE AND TIME OF INCIDENT: _____

LOCATION OF INCIDENT: _____

NAME OF OTHER INDIVIDUAL INVOLVED: _____

DETAILS OF INCIDENT: _____

WAS A DEPARTMENT INCIDENT REPORT WRITTEN? YES NO

REASON FOR CONCERN:

Contact with body fluids (Please identify which fluid)

Clothes soaked with blood or other body fluid (Please identify which fluid)

Stick by needle or other sharp object

WERE YOU WEARING PROTECTIVE EQUIPMENT (GLOVES, MASKS, ETC.)? YES NO

IF YES, LIST WHAT TYPE WAS USED: _____

IF NOT, EXPLAIN WHY NOT: _____

IF GLOVES WERE WORN, WERE THERE ANY RIPS OR TEARS? YES NO

REVIEWED BY: _____ WATCH COMMANDER

_____ FACILITY COMMANDER

_____ JAIL MEDICAL STAFF

inmates for the AIDS virus, refer to: National Sheriffs' Association, *AIDS: Improving the Response of the Correctional System*.

HOUSING OF INMATES SUSPECTED OF HAVING OR DIAGNOSED WITH AN INFECTIOUS DISEASE

One of the most critical and difficult decisions for jail supervisors concerns the **housing** of inmates suspected of having or diagnosed with an infectious disease. While the medical needs of inmates are of primary importance, **a number of other factors impact upon housing decisions**, including:

1. Preventing transmission of infections within the correctional facility;
2. Protecting affected inmates from possible intimidation and violence; and
3. Protecting affected inmates from other infections that may be present in the inmate population at large, and that may compound the inmate's medical condition.

Additional factors affecting housing decisions are the **costs of specialized care, availability and location of facilities capable of providing appropriate care for a particular disease, and costs for construction and staffing of special correctional and medical units for inmates who have infectious diseases.**

Jail supervisors may have a number of options concerning housing for inmates who have infectious diseases. Among these are:

1. Segregating inmates in a separate unit or in single-cell housing;
2. Returning inmates to the general population when their illnesses are in remission; and
3. Case-by-case determination of all housing and treatment decisions.

Jail supervisors should consider legal standards and correctional policies regarding communicable diseases in general as they implement any housing decision. In addition to the need to protect the health of the infected inmate, **the following administrative factors may support a decision to segregate inmates who have infectious diseases:**

1. The need to protect the inmate from aggression or violence from other inmates;
2. The need to protect against the possible transmission of infectious diseases; and
3. The need to protect the jurisdiction against **"failure to protect"** liability suits which may be filed by either inmates or employees of the facility.

Work Assignments Of Inmates Diagnosed With Infectious Diseases

Work assignments need to be governed by the degree to which the infected inmate's illness has progressed; for example,

a person whose strength has decreased should not be expected to perform heavy or strenuous work.

Further, supervisors should be aware that in some cases (i.e., venereal diseases, AIDS, hepatitis) the inmate may be infected but show no physical symptoms of the disease and may be very capable of participating in both work assignments and recreational activities with no danger to himself or to other inmates.

Food Services

Because there is no evidence that infectious diseases can be transmitted through food, no special provisions for food service and no special handling of utensils used in the preparation or service of meals for infected inmates are needed.

Dishes used by inmates should be washed in water that is hot enough to kill bacteria and viruses, to prevent both infected and noninfected prisoners from passing organisms to each other.

The serving of certain foods to some infectious disease patients should be avoided—in particular, unpasteurized milk and milk products. These milk products have been associated with salmonella infections, which are not tolerated well by people who have infectious diseases. In addition, organically grown food (composted with human or animal feces) should be cooked or peeled before eating. For example, organically grown lettuce should not be used because it cannot be cooked or peeled.

Laundry Services

Normal laundry procedures involving hot water, detergent, and the heat settings in automatic clothing dryers will kill bacteria and viruses. In addition, household bleach should be used to launder inmates' clothing to prevent the spread of infectious diseases. **Special linen and laundry precautions are necessary ONLY WHEN THERE ARE DRAINING WOUNDS OR THE INMATE IS UNABLE TO CONTROL EXCRETIONS.** In these situations, the laundry should be placed in specially marked impenetrable bags and disposed of or laundered according to the facility's policies for items contaminated with Hepatitis B or AIDS virus.

Sanitation Procedures

Personal toilet articles (e.g., razors, toothbrushes) should be distributed to all inmates to discourage the sharing of such items, as these can become contaminated with blood, a major route of transmission of infectious diseases such as Hepatitis B and AIDS. Good hygiene involves bathing regularly, washing hands after using bathroom facilities or having contact with one's own body fluids (e.g., semen, mucus, blood), and washing hands before preparing food.

In addition, the following sanitary practices in correctional facilities will prevent the growth of fungi and bacteria that can cause illness in both healthy and infected inmates:

1. Use scouring powder to remove food particles from kitchen counters. Sponges used to clean the kitchen should not be the same sponges used to clean bathroom

Figure 16:3
Sample Health Screening Form
RATTLESNAKE COUNTY JAIL

Name: _____ Sex: _____

DOB: ____ / ____ 19 ____ Inmate Number: _____
(Month) (Day)

Officer or Physician: _____ Date: ____ / ____ 19 ____

(Please place checkmark in correct column)

	YES	NO
1. Is the inmate conscious?	_____	_____
2. Does the new inmate have obvious pain or bleeding or other symptoms suggesting need for emergency service?.....	_____	_____
3. Are there visible signs of trauma or illness requiring immediate emergency or doctor's care?	_____	_____
4. Is there obvious fever, swollen lymph nodes, jaundice, or other evidence of infection which might spread through the jail?	_____	_____
5. Is the skin in good condition and free of vermin?.....	_____	_____
6. Does the inmate have purple blotches or other discoloration under skin or the mucous membranes (inside mouth, anus, nasal passages)?	_____	_____
7. Does the inmate have a persistent dry cough?.....	_____	_____
8. Does the inmate have white patches (thrush) in his mouth?.....	_____	_____
9. Does the inmate appear to be under the influence of alcohol?	_____	_____
10. Does the inmate appear to be under the influence of barbiturates or other drugs?	_____	_____
11. Are there any visible signs of alcohol/drug withdrawal symptoms?	_____	_____
12. Does the inmate's behavior suggest the risk of suicide?.....	_____	_____
13. Does the inmate's behavior suggest the risk of assault to staff or other inmates?.....	_____	_____
14. Is the inmate carrying medication or does the inmate report being on medication which should be continuously administered or available?.....	_____	_____

INMATE QUESTIONNAIRE

15. Are you presently taking medication for diabetes, heart disease, seizures, arthritis, asthma, ulcers, high blood pressure, or psychiatric disorders? (Circle items which apply.).....	_____	_____
16. Do you have a special diet prescribed by a physician?	_____	_____
17. Do you have a history of venereal or abnormal discharge?.....	_____	_____
18. Have you recently been hospitalized or recently seen a medical or psychiatric doctor for any illness?	_____	_____
19. Are you allergic to any medication? List: _____	_____	_____
20. Have you fainted recently or had a recent head injury? (Circle item which applies.)	_____	_____
21. Do you have epilepsy?.....	_____	_____
22. Do you have a history of tuberculosis?	_____	_____
23. Do you have diabetes?	_____	_____
24. Do you have hepatitis?.....	_____	_____
25. If female, are you pregnant? Are you currently on birth control pills? (Circle item which applies.)	_____	_____
26. Do you have a painful dental condition?.....	_____	_____
*27. Have you had recent weight loss of more than 10 pounds without dieting?	_____	_____
*28. Do you have diarrhea?.....	_____	_____

spills. Also, sponges used to clean bathroom spills should not be washed in the kitchen sink.

2. Disinfect sponges and mops by soaking in 1:10 bleach solution for five minutes.
3. Do not pour mop water down the sink where food is prepared.
4. Clean the inside of refrigerators with soap and water to control molds.
5. Dispose of trash using plastic bags. Frequently collect and dispose of tissues and dressings containing large amounts of sputum or wound drainage. Biological waste should be incinerated as prescribed by state environmental protection agency regulations.
6. Clean up blood or body fluid spills promptly with disinfectant solution, such as the 1:10 dilution of household bleach.

VISITING RIGHTS OF INMATES SUSPECTED OF HAVING OR DIAGNOSED WITH INFECTIOUS DISEASES

The issue of visiting rights for inmates suspected of having or diagnosed with an infectious disease—particularly one of the sexually transmitted diseases—presents a minefield of problems for today's jail administrators. **Any decision by the administrator to ban visits for infected inmates must be contingent on knowledge of the inmate's health status.**

In states which protect the privacy of inmate medical information, jail supervisors and staff members can only SUSPECT that an inmate is infected. Conjugal visits cannot be prohibited solely on the fact that an inmate is suspected of having an infectious disease. To do so could result in legal action against the jail administration for discrimination and/or infringement of an inmate's rights.

A second issue for the jail supervisor involves making a decision to withhold or relay medical information about an inmate to the inmate's spouse or sexual partner before furloughs and conjugal visits and prior to release. By giving such notification, correctional systems would assume more responsibility than do institutions in the community at large. In some instances, teaching the inmate about methods of transmission would suffice to deter him from activities that transmit disease.

The relaying of an inmate's diagnosis to his spouse or sexual partner may be contingent upon the laws of the jurisdiction. In states that do not protect the privacy of such medical information, the jail's medical staff should be responsible for relaying it to the inmate's sexual partner, along with an explanation regarding transmission of the disease and ways to prevent transmission. This action may be necessary as part of the physician's duty to warn those "unequivocally at risk."

Educating infectious inmates about their disease is of utmost importance, and a formal, written policy should be established describing the educational procedures to be followed. This policy should state that the medical staff is responsible for informing the infectious inmate about activities which

may transmit the disease. It should also describe health practices which prevent transmission.

A document stating that the inmate has been informed of and understands the means of transmitting the infection and the means of preventing transmission should be signed by the inmate and a medical staff member and kept in the inmate's file. At the time of the infected inmate's release, the procedures of the correctional institution should include a formal exit interview between the inmate and trained medical personnel. During the interview it should again be documented that the inmate understands both the means of transmission and the health practices which prevent transmission.

ISSUES AND GUIDELINES FOR STAFF TRAINING

One of the most important aspects of the management of infectious diseases within the jail is to **ensure that both correctional staff members and inmates are provided with the most timely information on infectious diseases, their causes, symptoms, and effective management.** Timely and accurate information which is disseminated in a systematic fashion will do much to quiet unnecessary fears among both staff members and inmates. A recent study for the U.S. Justice Department's National Institute of Justice, *AIDS in Correctional Institutions—Issues and Options* (1986), documented persistent fears concerning some infectious diseases among both staff and inmates.

Correctional officers may be particularly concerned about risks involving cell and body searches, intervention in violent confrontations among inmates, and administration of CPR and other first aid to inmates who are suspected of having or who have been diagnosed with an infectious disease.

Training Issues

Training curricula should address **GENERAL medical and legal issues** related to the management of inmates suspected of having or diagnosed with an infectious disease, as well as **SPECIFIC procedures for correctional staff members to follow** during all phases of their work within the facility. Issues to address in staff training include:

1. Definitions of the various infectious diseases;
2. Causes, symptoms, and transmission of infectious diseases;
3. Legal and liability issues in the management of inmates with infectious diseases;
4. Intake/booking procedures for inmates suspected of having or diagnosed with infectious diseases;
5. Intake medical procedures for inmates suspected of having or diagnosed with infectious diseases;
6. Administrative and management issues, including housing, work assignments, and pre-release strategies for inmates suspected of having or diagnosed with an infectious disease; and
7. Infection control and safety procedures for medical staff who provide treatment to infected inmates.

Issues In Training And Education Of Inmates

The timely and accurate education of inmates is an essential component of any comprehensive effort to curtail fear and misunderstanding about the causes and transmission of infections within the jail. Inmate education also may serve as a means to limit participation in activities known to transmit infectious diseases.

Of primary concern to inmates are the causes, symptoms, and methods of transmitting diseases, and the means to reduce the risk of infection. Therefore, inmate education programs should focus on the following topics:

1. Definition of the various infectious diseases;
2. Means of transmitting infectious diseases;
3. Contacts **NOT** shown to transmit infectious diseases;
4. Prevention of infectious diseases during confinement; and
5. Prevention of infectious diseases following release.

Program participation should be mandated for all inmates. The programs need to emphasize inmate responsibility in avoiding activities known to transmit infections. The sessions should present information on practical, precautionary measures and recommendations for preventive steps following release from the jail.

The overall goal of inmate education is to provide current information about the causes, symptoms, and transmission of infectious diseases, and to discuss precautions that inmates should take to minimize their risk of becoming infected.

SUMMARY

1. Correctional facilities have a specific responsibility to protect the health of both inmates and employees and to provide medical services to inmates who become ill while incarcerated.
2. In order to develop procedures for the identification and management of infectious diseases, correctional supervisors must know and understand the difference between

contagious and infectious diseases, how to prevent the spread of both types of disease, and how to deal with inmates who contract these diseases.

3. **Each jail or detention center should develop an Infectious Disease Control Policy and Procedure Document.**

Written policies and procedures are effective only when they are systematically implemented, regularly evaluated, and periodically updated to include current medical and legal information.

4. **Management decisions regarding housing and work assignments often depend upon the health of the inmate. Therefore, careful health screening is necessary during the booking process to help prevent later medical emergencies and to aid in the control of infectious and contagious diseases in the jail.**
5. **One of the most critical and difficult decisions for jail supervisors concerns the housing of inmates suspected of having or diagnosed with an infectious disease.**

Jail supervisors may have a number of options concerning housing for inmates who have infectious diseases. Among these are:

- A. Segregating inmates in a separate unit or in single-cell housing;
- B. Returning inmates to the general population when their illnesses are in remission; and
- C. Case-by-case determination of all housing and treatment decisions.

6. **The issue of visiting rights for inmates suspected of having or diagnosed with an infectious disease—particularly one of the sexually transmitted diseases—presents serious problems for the jail administrator.**
7. **One of the most important aspects of the management of infectious diseases within the jail is to ensure that both correctional staff members and inmates are provided with the most timely information on infectious diseases, their causes, symptoms, and effective management.**

CHAPTER SEVENTEEN

CLASSIFICATION

Historically, jails have been short-term holding facilities for pre- and post-trial misdemeanants and felons who are either awaiting trial or transfer into the state prison system following their convictions. However, the mission of the nation's jails has changed drastically in the past decade. These changes have been brought about by overcrowding in state prison systems, forcing jails to hold the prison backlog. This prison overcrowding has been created by societal pressures to incarcerate repeat offenders, DUIs, child abusers, drug traffickers and dealers, white collar criminals, and sex offenders. Responding to these pressures, state legislators have, in turn, enacted tougher penalties, mandatory sentencing laws, and more restrictive parole laws, further compounding overcrowding in the local and regional jails.

During the 1970s, emphasis was placed upon alternatives to incarceration. But in the 1980s, the public began to demand that jails also be considered as an alternative and, in some cases, the last or only alternative. During the Carter presidency, there was also a movement to deinstitutionalize the mentally ill from large state hospitals; as a result, many of these mentally ill people found their way into the jail system.

Traditional correctional ideologies such as reform, restraint, retribution, rehabilitation, and therapy were abandoned and the judiciary began to view jails with only three purposes in mind, which were:

1. **To protect society;**
2. **To punish; and**
3. **To deter.**

While offenders in custody were given an opportunity to change through programs, rehabilitation as a goal of corrections became a low priority.

These changing philosophies and attitudes toward corrections had a resounding impact upon our local jails—not only in the number of prisoners held but also in the length of stay and the types of offenders held. In order to handle this crisis, jails had to create their own **community-based correctional systems**. What this meant was to incarcerate, sentence, and treat the offender in the local community, if possible. The local community-based correctional system was a combination of incarceration, probation, parole, week-end sentences, work release, jail programs, and other alternative or diversionary techniques.

The jail population also began to change in the 1970s. Jails began to hold a greater percentage of felons for a longer period of time. These felons were charged with serious crimes such as murder, armed robbery, rape, drug offenses, burglary, and auto theft. Increasingly, more people who were convicted of committing these crimes possessed prior criminal histories, which

shows repeated contacts with the criminal justice system. Many of these offenders were drug addicts, alcoholics, mentally ill, psychopaths or sociopaths, and social misfits. In addition, a large portion of them were in poor health. Others were first-time offenders, misdemeanants, traffic offenders, civil defendants, or pre-trial detainees.

No matter what their status in the criminal justice system, they were ALL labeled "inmates." However, their differences were generally more striking than their similarities. Inmates differ considerably in terms of the types of offenses committed, physical appearances, mental aptitudes, socio-economic and ethnic backgrounds, personalities, educations, prejudices, maturity levels, respect for authority, and their abilities to handle stress or high anxiety levels. Yet, in most cases, they must live under the same roof on the same floor, in the same cell block, or in the same cell.

In order to manage the jail as these new correctional philosophies emerged and the jail population changed, it became necessary to develop methods of classifying inmates into various categories. **Inmate classification systems quickly became absolutely essential to the smooth, efficient operation of a jail and for the protection of the safety and security of the staff and prisoners.**

WHAT IS CLASSIFICATION?

Inmate classification can be defined as follows:

Classification is an ongoing process based upon an analysis and diagnosis of information that will enhance the user's ability to predict and therefore control an inmate's behavior while he is incarcerated. In its most practical sense, classification is a management tool used to effectively assign inmates to housing areas where they will be exposed to minimal risks while at the same time safeguarding the integrity of the institution, its employees, and the safety of the other inmates.

The classification of prisoners or, simply put, the selection of housing assignments and appropriate levels of custody, is an integral part of good jail administration. **Placement decisions are clearly bound together with the basic responsibility of the jail administrator to keep all prisoners committed into his custody safe and secure.** Placement decisions are also closely tied to the Due Process Clause of the U.S. Constitution's Eighth Amendment.

Classification decisions have a direct impact upon inmate security, safety, discipline, medical, and program decisions. Thus, classification can control the jail climate and be a management tool to bring about consistency and continuity in administrative and operational decisions while at the same time

ensuring good communication among all members of the staff and the prisoners.

The following quote from "Classification: Past Failures, Future Potential," by Larry Solomon and S. Christopher Baird, is one of the central themes expressed by the 20 authors included in *Classification As A Management Tool: Theories and Models for Decision-Makers*, which was published by the American Correctional Association in 1982:

"Corrections must recognize that classification is first and foremost a **management tool**. It should, in fact, be perceived as the veritable cornerstone of correctional administration. As a means of setting priorities, its purposes are to promote rational, consistent, and equitable methods of assessing the relative needs and risk of each individual and then to assign agency resources accordingly. Data generated through the classification process are also vital to program and facility planning, monitoring, evaluation, budgeting, and accountability."

Although classification has in the past most often been considered only for prisons and probation/parole systems and a topic of interest only to research and/or clinical staff, the Federal courts have consistently and convincingly demonstrated, through liability decisions, the relevance and significance of good classification procedures in the ENTIRE corrections field—including jails.

The **benefits** of an active, well supervised classification system are many. Jail management, the public, and the inmate all become beneficiaries of this system. Specific benefits that can be gleaned from an effective classification system include:

1. Improved security and control of inmates by better population management;
2. Reduced escapes, suicides, and fires;
3. Reduced assaults on inmates and staff;
4. Reduced disturbances and potential riots;
5. Early recognition and isolation of the mentally ill and problem inmates;
6. Ability to separate co-defendants and keep them separate;
7. More effective use of resources;
8. Provide data that is useful in facility planning and in monitoring and evaluating program goals;
9. Provide a consistent and equitable process for decisionmaking;
10. Better staff and inmate morale;
11. Enhance jail efficiency and effectiveness; and
12. Reduce liability.

Case Study 1:

A Featherville teenager filed a \$25 million lawsuit against Turkey County, Virginia, and its correction officials, accusing

them of failing to protect him from rape while he was a prisoner at the Turkey County Jail.

Bobby Bruce, awaiting trial on a charge of auto theft, said he was classified to an area of the jail on Feb. 26, 1982, with Jerry Lee Polito, 21, of Washington, D.C., who, according to the court papers, was a known sex offender. Bruce, who was 18 at the time, was described in the lawsuit filed in Turkey County Circuit Court as "slightly built." He said that without prewarning and certainly without consent, he was violently raped by Polito, a physically powerful 200-pounder.

As a result of the attack on Bruce, Polito was charged with, and convicted of, sodomy in Turkey County Circuit Court. At the time of the rape, Polito was awaiting trial on an armed robbery charge for holding up a convenience store in Featherville. He currently is serving time in the District of Columbia Jail, where he was an escapee at the time of his apprehension in Turkey County. After the rape in the Turkey County Jail, Polito was extradited to D.C. to complete his sentence there.

Bruce was convicted of the auto theft and placed on probation.

The Turkey County Grand Jury, a month before Bruce was arrested, had indicted four inmates on charges of sexually assaulting a mentally retarded inmate who was being held overnight.

Bruce's lawsuit named as defendants the Turkey County Board of Supervisors and three corrections officials: Sheriff Gary Gobble, Chief Deputy Frank Farmer, and Jail Administrator Susan O'Connell.

It was known to Turkey County Jail officials and the defendants that the inmate, Polito, had on previous occasions sexually attacked other people, both male and female, Bruce claimed in court papers. "The plaintiff was not warned by defendants as to the propensity of the inmate, Polito, to commit homosexual rape, although this fact was known or should have been known to the defendants," he claimed to the court.

Jail Administrator O'Connell acknowledged that Polito had previously been involved in a sexual attack on another prisoner in the Turkey County Jail during the week he was incarcerated after the robbery and before Bruce arrived in the jail. Both Bruce and Polito were assigned to the same cell block, although they were not assigned to the same cell. Two hours after the assault, Bruce approached an officer making his rounds and reported that he had been sexually assaulted.

"The defendants were under a duty to separate known sex offenders from the general population," Bruce and his attorney wrote in the lawsuit, "especially those prisoners who might be deemed to be a target or particularly susceptible to being victimized sexually by other inmates."

This case study is based upon an actual case which was filed by the American Civil Liberties Union and settled out of court for a substantial amount without going through trial. What did Jail Administrator O'Connell do wrong to create liability? What actions should have been taken to prevent this incident in the first place? Do similar conditions exist in your jail? If so, what are you going to do about them?

BOOKING/RECEIVING

Keeping in mind that **KNOWLEDGE, CONTROL, and PREVENTION** are the key elements ensuring the security and

safety of all prisoners, **inmate classification begins from the moment a person is booked into the jail.** In some small jails, this may be the only form of inmate classification, since offenders generally are moved directly from booking to the general population. The procedures for classification at the booking/receiving unit include:

1. Accepting prisoners into the jail:
 - A. The booking deputy should verify the commitment papers by ensuring that:
 - (1) The warrant or court order has been executed;
 - (2) The warrant or court order is completed with the charge and the appropriate section of the state, county, city, or town code; and
 - (3) The signature of a judge, court clerk, or magistrate is on the warrant or court order.
 - B. The booking deputy should look at the overall appearance of the prisoner to determine if the prisoner has any injuries. If injuries are suspected or observed, a medical evaluation should be obtained. **The final decision whether to accept the prisoner or not should be made by medical personnel; it should not be a police or confinement decision.** If the prisoner has no injuries and the commitment papers are in order, then the arresting officer may be excused.
 - C. The booking deputy should obtain as much information as possible from the prisoner, from the paperwork involved in the commitment, and from records of previous commitments. If the prisoner has been incarcerated in the jail before, then his file should be pulled and all reusable information placed on the new forms and updated.
 - D. If the prisoner is in no condition to answer questions, then the booking deputy should make note of this on the booking card and write a report (e.g., disorderly, intoxicated, emotional, etc.). This information should, however, be obtained at the earliest possible moment.
 - E. All booking officers should be trained by health personnel to conduct and document a medical pre-screening to obtain the following information:
 - (1) Inquire into:
 - (a) Current illness and health problems, including dental problems, venereal diseases, and other infectious diseases, such as AIDS or positive testing for the AIDS-related virus, HIV;
 - (b) Medications taken and special health requirements;
 - (c) Use of alcohol and other drugs, which includes types of drugs used, mode of use, amounts used, frequency used, date or time of last use, and a history of problems

which may have occurred after ceasing use (e.g., convulsions);

- (d) Past and present treatment or hospitalization for mental disturbance or suicide attempt; and
 - (e) Other health problems designated by the responsible physician.
- (2) Observations of:
- (a) Behavior, which includes state of consciousness, mental status, appearance, conduct, tremor, and sweating; and
 - (b) Body deformities, trauma markings, bruises, lesions, jaundice, ease of movement, etc.
- F. After all possible information has been obtained and a check made for outstanding warrants, the inmate should be thoroughly searched and have his personal property taken from him. He should be placed in highly visible receiving areas for observation for the first eight to 24 hours.
2. Inmates should be housed separately from the general population during the admission process.

INMATE HOUSING

Written policies and procedures should describe the categories and types of confinement space available within the jail for inmate housing and prescribe general guidelines for its use. **Inmates should not be segregated by race, color, creed, or national origin.** The following guidelines are suggested for housing classification decisionmaking:

1. Jails should manage the following categories of inmates separately, if possible:
 - A. Female and male inmates;
 - B. Other classes of detainees (e.g., witnesses and civil prisoners);
 - C. Work release inmates;
 - D. Individuals ordered to serve weekends in jail;
 - E. Trustees or inmates holding worker status within the facility;
 - F. Inmates with special problems such as:
 - (1) Substance abuse;
 - (2) Psychological disorders; and
 - (3) Physical handicaps;
 - G. Inmates requiring disciplinary detention;
 - H. Inmates requiring administrative segregation;
 - I. Inmates requiring protective custody;
 - J. Inmates who are vulnerable to physical or sexual abuse; and

- K. Juveniles.
- 2. The following factors should be taken into consideration when determining housing assignments:
 - A. Young adults should be housed separately from older adults;
 - B. Felons and misdemeanants should be housed separately;
 - C. Pre-trial detainees should be housed separately from convicted inmates; and
 - D. First offenders and recidivists should be housed separately.

In addition to booking information, a more detailed classification interview should take place. This in-depth interview helps to determine WHERE the prisoner should be housed and WHOM he should be housed with. Objective criteria should be used in this interview in order to make an informed "good faith" decision. Classification decisions should not be punitive or arbitrary. However, "gut feelings" are still important. The objective criteria described below should be evaluated carefully. In addition, **classification decisions should be made by a team of experienced jail personnel. Team decisions will improve staff communication, reduce liability, and provide for a better and more informed decision.**

Objective Criteria For Classification Decisionmaking

- Name - AKA
- Age - Juvenile 18-23 23-39 39 and Over
- Size - Small Medium Large
- Charge(s) - Felony, Misdemeanor
- First Offender or Recidivist
- Detainers (Holds) - In-State or Out-of-State
- Pre- or Post-Trial
- Assaultive or Non-Assaultive
- Drug and Alcohol Usage
- Medical Information - Diabetes, Epilepsy, Hernia, etc.
- Mental Illness
- Sexual Preference - Homosexual, Heterosexual, Bisexual
- Criminal History
- Educational Background
- Escape Risk
- Suicide Risk
- Bond
- Military History - Type of Discharge
- Race - Any Prejudices
- Co-Defendants

- Enemies
- Groups - Pagans, Outlaws, Hell's Angels, Bandidos, etc.
- Religious Preference
- Institutional Adjustment

INMATE TRANSFERS

No inmate should be assigned, transferred, or reassigned to or between cell locations without proper authorization. An exception to this general rule occurs when the immediate segregation of an inmate is necessary for security reasons, medical reasons, or for the protection of the individual or others.

Records should be maintained showing the current cell location of all inmates in the facility. Any time an inmate is transferred or reassigned to a different location within the jail, an **inmate transfer sheet** should be completed. This document serves two purposes: It is an official directive ordering the transfer of an inmate within the jail and it officially notifies various staff members that an inmate has been moved. An inmate transfer sheet should require the following information:

1. Inmate's present cell assignment;
2. Inmate's name (last, first) and number;
3. Race;
4. New cell assignment;
5. Reason for the assignment or transfer;
6. Person authorizing the transfer; and
7. Person who completes the transfer.

Classification is an ongoing process and reclassification may quite often be necessary. An inmate's security status should be re-evaluated after sentencing, if detainers are filed, if additional charges are added, or if a change in attitude or behavior occurs.

Case Study 2:

In January 1980, at 6:00 p.m. on a Sunday evening, two 19-year-old male prisoners, John Prettyboy, and his friend, Larry Lovely, were booked into the Rattlesnake County Jail. They were first-time offenders charged with burglary. Both young men were effeminate-looking. They were obviously afraid and anxious about being placed into the jail.

The Rattlesnake County Jail was built in 1953 to house a maximum capacity of 70 prisoners. It was a traditionally designed jail consisting of three floors and a basement for support functions. Each of the three floors had four cell blocks. Along with the traditional cellblock design, two administrative areas of the jail had been converted to dormitories to house additional prisoners. The entire jail had been double-bunked and in January 1980 held approximately 150 prisoners in space originally designed for 70.

One of the cellblocks on the first floor was utilized as a drunk tank, although ALL newly admitted prisoners were placed there. Two classification officers on the staff did not work on weekends. Although a classification system existed, its two of-

ficers were ineffective because of overcrowding, inadequate facilities, lack of a written plan, and the security staff's resistance to change. New prisoners were not interviewed by the classification officers until two or three days after they were transferred by the security staff from the Receiving Cell (drunk tank) to a permanent housing assignment. The purpose of the classification interview was to detect problems and/or a need for reclassification. Eventually these problems would be alleviated, county officials hoped—a new jail was being planned, with a completion date scheduled for 1982.

Prettyboy and Lovely were booked into the jail and assigned to the drunk tank. In order to make room for additional incoming prisoners, the first floor deputy made a decision to reassign them to Cellblock B-4 on the second floor. The decision was arbitrary and based solely upon two beds being available on that level.

Cellblock B-4 had a capacity of 10 prisoners double-bunked. When Prettyboy and Lovely were sent there, it held eight prisoners, all felons. At approximately 9:00 p.m. that evening, three prisoners forced Prettyboy into one of the cells. A blanket was placed over the cell door and, while two of the inmates served as lookouts, the men took turns having repeated anal intercourse with Prettyboy. Of the three prisoners, all were recidivists; they were all charged with armed robbery or rape. At the 10:00 p.m. lock-down, Prettyboy was locked in the cell with one of his assailants and compelled to spend the night. He was homosexually assaulted repeatedly during the night.

The next morning, following breakfast and during clean-up, Prettyboy confided in one of the officers that he had been sexually attacked. He was taken to the Fangville City Hospital, where it was confirmed that he had been violently assaulted in his anus, with severe tearing and trauma resulting. He required surgery. Prettyboy's three assailants were charged, indicted, tried, and convicted of sodomy. They all received sentences ranging from three to seven years.

The American Civil Liberties Union (ACLU) brought suit on behalf of Prettyboy in the U.S. District Court under 42 U.S.C. 1983. The jury returned a verdict in Prettyboy's favor and awarded him \$50,000 in compensatory damages. Although the suit named several defendants as being responsible for allowing the rape to occur, only Sheriff Ted Bradley was found liable. The court did not allow Sheriff Bradley to claim immunity.

The court upheld the jury's conclusion that Sheriff Bradley failed to use REASONABLE steps to guard against acts of this sort. The court added that the standard of care in Texas at that time rendered Sheriff Bradley liable for simple negligence in failing to protect the inmate from sexual assault by the three other inmates. As for the damage award, the court did not consider it excessive in view of the impact the attack had on the victim.

How could this incident have been prevented?

This case study is based upon an actual incident which occurred in a Virginia jail in 1975. Research shows that the Virginia case was one of the first cases where damages were awarded under a 42 U.S.C. 1983 action alleging a failure to protect a prisoner from sexual assault. It was the court's opinion that the classification system at the jail was sloppy. Since this decision (*Doe v. Swinson*, E.D. VA 1976), there has been a continuing pattern of cases following this trend to hold administrators liable for sloppy classification procedures.

CLASSIFICATION COMMITTEE

Jail officials must make many decisions on a daily basis which directly affect each individual inmate in their custody. Some of these decisions relate to security, such as custody levels, transportation, restraints, cell searches, counts, and movement. Others relate to disciplinary actions, covering a broad range of decisions from isolation, punitive segregation, administrative segregation, and written or verbal reprimand. Still other decisions relate to security classification, good time, parole and release dates, work assignments, recreation, visitation, or program participation (i.e., educational, religious, alcohol, or drug programs). All of these decisions must be made while protecting the constitutional rights of each prisoner. Only in theory can these decisions be made independently of each other. In actual practice, they become intermixed.

Prisoner security and safety is the most important aspect of jail operations. The key elements in a security program are: **KNOWLEDGE, CONTROL, and PREVENTION.** The more we know about a person in custody, the more safe and secure that person will be.

Thus, the classification of prisoners becomes the central focus of all decisions pertaining to prisoner security, housing, programs, and assignments. Classification should be the jail's central point of information gathering, from which informed decisions can be made while a person is in custody. The information may come from an interview, criminal history, mental or medical or psychiatric reports, reprimands, or an inmate's behavior while he is incarcerated. For example, a prisoner who is suicidal should not be placed in a remote isolation cell. Nor should an epileptic be placed in an upper bunk. A person with detainers or previous escapes should not be a trusty. Therefore, a **TEAM APPROACH to classification** is needed in order to make informed decisions. Team decisions will improve communication. As a result, the entire jail staff should develop confidence in classification decisions which are made and implemented.

Personnel in the following areas should serve on the jail's classification team:

1. Security;
2. Medical;
3. Classification;
4. Programs; and
5. Mental health.

The classification team should:

1. Assign custody levels to inmates and make status changes in their custody level during confinement, when necessary.
2. Make all inmate housing assignments and direct the reassignment or transfer of inmates within the facility, as needed.
3. Approve and assign inmates to major programs and work (e.g., trusties and work release).

4. Screen and approve all lists for group activity.
5. Allow for formal appeals of custody levels.

MASTER CONTROL BOARD

A **control board** which identifies each inmate and his housing assignment should be located centrally out of view of visiting citizens and prisoners. The size of the board depends upon the size of the jail. The design of the board should correspond to the housing area or cell block configuration of the jail. A bulletin board with tags, plexiglass, or grease pencil will do. A daily roster of the inmate population can be compiled from this board. It can also be used as a check against the daily inmate count. **It is imperative that a single person have overall responsibility for always maintaining and updating the master control board on a daily basis.** This person can be the booking unit supervisor, the chief jailer, or the classification supervisor.

The tag on the master control board can be as large or as small as necessary or it can contain ANY information needed to operate ANY jail, based upon facility size, design, staff and community resources, philosophy, goals, and objectives.

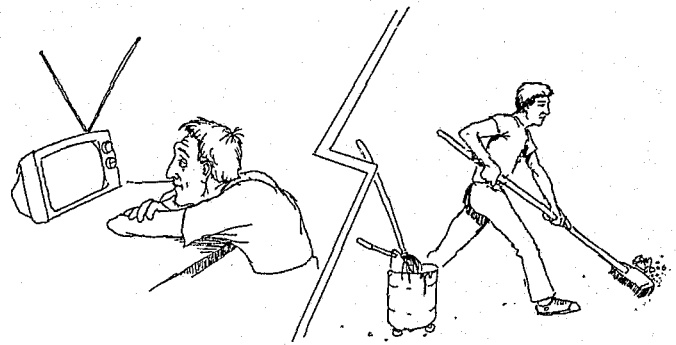
LEVELS OF CUSTODY

Safety and security are the most important considerations in the classification process when determining facility custody levels. Often jail administrative and security staff rely too much on the physical equipment (i.e., bars and handcuffs, etc.) to create a safe and secure environment inside the jail when proper classification can do a better job.

Custody level decisions should be team oriented and based upon information available about the prisoner as well as the design of the facility, supervision required, and available resources. **Under no circumstances should a prisoner be placed into a cell simply because a bed is available.** As opposed to putting a non-violent misdemeanor offender into a maximum security cellblock just because that is the only empty bunk, you should wait until an appropriate bed is available, reclassify other prisoners to make room, or give him a mattress and let him sleep on the floor in the appropriate housing section.

The following classification designations and corresponding behaviors should help you to determine appropriate levels of custody:

1. **MAXIMUM SECURITY:** Maximum custody is assigned to those inmates who are considered active extreme escape risks or who demonstrate conduct that represents a continuing source of agitation. Also to be assigned to maximum security are those inmates who are actual or potential sources of physical violence toward other prisoners or staff, who are overly impulsive, unwilling to cooperate with staff, or who are unable in some way to follow the rules of the jail. Inmates who are aggressive, have committed crimes against persons, such as rape, murder, armed robbery, malicious wounding, and felonious assault, or who are recidivists, should be considered maximum security. All incoming prisoners with felony charges should be housed in this cat-



egory until they have been interviewed by a classification officer or until observation and experience dictate a lower custody level. However, do take into consideration the age and build of the new prisoner and the potential for sexual assault victimization.

2. **MEDIUM SECURITY:** This custody level is assigned to inmates who appear to be cooperating with jail staff. They may have some problem with their ability to follow rules but the staff is able to develop those abilities. Medium security classification is designed for non-violent, misdemeanor, property, and drug abuse offenders.
3. **MINIMUM SECURITY:** This custody level is assigned to inmates who appear to be cooperative and trustworthy, either through demonstrated behavior or verified information to the degree of being eligible for participation in programs and work assignments outside the jail with or without supervision (i.e., work/educational release and trusties). Some trusties may be allowed to work outside the institution under supervision. Minimum security prisoners should demonstrate dependability and a willingness and ability to assume responsibility for their behavior. They should require minimal supervision and not be a threat to the community. Prisoners in this housing category usually are civil cases, misdemeanants, short-term felons, property offenders, or drug abusers who are serving short sentences. They should also have passed careful scrutiny of their behavior while they have been incarcerated and their propensity for escape should have been considered.
4. **WORK FORCE (TRUSTIES):** There should be a consistent and uniform method of selection and treatment of inmates assigned to the jail work force to ensure that inmates assigned as trusties fulfill their duties while security is maintained. No inmate, regardless of assignment, should ever be allowed to supervise, control, or exert any type of authority over other inmates. Selection of trusties should be done by the jail's classification team. The basic criteria for selection of trusties should include psychiatric and emotional stability, intelligence that is minimally commensurate with the assigned duties, a willingness to work, and an ability to conduct themselves as directed. They must also be minimal escape risks. Other criteria for selection should include: a recommendation from a security staff member; the inmate should be a local resident; have no felony detainers and no disciplinary infractions within the last 30 days; the inmate should not be a hard-core addict; have

no record of previous escapes; and have medical approval. Trustees should be housed separately from other prisoners, if possible.

5. **ADMINISTRATIVE SEGREGATION:** The term "administrative segregation" is generally used to refer to the confinement of prisoners in highly secure housing, separate from the general population of the jail, because of a judgment that such close custody is needed to protect others whom the prisoner might harm or to keep him away from other prisoners who might harm him. When an inmate is segregated in order to protect the security of the institution and the safety of its inmates and staff, the prisoner's past behavior is part of the information relied upon in making the decision, but only as it bears upon an assessment of his probable future conduct. Administrative segregation is a preventive device rather than a sanction for past behavior and should be distinguished from punitive or disciplinary segregation for misconduct in jail. The punitively segregated prisoner loses the privileges available to the general population as punishment for a specific violation of institutional rules. Normally used for disciplinary purposes, punitive segregation places the inmate in isolated confinement for a fixed term. In contrast, placement in an administrative segregation unit may be for an indefinite period of time.

COURT DECISIONS RELATED TO CLASSIFICATION

One of the ways any correctional supervisor can avoid unnecessary litigation is to know existing law, stay abreast of changing laws, and follow the Federal cases pertaining to corrections.

The single largest body of correctional law is found in opinions of the Federal judiciary. Currently, more than half of the state corrections departments in the U.S. are under some form of injunctive authority of the Federal courts. Many state and local correction officials, and even some Federal officials, now face judgments of thousands of dollars because of acts they committed, or neglected to commit, in their official positions as supervisory and administrative personnel. Some municipalities have declared bankruptcy as a result of large adverse judgments for misconduct or negligence by criminal justice officials. Since liability insurance is now expensive and difficult to get, **a good classification system in any jail can help PREVENT—not just defend—lawsuits.**

Following are summaries of some court decisions related to prisoner classification. They suggest the importance which the Federal courts place in guaranteeing inmates' rights and safety under the Eighth Amendment's prohibition against cruel and unusual punishment. As you can see from the rulings, the classification process has been found by some courts to be involved with the constitutional rights of prisoners. Important classification-related cases include:

1. *Alberti v. Sheriff of Harris County*, 406 F. Supp. 649 (S.D. Tex. 1975) (Harris County Jail). The court ordered the establishment of a classification system.

2. *Bono v. Saxbe*, 620 F.2d 609 (7th Cir. 1980) (Marion, Ill.). While the institutional administration can change the conditions of confinement for administrative reasons as they see fit, they cannot incarcerate individuals under conditions which are violative of the Eighth Amendment regardless of whether the purpose is administrative or punitive. Because the conditions in the Control Unit are so severe, due process applies to a transfer thereto regardless of whether the purpose was administrative or punitive. Placement of an inmate who had not demonstrated an inability to adjust to the prison general population in administrative segregation (Control Unit) violates substantive due process.
3. *Bradshaw v. Duffy*, 163 Cal. Rptr. 559 (Ct. App. 1980). The institutional administrators have broad discretion as to the institutional placement of individuals with which the court will not interfere unless there is an abuse of discretion. Where the sheriff had a policy of not permitting trustees to be placed in honor camps until they had completed one-half of their sentence, but refused to announce this policy to the inmates until after they had made their choice as to whether to become a trusty, the policy denied them the same privileges extended to other jail inmates and therefore was invalid.
4. *Brown v. Neagle*, 486 F. Supp. 364 (S.D.N.Y. 1979) (Alderson). Placement in administrative detention as an escape risk on the basis of escapes from other institutions by acquaintances of the plaintiff is irrational (apparently in violation of due process). Return to general population and credit for the good time which would have been earned in general population is ordered. The plaintiff is to be treated as any other inmate.
5. *Bukhari v. Hutto*, 487 F. Supp. 1162. Where there exists a possibility that prison authorities are relying on false information or unsubstantiated rumors in making discretionary administrative determinations affecting, directly or indirectly, a liberty interest such as parole eligibility, prisoners are entitled to some procedure by which to clear their records of any error.
6. *Campbell v. McGruder*, 580 F.2d 521 (D.C. Cir. 1978) (D.C. Jail). Officials must establish a classification system in jail which will make it possible to determine which inmates require maximum security confinement.
7. *Chiarello v. Vincent*, 381 N.Y.S. 2d 117 (App. Div. 1976). An inmate has a right to be classified and placed in a cell environment which does not aggravate his chronic medical condition.
8. *Cooper v. Riddle*, 540 F.2d 731 (4th Cir. 1976) (Va. St. Pen.). A transfer from general population to segregation after a disturbance, accomplished by a classification committee, is controlled by *Haymes v. Montayne*, not *Wolff*, and thus due process does not apply.
9. *Doe v. Swinson*, F. Supp., 20 Crime. L. Rptr. 2272 (E.D. Va. 1976) (Fairfax County Jail). A showing of

- a practice of sloppy classification forms a basis for officials' liability for sexual assaults; \$50,000 judgment was awarded by jury.
10. *Enomoto v. Wright*, U.S. , 46 U.S.L.W. 3525 (1978). A case holding that transfer-classification to administrative segregation is a grievous loss of a protected liberty interest requiring procedural due process was affirmed without opinion.
 11. *Finney v. Hutto*, 410 F. Supp. 251 (E.D. Ark. 1976) (Cummins and Tucker). The prison administration must regularly review segregation classification on the basis of objective criteria.
 12. *Gates v. Coller*, 349 F. Supp. 881 (1972). Failing to provide adequate protection to inmates against physical assaults, abuses, indignities, and cruelties by other inmates constituted cruel and unusual punishment. A racially nondiscriminatory classification system conforming generally to standards of the American Correctional Association must be established.
 13. *Giampetruzzi v. Malcolm*, 406 F. Supp. 836 (S.D.N.Y. 1975) (New York City Jail). Although it is a legitimate penological technique, classification of an individual to administrative segregation is a grievous loss requiring due process.
 14. *Gullatte v. Potts*, 630 F.2d 322 (5th Cir. 1980) (Holman, Ala.). Where the inmate's prison records clearly indicated the fact that he had been an informer and was, therefore, a target for inmate-on-inmate violence, the staff members ordering the transfer of the inmate from a small minimum security facility to the general population of a large maximum security facility could be liable for the resulting death.
 15. *Jones v. Wittenberg*, 440 F. Supp. 60 (N.D. Ohio 1977) (Lucas County Jail). The classification procedures employed in jail were found to be inadequate and not in compliance with the order of the court.
 16. *Kelley v. Brewer*, 525 F.2d 394 (8th Cir. 1975). Classification of an inmate to administrative segregation for protection of the inmate and order of the institution was not punishment. An inmate who has assaulted or killed an officer may not be kept in segregation solely because of the offense as a deterrent to others or because of a possible adverse staff reaction. The only valid consideration in determining whether to keep the inmate in segregation is his action. This must be measured by objective criteria. Due process does not prevent the warden from making these decisions alone.
 17. *Martinez Rodriguez v. Jiminez*, 409 F. Supp. 582 (D.P.R. 1976) (San Juan Jail). The lack of a classification system in the jail violated due process.
 18. *McGruder v. Phelps*, 608 F.2d 1023 (5th Cir. 1979) (Angola, La.). An inmate does not have a constitutional right to any particular classification. However, the state must meet the provision of a previous settlement incorporated into an order which requires a 90-day review of segregation classification.
 19. *O'Bryan v. County of Saginaw*, 446 F. Supp. 436 (E.D. Mich. 1978) (Saginaw County Jail). All incoming inmates are to be classified within 48 hours of receipt in the institution. The operation of the classification procedure is outlined by the court. Separation by age, sex, prior offenses, dangerousness, and mental and physical problems was ordered. Inmates who have a history of escape or drug usage may, by classification, be denied enumerated privileges. Privileges may be denied to inmates by classification where the institutional physician certifies that the extension of such privileges would create a risk.
 20. *Palmigiano v. Garrahy*, 443 F. Supp. 956 (D.R.I. 1977). Classification of inmates is essential to the operation of an orderly and safe prison; it is a prerequisite for the rational allocation of whatever program opportunities exist within the facility.
 21. *Pugh v. Locke*, 406 F. Supp. 318 (M.D. Ala. 1976). The prison must make reasonable efforts to segregate inmates known to engage in violence and aggression; only minimum security prisoners may be assigned to dorms.
 22. *Raia v. Arnold*, 405 F. Supp. 766 (M.D. Pa. 1975). The classification of an inmate as a special offender constitutes a grievous loss requiring due process consisting of 10 days written notice with the specific facts to be relied upon set forth, a hearing with the opportunity to present evidence and call witnesses, and a written set of findings. There is no right either to counsel or to cross-examine witnesses.
 23. *Rothman v. Director, United States Bd. of Parole*, 403 F. Supp. 188 (N.D. Ga. 1975). The prison administration's classification of an inmate as a special offender requires due process because of adverse parole consequences.
 24. *Spain v. Procunier*, 408 F. Supp. 534 (N.D. Calif. 1976) (San Quentin). Vague allegations of revolutionary disruptiveness, malicious aggression, and violence are not an adequate basis for the continued classification of an individual to segregation.
 25. *Tate v. Kassulke*, 409 F. Supp. 651 (W.D. Ky. 1976) (Jefferson County Jail). The jail administration must conduct an oral hearing prior to classifying an inmate to administrative segregation. This hearing is not a trial-type fact-finding proceeding, but rather provides the inmate with an opportunity to bring to the administration's attention facts which they may have missed.
 26. *Trigg v. Blanton*, No. A-6047 (Davidson County, Tenn., Aug., 1978) (Tennessee Prison System). The classification system must enable the department of correction to separate the potentially violent from the weaker prisoners and to identify the medical, educa-

tional, and treatment needs of the prisoners entering the system.

27. *United States ex rel. Wolfish v. Levi*, 439 F. Supp. 114 (S.D.N.Y. 1977) (Manhattan M.C.C.). A classification system was ordered to be established in the jail, with two bases of classification at a minimum: (1) Sentenced inmates should be separated from unsentenced inmates; and (2) separate from the rest of the population those who present a real threat of physical danger to the population.
28. *Vest v. Lubbock Co. Commissioners Court*, 444 F. Supp. 824 (N.D. Tex. 1977) (Lubbock County Jail). The court ordered a classification system complying with the following: (1) Sexes are to be separated; (2) juveniles are to be separated from adults; (3) pre-trial detainees are to be separated from convicted inmates except that previous felons need not be separated; (4) persons with mental illnesses or serious medical problems are to be placed where they can be observed; and (5) there is to be no racial discrimination.
29. *Wade v. Haynes*, 663 F.2d 778 (8th Cir. 1981). An officer must pay \$30,000 to an inmate who was beaten and sexually assaulted after being placed in a cell with two other inmates. The court found that the officer knew the inmate was in need of protection, did not determine if another cell was available, and then never checked on the inmate during his shift.
30. *Wolfish v. Levi*, 573 F.2d 118 (2nd Cir. 1978), cert. granted (N.Y.C.M.C.C.). An order requiring classification by sex and fact of conviction is affirmed.

There are a number of publications available which will enable supervisors and staff attorneys to keep up with recent litigation. These include *Detention Reporter*, *Correctional Law Digest*, *Jail Digest*, *Law Enforcement Digest*, *Corrections Digest*, and *Corrections Compendium*.

STANDARDS RELATED TO CLASSIFICATION

Whenever the issue of **correctional standards** is raised, the question is asked: "Why standards?" There are three basic reasons why the movement toward standards has gained momentum over the years:

1. **Humanitarian purposes** closely related to the jail and prison reform movement;
2. **Liability reduction** in the event of litigation; and
3. **Organizational efficiency** and the desire to professionalize the field of corrections.

The benefits of using standards are many. For staff and offenders, the clearly defined requirements and expectations contained in national standards guide the development and implementation of succinct policies and procedures which eliminate guesswork from correctional administration and management. Ambiguities concerning the rights, privileges, responsibilities, and treatment of offenders are removed. Compliance with stan-

dards addressing issues of health and safety serve to assure conformity with national and local fire, safety, health, and sanitation codes. Finally, nationally recognized standards provide a framework which, when stringently applied, minimize the potential for litigation and judicial intervention for constitutional violations.

Frequently, the starting point for the court's evaluation of how well a jail is administered will be the degree to which it meets, or fails to meet, relevant professional standards and government codes. **In any liability reduction strategy, the jail administration can raise compliance with state or national standards as part of a "good faith" defense.**

The following standards have been nationally recognized as necessary for the effective and efficient administration and operation of local jails and have sections dedicated to prisoner classification:

1. National Sheriffs' Association Standards;
2. American Correctional Association Standards;
3. American Bar Association Standards;
4. American Medical Association Standards;
5. Attorneys General Jail Standards; and
6. Standards for Health Services in Jails.

Since such standards are reflective of the state of the art, they provide reasonable guidelines to help individual jail administrators implement classification policies and procedures.

SUMMARY

1. **The classification of prisoners (i.e., the selection of housing assignments and appropriate levels of custody) is an integral part of good jail administration.**

Classification decisions have a direct impact upon inmate security, safety, discipline, medical, and program decisions. Thus, classification can control the jail climate and be a management tool to bring about consistency and continuity in administrative and operational decisions while at the same time ensuring good communication among all members of the staff and the prisoners.

2. **Inmate classification begins the moment an arrested person is accepted into the jail.**

It is important to remember that during the admission process, new inmates should be housed separately from the jail's general population.

3. **Written policies and procedures should describe the categories and types of confinement space available within the jail for inmate housing and prescribe general guidelines for its use.**

Inmates should not be segregated by race, color, creed, or national origin. Additional factors which should be taken into consideration when determining housing assignments include:

- A. Young adults should be housed separately from older adults;
- B. Felons and misdemeanants should be housed separately;
- C. Pre-trial detainees should be housed separately from convicted inmates; and
- D. First offenders and recidivists should be housed separately.

Classification decisions should **not** be punitive or arbitrary.

- 4. **No inmate should be assigned, transferred, or reassigned to or between cell locations without proper authorization.**

An exception to this general rule occurs when the immediate segregation of an inmate is necessary for security reasons, medical reasons, or for the protection of the individual inmate or others. Records should be maintained showing the current cell location of all inmates in the facility.

- 5. **Prisoner security and safety is the most important aspect of jail operations. The key elements in a security program are: knowledge, control, and prevention.**

The more we know about a person in custody, then the more safe and secure that person will be. One of the best ways to learn as much as possible about each inmate in order to make the best classification decision is by establishing a classification

team. Personnel in the following areas should serve on the jail's classification team:

- A. Security;
- B. Medical;
- C. Classification;
- D. Programs; and
- E. Mental health.

- 6. **A control board which identifies each inmate and his housing assignment should be located centrally out of view of visiting citizens and prisoners.**

It is imperative that a single person have overall responsibility for always maintaining and updating the master control board on a daily basis.

- 7. **Safety and security are the most important considerations in the classification process when determining facility custody levels.**

Custody level decisions should be team oriented and based upon information available about the prisoner as well as the design of the facility, supervision required, and available resources. Under no circumstances should a prisoner be placed into a cell simply because a bed is available.

CHAPTER EIGHTEEN

DEVELOPING INMATE RULES AND REGULATIONS

In recent years the American correctional system has made substantial progress in recognizing that inmates confined in its prisons, jails, and short-term detention facilities have several basic human rights. This achievement has been influenced by many factors, such as inmate rebellions, judicial intervention, legislative mandates, emerging professional standards, media scrutiny, public indignation, and the impact of personal liability.

Correctional administrators have realized that for these "rights" to become reality, a uniform structure governing all aspects of correctional operations and inmate supervision has to be developed and implemented. What has emerged is a comprehensive and complex set of written rules and regulations which is designed to have a profound influence upon the corrections environment.

One of the most difficult tasks for the jail supervisor, regardless of what assignment he has, is to develop meaningful policies and procedures for the work environment. Most people can write a few paragraphs and then call them "policy" or "procedure." Yet, if these paragraphs do not provide guidelines for the employee, then they are less than ineffective—they are, in fact, **counterproductive**.

Why do supervisors have to be concerned with the development of policies and procedures? Aren't these rules and regulations set down by the top-level management? Isn't the supervisor's job just to carry out these procedures? The answer to these questions is very simple. Policies and procedures must be meaningful—staff members must know why they exist and for what purpose. In addition, the rules for inmates must be written so that the inmates can understand them. **While policy should stem from top-level management, procedures should be developed at the operational level, approved by upper-level management, and then placed into effect.**

The terms "policy" and "procedures" have been tossed around for a number of years, yet how many people really understand the differences between them? Simply stated, **a policy is a statement that sets down what is to be done in relation to a specific issue.** It also tells **why** a thing is to be done. For example, a policy might be written in the following manner:

It will be the policy of this jail to provide one-half hour of visitation per inmate, three times a week, in accordance with state statutes and paragraph 5B of the Federal Court Order.

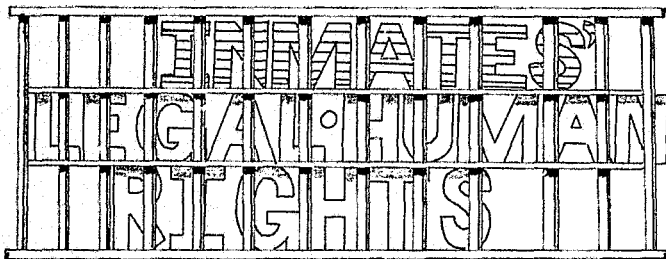
As you can see, we have answered **WHAT** (to give visitation one-half hour per inmate, three times a week), and **WHY** (in accordance with state statutes and a Federal Court Order).

A procedure stems from a policy; that is, one cannot have a procedure without a policy. A procedure tells us **HOW** something is to be done, as well as **BY WHOM**. It is a step-by-step process which should allow the reader to absorb the procedure and carry out the task.

The development of policies and procedures should be a **team effort**. Obviously, since policies tell what and why, they must be issued at the level of the department or facility administrator. **A good policy, however, is developed with input from supervisors as well as from the line staff members who work with the inmate population.**

Procedures are also a joint effort. There are some beautifully and elaborately structured procedures which exist in jails throughout the United States, yet they are ineffective because either the employees do not understand them, or they cannot be utilized in the manner for which they were intended. Therefore, before we start to speak about specific rules and regulations, let us set up some basic guidelines for their development:

1. **Work as a team.** Do not hesitate to bring ancillary services and support staff, as well as the line corrections officers, into a development project for making inmate rules and regulations. When establishing policies and procedures for inmates, with which they must be familiar, **ensure that the inmates themselves understand what is expected of them.** This obviously means that there must be communication with the inmates. We are not suggesting that the inmates themselves be allowed to write rules and regulations, but it certainly makes no sense to design a set of structured guidelines which the inmates are incapable of understanding.
2. **Do not write what cannot be enforced.** In other words, it does no good to develop a rule or regulation, a policy or a procedure covering inmate conduct or correctional operations, which is contrary to state statute, the U.S. Constitution, or common sense.
3. **Abide by the acronym KISS: "Keep It Simple, Soldier!"** This is an old military adage, but it refers to the desires of some policy and procedures writers to "dress-up" their writing efforts until it takes a "college poetry major" to be able to make sense out of them! Remember that employees are continually operating under time constraints. It is a necessity that the employee be able to read the policy or procedure and understand it the first time he reads it.
4. **Note the difference between rights and privileges for inmates.** The variances between these two words can be separated by a fine line. Defining the differences



between rights and privileges, and knowing "which are which" is very important for both the employee and the inmate. In addition, some distinction between pretrial and sentenced inmates must be made within the county jail system. It must be remembered that pretrial inmates, in the eyes of the law, are still innocent, and in fact the only right that is being taken away from them as citizens is freedom of movement within society.

5. **While existing policies and procedures should always be reviewed, they should also be evaluated to ensure that they are not in opposition to good correctional practices.** What has been a tradition in a facility is not necessarily accurate.

In the course of this chapter, we will review certain key points which should be covered in the development of any policy and procedures manual.

INMATES' LEGAL/HUMAN RIGHTS

There are a number of excellent books which a supervisor can obtain to define the legal and human rights that are guaranteed to inmates. Unfortunately, not all of these books agree with each other. The central point of confusion stems from the fact that various courts make different rulings in specific litigation. **Unless the Supreme Court of the United States makes a ruling on an issue impacting upon jail operations, there may still be confusion or questions raised about the issue.** For example, two of the principal texts that have been developed for correctional officers are *Legal Responsibility and Authority of Correctional Officers*, published by the American Correctional Association, and *Practical Law for Correctional Personnel*, which is published under the auspices of the National Street Law Institute through West Publishing Company. In both of these books, the statement is made that the U.S. Supreme Court has not ruled whether visitation is a right or a privilege. Apparently there are lower court decisions that disagree on this topic. Because of this type of legal confusion, a supervisor can become frustrated as he tries to develop proper policies and procedures.

The primary document used when discussing legal and human rights is the U.S. Constitution. There are six specific Amendments which pertain to inmates' legal and human rights. While these issues have been covered in depth in Chapters Two and Three, it is helpful to review their major provisions here as they relate to the development of policies and procedures:

1. **The First Amendment guarantees the rights of freedom of speech, religion, association, and press.** These rights seem very straightforward to begin with. When they are reviewed in a correctional setting, however,

the variations between rights and privileges become much more complex.

- A. **Freedom of Speech:** This one section of the First Amendment necessitates a number of policies that must be developed within the jail setting. For example, included in this topic is censorship of mail, confiscation of seditious or inflammatory literature written by an inmate, and communication with outside agencies such as the American Civil Liberties Union (ACLU) and other such organizations. In these matters the courts have indicated very little tolerance for arbitrary institutional rules and regulations, unless it can be shown that they further legitimate institutional interests of security, rehabilitation, or the preservation of internal order and discipline. Likewise, punishing inmates for putting personal thoughts, ideas, grievances, and even volatile comments upon paper is a violation of the First Amendment as well, unless it can be clearly demonstrated that the inmate was distributing the writings to other inmates in an effort to cause institutional problems.

- B. **Freedom of Religion:** Perhaps the biggest problem encountered by the correctional supervisor in dealing with the question of religion for inmates is the lack of guidance in determining **exactly what is a religion.** For example, there have been a number of "questionable" religions which have sprung up in the prison atmosphere. Perhaps the most "famous" was the Church of the New Song of Universal Life. Originally started in a Federal prison, it soon spread to other prisons, and response to its development by various courts has been confusing. In the case of *Therault v. Carlson*, the court indicated that this Church of the New Song was, in fact, a religion and prison officials were directed to allow inmates to hold religious services. Subsequently, a Federal appeals court overturned the ruling of the lower court judge and eventually the Church of the New Song was declared not to be a religion entitled to First Amendment protection. In another district, however, in the case of *Remmers v. Brewer*, the Church of the New Song was declared to be a religion and its members were entitled to protection of the First Amendment. The variations in these two decisions continue to plague jail and prison administrators. Other questions which come up concerning religion include the rights to: wear religious medals; correspond with religious leaders; have free access to ministers; have restricted diets; have access to religious literature; and wear beards and have long hair. Supervisors especially need to be aware of the differences between an inmate's freedom to believe and his freedom to exercise that belief. Inmates who are housed in various segregation or detention units frequently demand the right to attend religious services of their chosen denomination. When denied this right by correctional staff, often these inmates will initiate lawsuits alleging violation of civil rights,

etc. The courts frequently have ruled that the restriction of free exercise of belief is justified in order to maintain security and internal correctional discipline. It should be noted, however, that the rules involving due process and equal protection must be adhered to closely in this matter.

- C. **Freedom of Association:** Generally, this refers to **visitation privileges**. As indicated earlier in this chapter, the courts have not specifically addressed whether visitation is a right or a privilege. Thus, policies and procedures that are developed for responding to the question of inmate visitation should be very straightforward and specific, covering the numbers of visitors an inmate is authorized and the length of his visits, as well as how many visits per week he is authorized. In those same policies and procedures, there must be some response given to the issue of physical contact visits and inmate privacy. This matter of privacy must be addressed not only in procedural form, but also in some inmate regulation. **Inmates must be made aware of the fact that they have no absolute right to privacy during visitation except when the visits are conducted with legal representatives.** Also included in the prisoner's rights to visitation/association is the ability to use telephones. We are all aware of the "one phone call" to which an inmate is entitled when he is booked into the jail. However, is such a statement true? In the State of Florida, for example, at booking, the inmate is allowed ". . . telephone calls to the attorney and to family or others." The inference here is that the inmate is allowed more than one phone call when he is booked. In some jails, the calls permitted at the time of booking still are the only phone calls that an inmate is allowed until he is released from custody, unless there are specific orders from a judge. Although telephone usage is a privilege, the reasonable supervisor will establish a procedure to allow inmates to use the telephone. This matter has become almost universal in mandates issued by courts in consent decrees and court orders. Again, citing the rules of the State of Florida, under the section entitled "Privileges" is this statement: "Each prisoner shall have reasonable access to a telephone at reasonable times." This statement is obviously general enough to allow the corrections administrator great latitude in establishing both time and methods for an inmate to make use of the telephone. To deny an inmate this use, especially when it can be proven that such denial is based not on inability but merely policy, can leave one vulnerable to the courts.
- D. **Freedom of the Press:** In the years that the communications media have existed in the U.S. as a strong "conscience of the people," there often has been an adversarial relationship between reporters and correctional administrators. At times this relationship can turn into actual hostility which surfaces in procedures which attempt to minimize contact

between the inmates and the media. One important point should be made clear: **The U.S. Supreme Court has stated that there is no express right for an inmate to be interviewed by the press and access to the press may be restricted.** Specifically, the news media does not have the right to government information or sources of information beyond that available to the general public. Staff members should have some clear guidelines provided to them so that they have some idea of how to deal with reporters. For example, are employees authorized to respond to questions put to them by news media, or have they been told to refer all questions to the office of the jail administrator?

2. **The Fourth Amendment deals specifically with two major areas of concern in the jail: searches and privacy.** Although the Fourth Amendment states that people have the right to be free from **unreasonable** searches and seizures, within a detention facility this right is very limited. Courts have historically given correctional officials liberal authority to search inmates and their personal belongings when necessary without the need for a search warrant. In the last few years, however, the courts have ruled that arbitrary, unnecessary searches or searches done for the purpose of harassment are not authorized and are unconstitutional. In addition, the U.S. Supreme Court has recently ruled unconstitutional the policy of many jails to strip-search **ALL** inmates being booked into the facility, including those charged with misdemeanors. Therefore, it is certainly a necessity that a specific policy be developed regarding search/inspection procedures. This policy should provide sufficient guidance to the officers so that they know when and where to search, as well as how. The whole concept of body cavity searches, for example, is a very sensitive issue and requires that the supervisor use a great deal of control in the authorization of such a search.
- A. As with all standard operating procedures, **specificity is the key word.** Procedures such as having an inmate searched by an officer of the same sex, having a second officer in attendance, and conducting the search in a place of privacy can all be taken for granted by a jail supervisor who has been doing them for a number of years. Unless it is written down, however, various interpretations can be made by the inexperienced jail officer.
- B. Property that is seized during searches needs to be handled properly. Again, specific guidelines and clear procedures must be established that tell the jail officer and the inmate what is going to happen to "contraband." **Contraband itself needs to be defined.** It can be property that is in and of itself illegal (narcotics, weapons, etc.). Second, property that would be allowed in the civilian community but is not allowed in the jail (tools, perhaps money, certain types of clothing and shoes, etc.) must also be defined as contraband. What will happen to property that is allowed to remain in the jail but which has either been adulterated by the inmate (e.g., sheets

torn and woven into ropes) or is in excess of the amount authorized for the inmate (e.g., an inordinate amount of personal photographs or books) must be described in a written procedure.

- C. A second issue which is becoming more prevalent in today's correctional operations is the **inmate's right to privacy versus being supervised by staff members of the opposite sex**. As with other issues, the courts have vacillated in making a hard and fast rule about this matter. Here again, we see the **balancing test** being used to make a ruling: Is the inmate's right to privacy greater than or less than the staff member's right to employment? Other questions asked by the court in this regard center around the degree of privacy afforded to the inmate. For example, where a female jail officer is working in a male housing unit, if certain protections are provided to the inmate so that he is not under the direct observation of the jail officer while he is taking a shower or using toilet facilities, then the courts would most probably rule that there is no invasion of the inmate's privacy. If a jail has a policy which states that all inmates are to be appropriately dressed unless sleeping, and an inmate parades around his cell nude in violation of that policy, then he has no recourse in a court of law by stating that his privacy was invaded by having the female jail officer supervise his actions.
3. **The Fifth Amendment:** Later in this chapter we will discuss the development of policies and procedures to deal with inmate discipline and the handling of special management inmates. The primary reason for these policies is the main provision of the Fifth Amendment: **due process of law**. Entire books have been written by corrections authorities on this matter. **There is no place in a jail for capricious or arbitrary decisionmaking by the administrator, his supervisors, or the staff.** Due process, to some degree, is guaranteed by the courts not only in discipline or segregation matters, but also, in some areas, to transfers between facilities, determinations of security classifications, and involuntary movements to mental hospitals.
 4. **The Sixth Amendment is used as the basis for providing the assistance of counsel to the accused for his defense.** For an inmate in jail, this right can be affected by jail regulations, e.g., the matter of inmate communication with an attorney through the use of the telephone or the mail, the right of counsel with an attorney and his staff when deemed necessary by the attorney, or the right to have access to a law library and to have the jail provide law books. Not only must policies be developed which enable the inmate to maintain specific contacts with his attorney or to use whatever legal assistance is provided by the jail, but these policies must also be continually reinforced with the staff members. Inmates do have this **RIGHT** and policies must state that no subjective decisionmaking should be allowed.

5. **The Eighth Amendment deals with cruel and unusual punishment.** Pretrial inmates often will file lawsuits basing their concerns on violations of the Eighth Amendment, which bans cruel and unusual punishment. This, of course, is in error in that pretrial detainees cannot be punished at all. However, it should be pointed out that the right of due process is a more than adequate substitute for the Eighth Amendment. It should also be noted that most jail and local detention facilities have a certain number of inmates who are sentenced to their jurisdiction. Therefore, the Eighth Amendment can affect the jail administrator.
6. **The Fourteenth Amendment guarantees equal protection.** For the local correctional facility, this amendment is **closely aligned with due process. Equal protection demands that people incarcerated in local jails must be treated alike under the law.** Programs provided to one category or sex of inmates must be provided to all, such as visitation, work release, and Alcoholics Anonymous.

RULES AND REGULATIONS

The jail supervisor's ability to effectively manage all aspects of inmate operations, programs, and services will be greatly enhanced with properly formulated **rules and regulations for inmates**. These rules and regulations should provide the staff with sufficient guidance in order to enable them to operate at maximum efficiency.

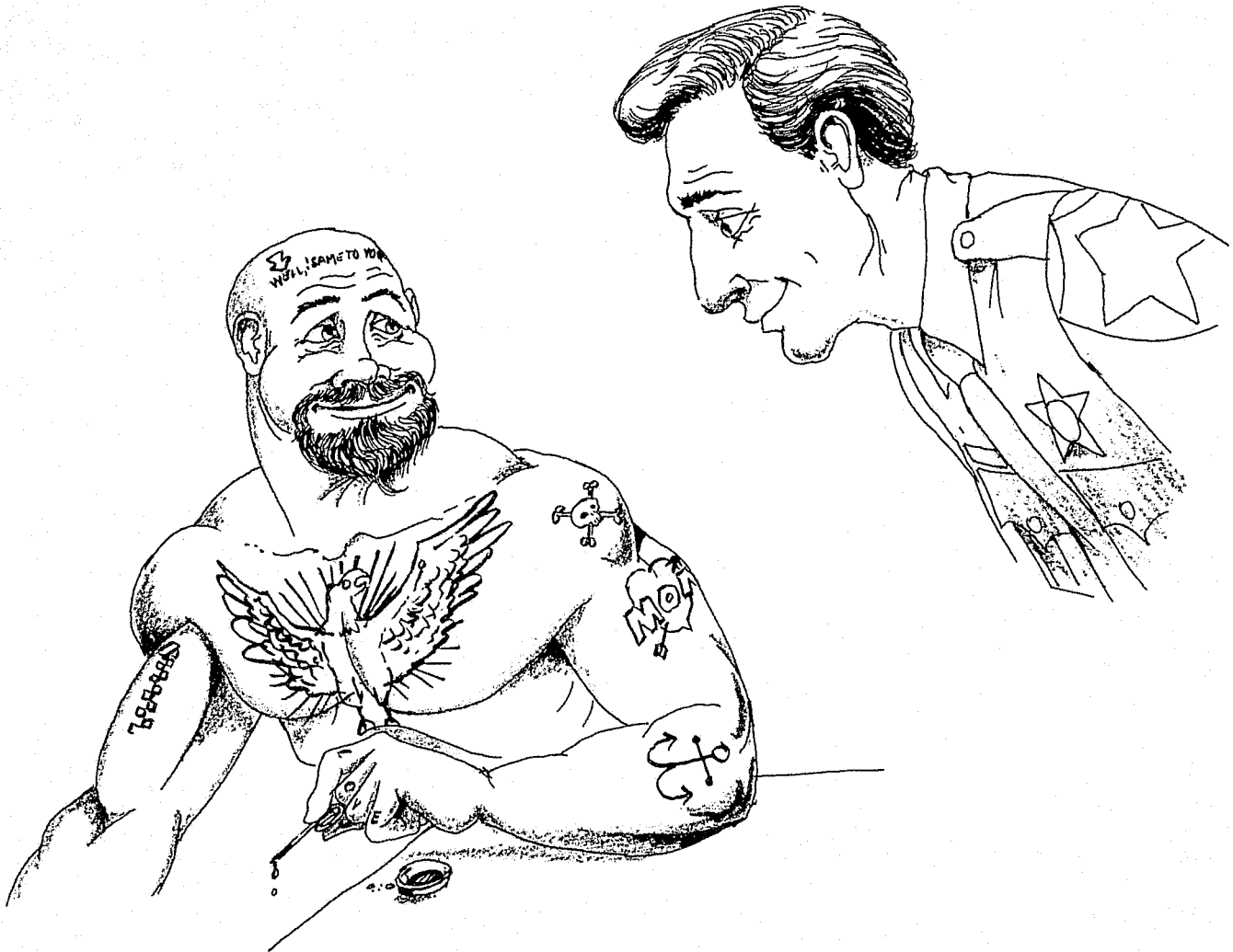
The jail supervisor should also strive to provide staff members under his authority with the necessary **training** to effectively implement inmate rules and regulations.

Let us review some key points that should be remembered in the development and use of inmate rules and regulations:

1. These rules and regulations should not be "carved into stone." **Rules should be flexible.** This does not mean that what applies to one inmate should not apply to another. However, **rules should be updated on a continuing basis to ensure that they are still applicable.** Not only should they include a list of prohibited acts with the potential penalties for them, but also contain information on what inmates are allowed to possess within their specific housing assignment, and other questions that are frequently asked.
2. A correctional system can develop and maintain very elaborate inmate rules and regulations which can be provided to the inmate through a handbook or audio/visual presentations. However, unless the staff is thoroughly indoctrinated with the contents of the inmate regulations through some training process, then the rules and regulations will become ineffective.

Case Study 1:

Inmate Tyrone Jones has been in the Crater County Jail for the last two weeks. He is heavily tattooed and is very proud of the way the tattooing was done. Inmate Jones



was observed by Officer Jerry Greene adding to his tattoos, using a sharpened paperclip and some inky substance apparently made from the carbon from a pencil. Officer Greene pulled Jones aside and told him that tattooing is a violation of jail regulations. Jones looked at Officer Greene and then took a long look at the art work on his own body. He looked back at Officer Greene and asked: "Why?" How should Officer Greene handle this situation?

In establishing a policy and procedure for inmate rules and regulations, there are some basic considerations that must be understood:

1. **A list of rules and regulations must be established for inmate behavior that is in compliance with pertinent state statutes and other appropriate regulations, as deemed necessary by the facility administrator.**
2. **The rules that are published must be made available to both inmates and staff.** In other words, it would be entirely inappropriate for employees to have one set of rules governing inmate behavior, and not allow the inmates to have the same guidelines.

3. **The list of rules should also contain a list of penalties that may be imposed for violation of the rules.** These penalties or sanctions should be in direct proportion to the gravity of the offense committed.
4. **Those inmates who are illiterate or unable to understand English should be provided with an explanation or translation of the rules and regulations.** It is very difficult to find an inmate guilty of an offense when he can prove—without any doubt—that he did not know the rule existed.

INMATE DISCIPLINE

A cursory examination of riots and disturbances in American jails and prisons would indicate that **inmate discipline** is one of the most sensitive areas facing a jail supervisor. Also, the possibility for prolonged legal action and liability is increased when a corrections system fails to properly develop, implement, and maintain a system of discipline for inmates. In most jails and short-term detention facilities, the administration of inmate discipline can be structured under the following general guidelines.

Minor Violation Resolution

The **minor violation resolution process** should be encouraged as a form of discipline. It involves either **verbal or written reprimands**. This method of discipline is used when the offense committed is relatively minor and it appears to be the first time the offense has been committed. Jail officers who can peacefully resolve a minor rule infraction with the inmate offender will greatly reduce the volume of disciplinary reports and grievances within the jail.

The purposes of the informal resolution process are to: complement the formal disciplinary process; provide both staff and inmates with a prompt and fair disposition of minor offenses; and avoid recording the disciplinary action in the inmate's file.

The Disciplinary Report

The **disciplinary report** should be used when minor violation resolution attempts have been exhausted or when the violation is of a serious nature.

Requirements For A Disciplinary Hearing

In the book *Manual of Standards for Adult Local Detention Facilities*, which is published by the American Correctional Association, there is a great deal of information provided about the specific requirements for the **disciplinary board**. In an effort to avoid repetition, we will not cover the step-by-step operation of a hearing.

But what must be reinforced with a supervisor is that **this is one area of correctional operations that is under very close scrutiny by the court system**. Many correctional agencies have difficulties with litigation because they fail to provide **written policies and procedures** which set down a step-by-step procedure for conducting a disciplinary hearing. These agencies also fail to provide due process rights to inmates. In 1974, in the case of *Wolff v. McDonnell*, the U.S. Supreme Court ruled that **the following specific due process requirements must be provided to the inmate:**

1. **Written notice of a disciplinary hearing at least 24 hours prior to that hearing.**
2. **A written statement of the evidence and reasons for the proposed discipline.**
3. **At the hearing, the right to call witnesses and present other evidence as long as this does not endanger institutional safety.**

The failure to provide inmates with these basic rights negates the ability of a jail administrator to hold any type of valid disciplinary hearing.

Two years later in another U.S. Supreme Court decision, *Baxter v. Palmigiano*, the court restated the fact that **an inmate does not have a right to retain or be appointed counsel for disciplinary hearings**. Emphasis was placed by the court on the fact that the right to call, confront, and cross-examine witnesses lies in the sound discretion of prison officials and that the officials need not give inmates written reasons for denying this right. Regardless of the stand by the courts, **supervisors should al-**

ways continue to document, in writing, their reasons for denying an inmate the right to call witnesses.

Disciplinary Documentation

The American Correctional Association has published an elaborate sample policies and procedures manual. The section on conducting disciplinary hearings contains sample documents that can be used for inmate waiver forms, disciplinary reports, and reports of investigations. Although these suggested forms are rather intricate, if they are followed they provide the disciplinary committee and the supervisor with clear-cut guidelines on what due process rights should be given to an inmate.

Documentation of disciplinary reports should—at a minimum—contain the following information:

1. Date of infraction;
2. Place and time of infraction;
3. Date of report;
4. The specific charge, to include identification of the rule or statute violated;
5. Details of the infraction;
6. The actions taken by the employee; and
7. The names of all witnesses (where disclosure of witnesses would endanger the welfare of the prisoner or a staff member, then the names of witnesses and the names of confidential informants must be maintained in a confidential file).

The jail supervisor should also make sure that copies of the disciplinary report have been provided to the inmate, with a copy being maintained in the inmate's file. At least one copy must be sent to the jail's disciplinary review committee.

Disciplinary Hearing

Whenever an inmate violates a jail rule which results in a written disciplinary report, he has the right to an impartial hearing before an impartial committee. The disciplinary committee, which meets when needed, shall provide a due process hearing for all inmates who have been cited for rule violations.

The disciplinary committee should be composed of at least three correctional staff members empowered to conduct hearings and recommend disciplinary action for the inmate. It is suggested that at least one correctional staff member be a supervisor. In addition, at least one staff member should be a non-security employee.

When a disciplinary report is written, the inmate must be advised—in writing—of the time of the hearing and the charges against him. It is recommended that this notification take place **at least 24 hours prior to the hearing** and that the hearing occur within the time frame specified by state law or any other governing authority.

The inmate should also have the right to appear before the committee unless this right is waived—in writing—or if, in the

opinion of the jail administrator, the inmate's presence at the hearing could be disruptive to the orderly operation of the facility.

As a matter of policy, the inmate should again be advised of his rights prior to the hearing. He should have the opportunity to be represented at the hearing by a staff member or by another inmate if the matter is of a technical nature and which may confuse him.

Various states, counties, and municipalities have different statutes governing the administration and operation of inmate disciplinary hearings. The jail administrator must familiarize himself with these various statutory requirements and develop an inmate disciplinary process which is in compliance with these requirements.

Schedule Of Penalties

The administration of inmate discipline will be enhanced if staff and inmates have a **written schedule of penalties for specified infractions**. This would provide inmates with prior written knowledge of the consequences of a particular illegal act within a correctional institution. It will also give the jail's disciplinary committee and staff members the opportunity to be **consistent** in the administration of inmate discipline, thereby preventing arbitrary decisions.

POLICIES FOR SPECIAL MANAGEMENT INMATES

A supervisor within any jail or short-term detention facility will, at times, be confronted with a category of inmate defined as "**Special Management**." This designation is necessary because **the inmate requires a custody classification which does not coincide with standard inmate housing**. In order to effectively manage the many and varied personalities among the inmate population, the jail administrator should have a standard operating procedure that addresses this sensitive aspect of institutional operations. Supervision of the "Special Management" inmate should begin with the booking/intake and classification processes.

Case Study 2:

Ritz County Jail Lt. Mark Banks received at 3:50 a.m. today an inmate who was charged with committing a "sensational crime." Inmate John Martin was booked for first degree murder and sexual battery. He was accused of the stabbing death of a neighbor and her two small children during the commission of a rape. Martin is 16 years old, an honor student, and from a very affluent family and neighborhood.

Lt. Banks immediately placed an officer with inmate Martin to walk him through the classification and intake process. Martin was then placed under 24-hour supervision in the forensic (or mental health) unit, pending further evaluation.

Did Lt. Banks handle this situation properly? Would you have done anything differently?

The preceding case study presents a unique challenge to the jail supervisor. The inmate in question could have been placed in several special management categories, i.e., juvenile, sex offender, potential suicide, or mental patient. The jail supervisor in this case study, Lt. Banks, realized that this crime would

generate substantial media and public attention. He was also concerned about the young inmate's ability to cope with the gravity of the crimes he was accused of committing and the impact of incarceration. Within 60 days the inmate in this case study was living in a regular juvenile housing unit. However, special precautions had to be initiated at the time of intake, since several offenders charged with heinous crimes have attempted suicide during the first few days of confinement.

Prior to any procedures being written about the handling of special categories of inmates, certain definitions must be made clear to all staff members. What is protective custody? What is administrative segregation? How do the two differ from disciplinary confinement? There are a number of correctional officers who cannot clearly discern the difference. Not only does this account for uncertainty in the mind of the jail officer, but it may lead him to deprive an inmate of a right which, under normal circumstances, that inmate would be entitled to have. In formulating policies and procedures for this specific area, the following points should be noted:

1. **Procedures for Placement:** Specific guidelines should be developed which indicate who has the authority to place inmates in administrative segregation or disciplinary confinement and what the reasons are for such placements.
2. **Conditions of Confinement:** Quarters which are used for segregation purposes need to be comparable with those in a general population area. Because of the isolation factor, sanitation is of vital importance. All of the conditions of housing in these specialized areas must be spelled out to include, for example, visitation privileges, exercise, medical support, quantity and quality of food, etc.
3. **Status:** One reason why special detention cells are often called "holes" is because inmates are placed in these units and then either deliberately or accidentally "forgotten." Therefore, provisions must be made for progress reviews of inmates within these specialized units so that they can eventually be moved back into the general population.
4. **Due Process:** Inmates who are placed in these special cells must be told why they are receiving such an unusual placement. They must have the right to appeal such a placement. These aspects of due process must be spelled out in a procedural form.
5. **Records:** Because of the uniqueness of the housing assignment, permanent records must be maintained by all units in the jail which have special management cells. These records must include admissions date, projected release date, and signatures of all visiting officials, as well as any unusual activities or behavior by the inmate. In addition, there must be room to indicate whether the inmate has been offered a shower, outside recreation, visiting, and other privileges.
6. **Release:** Procedures must also be enforced concerning who may release an inmate back into the general population, and the reasons for the release. A properly

managed jail also has provisions for inmates to return to the general population as soon as it is practical.

7. **Inmate Movement:** Inmates who are classified as "special management" very often can be volatile or erratic in their behavior. There must be a regulation which covers the movement of these inmates outside of their cells. Provisions should include the use of restraint or security devices, additional jail officers to guard the inmate while he is being moved, area clearances, etc. These procedures should provide for the maximum safety of the "special management" inmate, other inmates, and the security staff.

The American corrections system is swamped with lawsuits and legal challenges to conditions of confinement in jails and prisons. These suits have been facilitated by legal developments which have broadened the scope of the U.S. Constitution's Eighth Amendment, which addresses the issue of cruel and unusual punishment. Under the provisions of the Eighth Amendment, prisoners have challenged physical brutality, conditions in solitary confinement, punishment for improper reasons, the failure of corrections personnel to protect inmates from assault and other injuries, and failure to provide needed medical care.

What this means for the jail administrator is that he must protect inmates by providing **an appropriate method or system of classification and management**. Like most individuals, correctional officers are not experts in the area of constitutional law, yet they have the primary responsibility for managing inmates in such a way that inmate rights are not violated. **A properly managed jail or short-term detention facility will have clear policies and procedures which inmates and staff can follow to ensure that the constitutional rights of inmates are protected.**

The jail supervisor should be aware of the fact that when jail officers violate or ignore laws pertaining to the proper classification and handling of inmates, then **he, as a supervisor, could be held liable for their conduct by the courts.**

The administrator of a jail or short-term detention facility, at one time or another, will need to provide housing for a variety of "Special Management" inmates. The following categories of special housing provide a suggested breakdown for most facilities:

1. **Administrative Segregation:** This is a custody classification reserved for the more difficult to manage offender. Inmates in this category usually present behavioral problems and their separation from the general population is necessary for the orderly management of an institution.
2. **Forensic or Mental Health:** This category is for individuals suffering from some degree of mental illness. This inmate is usually under the care of the jail psychiatrist or psychologist. The jail supervisor, however, would have to make the initial decision for this classification. This decision usually is based upon bizarre behavior or the nature of the crime for which the person was arrested.

3. **Protective Custody:** This category is reserved for inmates who need to be protected from the general inmate population. The inmate could be a youthful offender, a former law enforcement officer or representative of the criminal justice system, or victims of crimes committed within the jail whose lives may be in danger.
4. **Juveniles:** Juveniles in states which participate in the Federal Juvenile Justice and Delinquency Prevention Act of 1974 must be separated from the adult population even if they are charged with adult crimes. This requires a special housing unit based upon the age of the offender, and it also requires concentrated supervision.
5. **Homosexuals:** Homosexuals present a unique and challenging situation for jail supervisors. A written policy should exist for the immediate and appropriate classification of this category of inmate.
6. **Sex Offenders:** Due to the nature of their offense, sex offenders have traditionally presented a security problem for correctional facilities. Sex offenders can be the targets for inmate aggression and harassment.
7. **Sensational Crimes:** This category of custody is reserved for inmates who have been charged with committing sensational crimes. They may need close supervision during their initial period of confinement. Persons fitting this category could be mass murderers, child killers, and political assassins.
8. **Medical/Geriatric:** Persons in this category are generally old and senile or require some special medical attention. Every effort should be made to separate them from the regular inmate population—for their own safety.
9. **Public Intoxication:** In most jurisdictions there are provisions for some degree of confinement when treatment facilities are unavailable. When people charged with public intoxication are admitted to a jail or short-term detention facility, every effort should be made to provide continuous supervision and separation from the general population. This category of inmate also presents special medical problems which need to be addressed at the point of intake.
10. **Communicable Diseases:** Communicable diseases have become a major issue in contemporary corrections. The jail supervisor should endeavor to isolate the offender in this category from the general population as well as use whatever protective precautions are necessary to keep the staff members safe. Certain communicable diseases that may warrant isolation are: tuberculosis, transmittable sexual diseases, body lice, Acquired Immune Deficiency Syndrome (AIDS), and hepatitis.
11. **Suicide and Personal Violence:** This presents a continuing problem in the supervision of jail inmates. The jail supervisor should have a written policy and procedure governing the evaluation and supervision of this category of inmate.

Case Study 3:

Four inmates were admitted to the Alligator County Detention Center for handling and being in possession of dangerous explosives. Although the booking sheet did not indicate so, the inmates were involved in the Ku Klux Klan (KKK) organization and had made threats against blacks, Jews, Vietnamese immigrants, and other minorities.

Upon being admitted to the Detention Center, they were placed in a regular housing unit. The next day, while the evening news was on TV, their pictures were flashed across the screen and other inmates immediately recognized them as the men involved in this offense. A physical confrontation developed which resulted in two of the new inmates being assaulted. Upon further investigation, and an inquiry on the part of the cell block lieutenant, the four inmates were reclassified and placed in a protective custody category.

If you were the supervisor of the intake unit at the Alligator County Detention Center, how would you have handled these four inmates when they were being booked?

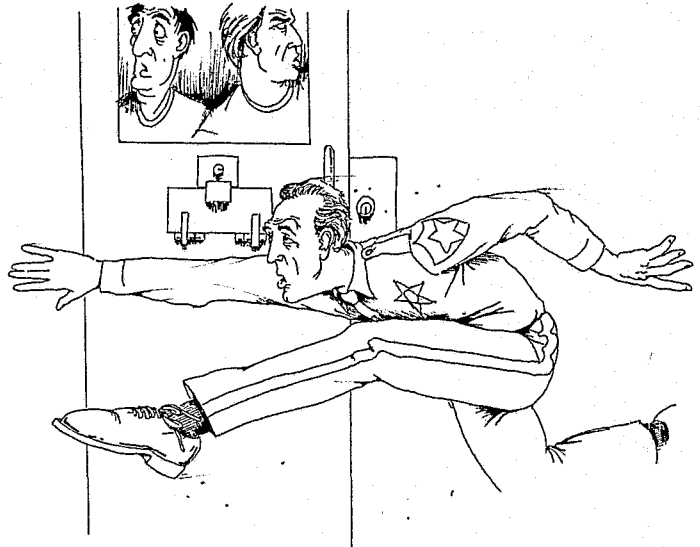
The problems associated with this case possibly could have been avoided with a more extensive classification process and better communication with the arresting officers.

POLICIES FOR SUPERVISION

It is difficult to put into writing specific guidelines for officers that tell them how to supervise inmates. Their ability to supervise will come as they gain experience within the jail setting. In addition, the officers learn from the guidance provided to them by their supervisors.

There are, however, some fundamental principles of supervision that all officers who deal with inmates should understand. These include:

1. **Consistency:** The old adage of "never play favorites" is one that must be strictly adhered to within the jail. An officer who tends to "bend" the rules with specific inmates or be over-familiar with them allows a situation to develop which is unhealthy and unsafe. This situation can cause problems for the inmate, who may be viewed by other inmates as a "stooge" or a "snitch" for the security staff. In addition, the officer may become an object of derision for the inmate population—they may believe he is being manipulated by one or more inmates who are "smarter" than he is and are able to "con" him.
2. **Firm-But-Fair:** This term has been applied to many people who are in supervisory positions. It is certainly one that is necessary within a correctional setting. Being "firm-but-fair" relies heavily upon the idea of consistency described above. The officer who is so dedicated to the rule book that he cannot be flexible and understand human frailties and errors can be more of a detriment than a service to the jail. Similarly, the jail officer who allows himself to be manipulated by the inmates becomes the weak link in the jail's security program.
3. **The Need for Familiarity with Rules and Regulations:** The officer who is not aware of the jail's rules and regulations for both employees and the inmates is



ineffective. Nothing is more amusing to an inmate than to have an officer steeped in his own ignorance who is unaware that violations are being committed right under his very nose. In addition, the officer must be aware of guidelines for inmate behavior so that he can answer any questions the inmates might ask. Supervisors must constantly reinforce to the officers that they are the basic sources of information for the inmate population. If the officers cannot provide the information, then inmate frustration and anger can result.

Case Study 4:

Officer Willie Williams, who is assigned to the third shift at the Rattlesnake County Jail, has the nickname among the inmates of "Sneaky Pete." The reason for this nickname is that Williams moves along very quietly and remains silent most of the time. He rarely bothers to explain things to the inmate population.

The inmates perceive Officer Williams' failure to engage in dialogue as fear or ignorance, although Williams has told his supervisor, Sgt. Geronimo Straightfeather, that he doesn't feel the need to get involved in "arguments" with the "cons." The other officers on the shift don't like working with Officer Williams because his failure to communicate creates an uproar in the various cellblocks.

Discuss the situation as outlined above. If you were Sgt. Straightfeather, how would you handle Officer Williams in order to make him a more productive officer? Can this officer be saved? Can his attitude be changed?

MEDICAL CARE

For the supervisor developing plans and procedures for the provision of medical care within a jail or detention center, there is a wealth of material that is available to help him. Guidelines are provided by a number of accrediting agencies, including the American Medical Association (AMA), the American Correctional Association (ACA), and the National Commission on Correctional Health Care.

The biggest problem that can occur in the development of these policies and procedures happens when there is no liaison between the professional medical staff and the profes-

sional correctional staff. Policies must be developed which can be adhered to by both staffs, and they must be reviewed periodically to ensure that they are feasible.

In a number of jurisdictions, medical care is provided under contract with private medical organizations. Care must be taken by the jail administrator to make certain that generic policies provided by the contractor pertain to local correctional operations. The use of a generic policy can be little better than having no policy at all.

POLICIES FOR PROGRAMS

Thirty years ago, programs for inmates were a nonessential item within the majority of the county jails in the United States. Even today, there are a number of facilities which have minimal programs at best. As inmate rights are more closely defined by the courts, however, and as the field of detention and corrections becomes more professionalized, **there is a basic recognition that the jail needs to provide programs which will help the inmate population as well as assist in good operational management.** But as we indicated earlier in this chapter, it is vital that the supervisor be able to recognize the difference between inmate rights and inmate privileges. He must know what can be taken away from an inmate and what must be left basically intact, as well as what is required by local or state statutes.

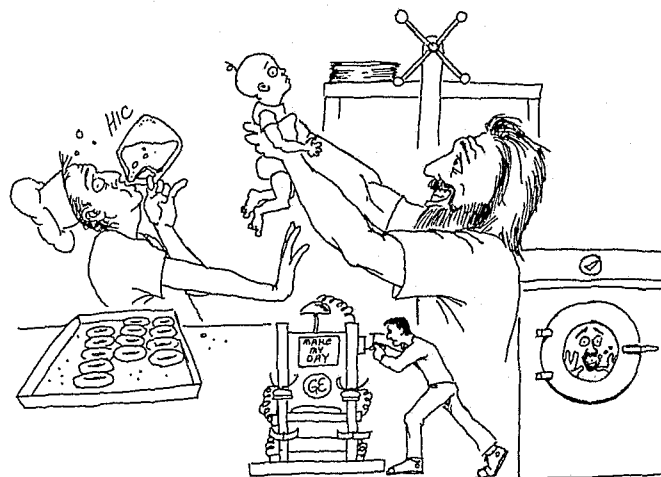
Restrictions on programs must be viewed under the concept of what is known in the legal profession as the **"balancing theory."** This theory is used by the courts to determine whether the restrictions on an inmate's rights are outweighed by the needs of the security of the institution. To use the word "security" in the courts, however, is not nearly in and of itself sufficient. Jail administrators must be able to prove to the courts that giving an inmate specific rights or privileges will be seriously detrimental to the operation of the institution. Lack of staff, funds, or time may not necessarily be seen by the courts as reasons for reducing or restricting these programs. Correctional administrators therefore should devise and implement policies and procedures which will allow for the greatest control of these programs while still permitting them to exist in order to adhere to good correctional practices.

Policies for recreation, counseling, work release, and the use of inmate labor are just some of the items that need to be documented and provided to both staff and inmates.

It should always be remembered that the majority of inmates within a jail system—unless they are recidivists—are totally unaware of programs that are established within your particular institutional setting. The jail's employees are familiar with these programs; therefore, they take it for granted that the inmates will become aware of them through the jail grapevine. To avoid this situation, **all incoming inmates should be provided with a list which briefly describes the available programs and the rules governing participation in them.**

ANNUAL REVIEW OF POLICIES AND PROCEDURES

An annual review of inmate rules and regulations and the jail's policies and procedures is absolutely essential for the effective operation of a jail or short-term detention fa-



cility. This process consists of a comprehensive review of all rules and regulations and policies and procedures to find out whether any changes or revisions may be necessary. In addition, the annual review is necessary to evaluate the effectiveness of the policies and procedures at the operational level over the previous 12 months.

The jail supervisor has an important part in the annual review of policies and procedures. He must determine the effectiveness of the policies at the service delivery level. This is usually accomplished through ongoing observations and assessments by the supervisor. If he finds that changes are necessary, he should explain his needs or concerns to his superiors.

When a lawsuit has been filed against a correctional facility, there are certain pretrial proceedings which include requests for discovery—that is, exchanges of information between the parties. One of the items that will always be demanded by the plaintiff is any policy or procedure which covers the matter in question. There is one statement that can cover the whole concept of policies and procedures and their importance: **If it isn't in writing, it doesn't exist!**

Remember that **the development of policies and procedures is a team effort** which cuts across administrative boundaries and job titles. The process should include everyone from the top administrator who formulates policy down to the most junior correctional officer who will be implementing the procedure. Finally, remember that the development of policies and procedures is only part of the solution. Training in those rules and regulations, and periodic reviews of their effectiveness at the operational level, are vital to ensure accuracy and timeliness.

SUMMARY

1. **One of the most difficult tasks for the jail supervisor is to develop meaningful policies and procedures for the work environment.**

To be effective, policies and procedures must be developed with input from supervisors as well as from the line staff members who work with the inmate population. Some basic guidelines for developing policies and procedures in the jail are:

- A. Work as a team.
- B. Do not write what cannot be enforced.

- C. Keep the policies and procedures simple.
- D. Note the differences between rights and privileges for inmates.
- E. While existing policies and procedures should always be reviewed, they should also be evaluated to ensure that they are not in opposition to good correctional practices.

2. Inmates have certain basic legal and human rights which are guaranteed by the U.S. Constitution and which must be incorporated into the jail's policies and procedures.

It is sometimes difficult for a jail supervisor to determine exactly what an inmate's constitutional rights may be, if any, in a specific situation. Unless the U.S. Supreme Court makes a ruling on an issue impacting upon jail operations, there may still be confusion or questions raised about the issue.

3. The jail supervisor's ability to effectively manage all aspects of inmate operations, programs, and services will be greatly enhanced with properly formulated rules and regulations for inmates.

These rules and regulations should provide the staff with sufficient guidance in order to enable them to operate at maximum efficiency. The jail supervisor should also strive to provide staff members under his authority with the necessary training to effectively implement inmate rules and regulations.

4. In order to prevent riots, disturbances, and legal liability to the greatest extent possible, a jail must develop, implement, and maintain a system of discipline for inmates.

In 1974 the U.S. Supreme Court ruled that the following specific due process requirements must be provided to the inmate who faces a disciplinary hearing:

- A. Written notice of the disciplinary hearing at least 24 hours prior to that hearing;
- B. A written statement of the evidence and reasons for the proposed discipline; and
- C. At the hearing, the right to call witnesses and present other evidence as long as this does not endanger institutional safety.

5. Jail administrators must develop policies and procedures for the proper supervision of those inmates who require "Special Management."

These policies and procedures should cover the following points:

- A. Procedures for placement;
- B. Conditions of confinement;
- C. Status;
- D. Due process;
- E. Records;
- F. Release; and
- G. Inmate movement.

6. There are some fundamental principles for supervising inmates which all jail officers should understand.

These principles include:

- A. Consistency: Never play favorites.
- B. Be firm, but fair.
- C. Be familiar with rules and regulations, and also make sure that inmates understand the rules.

CHAPTER NINETEEN

LABOR RELATIONS AND THE JAIL SUPERVISOR

The role of the professional supervisor of today's correctional facility involves much more than simply ensuring that the job gets done in the safest and most efficient manner—as difficult a task as that may be! With inmate rights becoming more defined and the inmate population on the increase, the duties and responsibilities of the first line supervisor will also increase.

But the job of a supervisor extends beyond making certain that the correctional facility is managed properly. One of the supervisor's most important roles is to **ensure that correctional officers perform to their maximum capabilities**. This is accomplished when employees feel safe in their work environment, when they know what is expected of them, and when they know that they are treated fairly.

The expectations of supervisors have increased in this respect, yet the training to meet these expectations is generally not available or, when it is available, it is under-utilized. Most supervisors are no more equipped to deal with personnel management concerns than they are equipped to handle the mentally or physically ill inmate. However, both management and line personnel still expect that the first line supervisor can and will effectively and professionally manage employees, both collectively and individually.

Although there are many different personnel management styles—all of which can be effective—they are not something a supervisor can learn in a short period of time. Most supervisors learn, and will continue to learn, from their experiences of managing employees. This chapter will not teach you a particular management style, but instead will give you an understanding of some of the **legal safeguards** provided for employees so that the valuable experiences you gain as a supervisor will influence your management style in a positive manner but will **not** involve you in litigation.

EMPLOYEE ASSOCIATIONS AND COLLECTIVE BARGAINING

Do employees have rights in the work place? . . . in a public organization? . . . in a constitutional office where the department head is elected? And, if so, what is the role of the supervisor in ensuring that these rights are protected? In order to fully understand the supervisor's role, it is important to first understand how recognizing these rights affects employees and the entire organization.

Recent history, beginning primarily in the World War II period, has indicated that employees, regardless of the work place, do have basic rights to ensure that they are managed fairly and responsibly. The greatest influence in recognizing employee rights in the public sector started with the unionization of law enforcement and other government employees. Due to the severe

inflation of the World War II period, law enforcement personnel and other government employee groups formed self-help organizations. Yet, public sector unions grew very slowly. The history of public sector unionism suggests four primary reasons for such slow growth:

1. Public employees enjoyed a high degree of job security.
2. Public employees generally enjoyed better fringe benefits and working conditions than private sector employees (though public wages were lower).
3. Public employers staunchly resisted public sector unions.
4. Until the end of the 1950s, public employees had no right to organize and bargain collectively (and still don't in some states).

The first two factors caused a lack of interest in unions among many employees; the second two factors posed formidable obstacles to employees who wanted to express such interests.

Although law enforcement and government employee unions did meet with some resistance, public employee unions—especially those related to criminal justice organizations—did have several factors in their favor. Public employee unions not only enjoyed the power of numbers and the power of personal acquaintances but they also had the support of, and pressure by, the community to ensure that quality personnel were retained in these positions.

The Law Enforcement Officers' Bill Of Rights

One major outcome of law enforcement unions is the Law Enforcement Officers' Bill of Rights. **The Bill of Rights defines several safeguards for employees of law enforcement agencies. A few of the safeguards provided by the Bill of Rights are guidelines which must be followed in the event of potential disciplinary action against an employee with regard to:**

1. **Conduct of investigation:** Addresses the questioning of an officer and the officer being informed of the nature of the investigation and the investigators.
2. **Notice of charges; response:** Addresses written notification, written response to charges, and the assistance of counsel.
3. **Hearing:** Addresses an impartial hearing panel and the opportunity to address witnesses and present evidence.
4. **Immediate suspension:** Permits immediate suspension with pay of any officer whose continued presence on the job is deemed to be a substantial or immediate threat

to the welfare of the agency or the public; or if the officer refuses to obey a direct order.

5. **Outcome of hearing:** Requires that the hearing panel provide a written recommendation to the agency administrator.

The Bill of Rights does **not** prohibit informal counseling of an officer by a supervisor in reference to a minor infraction of policy and procedure which would not result in disciplinary action being taken against the officer.

The Bill of Rights may also include safeguards for the personal assets of officers, and a grievance procedure to provide administrative review of concerns or complaints of law enforcement officers.

The Bill of Rights is intended to **establish minimum standards or assurances** for the law enforcement officer—not to be the standards themselves. The intent is that law enforcement agencies will use the Bill of Rights as a **guide** for establishing and implementing uniform policies and procedures addressing employee rights and responsibilities.

Although the Bill of Rights is adopted in state statute, the definition of "law enforcement officer" varies among states. Most states define a law enforcement officer as any person who, in his official capacity, is authorized to make arrests and who is a non-probationary member of a specified law enforcement agency. Generally, the specified law enforcement agencies will include the state police and a police department, bureau, or force. Although in many states this definition includes deputy sheriffs, some states may specify that the definition is exclusive of sheriffs' departments. Thus, it is important that the jail supervisor be aware of the extent—if at all—to which a state Law Enforcement Officers' Bill of Rights applies to his agency.

Is Your Department Unionized?

With the Law Enforcement Officers' Bill of Rights and the increase in unionization, managers and supervisors should not feel as though they can no longer manage their employees effectively. Unions have brought about many positive changes. Urban public administration is undergoing major changes as a result of union pressures. While the force of the union impact varies by locality and by function, the central fact is change—and the rate of change is increasing.

What is happening to local governments is that both legislative bodies and chief executives are becoming more preoccupied with union matters and are more limited in their discretion to manage. Generally, department heads also must give more frequent and more intense attention to personnel matters because of the unions. To begin with, they must spend time on negotiations. In some jurisdictions, department heads may be formal members of the city/county's **negotiating** team; in others, they bargain supplemental agreements with the unions on matters relating to their own departments. But their most frequent role is to "back up" the management negotiations with information about the potential effects of changes in pay, fringe benefits, and working conditions in their departments.

Proactive management is not a panacea to the potential emergence of a union. Peer group pressure, family background, and the example set by other public and private sector labor organizations are some of the factors which may also make law enforcement agencies receptive to unionization.

The strategies and tactics used by managers in responding to a request for recognition by a labor union are shaped by both **legal and practical considerations**. In jurisdictions where there is no public sector labor relations legislation, the employer is **not** legally obligated to recognize or otherwise deal with any employee union, organization, or association. The only legal constraints for the administrator are the First and Fourteenth Amendment rights of any individual to freedom of speech and assembly.

Where public sector legislation exists, the employer has substantially fewer options in dealing with a request for union recognition. Employees are usually guaranteed the right to representation by a labor organization in collective bargaining and/or grievance proceedings with the employer. Most laws also prescribe conditions, similar to those which appear in the **National Labor Relations Act**, under which the employer is empowered or obligated to recognize a labor union.

By and large, most department heads do not object to this state of affairs. Union representatives have been ever-present in lobbying efforts for increased salary and personnel in criminal justice agencies. Although management may continually address these needs with the legislative bodies, the presence of union representatives greatly enhances the efforts of management; therefore, managers generally commend the unions both for their influence in keeping management alert and careful, and for their ability to secure gains for their employees.

However, this leads managers to emphasize the need for supervisors to become more competent and mature in handling on-the-job relationships. The failure to handle the concerns of the employees can lead to union pressures upon the organization. If the organization does not address these concerns, then the unions will want to address these concerns through collective bargaining.

Collective Bargaining

Collective bargaining is a process whereby the union representatives (on behalf of the employees/union members) negotiate with the agency administrators to determine how the needs of the employees can be met. At this stage, agency administrators must be well equipped to address organizational needs and possible constraints (with supportive documentation) which would not enable them to meet union demands. The result of the collective bargaining process is a **contract** between the union and the organization which is binding for both parties.

In a bargaining relationship, **contract administration is as important a function as negotiation.** The terms and conditions embodied in the agreement are related to the work situation through the process of contract administration. Management has the primary responsibility for initiating policies and programs to implement contract provisions.

Although this section focuses on contract administration, most principles discussed here apply equally well to non-union agencies in rules and regulations dealing with administrative directives and grievances.

A considerable administrative effort is required to implement many contract provisions. The provisions subject to this type of administrative action may include: leave time, vacation, and clothing and cleaning allowances. Depending upon agency size, the responsibility for administering these provisions generally is delegated to a specific staff member and monitored by the agency administrator. If one specific staff member is not given this assignment, then this responsibility generally is given to the jail supervisor. When this happens, the jail supervisor must familiarize himself with all applicable contract provisions and monitor the day-to-day performance of employees. **Documentation is essential in managing a contract**, both as a reference tool and as a permanent record.

The jail supervisor should be familiar with the **interpretation of contract language** and the importance of documenting the facts as a basis for a supervisor's or management's position in grievance proceedings. He must also **know how to respond to grievances effectively**, both orally and in writing.

The jail supervisor must recognize that *ad hoc* employment practices can be used effectively by the union as a weapon in grievance proceedings. Therefore, the agency must ensure that all supervisory personnel apply the provisions of the contract. Inconsistent application of union contracts or agency rules and regulations is a basis for intervention by outside forces. In unionized organizations, this usually leads to further collective bargaining for more specific and stringent contract provisions.

Usually, what occurs during the collective bargaining process is a sharp division between managerial and non-managerial employees over issues that both parties deem important to their interests. Managers must concern themselves with the overall organizational needs, and non-managerial employees must concern themselves with the needs of the employees. When this division occurs, it causes both groups to polarize and concentrate on their own special interests, thus impeding the achievement of organizational goals. Collective bargaining can be seen as the last resort to head off a disagreement between administrators and employees. Can there be an alternative to collective bargaining?

OVERCOMING PROBLEMS WHICH PRODUCE JOB DISSATISFACTION

It is important for the jail supervisor to identify those factors that produce job dissatisfaction (i.e., salary, supervision, policies, or working conditions) and which ultimately may lead to major problems for the organization. Once these factors have been identified, then supervisors and managers must move swiftly to modify them and create a climate within the organization which is conducive to both good interpersonal relations and high productivity. This can be accomplished by recognizing some **basic needs** employees have with regard to their career development and job satisfaction.

Most employees have an intense desire to participate in the decision-making process in their organization. They want to have a measure of control over their destinies. The jail supervisor who provides a forum for employee input does much to allay criticism that administrative decisions are made arbitrarily, without considering the needs of the employees. **The effective jail supervisor will meet with employees to discuss individual as well as collective concerns, both during roll call sessions and in individual meetings.**

But the role of the jail supervisor does not end with identifying the concerns or suggestions of the employees. **It is essential that the jail supervisor evaluate the validity of the concerns/suggestions and follow through on informing the administrators of the needs.** He should also suggest possible ways to meet these needs.

Employees need to be recognized for exemplary performance. When complimented, most employees will say: "I did nothing special; it's part of my job." Judging from that statement, many supervisors develop the false impression that employees do not like recognition. Also contributing to that problem is a false notion held by many supervisors that exemplary work is the "norm" which is expected of all employees. **Recognition is a basic human need**, applicable to all, and extremely important to some. Officers who perform admirably must be recognized through commendations, and in some circumstances, awards—whether monetary awards or "recognition" awards.

The formal system of bestowing awards is complemented when the jail supervisor is aware of the importance of **informal praise** in his everyday dealings with his subordinates. Studies show that employees who are recognized for their efforts perform better, complain less, and develop a more positive attitude toward their profession.

Accountability is essential in law enforcement and corrections organizations. Not only do employees expect to be recognized for a job well done, but they also expect to be corrected when they fail to meet organizational standards. **Swift action must be taken by supervisors and administrators when violations of departmental policy are discovered.** The measures taken must be designed to correct the employee's conduct while preserving a **positive attitude**. Generally, minor violations should be handled by counseling, retraining, or reprimands, while more serious offenses may entail suspension, demotion, or even termination.

The key is to investigate any incident thoroughly and apply corrective measures consistently. A track record of fair, consistent, and progressive disciplinary action strengthens the credibility of the organization with its employees.

The most important ingredient in management is leadership, characterized by enthusiasm, assertiveness, fairness, judgment, knowledge, and compassion. Managers often place too much emphasis upon formal written directives and too little on personal contact, observation, and conferences. It is important that we return to the concept of **leadership by example**, recognizing that management techniques are useful to the leader, but



are certainly not the driving force of the organization. Employees who have good leaders are more satisfied with their jobs, produce more, and are more supportive of their organizations.

The jail supervisor is in the best position to observe his employees and provide the personal contact. Employees expect their supervisors to be leaders and support their best interests while keeping in mind the best interests of the overall organization. The jail supervisor's attitude toward employee concerns or grievances can be a major step toward their settlement. Many workers fear supervisory retaliation if they present their grievances, especially if they win and thereby put their supervisor on the spot. Thus, it is essential for supervisors to convince workers that they want to hear grievances and to settle them. **Supervisors should approach grievances in a problem-solving frame of mind.**

Case Study 1:

Refinery County Jail Lt. Nancy Hawkins has been hearing increasing complaints from the jail officers about the amount of overtime they have had to work. Lt. Hawkins has also noticed that the amount of sick leave taken by the officers has increased as well. When an officer calls in sick, the shift often is short-handed. Thus, all officers on the shift are required to take on extra duties. Lt. Hawkins realizes that the employees are becoming exhausted but she also understands that the jail administrator has budgeted for additional personnel; however, even if this budget request is approved, the positions will not be funded until the beginning of the next fiscal year.

Does this situation require action on the part of the management or supervisory staff?

Knowing that the administration is doing all that can reasonably be done to remedy this situation, should Lt. Hawkins inform management personnel of the secondary problems of the staff shortage?

What action, if any, should be taken by Lt. Hawkins?

THE UNSATISFACTORY EMPLOYEE

Supervisory and management personnel often feel that employee rights and/or union support requires the employer to tolerate the employee whose performance has been marginal or unsatisfactory. The intent of unions and employee rights is not to take the control of employment away from the employer and

give it to the employee. Instead, these safeguards are designed to ensure that employment practices are based upon fair and equitable standards of performance and conduct, and that fair and equitable evaluation criteria exist to determine whether or not these standards have been met by an employee.

In certain situations an employee's performance is so unsatisfactory or an employee's conduct is so unacceptable that dismissal of the employee is appropriate. Some employees may attempt to use the Bill of Rights or union intervention to defend their position that dismissal is not appropriate. If jail supervisors and managers are not prepared with documentation of the employee's conduct or performance, and proof that fair and consistent disciplinary measures were used, then they may find themselves in a position where they may have to succumb to the pressures of the union.

The jail supervisor is most often the reporting officer for employee misconduct or he is the primary evaluator of unsatisfactory performance. Therefore, **the jail supervisor can be the strongest, or in some unfortunate situations, the weakest link in managing employees.**

To be effective, the jail supervisor must be consistent in disciplining employees and responding to their needs. Most importantly, it is essential that the jail supervisor document all interactions with employees, whether they relate to informal or formal counseling, or whether they are responses to concerns or complaints of employees. **All documented events must be forwarded to the agency administrator to ensure that a permanent record is maintained for employee conduct and performance.** Written documentation which is forwarded up the chain-of-command also assures that the concerns and complaints of employees are addressed appropriately.

Once the events have been documented, the jail supervisor must **follow through** with the incident. If the employee is disciplined, the jail supervisor must ensure that the employee understands what conduct or performance is expected of him in the future. Some employees may need further explanation of how the performance expectations should be met. If these explanations are provided, then this event must also be documented.

Case Study 2:

Rattlesnake County Jail Officer Bobby Ray Smith is expected to conduct security rounds in Section B of the jail every half hour to ensure compliance with state correctional standards. While he is conducting rounds, Officer Smith often stops to talk with the inmates, which occasionally causes him to be late in completing his security rounds.

When Sgt. Matt Dillon observed this, he mentioned to Officer Smith that 30-minute rounds are required. Officer Smith responded by saying that the rounds are being made and pointed out that the time he spends talking to the inmates has been productive in learning where contraband is hidden. Sgt. Dillon acknowledged this but, again, reminded Officer Smith that the rounds are due every 30 minutes.

Three weeks ago Officer Smith was conducting rounds and stopped to talk to some inmates. During this time, two inmates in another cellblock became involved in a physical altercation. By the time the staff arrived on the block, one of the inmates

had sustained critical injuries which necessitated extensive hospitalization.

The internal investigation indicated that if Officer Smith had conducted his security rounds in a timely manner, then the altercation would have been stopped before the inmate was critically injured.

At the disciplinary hearing, Officer Smith said that Sgt. Dillon had authorized the delay in the security rounds on the basis that Officer Smith was gaining valuable information to ensure the security of the facility. Sgt. Dillon admitted that he had acknowledged that the information Officer Smith obtained was beneficial but stated that he told Officer Smith on numerous occasions that the 30-minute security rounds was the priority. On the basis of the testimony, Officer Smith was dismissed.

Officer Smith, with the support of the Rattlesnake County Governmental Employees' Union, appealed the decision on the grounds that there was no documentation to support Sgt. Dillon's testimony and that Sgt. Dillon admitted to acknowledging the need for the delay.

Does Officer Smith have a legitimate argument for granting an appeal?

What, other than documenting the conversations with Officer Smith, could Sgt. Dillon have done to remedy the delay in security rounds, or to re-emphasize the importance of Officer Smith conducting security rounds in a timely manner?

If events are documented, forwarded to the administrator, and effective follow-through is conducted and documented, then unsatisfactory employees who have been dismissed from employment will have little support from the Bill of Rights and/or union representatives. Similarly, jail supervisors who create a healthy work environment, recognize their employees as professionals, and are consistent in their supervision will find that collective bargaining holds little appeal for the satisfied employee.

THE FAIR LABOR STANDARDS ACT

The jail supervisor must also realize that laws concerning employees are changing rapidly. To be effective, a jail supervisor must keep abreast of the changes. Some laws, such as the **Federal Fair Labor Standards Act (FLSA)**, although not changing, are becoming more defined and specific. As recently as February, 1985, the U.S. Supreme Court ruled, in *Garcia v. San Antonio Metropolitan Transit Authority*, that **FLSA requirements extend to the public sector and include law enforcement employees and security personnel in correctional institutions.** Described below is the historical chronology of this ruling:

1. **1938**—Congress enacted the Fair Labor Standard Act (FLSA), establishing maximum hours and minimum wages, overtime, and other provisions generally applicable to the private sector.
2. **1966**—Congress amended the FLSA, extending its coverage to include public hospitals, schools, and transit carriers operating under state regulation, retaining an overtime exemption for drivers, operators, and conductors.
3. **1968**—The U.S. Supreme Court ruled, in *Maryland v. Wirtz*, that the application of FLSA to schools and



hospitals is within Congress' power under the Commerce Clause of the U.S. Constitution.

4. **1974**—Congress amended the FLSA to cover virtually all state and local government employees, effective May 1, 1974, for all categories except police and firefighters, who would be governed by new regulations effective January 1, 1975.
5. **1974**—The National League of Cities (NLC), joined by the National Governors' Association (NGA), filed suit against Peter J. Brennan, Secretary of Labor, in Federal District Court, Washington, D.C., on December 12 to block implementation of the 1974 FLSA amendments and to have the 1974 amendments declared unconstitutional. The District Court upheld the FLSA on December 31, but said NLC's concerns were "substantial" and "it may be appropriate to draw back from the far reaching implications of (*Maryland v. Wirtz*); but that is a decision that only the Supreme Court can make."
6. **1974**—The U.S. Labor Department regulations governing wage-hour standards for state and local public safety employees were set aside by a temporary U.S. Supreme Court order issued by Chief Justice Warren Burger on December 31, just hours after the District Court ruling described above.
7. **1975**—The U.S. Supreme Court accepted the NLC appeal on January 10 and granted NLC's request that the 1974 FLSA amendments be held in abeyance while the case was under consideration. The Supreme Court heard oral arguments in April, but failed to reach a decision before concluding its term.
8. **1976**—The case was reargued in March as *NLC v. William J. Usery* (who was confirmed as the Secretary

- of Labor in February). On June 24, the Supreme Court returned a 5-4 decision (426 U.S. 833) in NLC's favor, written by Justice William H. Rehnquist, overruling *Maryland v. Wirtz*. Justice Harry A. Blackmun was the swing vote; he called the decision "a balancing approach" that was "necessarily correct."
9. **1979**—The Wage and Hour Administration of the U.S. Department of Labor issued an administrative "determination" that certain state and local government functions are "non-traditional" and will therefore be subject to FLSA. The categories included public transit, alcoholic beverage stores, off-track betting, publicly owned electric utilities, telecommunications, production and sale of fertilizer and agricultural commodities, and maintenance or repair of boats and marine engines. The San Antonio Metropolitan Transit Authority filed suit against Raymond Donovan, Secretary of Labor, in Federal District Court in Texas, asking for the Labor Department's determination to be nullified. Joe G. Garcia, a San Antonio transit operator, filed a countersuit against the city on the basis of the Labor Department determination.
 10. **1981**—The U.S. Supreme Court ruled unanimously in *Hodel v. Virginia Surface Mining* that Federal strip mining legislation does not unconstitutionally preempt state policy powers. The opinion, written by Justice Thurgood Marshall, established a "three-prong test" for considering Tenth Amendment cases: that a law regulates the states as states, that it affects indisputable attributes of state sovereignty, and that it directly impairs a state's ability to structure integral operations in areas of traditional governmental functions.
 11. **1981**—The U.S. District Court in San Antonio issued a summary judgment in the city's favor and declared local public transit a traditional function of local government shielded by *NLC v. Usery*. Garcia and Donovan appealed the decision to the U.S. Supreme Court.
 12. **1982**—The U.S. Supreme Court set aside the appeal involving San Antonio and sent the case back to District Court for further consideration and full opinion, taking into consideration the ruling in the Long Island Rail Road case which stated that employees of a state-owned railroad are not subject to a state's "no strike" law because it conflicted with Federal railroad laws which allow strikes.
 13. **1983**—U.S. District Court Judge Fred Shannon again ruled in favor of San Antonio and declared public transit to be a traditional function of local government. Garcia and Donovan again appealed to the Supreme Court; the NLC prepared a friend-of-the-court brief supporting San Antonio.
 14. **1984**—The U.S. Supreme Court heard the oral argument in the San Antonio case in March, but on the final day of announcing decisions before adjournment, the Court said there would be no decision. Instead, the Court asked for new briefs addressing the question:

"Whether or not the principles of the Tenth Amendment as set forth in *National League of Cities v. Usery* should be reconsidered?" The case was scheduled as the first to be heard in the new court term in October.
 15. **1985**—The U.S. Supreme Court, on February 19, ruled 5-4 in *Garcia v. San Antonio Metropolitan Transit Authority* (No. 82-1913) that *NLC v. Usery* was "unworkable" and "inconsistent with established principles of federalism." Once again, Justice Blackmun was the swing vote and wrote the Court's new opinion about *NLC v. Usery*: "That case, accordingly, is overruled."
 16. **1985**—President Ronald Reagan, on November 13, signed into law "The Fair Labor Standards Amendments of 1985." This new law states that "The Amendments made by this Act shall take effect April 15, 1986." Section 7 of the new law states that "The Amendments made by this Act shall not affect whether a public agency . . . is liable under Section 16 of the (FLSA) of 1938 for a violation of Section 6, 7, or 11 of such Act occurring before April 15, 1986, with respect to any employee of such public agency who would have been covered by such Act." In summary, employees of public safety agencies are not bound by prior regulations promulgated by the Secretary of Labor as a result of *Garcia* concerning cash payments for compensatory time, rules relating to payment of volunteers, and issues relating to overtime calculations governing joint employment of employees and other entities for whom the employee works in a special detail or concurrent employment.
- On June 24, 1976, the U.S. Supreme Court, in *National League of Cities v. Usery*, prohibited the application of the FLSA to certain categories of state and local employees, ruling that the Tenth Amendment of the Constitution, which reserves various powers to the states, precluded Congress from enacting laws on the basis of the Commerce Clause which interfere with employer-employee relations in areas of traditional governmental functions, including fire prevention, police protection, sanitation, public health, and parks and recreation.
- In the San Antonio case, the Supreme Court completely overruled *National League of Cities v. Usery*, effectively reinstating all the provisions of the FLSA with respect to state and local employees. The major provisions of the FLSA which apply to cities include the **minimum wage and overtime provisions and a number of reporting requirements.**
- For the purpose of this ruling, employees engaged in law enforcement activities include city police, district or local police, sheriffs, undersheriffs, deputy sheriffs, and others (e.g., game wardens) who are regularly employed and paid as such. Some of the law enforcement officers above—including certain sheriffs—will not be covered by this Act if they are elected officials and if they are not subject to the civil service laws of their particular state or local jurisdiction. However, the term "any employee in law enforcement activities" does include, by express reference, "security personnel in correctional institutions."

An employee who is subject to FLSA in any work week must be paid in accordance with its provisions for all hours worked. Section 7(k) of the FLSA provides a partial overtime pay exemption for public agency employees employed in fire protection or law enforcement activities (including security personnel in correctional institutions). Under this provision an employer can establish a work period of **28 consecutive days or a lesser number of consecutive days, but not less than seven consecutive days, in lieu of the workweek for the purpose of paying overtime pay. The maximum work hours standard for law enforcement employees is 171 hours for a work period of 28 consecutive days.**

The following table sets forth the maximum work hours standards for law enforcement employees when the employer (state or local government agency) establishes a work period of at least seven but no more than 28 consecutive days.

WORK PERIODS (days)	MAXIMUM HOURS STANDARD
28	171
27	165
26	159
25	153
24	147
23	141
22	134
21	128
20	122
19	116
18	110
17	104
16	98
15	92
14	86
13	79
12	73
11	67
10	61
9	55
8	49
7	43

In general, "hours worked" includes all times that an employee is required to be on duty, or on the employer's premises, or at a prescribed work place for the employer, and all time during which the employee is required or permitted to work for the employer. "Hours worked" includes all time the employee is permitted to work, whether requested or not. "Hours worked" does not include time when an employee is physically present at a worksite but is not required to be present and is not performing assigned duties, such as when an employee arrives early or leaves late for personal convenience. It is the jail supervisor's responsibility to exercise control so that work is not performed when it should not be performed.

Case Study 3:

Because of the bus schedule, Turkey County Jail Officer Sherry Miller arrives at work one hour early every day she is scheduled. Occasionally she will help other officers with their duties prior to roll call. Sgt. Tom Pearson appreciates the fact

that Officer Miller helps out and generally commends her for her initiative.

But in response to the FLSA ruling that was handed down in 1985, the Turkey County Board of Supervisors established the rules and regulations for implementation of the FLSA, and informed Sheriff Gary Gobble that all components of the Sheriff's Department were expected to comply with the rules.

Following implementation of the new rules, Officer Miller continued to assist other officers each day prior to roll call. However, on this particular day Officer Miller asked Sgt. Pearson to sign an overtime slip for the additional hour.

Should Sgt. Pearson authorize the payment of the overtime hours worked? On what basis would you make that decision?

Should Officer Miller be permitted to continue to work the additional hour? Under what circumstances, if any, should she be allowed to work?

DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITIES

One overriding concern that must be realized by today's professional jail supervisor is that **employees should be recognized and treated as individuals.** Employees require various methods of motivation to ensure their allegiance and productivity. **Any supervisor who does not recognize individual needs and drives is doomed for failure.**

Sometimes it is difficult for a supervisor to deal with some employees because of the supervisor's own **attitudes and prejudices.** Every individual brings to an organization preconceived ideas and attitudes towards other individuals. When these attitudes extend to a particular class or group of persons, then the attitudes are considered to be "stereotyping." When stereotyping has a negative effect upon the employee, or upon a potential employee, then the result is **discrimination.** This situation is not altogether uncommon in the work place; however, the end result will inevitably be discrimination against a group of employees.

Stereotyping and discrimination have been found in a variety of employment practices, including:

1. Recruitment;
2. Selection;
3. Career Development/Training;
4. Promotion;
5. Classification and Compensation;
6. Benefits;
7. Disciplinary Action;
8. Awards; and
9. Performance Appraisals.

The Federal Government has recognized that attitudes and prejudices can—and often do—exist in the work place. Therefore, legislation has been enacted, with the support of court interpretations, to provide all employees—or potential employees—with safeguards to ensure that an organization's employment practices are not discriminatory.

There is a difference between discrimination and prejudice. **Discrimination is an action, while prejudice is an attitude of mind.** One may occur without the other. Discrimination may unintentionally occur without prejudice, and likewise prejudice may occur without any act of discrimination. **The law focuses on an employer's actions, not feelings. If actions lead to discriminatory results, then they are unlawful, regardless of the employer's good intentions.**

Equal employment opportunity refers to the right of all persons to work and to advance on the basis of merit, ability, and potential. One of the major focuses of equal employment opportunity efforts today is identifying and eliminating **discriminatory practices.** Such practices are any artificial, arbitrary, and unnecessary barriers to employment when the barriers operate to discriminate on the basis of race, sex, or any other impermissible classification.

Title VII Of The Civil Rights Act

Discrimination in employment has been prohibited by court rulings under the Civil Rights Acts of 1866 and 1870 and the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. Discrimination because of race, religion, and national origin have also been found to violate rights guaranteed by the National Labor Relations Act (NLRA). **The primary Federal laws that define the scope of equal employment opportunity are:**

1. **Equal Pay Act of 1963:** Requires equal pay for equal work regardless of sex.
2. **Civil Rights Act of 1964, Title VII (as amended):** Prohibits discrimination in employment based on race, color, religion, sex, and national origin.
3. **Age Discrimination in Employment Act of 1967 (as amended):** Prohibits discrimination on the basis of age with respect to people between 40 and 70 years of age.
4. **The Rehabilitation Act of 1973, Section 504:** Prohibits discrimination against handicapped persons in federally assisted programs and activities.
5. **Vietnam-Era Veterans Readjustment Assistance Act of 1973, Section 402:** Requires Federal contractors to take affirmative action to employ and advance qualified disabled veterans and veterans of the Vietnam War-era.

Title VII of the Civil Rights Act probably has been more fully interpreted by the courts than any other equal opportunity law. Courts have decided that whether the employer intended to discriminate is **not** an important factor in discrimination. **Employment practices which deny opportunities to persons protected by Title VII are illegal, no matter what the organization's intent.** Even the requirements of a position must be job-related and an accurate predictor of future success in the job. Justifying any practice or policy which has a disparate effect on groups protected by the law requires the employer to demonstrate a compelling business necessity and to show that no alternative nondiscriminatory practice can achieve the required purpose.

Business necessity has been narrowly interpreted to mean

that the employer must show overriding evidence that a discriminatory practice is essential to the safe and efficient operation of the business and/or show extreme adverse financial impact.

There are some occupations where discrimination based on sex or race may be acceptable by reason that it is a job-related factor and of business necessity. This is termed as a **Bona Fide Occupational Qualification (BFOQ).** For example, Title VII allows for sex discrimination in occupations such as those of actors, models, restroom attendants, wet nurses, or officers in a maximum security prison. One concern that has arisen from employment in a correctional facility is an inmate's right to privacy regarding officers of the opposite sex working in a housing area. Courts generally agree that a person's right to work is greater than an inmate's right to privacy; however, reasonable efforts should be made to avoid violating that privacy.

Potential discrimination in this respect is based on whether or not an employee's inability to work a particular area would affect his promotional or career development potential. When assigning posts at the beginning of a shift, the jail supervisor should ensure, within agency policy guidelines, that all employees have an opportunity to learn how to manage all aspects of the facility. Although, in some instances, sex can be a BFOQ, Title VII does not provide for race or color as a BFOQ.

Another exception to Title VII is discrimination based on a *bona fide* seniority system. The U.S. Supreme Court has ruled that such systems are protected under Title VII even though they may perpetuate the effects of pre-Act discrimination. The Court in this decision concluded that in the passage of Title VII, Congress did not intend to destroy or water down the tested seniority rights of employees simply because their employers had engaged in discrimination prior to the passage of the Act.

Contractual agreements between a union and employees are not legal or binding if they violate equal employment opportunity laws. Clauses which limit certain jobs to one group or pay one group more for equal work are not binding. Contract negotiations must be reopened as soon as this type of discrimination is discovered by either management or the union.

The Equal Employment Opportunities Commission

Most EEO laws are enforced by the **Equal Employment Opportunities Commission (EEOC)**, which was created by the Civil Rights Act of 1964 to administer Title VII of the Act and ensure equal employment opportunities for all people. The EEOC is composed of five members, not more than three of whom can be members of the same political party. Members of the Commission are appointed by the President and with the advice and consent of the Senate for a term of five years.

The EEOC, with offices in major cities, investigates complaints of discrimination and develops guidelines to enforce Title VII regulations. The 1972 amendment to Title VII gave the EEOC authority to take civil action against an organization which is using discriminatory employment practices.

Enforcement begins when a charge is filed by an aggrieved person, someone acting for the aggrieved person, or one of the

EEOC commissioners. Charges can also be filed with an approved state agency, which is allowed a limited time to settle the case before it comes to the EEOC.

If there is reason to believe that a violation has occurred, then the EEOC seeks a **conciliation agreement, which is a negotiated settlement acceptable to the EEOC and all aggrieved parties.** If conciliation fails, then court action may be initiated by the EEOC or the individual involved (or the U.S. Attorney General when a public employer is involved).

Since EEO laws are designed to protect certain groups of people from employment discrimination, these groups are considered **protected groups.** For example, a black person typically is considered a member of a protected group but a white person is not. Similarly, women are a protected group but men are not. However, a 50-year-old white male is a member of a protected group because of his age.

A person needs to fit only one of the protected categories in order to be a member of a protected group. Because of the large number of people in certain protected categories, such as women and older employees, protected groups make up more than three-fourths of the labor force. EEOC enforcement activities are directed primarily toward protection of the interests of these groups; however, the law is designed to provide EEO for all citizens.

Two methods can be used by EEOC to determine whether discrimination against groups protected by the law has occurred: (1) **employment parity**, and (2) **occupational parity.** When employment parity exists, the proportion of minorities and women employed by an organization equals the proportion in the organization's relevant labor market. Occupational parity exists when the proportion of minorities and women employed in various occupations in an organization is equal to their proportion in the organization's relevant labor market. Large differences in either occupational or employment parity are called **systematic discrimination.**

EEOC also can examine the **underutilization** or **concentration** of minorities and/or women in certain jobs. Underutilization refers to the practice of having fewer minorities or females in a particular job category than would reasonably be expected by their presence in the relevant labor market. Concentration means having more minorities and women in a job category or department than would reasonably be expected by their presence in the relevant labor market.

Affirmative Action Programs

When statistics reveal significant underutilization, concentration, or systematic discrimination, the employer is likely to be required to engage in **affirmative action.**

Affirmative action is a **tool which includes any measure, beyond simple termination of discriminatory practices, adopted to correct or compensate for past or present discrimination, or to prevent discrimination from recurring in the future.** Affirmative action is an employer's effort to increase employment opportunity (including promotion and other conditions of employment) for groups that appear to be inadequately

represented in an agency's labor force. Employers are encouraged by government agencies and the public to ensure that all groups are fairly represented. If they are not, then agencies are required to begin affirmative action programs as evidence that they are making positive efforts to provide equal employment opportunities.

Once an employer determines that there is an underrepresentation of women or minorities, for example, in its labor force, the employer may initiate an affirmative action plan to find qualified women and minorities in order to close the gap. In doing so the employer must use "**good faith efforts.**" If good faith efforts are used, then the employer is not penalized if the employer fails to find qualified women and minorities.

Employers often use **goals** and **timetables** to implement an affirmative action plan. A goal is a specific percentage or number of individuals which the employer attempts to achieve in its affirmative action plan. A timetable is the time in which a goal is expected to be reached. For example, an administrator might wish to have 20 percent minorities in entry level jail officer positions and to achieve that goal within two years. The goal is 20 percent minorities. The timetable is two years.

Establishing a goal does not require a **quota.** A quota is a rigid and inflexible number which must be met regardless of the qualifications of the persons considered for a job. Affirmative action, on the other hand, is a remedy which seeks qualified individuals. Thus, from a given pool of qualified persons, an employer must make a good faith effort to reach a specific goal.

A number of basic steps are involved in the development of an effective affirmative action plan. The EEOC has suggested the following eight steps:

1. The chief executive officer of an organization should issue a written statement describing his personal commitment to the plan, legal obligations, and the importance of equal employment opportunity as an organizational goal.
2. A top official of the organization should be given the authority and responsibility for directing and implementing the program. In addition, all managers and supervisors within the organization should clearly understand their own responsibilities for carrying out equal employment opportunity.
3. The organization's policy and commitment to the policy should be publicized both internally and externally.
4. Present employment should be surveyed to identify areas of concentration and underutilization and to determine the extent of underutilization.
5. Goals and timetables for achieving the goals should be developed to improve utilization of minorities, males, and females in each area where underutilization has been identified.
6. The entire employment system should be reviewed to identify and eliminate barriers to equal employment. Areas for review include recruitment, selection, promotion systems, training programs, wage and salary

structure, benefits and conditions of employment, layoffs, discharges, disciplinary action, and union contract provisions affecting these areas.

7. An internal audit and reporting system should be established to monitor and evaluate progress in all aspects of the program.
8. Agency and community programs which are supportive of equal opportunity should be developed. Programs might include training supervisors about their legal responsibilities and the organization's commitment to equal employment, as well as job and career counseling programs.

Affirmative action extends beyond selection and promotion of employees and ensuring equal opportunity. Equal employment and affirmative action further includes **equal opportunity for employees to acquire the requisite skills**—commensurate with their knowledge, skills, ability, and potential—**which are necessary for promotional opportunities**. These efforts may include the development of job-related training experiences, career ladders, bridge positions, trainee positions, upward mobility, or a system of job rotation and career enhancing assignments. These efforts should focus on eliminating areas of underrepresentation or underutilization. Additionally, supervisors should support these efforts by providing career counseling with the performance appraisal system that not only assists employees, but also encourages the participation of underrepresented or underutilized groups.

Disciplinary and adverse actions should be monitored to ensure that discrimination does not occur in the administration of these functions. **All disciplinary and adverse actions should be based on objective standards, and penalties should be consistent in their application.**

Evaluations should be based on clearly defined performance objectives which are stated in terms of the quality and quantity of the work accomplished. Evaluations should be behavior and performance based, and related to performance elements and levels of accomplishment, determined at the beginning of the rating period. Factors unrelated to job performance should be excluded from the appraisal system. Additionally, factors related to interpersonal skills should be evaluated on the basis of demonstrated behaviors that are related to specific job performance criteria.

The jail supervisor must be able to substantiate any performance evaluation descriptors. Some unsubstantiated performance descriptors include, for example:

1. "You don't seem to like working here."
2. "You don't appear to be a team player."
3. "You're not ready for a promotion just yet."
4. "You're doing just fine."
5. "You don't seem to take your job seriously."
6. "You're not assertive enough."
7. "You're too aggressive."

When these thoughts—or similar thoughts—come to mind, the jail supervisor must ask himself: On what concrete basis are these thoughts justified? For example, let's look at the statement, "You don't seem to be a team player." For what reasons does this appear to be the case? Does the employee not participate in out-of-work activities with the shift? Does the employee not assist officers who are in need of assistance? Does the employee fail to laugh at, or participate in, racial or sex-related jokes? If the latter is the case, regardless of the employee's race or sex, perhaps this employee does not appreciate this type of alleged humor. On the other hand, if the employee fails to assist other officers who are in danger, then this can be a problem. At this point, the employee needs to be informed that part of an officer's responsibility is to ensure the safety of the staff as well as the inmates and that failure to act jeopardizes that safety factor.

Unlawful Harassment

Over the past several years, new issues have regularly surfaced concerning equal employment opportunity. As these issues have arisen, new guidelines have been proposed by the Federal Government to clarify its position on the issue. Court decisions have also provided further clarification.

One of the more current issues in equal opportunity is **sexual harassment**. In March 1980, the EEOC published guidelines on sexual harassment in the workplace. The EEOC has taken the position that the Civil Rights Act prohibits such harassment, just as it prohibits harassment based upon race, religion, or national origin.

Sexual harassment is an infringement of an employee's right to work in an environment free from sexual pressure of any kind. While sexual harassment need not necessarily involve a male supervisor and a female subordinate, this has been the most common situation in which the problem arises. This type of pressure can come from a person of either sex against a person of the opposite sex or the same sex, and from peers as well as supervisors.

There are **three basic criteria** to determine whether an act, including unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, constitutes unlawful harassment:

1. If submission to the conduct is either an explicit or implicit term or condition of employment.
2. If submission to or rejection of the conduct is alluded to as a basis for an employment decision affecting the person who either rejects or submits to the conduct.
3. If the conduct has the purpose or effect of unreasonably interfering with an affected person's work performance or creating an intimidating, hostile, or offensive work environment.

From a human point of view, any type of harassment is distasteful and demeaning to its victims. It can be as obvious as requesting sexual favors for promotional eligibility or as obscure as sexual or racial slurs; but both are illegal.

Often it may appear that racial, sexual, and/or ethnic jokes do not offend persons of that class. Employees of a protected

class want to feel as though they are a part of the organization. This can result in employees of a protected class laughing at a joke or even ignoring offensive comments to avoid "rocking the boat." This can be especially prominent in the corrections field. Offensive comments from inmates can be a daily occurrence; and jail officers are expected to avoid letting these comments interfere with their performance or interaction with the inmates. But this does not mean that the employee must tolerate offensive comments from other employees.

The jail supervisor must ensure that offensive comments or jokes are prohibited—especially when those comments and jokes are directed at a particular person or a protected class. If this type of behavior does occur, then the jail supervisor must take appropriate action to ensure it does not happen again in the future. Generally, this problem can be alleviated by discussing with employees the reasons why such comments are not appropriate. However, in some cases the jail supervisor may have to take disciplinary action against the offenders in accordance with agency directives.

The guidelines established by the EEOC also emphasize the importance of employers taking positive action to prevent sexual harassment in the workplace. They suggest that employers take the following steps: **Affirmatively raise the subject; express strong disapproval; develop appropriate sanctions; inform employees of their right to raise sexual harassment claims; and develop methods to sensitize all employees to the issue.**

Under the EEOC guidelines, employers are considered responsible for the acts of managers or agents, regardless of whether the acts were authorized or forbidden by the employer and regardless of whether the employer knew, or should have known, of the acts. An employer is considered responsible for the actions of non-managerial employees only when the employer knows, or should have known, of their misconduct. The employer has the opportunity to rebut his liability by showing that immediate and appropriate corrective action was taken to remedy the situation.

Case Study 4:

Jim Taylor, a black officer at the Turkey County Jail, is one of the most outstanding employees Sgt. Dick Davis has had in years. Officer Taylor was at the top of his academy class and has performed well on the job. Officer Taylor gets along well with all employees and is considered a member of "the team" by all. Sgt. Davis has noticed that part of the reason the other employees on the shift get along so well with Officer Taylor is because he communicates well with them, and encourages every-one's individual strengths.

Furthermore, Officer Taylor is "one of the guys" because he does not get offended by the racial "jokes" told by other employees. Sgt. Davis worried at first that the racial "jokes" might offend Officer Taylor, but after seeing that they did not appear to, Sgt. Davis never addressed the issue as a potential concern.

Recently, a jail corporal's position became available and Jail Administrator Susan O'Connell asked all the jail sergeants for recommendations to fill the position. Sgt. Davis, along with all the other sergeants, highly recommended Officer Taylor for

the position because of his outstanding performance, time-in-service, and his ability to communicate well both with superiors and fellow officers. No other employee could even remotely compare with Officer Taylor's qualifications.

Jail Administrator O'Connell agreed with the recommendation and offered the position to Officer Taylor. But Officer Taylor declined the position, explaining that he refuses to be a member of an organization that tolerates racial harassment and offensive comments. He further stated that he did not inform management or supervisory staff of this harassment because he had decided to just deal with it while biding his time to obtain employment elsewhere. He then told Administrator O'Connell that he had found another job and that his resignation would be effective in two weeks.

Since Officer Taylor did not inform a supervisor or manager that he found the comments offensive, is this an EEO issue?

What could Sgt. Davis have done to resolve this situation before it became a problem?

As this case study points out, **a concern for equal employment rights not only prevents litigation, but it can also result in retaining outstanding employees for the organization.**

Some Other EEO Concerns

Another potential misunderstood concern is that discrimination against a protected class can originate from a member of the protected class. This occurs primarily in an organization where the idea of affirmative action or the commitment to improving equal opportunity is relatively new. Employees of a protected class, who have been subjected to employment discrimination and/or harassment or jokes in the past, may feel compelled to ensure that other members of that protected class do not conduct themselves in such a way that they reinforce a so-called "stereotype." Therefore, these employees, regardless of their position or rank, may expect members of that protected class to perform better and work harder. Although these employees may have good intentions for doing this, their behavior does not negate the fact that a discriminatory practice is occurring.

With regard to the religious beliefs of employees, the law requires only that employers make a reasonable effort to accommodate a worker's religious needs. If the accommodation puts an undue hardship upon either the agency or other employees, then it is not required. As stated by the U.S. Supreme Court in a 1977 ruling concerning this issue, the law does not "require an employer to discriminate against some employees in order to enable others to observe their Sabbath." Employers, however, may make accommodations that go beyond the requirement of the law if workers who are affected agree and have equal opportunity for similar accommodations.

Handicapped employees are those with a significant disability of some type—either physical, mental, or emotional. They can even include people with a prison record or a history of heart disease, cancer, or mental illness, since others may view them as handicapped. Employers can require handicapped employees to meet the same standards as other employees, but there must be a reasonable effort to accommodate those who are handicapped. A typical program is built upon an affirmative

plan, including a variety of actions to remove physical, social, and other barriers to employment.

The philosophy of most employer programs is to focus on employee abilities, not disabilities. In spite of the disability, nearly all handicapped people have other abilities which enable them to perform some jobs effectively. It is the employer's responsibility to identify those jobs, prepare applicants for them, and make reasonable modifications in the job so that they can be performed effectively. It is the supervisor's job to ensure that these employees are treated fairly, and that they are not subjected to any verbal harassment by other employees.

The Supervisor's Role In EEO

Although the employer is responsible for the initial compliance with EEO laws and establishing an affirmative action plan, where applicable, supervisors are directly involved in carrying out the responsibilities established in the plan, consistent with their level of authority and assigned supervisory duties. To ensure that the organizational goals are met in this respect, **the actions of the supervisor should include** (but are not limited to) the following:

1. Being cognizant of mission requirements and resource constraints, the jail supervisor should structure training procedures free from bias and based upon criteria for developing each employee to enhance his career growth and increase his productivity. To do this, the supervisor should address individual development plans, on-the-job training, developmental assignments, skills training, cross-training, communication skills training, and human relations skills training.
2. Monitoring the performance appraisal and evaluation systems to ensure that they are fairly and objectively used.
3. Monitoring disciplinary and adverse actions to ensure fair and equitable treatment of all employees.
4. Monitoring awards (praise and/or commendations) to ensure equity and fairness in their distribution.
5. Ensuring the elimination of sexual harassment from the organizational units under one's supervision.
6. Ensuring that racial/ethnic/sexual slurs are prohibited in organizational units under one's supervision.

The bottom line of EEO is that although prejudice cannot always be eliminated, discrimination based on prejudice not only can be eliminated, but legally has to be eliminated. As stated earlier in this chapter, discrimination is not always intentional. But it occurs anyway. One of the best ways for the jail supervisor to avoid unintentional but perceived discrimination is through **communication**. The ability to communicate in a manner that is unbiased can eliminate the perception of prejudice. Here are some useful techniques to avoid miscommunication:

1. **EXAMINE YOUR PREJUDICES**—Often the stereotypes that we hold about persons who belong to certain racial, cultural, ethnic, or social groups are buried in our subconscious mind. Thus, the jail supervisor who tries to be fair and even-handed with all employees may

possess some deep-down prejudices that influence his communication with some employees. Jail supervisors must look closely at their own actions and motives for signs of prejudice.

2. **OPEN CONTACT**—Jail supervisors must develop a habit of encouraging effective communication between themselves and their employees. Some suggestions for accomplishing this objective include:
 - A. Transmit (verbally and non-verbally) positive regard, encouragement, and sincere interest.
 - B. Avoid moralistic, value-laden, evaluation statements, and listen in such a way that the employee can fully explain himself.
 - C. Take turns talking, share the interaction responsibility, and, in groups, promote circular communication.
3. **WHEN IN DOUBT, WAIT—OR ASK**—You can't avoid all misunderstandings. When miscommunication does occur, or when you think it might occur, delay your reaction. If possible, ask others who might be better informed about another group's custom for an interpretation of that custom to determine what behavior may be an appropriate response to the custom.
4. **BE TOLERANT**—Keep in mind the tendency we all have to assume that "different is wrong," or bad, whereas "similar is good." Someone may be different but not wrong. Try to cope with cultural differences, accept a degree of frustration, and deal with changed circumstances and people with an open mind. This perspective requires a certain humility. It can also contribute to better communication between all individuals, including those whose backgrounds and beliefs are the same as yours.

Although communication is essential to effective supervision of employees, **follow-up, with documentation, is imperative in interaction with employees where potential repercussions could occur.** This does not mean that the jail supervisor should document all interactions with his employees, although there is no such thing as too much documentation. **Trust your judgment.**

SUMMARY

1. **Employees, regardless of the work place, do have certain basic rights to ensure that they are managed fairly and responsibly. To safeguard these rights, jail employees sometimes organize or join public sector labor unions.**

One of the major outcomes of law enforcement unions is the Law Enforcement Officers' Bill of Rights, which defines several safeguards for employees. If your agency is unionized, then there will be collective bargaining, a process in which the union representatives (on behalf of the union members) negotiate with the agency administrators to determine how the needs of the employees can be met. The result of the collective bargaining process is a contract between the union and the sheriff's department which is binding for both parties. The jail supervisor

generally becomes responsible for contract implementation and management. Documentation is essential in managing a contract, both as a reference tool and as a permanent record.

2. **It is important for the jail supervisor to identify those factors which produce job dissatisfaction (i.e., salary, supervision, policies, or working conditions) and which ultimately may lead to major problems for the organization.**

Most employees have an intense desire to participate in the decision-making process in their organization. The jail supervisor who provides a forum for employee input does much to allay criticism that administrative decisions are made arbitrarily, without considering the needs of the employees. The jail supervisor should also remember that employees need to be recognized for exemplary performance. Studies show that employees who are recognized for their efforts perform better, complain less, and develop a more positive attitude toward their profession. But employees also expect to be held accountable when they fail to meet organizational standards. In order to manage employees effectively, the supervisor must be a leader. Leadership is characterized by enthusiasm, assertiveness, fairness, judgment, knowledge, and compassion.

3. **Even if there is a union in your jail, this does not mean that you must tolerate the employee whose performance is marginal or unsatisfactory.**

In certain situations an employee's performance is so unsatisfactory or his conduct is so unacceptable that dismissal of the employee is appropriate. To be an effective evaluator of unsatisfactory performance, the jail supervisor must be consistent in disciplining employees and responding to their needs. Most importantly, it is essential that the jail supervisor document all interactions with employees, whether they relate to informal or formal counseling, or whether they are responses to concerns or complaints of employees. Once the events have been documented, the supervisor must follow through with the incident.

4. **The jail supervisor must keep abreast of Federal and state laws concerning employees.**

For example, under the Federal Fair Labor Standards Act (FLSA), employees who are subject to its provisions must be paid in accordance with the law for all hours worked.

5. **The jail supervisor must recognize and treat all employees as individuals.**

Sometimes it is difficult for a supervisor to deal with some employees because of the supervisor's own attitudes and prejudices. Stereotyping and discrimination have been found in a variety of employment practices, including:

- A. Recruitment;
- B. Selection;
- C. Career Development/Training;
- D. Promotion;
- E. Classification and Compensation;
- F. Benefits;
- G. Disciplinary Actions;
- H. Awards; and
- I. Performance Appraisals.

The Federal Government has enacted legislation, with the support of court interpretations, to provide all employees—or potential employees—with safeguards to ensure that an organization's employment practices are not discriminatory. The law focuses upon an employer's actions, not feelings. When statistics reveal significant underutilization, concentration, or discrimination against protected classes of employees, then the employer is likely to be required by the Federal Government to engage in affirmative action. One of the major issues in equal employment opportunities today is sexual harassment, which is an infringement of an employee's right to work in an environment free from sexual pressure of any kind. Supervisors should be aware that under the guidelines of the Federal Equal Employment Opportunities Commission (EEOC), employers are considered responsible for the acts of managers or agents.

CHAPTER TWENTY

PRINCIPLES OF BUDGETING

“NO BUCKS, NO BUCK ROGERS!” Each time this statement was made in the movie “The Right Stuff,” it was in the same context. Without funding, the space program would be non-existent. The United States could have the technology, the materials, the manufacturing processes, and the smartest rocket scientists in the world, but without the necessary funding, there would be no space program. The same holds true for the jail operation. A jail can have the best trained officers, the most up-to-date facility money can buy, and the most professional manual of policies and procedures, but **without funding, there will be no jail operation.**

PRINCIPLES OF BUDGETING

To understand the principles of budgeting, you must also know what is meant by the terms “**planning**,” “**management**” and “**control**,” for these words play an essential role in the budgeting process.

A budget is a plan or schedule adjusting expenses during a certain period to the estimated or fixed income for that period. Every budget system serves three basic functions—planning, management, and control.

Planning is concerned with determining objectives, identifying alternate ways of attaining stated objectives, weighing alternatives, and determining the amount and kinds of resources to be used in accomplishing the end results.

Management involves the translation of plans into specific activities, organizing the units, acquiring the necessary resources, and using the resources acquired effectively and efficiently in the accomplishment of the organization’s objectives.

Control deals with the actual execution of plans and with the means to insure that specific tasks are in fact carried out—that funds are expended only for the purposes authorized.

The Budget Planning Process

The planning phase of the budget process is the most basic. It is during this phase that jail managers and supervisors decide what they plan to do in the jail during the upcoming budget period. During the planning stage, **a list of objectives is compiled**, including each function, program, and service which the budget planners feel should be included in the jail operation. Ordinarily this list would contain proposed new or expanded functions, programs, and services. The existing budget provides the manager with sufficient historical data to write a “**status quo**” budget, as we will see later.

A certain amount of brain-storming occurs during this phase. Later on in the budgeting process, the jail manager,

sheriff, and/or the legislative body may formulate a list of priorities and over-rule some of the objectives listed by the jail supervisors due to limited funds. Because this may happen, it is important for supervisors to supply the manager with as complete a list of objectives as possible in order for him to have sufficient information to use as the budget is prepared.

A list of objectives may include, for example:

1. A unit-dose medication delivery system;
2. Expanded visiting hours;
3. The purchase of new pistols for the transport crew; and
4. The need for an additional transport officer during certain hours.

After the initial list of objectives has been compiled, the jail manager and the various unit supervisors will then go over the list and attempt to accomplish as many of the stated objectives as possible with existing resources, or by alternative methods. For example, it may be possible to provide better access to visiting family members and friends by improving the procedures for visiting periods, without needing to expand the hours of visiting.

The Budget Management Process

This phase of the budgeting process includes the compilation of data, calculations and projections, writing the budget document and placing it in the accepted format, and the presentation of the completed budget to the governing body. This phase also includes informal meetings with the legislators, and competition with all other city, county, or state agencies for the available dollars they have collected from the taxpayers. During this phase, the manager must be prepared to “**bare his soul**,” as it were, to fully state his case to the legislators.

From the jail manager’s point of view, this is the most important phase of the budgeting process. If he does not have complete and accurate information before the budget hearings begin, then he can look like an idiot when facing the legislators, and can ultimately suffer the loss of his position if the oversight is serious enough. A manager going before the legislators will face questions such as these:

1. “The percentage of the county’s current expense budget allocated to the jail has never exceeded eight percent. This year’s budget request represents 11.5 percent of the county’s current expense budget. The criminal justice system is already too expensive to operate! I have not heard anything that would indicate that something unique would be done if you are granted this request. Is this not just an overall increase in the cost of running the jail?”

2. "What is wrong with the present medication delivery system? The jail's health care program is already too expensive. What is to be gained by changing to a unit-dose system? Is the county being sued over the present system?"

The legislators must safeguard the public's money from misuse by public employees. Therefore, it can be a grueling experience to face them, especially if you have an ill-prepared budget document.

To prevent this problem from occurring, the jail manager and supervisors must break down each objective into the "nuts and bolts" of the process. As all supervisors know, most jail managers are unable to spend much time viewing the jail operation, so they must rely upon the supervisors to provide them with complete and accurate information. For example: What equipment and personnel are needed to implement a unit-dose medication delivery system? Will a special medications cart be required? Is such a cart already in existence, or are we faced with designing and manufacturing our own cart? Will we be packaging our own medications, or is there a pharmacist in town who is already set up to package unit-dose meds? If we must package our own meds, will we need special medication blister packs, and how many will we need? If blister packs will be used, how many different sizes will we need? Can we employ such a system with existing staffing levels, or will additional staff be required?

During this phase of the budget planning process, it is necessary to **identify all of the cost factors**. Any cost factors not identified can result in the failure of the objective. The legislators probably will not recognize missing factors, and it is not their job to look for them. So, **from the supervisor's point of view, this is probably the most important phase of the budget planning process.**

Control

An organized budget is a control device in itself. In the absence of a formal budget document, there is no control over the expenditures; this exposes county and city governments to fiscal disaster.

At the control stage of the budgeting process, the manager shifts from the preparation phase into the execution phase. For the term of the budget—usually one year—the manager must keep the budget under close scrutiny, insuring that the allocated funds will last for the full budget term.

It is also during this phase that the manager collects data on a regular basis to be used in the preparation of the next year's budget. In law enforcement and jail operations, it sometimes becomes necessary to "over-spend" the budget in order to meet an emergency need, such as in the case of a mass arrest or kidnapping. When such instances occur, the governing body can grant transfers between budget categories or provide supplementary budget requests. This is not unusual in law enforcement and jail operational budgets, especially in the overtime category.

ELEMENTS OF A BUDGET

The budget-writing process never ends. If you are not actually compiling data to write a budget, then you are scrutinizing current budget statistics, which will be used to formulate the next year's budget statistics. **Budgeting is an essential component of the jail manager's job.**

In order to write a budget, the following information must be available:

1. **Budget limitation:** How much money will the jail have to divide among its many categories? This will vary from agency to agency. Usually the executive branch of the governing body (mayor, county governing board) will provide advance "bottom line" budget figures early on in the budget preparation process. The news is never very good. But the fact that only a limited amount of dollars can be squeezed out of the taxpayers is what makes the whole budget process necessary.
2. **Budget category:** What are the budget categories, and what items are purchased in each category? Most jurisdictions use the **Budgeting, Accounting, Reporting System (BARS)**. The BAR System includes numerical codes which are used to differentiate between the various categories and agencies within the government. This chapter will not go into the coding system. The categories and expenditures for jails usually follow this pattern:

PERSONAL SERVICES

Salaries and Wages
Overtime, Hazardous Duty, etc.
Personnel Benefits
Uniform and Clothing

SUPPLIES

Office Supplies (pencils, pens, writing paper, calculator, typewriter ribbons, etc.)

Operating Supplies (food and clothing for inmates, blankets, towels, washing soap, cleaning supplies, brooms, mops, toilet paper, paper towels, etc.)

Repair and Maintenance Supplies (replacement parts for jail equipment, etc.)

OTHER SERVICES AND CHARGES

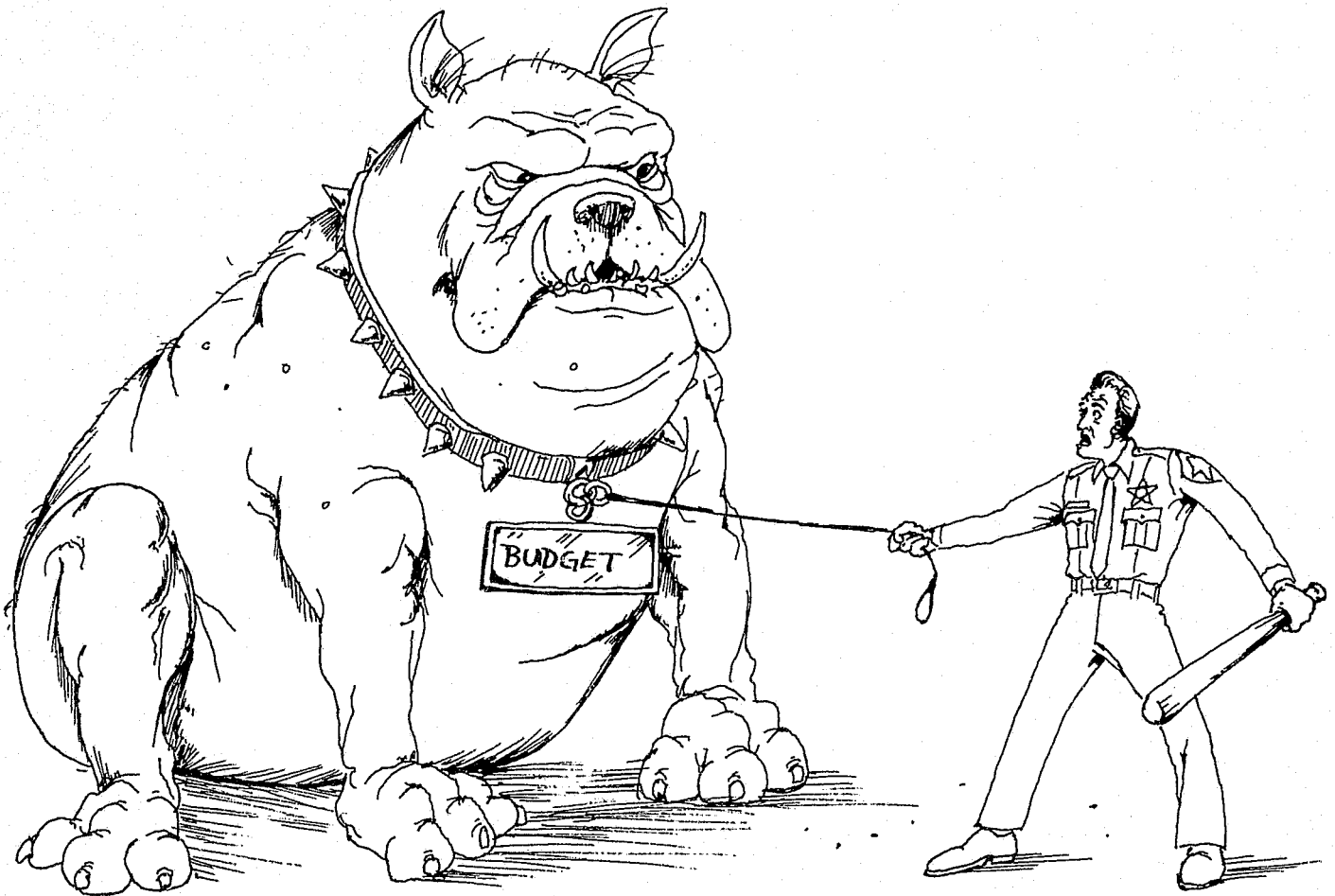
Professional Services (inmates' medical and dental care, employee physical examinations, ambulance services, x-rays, laboratory tests)

Communication (telephone service, computer services, teletype, etc.)

Travel (air fare, car expenses, motels, meals, tuition)

Advertising (newspaper advertising for civil service tests, position openings, etc.)

Printing and Binding (rules and regulations manuals, etc.)



Insurance (tort claims insurance, vehicle insurance, etc.)

Public Utility Services (electricity, gas, etc.)

Repairs and Maintenance (TV repair, plumbing repair, computer repair, police radio repair, etc.)

Rentals (copy machine rental, typewriter rental, etc.)

Miscellaneous (for items with no category)

GOVERNMENTAL SERVICES

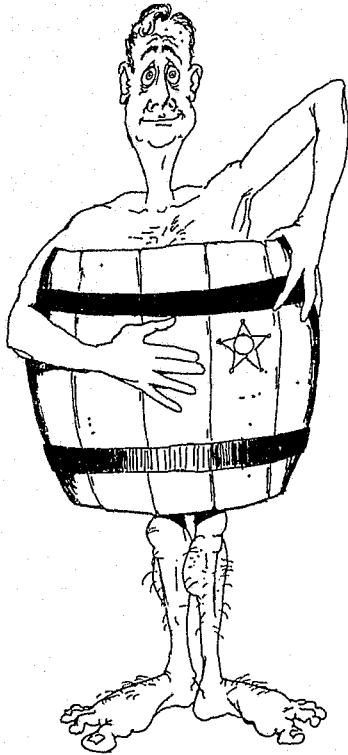
Intergovernmental Services (central motor pool, building maintenance, janitorial, etc.)

CAPITAL OUTLAYS

Machinery and Equipment (equipment purchases, e.g., computers, typewriters, radios, vehicles, etc.)

By using the above categories, some of the mystery is removed from the budget-writing process. Instead of being a huge, undefined, vague task, it is broken down into small, manageable sections that can be assembled easily, one item at a time.

3. **Inflation rate:** Whether you are writing a status-quo budget or one with increases, the anticipated inflation rate for the budget period is crucial information.
4. **Use rate of supplies and materials:** At what rate do the inmates destroy towels or clothing, etc.? This is the type of information that is supplied by supervisors. As supplies are reordered, supervisors keep track of the rate of destruction or loss. That ratio can then be applied to the inmate population for the upcoming budget period.
5. **Cost per meal of inmate meals:** This is typically the largest item in a jail budget. The daily meal count information, coupled with food costs, is used to calculate the cost per meal. That figure, coupled with the inflation rate, is used to budget for the inmate meals in the upcoming budget period.
6. **Number of consumers:** How many meals will be served, or how many officers will work the transport function, etc.?
7. **Use rate of funds:** This is the comparison between what was allocated for the present budget period, and the actual rate at which the funds are expended. If the use rate is less than 1.00 times the budgeted amount, then



less will be needed next year. If the use rate is 1.22 of the amount budgeted, you will not only need an additional 22 percent more than the amount budgeted for the present year by way of transfer or supplemental budget (assuming no theft or loss), but you will also want to increase your next year's budget by that amount, plus any inflationary increase (for a status quo budget). This data can be obtained via a Budget Analysis Report.

8. **Acceptable Quality Level (AQL):** This is the hardest item to define in print. The easiest item with which to explain AQL is inmate food. The meals must be nutritionally balanced, and sufficient in quality and quantity to maintain the good health of the consumers. At the same time, the meals must not be one iota better quality than they have to be to meet the above criteria. Public money is being spent, and must not support any frills, whether they be inmate meals or outrageously fancy officer uniforms.
9. **Per diem rate:** This refers to what it actually costs to house one inmate for one 24-hour day. This really is the bottom line information. If an agency has its budget defined in these terms, especially if the budget is broken down by category, then the budget process becomes quite simple.

SUMMARY

1. **Every budget system serves three basic functions—planning, management, and control.**

The planning phase of the budget process is the most basic. It is during this phase that jail managers and supervisors decide what they plan to do in the jail during the upcoming budget period. In the management phase, jail officials compile the necessary data, make calculations and projections, write the budget document in the accepted format, and present the completed budget to the governing body. At the control stage of the budgeting process, the manager executes the current budget, collecting data on a regular basis to be used in the preparation of the next year's budget.

2. **Budgeting is an essential component of the jail manager's job, a process which never ends.**

In order to write a budget, the following information must be available:

- A. **Budget limitation:** How much money will the jail have to divide among its many categories?
- B. **Budget category:** What are the budget categories, and what items are purchased in each category?
- C. **Inflation rate:** What is the anticipated rate of inflation for the budget period?
- D. **Use rate of supplies and materials:** At what rate do the jail staff and inmates use and/or destroy supplies and materials?
- E. **Cost per meal of inmate meals:** What is the cost per meal served in the present budget year, with the anticipated rate of inflation added in?
- F. **Number of consumers:** How many people are consuming items in each category or are being used to staff various positions and posts?
- G. **Use rate of funds:** What was the amount allocated for the present budget period for each category, and how much was actually needed?
- H. **Acceptable Quality Level:** What is the minimum amount needed to ensure acceptable quality?
- I. **Per diem rate:** How much does it actually cost to house one inmate for one 24-hour period?

Figure 20:1 provides a sample jail budget proposal, prefaced by a mission statement for the facility.

Figure 20:1
Sample Jail Annual Budget Proposal

WHATCOM COUNTY JAIL	
MEMORANDUM	
To: <u>Board of County Commissioners</u>	Date: <u>8-08-87</u>
From: <u>Sheriff Larry E. Mount</u>	
Subject: <u>Mission Statement for Whatcom County Jail</u>	

The basic function of a county jail is to provide safe, secure and constitutional confinement for incarcerated persons. To accomplish these goals, it is necessary to have a well-qualified, highly trained staff of correctional services professionals and to provide them with the equipment necessary for their safety and the proper performance of their duties.

As sheriff, it is my goal to provide a normal and professional work environment for jail personnel. To do this, the Whatcom County Jail must reduce the amount of overtime required because of an insufficient number of correctional officers at present. A less stressful work environment is necessary for both staff and inmates.

It is also a major goal of the Sheriff's Department to ensure that inmates receive quality health services from contractual medical personnel.

Another of our prime objectives is to provide for the social well-being of the inmate population in order to reduce tension in the cellblocks, thus benefiting both the inmates and our employees. To do this, we encourage the inmates to invite their families and friends to visit them frequently, but this puts a severe strain upon officers who must provide security for these visits. With additional officers hired and trained during the coming fiscal year, we will be able to accomplish this goal of encouraging inmate visitation and activities programs, thus significantly lowering the potential for disturbances, fights, and criminal activities within the jail.

In conclusion, it is the major objective of the Whatcom County Sheriff's Department to not only operate a safe and secure confinement facility, but also to provide a jail which helps the inmates better themselves while at the same time enabling employees to serve the County in a less stressful working environment.

**Figure 20:1 (continued)
Sample Jail Annual Budget Proposal**

NARRATIVE SHEET

	ACCOUNT NOs			
BASUB	ELE	OBJ	REMARKS	
523	60	11	9000 EXTRA HELP	\$8,000.00

This amount is needed to provide vacation and holiday relief for the jail records clerk and three cooks. Each will require about \$2,000.00.

POSITION	AVG. PAY	VAC/HOL	
		RECORDS CLERK	\$7.90 25
		CHEF	\$9.59 29
		COOK	\$8.13 22
		COOK	\$8.13 23

523	60	11	9800 PREMIUM PAY	\$1,000.00
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This amount was budgeted for 1987.

523	60	12	OVERTIME	\$30,000.00
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This amount was budgeted in 1987, and proved to be about 50% of the amount needed.

523	60	20	1400 UNIFORMS	\$5,780.00
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This amount is calculated as follows:

1 C.C.O.	at \$150.00 each =	\$ 150.00
5 supervisors	at \$150.00 each =	\$ 750.00
21 C.O.s	at \$150.00 each =	\$3,150.00
1 Cook	at \$150.00 each =	\$ 150.00

		\$4,200.00

5 New Employees	at \$260.00 each =	\$1,300.00
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This amount is for two cooks who will be transferred from extra help status to

Figure 20:1 (continued)
Sample Jail Annual Budget Proposal

NARRATIVE SHEET

ACCOUNT NOS

BASUB	ELE	OBJ	REMARKS
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funded positions, plus three more uniform allowance for unanticipated personnel turnover.

\$280.00

This amount is for replacement of uniforms damaged in the line of duty.

\$4,200.00

\$1,300.00

\$ 280.00

\$5,780.00

523	60	31	OFFICE/OPERATING SUPPLIES \$145,000.00
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This amount is a reduction of \$2,730.00 from the amount budgeted for 1987, and based upon the actual rate of use.

This category covers the cost for prisoner food, clothing, indigent supplies, linens, mattresses, paper products, laundry supplies, and office products purchased from private business.

523	60	35	SMALL TOOLS/MINOR EQUIPMENT	\$485.00
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\$150.00

The jail needs two EMERGENCY SMOKE REMOVAL FANS to direct smoke (generated by fire) down the hallways and out the

Figure 20:1 (continued)
Sample Jail Annual Budget Proposal

N A R R A T I V E S H E E T

ACCOUNT NOS

BASUB	ELE	OBJ	REMARKS
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emergency stairwells. The cost is about \$75.00 each.

\$220.00

This is for small equipment items to be used in conjunction with the X-RAY equipment requested in machinery and equipment category, such as development trays, chemical containers, a light-tight box, and a development timer.

\$115.00

This amount is needed for an X-RAY TIMER SWITCH, also to be used in conjunction with the X-RAY equipment requested in machinery and equipment.

523	60	41	PROFESSIONAL SERVICES	\$83,549.15
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The grand total represents a reduction of \$110.00 from the amount awarded in 1987, and is based upon the actual rate of use.

0100 Health Dept. Contract \$43,709.09

This represents a 4.5% increase over the actual use in 1987. The increase is due to a wage settlement reached by employees of the Health Dept., including the nurses who work in the jail.

0200			Dr. Philip Andress Contract	\$3,612.00
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0300			Dr. Ken McNichols Contract	\$4,730.00
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Figure 20:1 (continued)
Sample Jail Annual Budget Proposal

N A R R A T I V E S H E E T

ACCOUNT NOS

BASUB	ELE	OBJ	R E M A R K S
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Both Dr. Andress and Dr. McNichols have agreed to provide their services for 1988 with no increase in their fees. These amounts are based upon the actual rate of use in 1987.

0400 Whatcom Counseling and Psychiatric Clinic Contract. \$7,215.00

This amount is based upon the actual rate of use in 1987.

0500 Non-Contractual Services \$24,283.06

This amount is also based upon actual rate of use in 1987. It covers all of the following medical services, including a limited amount for extraordinary medical expenses: Medic I (Aid Car), medical and psychiatric referrals, laboratory tests, hospital services, dental care, and employee physicals.

523	60	42	COMMUNICATIONS	\$8,781.00
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This is the same amount budgeted in 1987. We have found this amount to be insufficient as noted in the additional services request for this category.

523	60	43	TRAVEL	\$1,949.00
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This category is being used at a 94% rate in 1987. The same amount is therefore requested for 1988.

523	60	45	RENTALS	\$ 100.00
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This is the amount budgeted for 1987. It is inadequate, as noted in the additional services request for this category. This category will be used to pay for copy machine rental.

Figure 20:1 (continued)
Sample Jail Annual Budget Proposal

NARRATIVE SHEET

ACCOUNT NOS

BASUB	ELE	OBJ	REMARKS
523	60	46	INSURANCE \$ 0
523	60	48	REPAIR/MAINTENANCE \$1,000.00 This line item is needed to pay for service and repairs on: copy machine, typewriters, portable radios, base station radio, computers, and cameras.
523	60	49	MISCELLANEOUS \$ 936.00 The amount budgeted in 1987 is inadequate, as noted in the additional services request for this item.
523	60	91	0100 INTERFUND DISTRIBUTION BUILDING MAINTENANCE \$240,000.00
523	60	93	0100 COUNTY SUPPLY PURCHASES ONLY \$ 3,500.00 This amount is based upon actual 1987 usage. The jail will buy pens, pencils, writing tablets, copy machine paper, computer disks, typewriter ribbons, computer paper, file folders, indigent supplies, etc.
523	60	95	0100 INTERFUND DISTRIBUTION VEHICLE RENTAL \$ 9,600.00 1 1970 pickup truck at \$100.00/month 1 1979 Chev Nova at \$350.00/month 1 1987 maxi van at \$350.00/month
523	60	96	0100 INTERFUND DISTRIBUTION TORT FUND CONTRIBUTION \$ 12,265.00

Figure 20:1 (continued)
Sample Jail Annual Budget Proposal

WHATCOM COUNTY JAIL

1988

ADDITIONAL SERVICES REQUEST

N A R R A T I V E S H E E T

ACCOUNT NOs

BASUB	ELE	OBJ	REMARKS	
523	60	10	PERSONAL SERVICES	
523	60	11	1 RECORDS CLERK	\$20,526.00
			This records clerk would perform three very important functions: 1. Photo and darkroom work; 2. Property impound control; 3. Inmate commissary sales. The commissary is presently being provided by B&P Vending. They are selling directly to the inmates and making a good profit. I estimate that if the jail sold it's own commissary items, the county would realize a minimum of \$6,000.00 profit per year.	
523	60	11	11 CORRECTIONS OFFICERS	\$213,906.00
523	60	20	0100 RETIREMENT	\$ 16,951.00
523	60	20	0200 SOCIAL SECURITY	\$ 15,301.00
523	60	20	0300 HEALTH INSURANCE	\$ 30,756.00
523	60	20	0400 IND INS/MED AID	\$ 9,152.00
523	60	20	0700 UNEMPLOYMENT COMPENSATION	\$ 1,712.00
			The eleven C.O.s would be deployed as follows:	
			5 C.O.s = An additional C.O. on each shift.	
			5 C.O.s = Relieve the supervisors from operating as C.O.s so they can oversee the operation.	
			1 C.O. = Transport staff increased to three on the day shift.	

Figure 20:1 (continued)
Sample Jail Annual Budget Proposal

N A R R A T I V E S H E E T

ACCOUNT NOs

BASUB	ELE	OBJ	R E M A R K S
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PERSONAL SERVICES

PAGE TWO

When the jail staff was increased to 26 custody officers just prior to opening the new jail, the county's position was that until we operated the new jail, nobody could really say how many people were needed to staff it. We have been operating the jail for nine months and it is now clear that the jail is understaffed.

I am not saying that the jail cannot operate with the present staff. That is obviously not true. The operation is running smoothly, there have been no deaths or suicides, and we are not getting sued. The reason it is running properly, for the most part, is because the officers are performing at an extraordinary level. They take no breaks and they seldom get to leave the job long enough to get something to eat. The lunch room is completely neglected. But it is more serious than that. Many things that should be done are neglected. They all relate to security and control. To start with, we are unable to supervise or train the officers properly. The new jail is enormous, and it houses 120 people on the average, and no one is on site to supervise. The supervisors are too busy being corrections officers. Training must be done on overtime, but the officers are so tired out from the overtime necessary just to keep the operation going, we can't even consider on-going training and drills, and shakedowns, things that are essential to the proper operation of a jail. Inmate conduct and discipline are neglected because the officers know that we can't follow up with the mandatory hearings and

Figure 20:1 (continued)
Sample Jail Annual Budget Proposal

NARRATIVE SHEET

ACCOUNT NOS

BASUB ELE OBJ

REMARKS

PERSONAL SERVICES

PAGE THREE

paperwork. So there is a continual diminishing of control of the facility.

If the jail housed 30 or so prisoners we could manage, even with the present staff. But with 120 on the average, it is another story. Each prisoner requires a certain amount of officer time; consequently, each additional prisoner INCREASES the work load. The jail is not like other agencies in the county--we cannot close the door and resume where we left off on the next day. When it is time for the prisoners to eat, they must be fed, all 120 of them. The same applies to medications delivery, court appearances, attorney visits, family visits, doctors' appointments, etc. Add to that booking, releases, emergencies, fighting arrestees, and alarms, and filling out 82 different kinds of forms that are necessary to document everything that occurs. Keep in mind that the jail must respond to almost every person that it encounters, upon demand. When the court calls, we must respond by transporting prisoners there, WHEN they are demanded, regardless of whatever else is going on in the jail at the time. When an arresting officer brings in someone to be booked, the jail must respond ASAP. When the visitors show up, they must be processed. When the Involuntary Commitment Officer (ICO) calls, we must respond by transporting someone to Western State Hospital. If the court decides that a particular inmate should have a family visit, face-to-face, the jail must stop everything and provide the necessary security. Keep in mind that all of this is multiplied by 120, all the time, day

Figure 20:1 (continued)
Sample Jail Annual Budget Proposal

N A R R A T I V E S H E E T

ACCOUNT NOs

BASUB ELE OBJ

R E M A R K S

PERSONAL SERVICES

PAGE FOUR

and night. Insert in there somewhere three to five mentally ill prisoners on the average--one or two being housed on the first floor because they are high suicide risks--those persons yelling and pounding 24 hours a day.

The corrections officers have no expectation of privacy or relaxation, even during their time off and weekends. They know that every time the phone rings, it is most likely the jail with a request to work overtime. The corrections officers have a stressful job, and that demands rest and relaxation during off hours, which they cannot get.

The corrections officers have chosen this kind of work, and they are serious about it, I know. I feel the same way about the job. It is an important job, and I wouldn't leave it for anything. The officers are doing a lot more than officers in most jails because I require them to. I would like to see the county recognize that our jail is run right, and by very dedicated people, by providing the staff they NEED to survive the job.

If the jail is able to get the personnel it needs, it will mean that we will be able to tighten up on security and control. We will be able to conduct the necessary training and drills that are needed. The overtime will be reduced to about \$39,000.00 per year. The officers will be able to respond to life threatening emergencies in a more timely manner. The visiting services will become more normalized, and not subject to sudden shut-downs during periods of high activity. But more important, the officers will benefit by not being subject to killer levels of activity, frustration, and stress.

Figure 20:1 (continued)
Sample Jail Annual Budget Proposal

NARRATIVE SHEET

ACCOUNT NOs

BASUB	ELE	OBJ		
523	60	11	9800 PREMIUM PAY	\$300.00 This amount is needed in addition to the \$1,000.00 requested in the 1988 budget, based upon the actual rate of use in 1987.
523	60	12	OVERTIME	\$32,000.00 This amount is needed in addition to the \$30,000.00 requested in the 1988 budget. With the present jail staffing, overtime is needed: to maintain minimum shift levels, to conduct disciplinary hearings, for many Western State Hospital transports, for late court hearings, to staff for law enforcement emphasis patrols and special operations, to conduct shakedowns, etc.
523	60	20	1400 UNIFORMS	\$2,860.00 This amount will be needed if the 11 new corrections officers positions are awarded (\$260.00 times 11 = \$2,860.00).
523	60	41	PROFESSIONAL SERVICES	\$2,475.00 This amount will be needed to cover the pre-employment physical examinations for 11 new corrections officers.
523	60	42	COMMUNICATIONS	\$352.00 This additional request is based upon actual rate of use figures for 1987.
523	60	45	RENTALS	\$1,900.00 This additional request is needed for copy machine rental. This item was overlooked in the 1987 budget.
523	60	48	REPAIR & MAINTENANCE	\$2,450.00 This additional request is based upon actual need in 1987. The \$1,000.00 budgeted in 1987 proved to be inadequate to cover service and repair needs for portable radios, base station radios, typewriters, computers, and photo copier.

Figure 20:1 (continued)
Sample Jail Annual Budget Proposal

N A R R A T I V E S H E E T

ACCOUNT NOS

BASUB	ELE	OBJ	REMARKS
523	60	49	<p>MISCELLANEOUS \$2,214.00 This is needed to supplement the amount requested in the regular budget, based upon actual 1987 use.</p>
523	60	64	<p>CAPITAL OUTLAY \$18,070.00</p> <p>\$2,000.00 UNINTERRUPTED POWER SOURCE This item is needed to protect the data stored (from power fluctuations) in the new IBM the jail will be using for its jail management program.</p> <p>\$4,312.00 INTREX X-RAY MACHINE This unit would be installed in the jail medical area and used by both the contract physicians and the dentist. It would save the county x-ray fees and personnel time. It would also make it possible for the dentist to diagnose many more problems without the need to have the patient transported away from the jail.</p> <p>\$1,180.41 2 MEGABYTE MEMORY EXPANSION This item is needed to expand the memory of the IBM PC/AT (to facilitate networking) that the jail will use for its jail management system. The total covers the cost for the memory board and RAM units necessary.</p> <p>\$4,210.20 THREE IBM 3103 TERMINALS These items are needed to provide the jail with computer terminals in the prebooking, booking, and release areas of the jail. The total covers the terminals, the interface board, and the operating system.</p> <p>\$808.00 BEATTIE FILM BACK This item is a replacement bulk-load film back for the Beattie I.D. camera used in</p>

Figure 20:1 (continued)
Sample Jail Annual Budget Proposal

NARRATIVE SHEET

ACCOUNT NOs

BASUB	ELE	OBJ	REMARKS
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CAPITAL OUTLAY

PAGE TWO

the jail. It will facilitate the EASY removal of exposed film from the camera without the need for highly trained personnel or the dark room.

\$600.00 ARTROMIC MEDICATION CART

The jail presently uses two ARTROMIC MEDICATION CARTS. These carts are designed to facilitate unit dosages of medication. Unit dose is more sanitary, it eliminates waste (left-over doses are repackaged and re-issued), and it is easier for the officers to administer. A third cart is needed for the first floor inmates. Chelan County has a new one that they do not want. It is virtually unused. It costs \$1,200.00 new, but they are willing to sell it to us for \$600.00.

\$3,250.00 TALLGRASS STORAGE UNIT

This item is needed to expand the storage capacity of the computer the jail will use for its management system. It will also make a tape back-up of the data stored on disk, to prevent the loss of the data in case of equipment malfunction. (25 MB HARD DISK AND 60 MB TAPE STORAGE)

\$390.00 WORD PERFECT PROGRAM

This is a word processing program. It will be needed for use in the IBM PC/AT. Once the IBM is installed, the K-Pros presently in use will be transferred to the Sheriff's Department for use by the secretaries and detectives.

\$565.00 R-BASE PROGRAM

R-Base is an over-the-counter data base management program. It will be needed to enhance the SYMPHONY software that will be the basis for the jail management system.

CHAPTER TWENTY-ONE

OCCUPATIONAL STRESS IN CORRECTIONS

For the last several years there has been a great emphasis placed on stress as an occupational hazard in law enforcement. However, only recently have psychologists and correctional administrators begun to understand the impact of occupational stress upon prison and jail officers of all ranks. People who work in the criminal justice system—from one end of the spectrum to the other—are enduring unacceptable levels of high risk occupational stress. While this issue has been gaining some recognition over the past 10 years, it has been only recently that correctional officers and their occupational stress problems have become a recognized concern among policy-makers and mental health professionals.

Who are these correctional workers? They are the men and women who staff prisons and jails. They are also probation and parole officers who oversee and supervise community-placed clients who have been found guilty of criminal acts.

It is hard to say which of these groups of correctional system professionals has the worst of it, occupationally. In each of these areas—prisons, jails, probation and parole—there are specific job stresses. However, all of these professionals have many stress-producing factors in common simply because they work in the field of corrections.

While the issues related to occupational stress are many, such concepts can easily become clouded by the several variables involved. For that reason, this chapter will outline and clarify some of these ideas systematically in order to help first line supervisors recognize and deal with their own job stress, as well as that of their subordinates.

WHAT IS STRESS?

First, in a general sense, when we think of stress as it relates to humans, we must recognize the fact that **not all stress is bad**. More importantly, **it is the way in which we handle stress that matters**.

What makes the difference in whether stress is good or bad for us? It is our **attitude** (i.e., our approach toward life) and our **constitutional features** (i.e., bio-physiological factors) which make the difference.

Perceived negative stress factors are the detrimental ones. For example, two people experiencing the same set of factors which constitute a circumstance which we may, for purposes of explanation, refer to as "Situation X" perceive their environment in two completely different ways. Person A, who has a positive attitude and who, for one reason or more, enjoys Situation X, experiences the stress situation as challenging and beneficial. While tension is increased in Person A, there is no negative impact or consequences. Conversely, Person B, who



has a negative attitude and detests Situation X, experiences the stress circumstance as difficult. As a result, he undergoes a great deal of internal psychological and physical hardship. For Person A the positive experience diminishes the tension and stressfulness; therefore, the health hazard is negated. Person B, on the other hand, experiences the negative factors, which causes tension to build; his internal state of tension is increased and it is difficult for him to get rid of this tension. Even when Situation X is over, it is not forgotten easily by Person B, since he was so resistant to it.

As the above example with Situation X illustrates, **stressfulness affects human beings in a total sense**. The mind and body are one and the same in the wholistic sense. The body is not just a platform which transports the mind. After all, the big issue has to do with stress as it affects human health. It would be easy to treat physical health and emotional health as two different aspects within the human being. However, we must regard a human being as a total system. Health then becomes the means by which we may discuss the human stress state.

Considering total health, **the whole self is affected by either the emotional aspect or the physical aspect**. For instance, when the person is emotionally upset, there is a reciprocal physical reaction. Fear as an emotion causes such varied physical responses as an adrenaline outpouring in the blood, increased heart and respiration rates, increased response time, perspiration, and a multiple number of other physical responses.

For the purpose of discussion, however, an artificial separation of the emotional factors from the physical factors will

be useful in examining the effects of stress. Following is a review of some of the stress-related problems in each category:

1. Physical Factors:

- A. Headaches;
- B. Backaches;
- C. Leg pains;
- D. Visual blurring;
- E. Ears ringing;
- F. Body temperature changes;
- G. Heart trouble;
- H. Generalized cardiovascular disease;
- I. Hypertension;
- J. Hypotension;
- K. Ulcers;
- L. Generalized stomach problems;
- M. Common cold;
- N. Flu virus;
- O. Infections;
- P. Colitis; and
- Q. Cancer.

2. Emotional Problems:

- A. Generalized upset feelings;
- B. Anxiety attacks;
- C. Panic episodes;
- D. Adjustment disorder;
- E. Neuroses;
- F. Nervous breakdown; and
- G. Psychotic breakdown.

BURNOUT VERSUS HAPPINESS

In order that we may look at stress more clearly, we will consider it from different perspectives. First, it is necessary to understand the traditional perspective in which a more technical definition is the principal concern. The second perspective is not traditional—here the chief idea has to do with happiness.

In the traditional sense, a solid definition of stress as stated by Hans Selye is: "The non-specific response of the body to any demand." In other words, **anything in a person's life which becomes a demand, forcing an individual to act, is stressful.** However, stress need not be necessarily bad as a force in a person's life. Again, **it is how stress is handled or managed that makes the difference.**

One concept which meshes nicely with Selye's definition was developed by Dr. O. Hobart Mower in the 1930s. He

regarded "**tension reduction**" as an intrinsic human need. Simply stated, Mower believed that human beings seek to remain within their own individual **comfort zone**. He felt that too much stimulation—too much activity—increased the tension level within a person. If the person was under-stimulated or under-active relative to his own tension need level, again, tension would be raised due to boredom and agitation. In other words, **when we exist in a state contrary to our own nature, tension is increased.**

If a person is forced toward action above his optimal comfort activity level, then the need to reduce the tension drives him to return to his "**mean**" level of comfort. The same principle works with under-stimulation. Correctional personnel are constantly confronted with both extremes—over-stimulation and under-stimulation—as a result of their occupations and resultant general life styles.

The second perspective which we can use to help understand stress is **unhappiness**. When a person is unhappy, then life in general seems much harder. A job can feel unbearable. However, it is reasonable to say that hard work never hurt anyone. Most of us, all things being equal, could work hard all day long on tasks which we enjoy and, while perhaps becoming physically tired, we would nevertheless feel emotionally upbeat as a result of the sense of satisfaction experienced.

But plug in unhappiness and there is **negative job stress**. Often people cannot face their unhappiness or depression. It is so much easier to focus upon job problems or physical health, such as general ailments, aches and pains, etc. Unhappiness magnifies life's complexities. However, if unhappiness or self-dissatisfaction were faced, then change would be required.

Much more could be said about this kind of stress. But the most important thing to remember is that **everyone is responsible for his own happiness**. Each of us must make decisions daily to be happy or not to be happy. Allowing anyone else to control our lives only leads to a loss of freedom and a cop-out belief in our powerlessness to help ourselves.

Once stress awareness has occurred, then stress management is the personal responsibility of each individual. None of us can expect any other person or organization to manage our lives for us as well as we can for ourselves. When awareness takes place, then stress management education and action is up to each one of us who has the capacity to help himself.

Burnout

It is easy to talk about **burnout** as though it were a disease that some people contract, like mumps, chickenpox, or AIDS. Actually, it is a "buzz word"—a popular idea that we are to apply to almost any human condition that we care to interpret as such. Burnout is a label that is causing a lot of trouble. You see, it is a term that we have substituted for the truth: "unhappiness." People who are happy do not, as a rule, get burned out. They do not become cynical, bitter, untrusting human beings with a crushed spirit, without faith or hope. Burnout as a concept is a poor substitute for the loss of happiness, but almost everyone these days is psychologically geared for it, rather than dealing

with the truth. If we face the truth, we have to make decisions and changes, and that, of course, is a risky business.

There are, however, certain agreed-upon characteristics of stress and burnout. Following is a non-definitive list of them, most of which can be applied to a person who is in a state of chronic unhappiness.

RED FLAG EARLY WARNING SIGNS OF STRESS

1. Sudden change in behavior;
2. More gradual change in behavior—in a way that points to the deterioration of the individual;
3. Erratic work habits;
4. Increased sick time due to minor problems;
5. Inability to maintain a train of thought;
6. Excessive worrying;
7. Grandiose behavior;
8. Excessive use of alcohol and/or other substance abuse;
9. Fatigue;
10. Peer complaints;
11. Excessive complaints (negative citizen contact);
12. Consistency in complaint pattern;
13. Sexual promiscuity;
14. Excessive accidents and/or injuries; and
15. Manipulation of fellow officers and citizens.

There are three primary sources of stress for correctional officers. Within each of these categories of stress-producing factors, there is the possibility of an appropriate or an inappropriate response. These responses can either be primarily physiological or primarily psychological in nature. The three primary sources of stress for correctional officers follow.

SOURCES OF STRESS

1. **Personal Stress Factors**
 - A. Self (personality and/or other constitutional factors);
 - B. Family members (their requirements, officer's position in family, etc.);
 - C. Marriage (interaction with spouse);
 - D. Parenting (officer's tolerance level, philosophy, acceptance of children);
 - E. Officer's children (their needs, demands, illnesses, etc.);
 - F. Values that conflict with the officer's values; and
 - G. Officer's attitudes and beliefs (philosophy of life).
2. **Situational Factors**
 - A. Family trauma;

- B. Seeing life at its worst (death, destruction, inhumanity, cruelty); and
- C. Frustration generally (life situations and events).

3. Organizational Factors

- A. Administration/command staff;
- B. Managers and supervisor;
- C. Nature of the correctional services job:
 - (1) Tasks, and
 - (2) Job demands; and
- D. Antagonizations in the correctional environment (from inmates, fellow employees, citizens, and the criminal justice system).

Unhappiness

A person cannot be happy unless he takes charge of his own life. It is always much easier to deal with an abstraction of a problem rather than with the core or root of the problem. "Burnout" and "stress" as concepts are more easily dealt with than one's unhappiness and/or the reasons for such unhappiness.

But, if it is acknowledged, then unhappiness can be dealt with and change can occur. However, such action is often fear inducing. Complaining, blaming, and being "burned out" are so much more convenient than productive life planning and self responsibility. Thus, it is easy to see why too many corrections officers refuse to deal with their unhappiness—it is much more convenient to blame the vague concept of "burnout." The balance of this chapter is devoted to a breakdown of more specific stress effects for jail and prison officers at the supervisory and subordinate levels and to the predictable outcomes if stress is not managed well.

THE STRESS SCENARIO IN CORRECTIONS

Too many correctional supervisors judge their subordinates on the basis of how well the officers perform their jobs—without looking much deeper. It is unfortunate that we humans have a tendency not to see each other very clearly, considering our intellectual capacities. Correctional psychologists who have been working with "burned out" officers find that the tragedies, occupational hardships, and personal life difficulties the officers are encountering as a result of job distress match up well with the kinds of problems dealt with in therapy. Corrections workers around the nation are living incredibly stress-filled lives; men and women are daily enduring severely high levels of tension, which are completely unacceptable and for that matter unnecessary. As a result of this constant tension, there are many problems:

1. Families falling apart;
2. Dramatic undesirable behavior change;
3. Loss of ambition and direction by long-term career officers;
4. Alcoholism and other substance abuse;

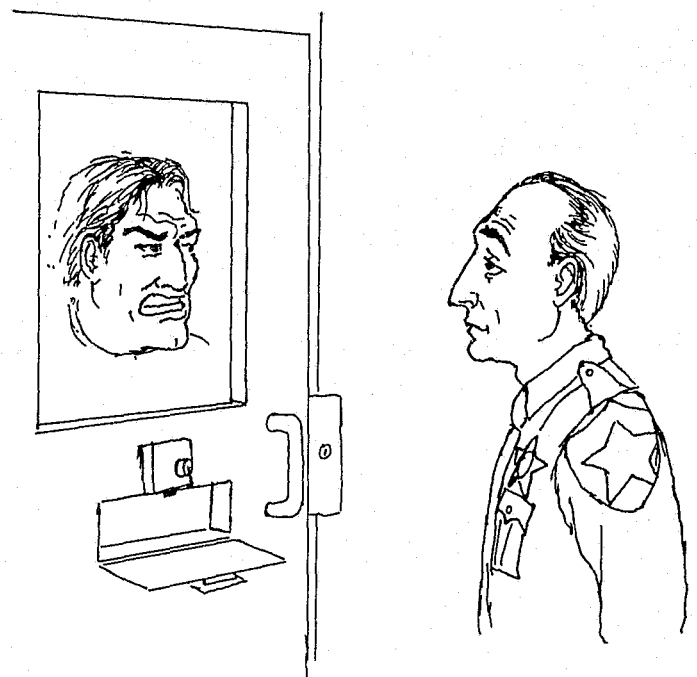
5. Physical ailments which are closely correlated with stress; and
6. Suicide and other forms of self destruction.

All of these are problems which are common among this high risk occupational group. How do these stress-producing factors evolve? And what effects do they have upon correctional officers? A probable scenario can be outlined as follows:

1. **Training:** Indoctrination into corrections work is stressful. From formal training (the rigid requirements, complicated law, regulations, war stories, horror stories, disciplinary threats, the possibility of liability suits, fitness, self defense, first aid, and many other factors) to job probationary experiences (the uncertainty of the future to inadequate on-the-job training)—all of these factors bring escalating demands and responsibilities upon the trainee.
2. **Environment:** A corrections officer works, for the most part, in an enclosed environment. Employees, whether they realize it or not, are also in jail or prison. Going home after a shift may often be compared to "work release." The enclosed working environment creates a stressful problem called **perceptual deficit**. Research has demonstrated that human beings need a variety of stimuli. But for corrections workers, there is too often a lack of variety in the stimuli. Many times the environments in which correctional officers work are just plain boring. Colors tend to be drab, and there are no windows, as a rule. After long periods of time, such an unstimulating, unattractive, constricted environment can cause depression. To top it off, jails and correctional facilities tend to be poorly ventilated and stuffy.
3. **Nature of the Job:** The primary job of a correctional officer is custodial. He keeps incarcerated persons safely locked up. However, the inmates can create an emotional burden for the workers. **Among the various types of inmates who produce stressful situations for officers are:**
 - A. **Violent Persons:** These prisoners can cause a great deal of aggravation and strain. While the corrections officer is in charge and must remain in charge, a violent prisoner can be intimidating and induce fear. Such fears can seldom be acknowledged because the corrections officer also fears criticism from his peers. In addition, such an admission would give the prisoner the upper hand and thereby remove custodial control from the keepers. Still, acknowledged or not, the fears are there—even if they are deeply hidden. Violent persons can cause aggressive feelings and reactions in corrections workers. These feelings must not be acted upon, but the consequences of necessary suppression and repression of such feelings is obvious over the long run.
 - B. **Despicable Persons:** If you have never had to "shake down" a drunk who has defecated in his pants, then you haven't experienced the disgust which that kind of event causes. There are many

kinds of disgusting, despicable people. Putting aside the explanations, circumstances, and causal factors, people such as child molesters, child abusers, wife beaters, slum fleas, and the others who pass through the hands of the keepers can obviously cause unpleasantness. That kind of exposure can destroy an officer's faith in the goodness of humanity. Is it no wonder that a hot shower is first on the agenda after shift?

- C. **Passive/Aggressive Persons:** This type of person tries to make life miserable for the keepers. Passive/aggressives walk a tightrope between ultimate aggravation and staying just inside the limits of permissible behavior. These people are artists at laying guilt trips upon people, conjuring up anger inside others, and complicating the lives of their keepers while they are incarcerated. Snide comments, nagging requests, and similar annoyances are the stock and trade of these smiling hostiles.
- D. **Pitiful Persons:** Some people are the victims of life. They are misled and often misunderstood. Typically, they have been culturally and educationally deprived. Some of these people happen to be in the wrong place at the wrong time. It is easy to develop contempt for such people, but many times a corrections worker can end up feeling sorry for them. They typically ask very little, seem alone, and usually are without direction or resources to help themselves. It can be stressful for the correctional officer to be powerless to help such pitiful and pathetic people. Officers often react by hardening their feelings, which erases sensitivity beneath the surface.
- E. **Hostile Acting-Out Persons:** Remember the prisoner who threatens everyone just after the handcuffs are put on him, but turns meek when the cuffs are removed? These inmates challenge and harass their



keepers, calling the officers filthy names from behind the bars of their cells. But once the officer steps inside the cell, the prisoner's bravery ceases and a meek inmate asks for a cigarette. Step out of the cell, though, and they start all over again.

F. Mentally Disturbed Persons: There is a great deal of stress for correctional officers which arises from being responsible for prisoners who are obviously mentally ill. It is a burden to take care of a person who is suicidal. Some other disturbed people behave bizarrely; their behavior can be frightening and disconcerting. Not understanding the reasons for such behavior, the depth or intensity of the disturbance can be nerve-racking for correctional officers, especially those assigned to cellblock patrol. It is no fun to be responsible for the care of such people.

G. Mentally Deficient Persons: Equally as frustrating and disconcerting to the correctional officer are inmates who function at a subnormal level of intelligence. Attempting to understand the behavior of these inmates can be difficult. Just the knowledge that an inmate is not really intellectually capable of understanding the simplest instructions is burdensome for those who have to keep these inmates incarcerated.

4. The Administrators of the Correctional Institution:

It is difficult enough to do the job while fighting all the extraneous variables, as well as the problems created by inmates. Unfortunately, however, one of the more severe stress factors with which a corrections officer must deal is often produced by the administrators of his agency. Too often it seems as if administration/management officials love to write confusing, complicated policies that serve more for management's benefit than for the purpose of giving solid directions to the workers. In addition, administrative philosophies and attitudes may be hard to take at the rank-and-file level of the organization. Many managers do not allow line workers to have "in-put" into the planning, direction, and goal development of the organizational structure. For example, consider how stressful it can be to be prohibited from having anything to say about your own destiny. Another common complaint in correctional institutions is that administrators often do not demonstrate support for their subordinates—too many times they assume that a subordinate is wrong before all the facts are in. Finally, intolerance toward individuality is stressful. If a person wants to "be on the team," then he has to suit up, not just physically, but emotionally as well. That means conformity and the suppression of feelings and attitudes which conflict with management. Such conformity includes everything from personal ideas to style of haircuts.

5. The Public: Being misunderstood is quite stressful for the corrections officer. Citizens often misunderstand or lack understanding of the prison/corrections/jail environment. People who are in—or have been in jail or prison—seldom have insight into or appreciate the di-



lemmas faced by their keepers and the very difficult job of a corrections officer. Even if they could understand, inmates and former prisoners probably would never understand exactly what a correctional officer's job is like. Those who have not been incarcerated have no wish to broaden their knowledge about jails and prisons—for obvious reasons. Family members, friends, and other citizens may tend to criticize the corrections system and the people who work within the system. Blaming the keepers for the fate of the incarcerated ("scapegoating") happens all the time. For example, how many times has a corrections officer heard this comment from an inmate: "If it weren't for you, I'd be free." The inmate usually adds a few cuss words to make certain he is getting his point across loud and clear. Other members of the general public often feel the inmates are leading easy lives and that correctional officers don't punish them enough. These citizens blame the correctional officers for turning offenders loose on society, as if the officers had any choice at all in the matter. Then there are those who think of jails and prisons as torture centers; they are absolutely certain that horrible crimes are being committed against the inmates by their keepers. All of these misunderstandings add up to stress, tension, and general discomfort for correctional officers.

6. Heavy Responsibilities: Just consider the weight of responsibility carried upon the shoulders of corrections officers who must keep a concerned, watchful vigilance over the inmates—considering the unpredictability of human beings, it is not an easy task. Spontaneous physical illnesses (heart attack, stroke, epilepsy, aneurysm, ruptured ulcer, etc.), general common diseases (pneumonia, flu, general virus infection, staph and strep infection), mental illnesses (psychotic episodes, neurotic episodes, anxiety attacks), violence perpetrated by one prisoner upon another, suicide attempts, and all the other things not mentioned here must be handled correctly—and often instantaneously—by the corrections officer. In addition, procedures must be rigidly followed to pro-

tect the organization and the employees from lawsuits, destruction of property, or other problems. Before we forget to mention it, there also is the responsibility to protect the public by not letting dangerous persons—or any prisoner for that matter—escape. All of these considerations must be kept in mind whether or not the correctional officer feels good, bad, or indifferent. He must handle these problems on his birthday, when other people are celebrating national holidays, and on those days when a spouse is upset because the officer cannot be home for an important family event. Even when he is feeling rotten, but not sick enough to take the day off, the officer must take care to carry out his job duties in the proper manner.

7. **Families:** It can be very stressful for a correctional officer if his family members lack understanding about his job. There are times when an officer's spouse may nag about things which are out of the officer's control, such as shift preference, days off, vacation, etc. It can be uncomfortable just knowing that family members are not satisfied or disapprove of the job or of the officer for choosing a career in corrections. Stress worsens when communication with family members is poor. Whom does the officer turn to for understanding of his deep or intense feelings in such a case? Unfortunately, too many officers caught in this situation turn to a bottle at the local bar.
8. **Self:** Developing into a "super" self-sufficient person buys a man or woman a life-style that can be impossible. Always having to resolve problems without asking for help, being too strong for one's own good, keeping intense feelings to one's self, and denying feelings (fear, anger, hate, pity, frustration, resentment, disappointment, etc.) can cause stress and inner devastation over the long haul.
9. **Peers:** Each of us should shape his own destiny, but our peers do have a tremendous or profound effect upon us. Working closely with co-workers makes it hard to resist their criticism, their values, the effects of their praise, concern about gaining their approval, or trying to earn respect for our own ideas. Peers can put an emotional squeeze upon us that hurts. Wanting to be a part of the group is important when so much interdependency is required by the nature of the job. Yet, many times a correctional officer finds himself to be in direct conflict with the ideas, attitudes, feelings, and values of his peers. Since he feels that he needs approval from them, as well as emotional support and physical backup in emergencies, he often finds that he is under stress in his relationships with his fellow officers.

This is not a definitive list of the many stressful factors within the corrections profession. It would be difficult to present all the factors which produce stress for correctional officers. But all the elements described above combine to have two kinds of effects upon officers—**direct** and **indirect**. Some of the effects in both categories are listed below. They are all common problems among correctional officers.

1. Direct Effects:

- A. Problems in trusting people;
- B. Fears;
- C. Defensiveness;
- D. Resistance to change/personality or behavioral rigidity;
- E. Guilt;
- F. Anger;
- G. Over-control;
- H. Hatred;
- I. Loss of respect (for self and/or humanity);
- J. Ambivalence;
- K. Frustration;
- L. Isolation/insulation; and
- M. Forced compromise in personal values.

2. Indirect Effects:

- A. Social relationship problems;
- B. Marital deterioration;
- C. Family deterioration;
- D. Job problems;
- E. Health problems; and
- F. Self rejection.

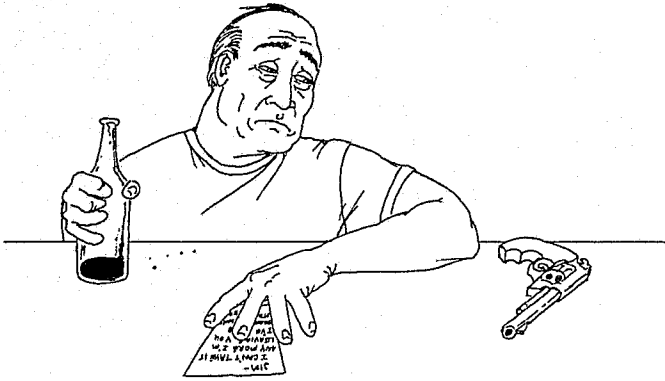
STRESS MANAGEMENT

The interest level of correctional officers in stress management is quite high; typically, corrections personnel are bright, resourceful, assertive people. They usually know that something is going wrong in their lives by the end of the second or third year of service. For the most part, they are enthusiastic about taking positive corrective action in their own behalf—once guidance is made available to them.

Management is coming around and beginning to drop the old notion of: "If you can't stand the heat, you should get out of the kitchen." Management, administrators, and supervisors are starting to feel a responsibility toward their subordinates regarding stress awareness and stress management training. The administrators and supervisors are realizing that they, too, often have serious problems relating to job stress, with additional factors peculiar to their roles.

Corrections Stress Management Research Findings

A picture of stress problems for corrections officers emerged in the recent research conducted by Dr. Frances Cheek and others. Their observations indicate that, while detailed research findings are not available in many areas, observations nevertheless suggest chronic stress for corrections officers at least as high—if not higher—than for police officers. **This chronic stress includes such** symptoms and factors as:



1. High rates of suicide attempts;
2. Heart disease;
3. Circulatory and digestive problems; and
4. Drug addiction and alcoholism.

Of several states surveyed in a study conducted in 1975, it was discovered that the rate of heart attacks among correctional personnel was one of the highest among the various groups of state employees.

In another study conducted in New York State, researchers found that time off for disability for correctional staff personnel was 300 percent higher than the state average. Problems involving the heart, alcoholism, and other emotional disorders accounted for 60 percent of all disability leave for correctional officers in New York State in 1975.

A New Jersey study surveying both county and state correctional officers found that the major perceived areas of stress were:

1. Lack of clearly defined job descriptions;
2. Inadequate equipment; and
3. Lack of training.

Generally, the officers participating in the New Jersey study saw more stress in other officers than they did in themselves. State officers reported more negative effects on their physical health, emotional health, family relations, and job performance caused by the stress of their jobs than did the county officers. The two groups as a whole said that job performance was most likely to damage their emotional health.

Both groups of officers found their interactions with inmates to be the most tension arousing. Lieutenants and captains of both groups rated interactions with other correctional personnel as more stressful than interactions with inmates. The groups were asked: "In which places in the institution do you experience the most stress?" As a whole, they reported the most stress in situations associated with continuous surveillance of inmate interactions, such as housing tiers, inmate dining rooms, and corridors. When asked how likely they were to feel stress in a typical situation in the facility such as meal breaks, taking counts, and disturbances, the group as a whole found most stressful those situations involving **violence**, such as stabbings and inmate dis-

turbances. On a scale of one through six, this item was rated as a five. Least stressful of these types of situations were routine paperwork and duties.

The group as a whole was asked to rate the different shifts as to which was most stressful. Tension on the first shift (usually 6:20 a.m. - 2:20 p.m.) was considered to be the worst. Then came the second shift. Third shift was seen as least stressful (10:20 p.m. - 6:20 a.m.).

The group as a whole was asked what kinds of physical effects were most likely to be associated with their experiences of stress. **The 10 most frequently reported physical reactions were, in order:**

1. Tense neck muscles;
2. Eye strain;
3. Tense forehead;
4. Butterflies in the stomach;
5. General sweating;
6. Dry mouth;
7. Sweating of hands;
8. Sweating of feet;
9. Irregular, shallow breathing; and
10. Gritted teeth.

In general, the group as a whole reported aggressive (or over-assertive) rather than under-assertive responses to tension.

On duty, officers reported the most frequent physical problem was headaches. Headaches were also reported as being the most prevalent off-duty physical problem. This finding corresponds very closely with the results in studies of police stress.

The actual medical data comparing corrections officers, police officers, and other occupations showed that over the previous six months, correctional officers suffered higher rates of hypertension, ulcers, heart disease, and diabetes than did the police officers and all other occupations sampled. The percentage of illnesses judged to be caused or made worse by the job were compared between the correctional officers and police patrol officers. The correctional officers participating in the survey had higher rates of heart disease, migraine headaches, diabetes, and trouble with hearing than did the police officers. When correctional officers were asked how many of them knew individuals in their departments who had had heart attacks while on regular duty, 38 percent said they knew one or two officers for whom this had occurred. Officers tended to see such problems as high rates of heart attacks to be more prevalent for others in their departments than for themselves.

The correctional officers were asked what they considered to be the **causes of stress** in their work. There were 1,209 possible sources of stress grouped under the headings of: "Interaction With Inmates, Administrative Matters, Job Conditions, Family Relations, and Community Matters." Administrative matters were seen as the most stressful, with legal and community matters

as the least stressful. **The 10 items causing the most stress for correctional officers were:**

1. Lack of clear guidelines for job performance;
2. Facility policies not being clearly communicated to all staff members of the facility;
3. Crisis situations;
4. Getting conflicting orders from your supervisor;
5. Having to do things against your better judgment;
6. Having your supervisor give you things to do which conflict with other things you have to do;
7. Not being treated as a professional;
8. Low morale of other officers;
9. Other personnel putting things off instead of doing what needs to be done; and
10. Lack of training.

TIPS FOR MANAGING STRESS

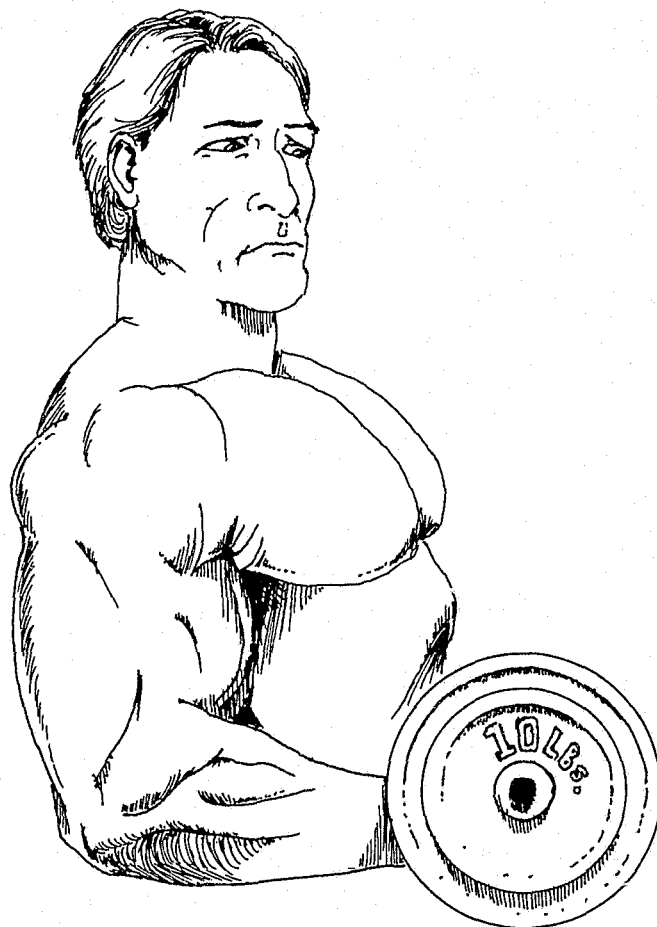
Now that we have discussed some of the negative occupational stress effects, we must begin to talk about **managing stress**. What we are presenting here is a summary of some of the most successful stress management techniques which can be used by almost anyone for the purpose of improving emotional and physical health and for preventing their decline.

Of course, it would be wonderful if the people in the world around us would heed the concerns for stress management for corrections personnel—administrative, supervisory, and line level employees alike. However, without a solid and strong educational program, such concern and/or action is not likely to happen. **With a significant educational program organizationally in place, it is up to each correctional employee (administrator to line officer) to apply his education and help himself.** Each person has the responsibility for taking advantage of the information made available to him.

Remember, at the bottom line we are not talking about stress; we are talking about **happiness versus unhappiness**. So let's discuss some self-help methods that will reduce harmful stress effects and increase the happiness index. These techniques are not necessarily listed in their order of importance.

Physical Fitness: Physical conditioning is important. Too often we regard our bodies as life support systems for our brains. This, however, is an unfortunate error. Body and mind are intrinsically tied together. We are what we are as the result of all we do. Body style (height, weight, physical attractiveness, etc.) plays an important part in the development of our personalities and, with that, the development of our attitudes and beliefs.

We can easily see that **emotional and physical responses have reciprocal effects**. For example, when you are worried and tense, you also perspire, or possibly develop a head or stomach ache. Perhaps you become anxious with accompanying physical symptoms such as heart palpitations, nausea, weakness of limbs, and feeling faint.



You see, **staying physically fit matters**. It also helps to improve your self concept, and it enhances mobility which, in turn, provides for greater variability in human freedom. Thus, our lives are enriched by more exposure to a greater variety of stimuli, which in turn bolsters our experiential repertoire.

Further, physical fitness prevents people from feeling age and progressive disability; vitality and a youthful perspective are thereby maintained. In addition, there is some evidence to support the belief that better physical conditioning may help reduce the possibility of debilitating disease for a multitude of reasons. Certainly people who are in good physical shape can more easily resist the effects of high tension levels. Such people do not become so lethargic and run down while experiencing the trying moments of their lives.

What we are suggesting as a primary means of stress management in the physical fitness area is **physical exercise**, such as:

1. Jogging;
2. Walking;
3. Bicycling;
4. Racquet ball;
5. Tennis;

6. Basic calisthenics; and
7. Other aerobic activities.

Of course, improving your physical condition can be risky if you are in poor condition already. To prevent injuries, we recommend a **full physical evaluation before starting a physical fitness program**. Get good sound advice from a physician about how to proceed in the development of a fitness program.

Diet: What you eat is a part of physical fitness. However, it is a very special factor. The old adage, "We are what we eat," certainly seems to be right. More evidence surfaces with each passing year regarding the effects of diet upon the human body. In June, 1982, for example, a research group, sponsored by the Federal Government, reported that there is a very close relationship between the kinds of food we consume and the frequency of cancer development. Other studies have found that sugar intake (in particular processed sugar) does make a difference. With massive sugar intake, the body reacts (sympathetically) by pouring out insulin into the blood in order to suppress the effects of the sugar. Such an outpouring of insulin effects the emotional side of us.

Reduced physical activity is the effect of too much processed sugar and depression is likely to occur. This one factor is significant. As an example, let us hypothesize about a working person who eats candy. It is near the end of a work day and a tired worker needs a lift. Habitually, he has turned to a candy bar for a lift. Tired already, the worker gets a momentary lift, but then this lift passes and insulin suppression begins. When five o'clock comes around, physical and emotional depression has set in. Walking out of the office, a tired worker feels burned out again that day, like so many other days in the past. Driving home, he feels down and out. At home, when the sugar/insulin reaction begins to wear off, he feels like being away from the job is the answer to his happiness.

In addition to the sugar problem, other factors related to diet are also important. We recommend that correctional employees read about dietary effects and make positive decisions in that regard. Such things certainly are an important part of a self-help method that each employee can use for his own benefit.

Spiritual Awareness: Often we neglect the spiritual side of ourselves. As human beings we more often than not ground ourselves in the tangible aspects of our lives. Here we are speaking of that which transcends human limitations.

Such things as **faith, hope, and trust** are found in our spiritual selves. If the spirit is not nourished, it diminishes and sometimes it dies. It is tragic when the chips are all down and a person can turn only to the limitations of humanity. Can there ever be lasting happiness in the knowledge that man is all there is? Where is joy without an understanding of the enrichment of the spirit?

Some of the methods used to nourish the spirit are through: (1) conventional religious practices; (2) meditation in varying forms of deep spiritual belief, and (3) practicing spiritual nourishment by life style. We believe it is fair to say that stress can

be managed much more easily when the spirit has an active place in our daily lives.

Communication: This would certainly seem to be an obvious stress management technique. However, it is quite an overlooked technique. Think how complicated our lives are and how complex human thought processes are. Imagine how difficult it can be to transmit our thoughts through verbal communications. Think how often, because of such complications, we fail to set forth our ideas or feelings in human language.

The difficulties in life which result from poor or miscommunication are enormous. Problems result with co-workers, employers, friends, and family members; but the biggest problem is with ourselves. Human beings are unique in that we need to be understood by others. In addition, we need self understanding. Most of us work out our understanding of others through verbalization, and our lives can be richer and much more pleasant if we communicate well. Happiness can be increased when other people really understand us. Of course, clarity of feelings is of paramount importance for improved relationships, too, and it must be regarded as a principle stress management technique.

Recreation: Most of us neglect ourselves day after day. We get too involved in work and our responsibilities to others, while we neglect play. Being an adult should not preclude play. Each one of us needs to have fun through recreational time or play time. When was the last time that you had free moments for yourself for the purpose of recreation—a time for "recharging your battery" with no responsibilities, no demands, no rigid scheduling—just enjoyment?

Reducing the seriousness of life is important. Being able to be light-hearted is curative. When we forget how to play, we lose a dimension of life which is necessary for happiness.

Life Priorities: You may wonder how this can be a stress management technique. Consider, however, the importance of evaluating the things which are most meaningful in your life, and placing them in their order of importance to you. Here is a list of some of the most frequently mentioned factors as life priorities. Look them over for a moment, and then rank them in terms of which is the most important versus those with which you spend the most time.

1. Making money;
2. Prestige development;
3. Career development;
4. Being all things to all people;
5. Family life;
6. Friends; and
7. Recreation.

If you have completed the exercise, do your columns agree? Do you find that you spend your greatest percent of time dealing with your number one priority? Are you getting the most out of life? Are you happy? Are you investing time with family and friends? Do you love them? More importantly, do you tell them

that you love them? Do you demonstrate your love? Do you take time for private times with your spouse? Have you been divorced? Are you facing a divorce? Is one of the major issues of the divorce circumstance communication failure or becoming a stranger to your mate? Have you placed job, money, or prestige over family relations? Do you want to be a happier person? The answer may be to get your life priorities in order.

Progressive Relaxation: A lot has been said about this form of stress management. Many times we cannot change the most pressing tension-inducing aspects of our lives. To combat this problem, we must learn how to reduce tension and rest ourselves internally and externally (physically and emotionally).

Progressive relaxation techniques can help accomplish restfulness. When we get relaxed physiologically, a simultaneous emotional relaxation occurs because a person cannot be relaxed and tense at the same time. The wonderful aspect of this technique is that carefully prescribed physiologically-based exercises are used to initiate relaxation and rest.

The more often the process is used, the deeper the relaxation. Some experts believe that 20 minutes of progressive relaxation is equivalent to roughly six hours of sleep and the rest that we should get as the result. The difference is that with progressive relaxation, rest is almost guaranteed. With rest comes clarity of thinking and a higher rate of productivity. If you can learn how to progressively relax yourself whenever this becomes necessary, then refreshment is a real possibility.

Managing stress is important. Therefore, we must concentrate or focus our efforts upon the positive aspects of our lives and reduce the negatives in order that we may become happier persons. Before we are educated about stress management, perhaps we have an excuse for unhappiness. But after receiving stress management information, we then have only ourselves to blame for the chronic ill effects of distress.

SUMMARY

1. **Corrections is one of the most stress-producing occupations in the United States today. But not all stress is bad. It is the way in which we handle stress that matters.**

Stressfulness affects human beings in a total sense, emotionally and physically. When we exist in a state contrary to our own nature, tension is increased. Often, job-related stress increases when the employee is basically unhappy with various aspects of his life. Everyone is responsible for his own happiness, and stress management is the responsibility of each employee. There are three primary sources of stress for jail officers:

- A. Personal factors;
- B. Situational factors; and
- C. Organizational factors.

2. **Too many correctional supervisors judge their subordinates on the basis of how well the officers perform their jobs, without considering that jail officers often undergo a great deal of job-related stress which negatively affects their job performance.**

Jail officers suffer from stress caused by many factors. Among the factors which cause negative stress problems for officers are:

- A. Training, both recruit and on-the-job;
- B. The jail environment;
- C. The nature of the job, which involves the management of various types of inmates who create constant problems for officers;
- D. The administrators of the jail and sheriff's department;
- E. The public;
- F. Heavy responsibilities and the constant threat of liability suits;
- G. Families; and
- H. Peers.

3. **Each jail or detention center should provide stress management training for all employees.**

Some of the most helpful stress management techniques include:

- A. Participating in a physical fitness program;
- B. Following good dietary principles;
- C. Nourishing the spirit;
- D. Learning how to communicate effectively;
- E. Setting aside time on a regular basis for recreation;
- F. Placing life priorities in the proper order; and
- G. Learning and using progressive relaxation techniques.

Ultimately, each officer is responsible for his own stress management.

CHAPTER TWENTY-TWO

EMPLOYEE ASSISTANCE PROGRAMS

Do you have an officer who is difficult—one who has personality problems or maybe one who is facing a crisis in his life such as a death in the family, divorce, or alcohol or drug abuse? What about your officer with an attitude problem? Do you supervise an officer who is always tardy, always defensive, or who uses excessive sick leave or injury leave, makes excuses, never meets deadlines, or one who is overzealous, the habitual victim of assaults? Does your staff include an excessive report writer who continually charges inmates with interfering with an employee in the performance of his duties? Is there an officer in your squad who has a short temper or a propensity toward violence? Or one who always finds evidence of contraband through an elaborate but unidentified network of informants?

Do these descriptions sound familiar? These types of counterproductive behaviors by an officer—when they occur frequently or when you can identify a pattern—may be a warning mechanism. The supervisor should become aware that something may be wrong and needs immediate attention. If the behavior goes undetected, it may become devastating to the employee, his family, and the sheriff's department.

The typical response to the situations described above is to transfer the employee to a less responsible or desirable job, discipline him, demote him, or terminate him. These solutions, however, **may add to the problem** rather than solve it.

Most of us in the criminal justice profession are becoming increasingly aware that, statistically, we, as a group, are becoming victims of our chosen occupation—victims of the unique pressures of corrections work. These pressures cause unusually high rates of alcoholism, substance abuse, gambling, acute depression, marital problems and divorce, serious medical problems, financial difficulties, emotional breakdowns, and other self-destructive behaviors, including poorly managed stress. They may even cause minor brushes with the same law we enforce.

Most of these pressures are directly or indirectly related to our jobs. Add to this the rigors of working weekends, holidays, nights, rotating shifts, and long hours. Operating a jail has been described as "awfully boring" and "awfully frightening"—the work tests our emotions daily and makes us highly vulnerable to stress and emotional problems. Morale may plummet and result in mental collapse. Such problems can lead to a progressive physical, mental, and emotional deterioration of personnel, which will slowly undermine the efficiency and effectiveness of the agency.

Is it fair to terminate an employee based upon a reaction to a problem that the job most likely created? These decisions translate into hard choices for supervisors when it comes to discipline, termination, or potential litigation and liability.

During your tenure as a supervisor you will undoubtedly be required to counsel, discipline, terminate, or accept the resignation of numerous employees. However, early referral to counseling may preclude the necessity for disciplinary action or termination in a number of cases. Most employees do not seek counseling in time of need because they either do not know where to turn for help or, due to the perceived stigma of psychological problems, are unwilling to make their problem known in the department. Furthermore, most supervisors have no place to refer employees when problems have been observed.

Therefore, an organization must take the following two steps. Employee assistance must be made available and employees have to understand that it is acceptable to say: "I've got a problem and need some help to cope with it."

HOW CAN AN EAP HELP?

An **Employee Assistance Program (EAP)** is a strictly confidential, professional short-term counseling and referral service which is established exclusively for employees of a sheriff's department and their families. It should be staffed by a professional trained counselor and should be free of charge to the employee. The EAP counselor should be available to counsel and assist in the resolution of problems which directly or indirectly result in a deterioration in an employee's work performance. We all encounter these problems at one time or another in our lives, and therefore **there should be no stigma attached to seeking assistance from the counselor.**

Some problem areas an EAP can help with are:

1. Crisis intervention;
2. Marital difficulties;
3. Family problems;
4. Grief;
5. Children;
6. Financial/legal difficulties;
7. Alcohol or drug abuse;
8. Anxiety;
9. Habit control (weight, smoking);
10. Phobias;
11. Depression;
12. Stress management;
13. Any other personal/emotional problems; and
14. Critical incident counseling.

The concept of EAPs was developed more than 20 years ago to help the employee beset by personal problems. It was designed to refer employees for assistance when personal problems begin to adversely affect job performance. EAPs have been widely recognized in the public and private sector as a means of maximizing employee productivity and human potential. It is estimated that there are approximately 2,500 EAPs around the United States.

THE BENEFITS PROVIDED BY EAPS

When an employee is ill or seriously injured physically or emotionally, the involved agency has a moral and ethical responsibility to render assistance psychologically and socially. Employees are our most valuable resource and their health and well-being demands attention daily. An EAP reflects positively on an agency which cares about its employees.

There are many benefits to be gained by making counseling services available to all employees.

First, there are intangible benefits of improved morale and job performance on the part of the troubled employee who might take advantage of counseling through self or supervisory referral. A healthy employee—both mentally and physically—takes a more positive view of himself and the job he performs and is a less likely candidate for “burn out.” He becomes an asset to himself, the department, and the community. Trust and confidentiality will provide for better management/supervisor/employee relations. The image of the department will be improved insofar as the employee and his family are concerned.

Second, from the standpoint of economics, an effective EAP will reduce manpower costs associated with personnel

turnover due to termination and resignations. The retention of trained, experienced employees will also reduce the high cost of recruitment, selection, and training. Other indirect costs may also be reduced. For example, there will be less use of sick leave and injury leave, and fewer accidents and insurance claims. Productivity will also improve.

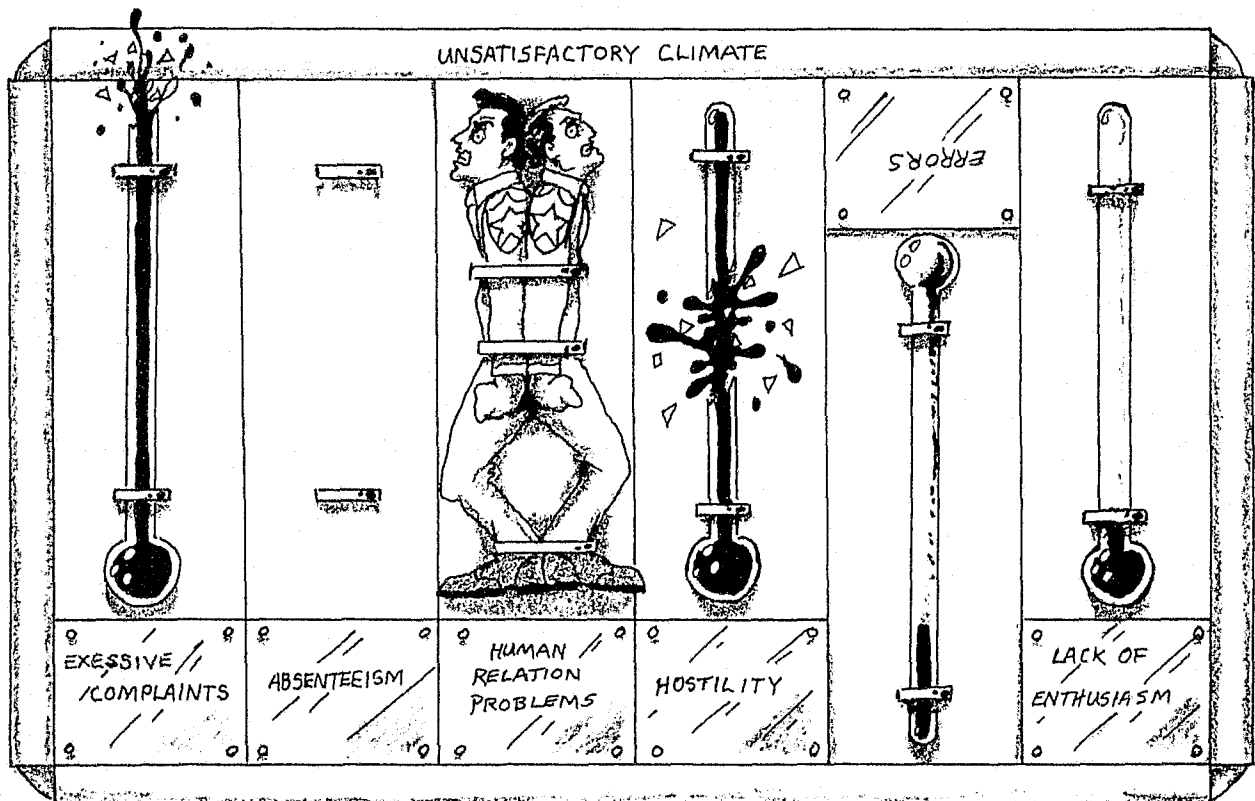
Third, the agency's liability payments for negligent entrustment and negligent assignment will most likely be reduced. Supervisors who fail to recognize employees' symptoms of stress and take appropriate action through referrals will undoubtedly learn the meaning of vicarious liability in today's high litigation society.

REFERRAL INDICATORS

Supervisors must be alert in order to detect serious personal problems among their staff members before the crisis stage is reached. The supervisor must confront these problems positively and effectively, and then help the employee get the care and attention he deserves and needs.

A supervisor not only has an obligation to protect prisoners, society, and the organization from overzealous and inappropriate actions of a troubled employee, but to provide assistance to the employee as well so that he may resume his career in a positive, productive fashion. **Early detection, intervention, and referral may prevent disciplinary actions and demotion and save the employee from termination.**

Presented below are some common indicators of difficulty in coping (there is no magic number of these symptoms that suggests an employee needs help):



- I. **Apathy:** This category is one in which the employee has "the blahs," finds that recreation is no longer pleasurable, and seems to feel sad all the time. Other indicators of apathy include:
- A. Anxiety, which includes feelings of:
 1. Restlessness;
 2. Agitation;
 3. Insecurity; and
 4. Worthlessness.
 - B. Irritability, in which the employee seems to be:
 1. Overly sensitive;
 2. Defensive;
 3. Arrogant;
 4. Argumentative;
 5. Insubordinate; or
 6. Hostile.
 - C. Mental fatigue, in which the employee:
 1. Seems preoccupied;
 2. Has difficulty concentrating; or
 3. Is inflexible.
 - D. Overcompensation, characterized by denial, in which the employee:
 1. Seems to exaggerate or has grandiose schemes;
 2. Overworks to the point of exhaustion;
 3. Denies that problems exist;
 4. Denies that symptoms of problems exist; or
 5. Is suspicious or paranoid.
- II. **Withdrawal:** This category is one in which the employee avoids the actual problem; it is characterized by:
- A. Social isolation.
 - B. Work-related withdrawal, in which the employee:
 1. Is reluctant to accept responsibilities; or
 2. Neglects assigned responsibilities.
 - C. Acting out, in which the employee retreats into:
 1. Alcohol abuse;
 2. Drug abuse;
 3. Gambling;
 4. Spending sprees; or
 5. Promiscuity.
 - D. Desperate acting out, in which the employee cries for help or does something to get attention.
 - E. Administrative infractions, in which the employee:
 1. Arrives late for work;
 2. Lets his appearance deteriorate;
 3. Lets his personal hygiene slide; or
 4. Suddenly seems to be accident prone.
 - F. Legal infractions, in which the employee:
 1. Fails to pay his bills;
 2. Engages in shoplifting;
 3. Gets traffic tickets, particularly for such offenses as speeding or DWI;
 4. Gets into fights or violent arguments with other employees or with strangers; or
 5. Engages in spouse or child abuse.
- III. **Preoccupation with illness:** In this category the employee either acts sickly, says he is not feeling well, or seems to have an unusual number of ailments; this category is characterized by:
- A. Frequent illnesses (the employee actually does get sick).
 - B. Physical exhaustion, for which the employee self-medicates himself.
 - C. Somatic indicators, which include:
 1. Insomnia;
 2. Waking up often during the night;
 3. Constantly rising earlier than usual in the morning and then feeling tired during the day;
 4. Constant headaches or muscle aches, particularly in the neck and shoulder area.
 - D. Changes in appetite, indicated by:
 1. Weight gain; or
 2. Rapid weight loss (a more serious problem).
 - E. Gastro-intestinal problems, which include:
 1. Vomiting;
 2. Diarrhea;
 3. Constipation; or
 4. Nausea.
 - F. Sexual problems, which include:
 1. Impotence; or
 2. Loss of interest in marital relations.
- The symptoms described in the three categories may exist in isolation or an employee can have difficulties in all three categories. The duration of the symptoms (how long they have been present and how long they last), the frequency of such incidents (how often they happen), and the intensity (strength) with which they are present suggest the severity of the difficulty the employee is having in coping with his problems.
- ### SERVICES PROVIDED BY THE EAP
- The **types of services** which can be provided by an EAP and the **policy guidelines governing the operation of the assistance program** include:
- I. **Clinical Services**
 - A. **Consultation:** Through discussion with the EAP counselor, problems are identified and clarified. During the initial consultation, the EAP counselor should assess client needs and recommend appropriate strategies, which may include short-term counseling or referral to outside resources. The EAP counselor provides diagnostic, crisis intervention, referral and follow-up services; collaborates extensively with

available community alcohol/drug and mental health programs; identifies and assesses public and private treatment resources in the community; acts as a liaison between employees and referral agencies; coordinates prevention activities and educational programs for personnel; facilitates prevention and educational workshops; prepares and disseminates employee assistance related materials to personnel; establishes procedures and takes a lead role in promoting referrals to the EAP and treatment services; and provides short-term focused treatment and crisis intervention.

- B. **Referral:** Depending upon the EAP counselor's assessment, referral to an outside community service agency may be recommended. The cost of outside services, the client's ability to pay for services, insurance coverage, and referral service expertise and philosophy are matters which should be discussed with the employee when outside referral is recommended.
- C. **Short-term counseling:** Problems which can be handled without much difficulty should be resolved by the EAP staff.
- D. **Critical incident counseling:** Employees or their families may be affected by a critical or traumatic incident, such as a severe injury, assault, perceived close encounter with death, suicide attempt, or hostage or weapons incident (shooting or being shot at). These employees and sometimes their families often exhibit a post-traumatic stress disorder. This psychological manifestation is often characterized by recurring dreams of the event, sleep disturbances, extreme feelings of guilt, and avoidance of activities that arouse recollection of the event. This manifestation can be lessened with prompt counseling for the officer and his family by a trained counselor.
- E. **Case management:** When making a referral to a community resource, the EAP counselor should request that the client sign a "Release of Information Form." This release will allow the EAP to maintain contact with the client and the service provider to monitor progress and ensure that client needs are being met. The EAP counselor should discuss this possibility with the client at the time the treatment recommendation is made. When treatment involves the use of extended leave, the EAP counselor should assist the employee in arranging leave and in returning to work.

II. Education

- A. Information about the EAP should be disseminated to employees and their families periodically. This is intended to promote early identification of problems and to encourage employees and members of their families to avail themselves of EAP services at an early stage before problems assume crisis proportions.

- B. Orientation seminars to maximize the effectiveness of the EAP should be conducted periodically for supervisory personnel.

III. **Supervisory training:** Supervisory training should be provided, covering: policies, procedures and confidentiality regulations of the EAP; the identification and constructive confrontation of employees with deteriorating job performance; job performance indicators and documentation of work-related problems; and the effects of alcohol/drug/emotional problems on job performance. Similar training should be provided to union representatives, where applicable.

IV. **Employee training:** Employee training should be provided and should cover: policies, procedures, and confidentiality regulations of the EAP; appropriate requests for personal and family counseling; self-identification of deteriorating job performance; and the effects of alcohol/drug/emotional problems on job performance.

V. **Types of EAP referrals:** The EAP is a voluntary service. Consequently, no employee should be ordered or required to avail himself of this service. **Participation is voluntary.** Employees seeking help from the EAP may terminate at any time.

- A. **Self-referral:** Employees and members of their families may contact the EAP counselor for assistance with personal problems or job-related problems. All communication should be treated with strict confidence.

B. Supervisory referrals:

1. Problems of a general nature unrelated to job performance: Supervisors may recommend that an employee obtain assistance through the EAP for personal or family problems which cannot be resolved at the supervisory level. In these situations the employee may have his supervisor contact the EAP office on his behalf, or the employee himself may initiate contact. No departmental record (personnel or medical) will be maintained of these informal discussions and referrals.
2. Problems related to job performance: This kind of referral is based solely on job performance problems, e.g., a decline in an employee's work performance or a job-related incident which may involve an oral or written reprimand.
3. Disciplinary diversion referrals: These referrals are designed to provide the department with an alternative to serious disciplinary action, i.e., suspension, termination, or disciplinary demotion, when dealing with an employee who has job performance problems. Disciplinary diversion referrals focus on correcting work performance problems and restoring the employee to an effective level of job functioning.

VI. Program limitations

- A. The EAP staff should not render opinions regarding disability or workman's compensation determinations. EAP involvement in such matters is limited to referral to other resources for such determinations.
- B. The EAP staff should not make determinations concerning an employee's fitness for duty. Fitness for duty determinations based on medical problems should be made by the county medical staff.

VII. **Information rights:** All matters related to clients seen through the EAP are strictly confidential. No information about an employee or a member of his family should be released without the written consent of the client. The EAP should be governed by policies concerning confidentiality outlined in regulations of the American Psychological Association's *Ethical Principles of Psychologists*, and *Standards for Providers of Psychological Services*, as well as Federal Regulation 42 CFR, Part 2. Information should be released only under the following conditions:

- A. With the written and informed consent of the client.
- B. When the EAP staff determines that there is a clear and imminent risk to the client or to the community:
 1. "Clear and imminent risk" would include an individual who is actively suicidal, an individual who is likely to physically harm another person, and/or an individual whose ability to function on the job is so substantially impaired that he presents a serious risk to the community.
 2. If an individual is judged by EAP staff to be a "clear and imminent risk," then the staff should attempt to resolve the situation in the least intrusive manner.
- C. When required by judicial order.
- D. Child abuse must be reported in accordance with state law.

employee counseling and assistance programs, health assessment and counseling programs are generally contracted out and provided on a strictly confidential basis.

Programs, classes, and seminars which are frequently provided as part of an employee wellness program include:

1. Physical fitness;
2. Nutrition;
3. Stress awareness and management;
4. Time management;
5. Smoking cessation;
6. Cancer awareness;
7. Alcohol and/or drug-related issues;
8. Weight reduction;
9. Back care;
10. Accident prevention;
11. Environmental issues;
12. Medical self-care and first aid;
13. Coping with disability and death;
14. Family health issues;
15. Women's health issues;
16. Men's health issues;
17. Communication skills; and
18. Group recreational activities, e.g., bowling, softball, hiking.

SUMMARY

1. **From a statistical viewpoint, more and more correctional officers are becoming victims of their profession, which is a very stressful one. Thus, it is important that the first line supervisor have resources available to which he can refer troubled employees for counseling.**

Early referral of troubled employees to counseling may preclude the necessity for disciplinary action or termination in a number of cases. But, since most supervisors have no place to refer employees when problems have been observed, it is important that sheriffs' departments consider establishing an Employee Assistance Program (EAP).

2. **An Employee Assistance Program (EAP) is a strictly confidential, professional short-term counseling and referral service which is established exclusively for employees of a sheriff's department and their families.**

The EAP should be staffed by a professionally trained counselor and should be free of charge to the employee.

3. **Employees are our most valuable resource and their health and well-being demands attention daily.**

WELLNESS PROGRAMS

Still another way in which the EAP can help to promote the health and well-being of jail employees is through the development of **wellness programs**.

A wellness program attempts to prevent many of the problems that are treated in employee counseling and assistance programs. This is done by bringing health programming and information to the work site. Some jails, for example, provide gym facilities and encourage staff members to exercise regularly before and after work and during lunch breaks.

Many wellness programs offer individualized health assessment and health counseling programs. As is the case with

There are many benefits to be gained by making counseling services available to all employees. Among them are:

- A. There are intangible benefits of improved morale and job performance on the part of the troubled employee who might take advantage of counseling through self or supervisory referral.
 - B. From the standpoint of economics, an effective EAP will reduce manpower costs associated with personnel turnover due to terminations and resignations.
 - C. The agency's liability payments for negligent entrustment and negligent assignment will most likely be reduced.
4. **Early detection of employee problems, intervention, and referral may prevent disciplinary actions and save the employee from termination.**

Indicators that warn a supervisor when an employee is troubled and needs help fall into three categories:

- A. Apathy;

- B. Withdrawal; and

- C. Preoccupation with illness.

5. **The types of services which an EAP can provide to employees include clinical, education, supervisory and employee training, and referrals to other agencies for assistance.**

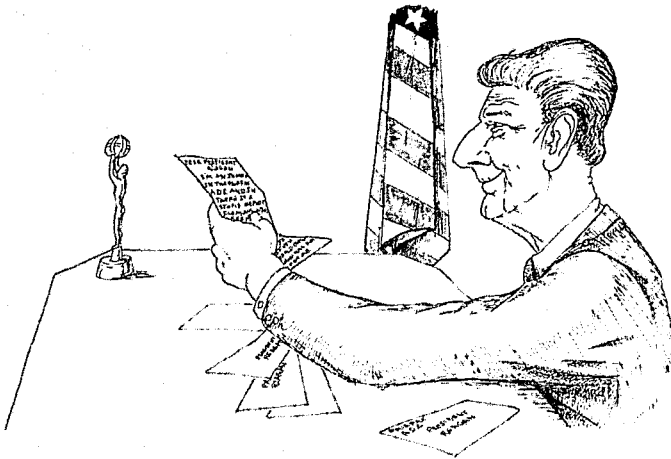
All matters related to clients seen through an EAP are strictly confidential. No information about an employee or a member of his family should be released without the written consent of the client.

6. **The EAP can also help to promote the health and well-being of jail employees through the development of wellness programs.**

A wellness program attempts to prevent many of the problems that are treated in employee assistance and counseling programs. This is done by bringing health programming and information to the work site.

CHAPTER TWENTY-THREE

CONDUCTING INMATE GRIEVANCE HEARINGS



The American correctional system is currently experiencing extensive judicial intervention on matters concerning the care, custody, and treatment of inmates. In order to respond to this intervention, sheriffs and administrators of county and short-term detention facilities have directed a considerable amount of their resources toward the development of a viable **inmate dispute resolution mechanism or grievance procedure**.

Formal or informal methods of resolving inmate complaints are regarded as more desirable than prolonged litigation, which often results in unwanted judicial intervention or an increase in tension and violence within the jail.

The implementation of a formal grievance procedure for jails results from a sincere desire to provide the inmate population with an "administration-sanctioned" mechanism to voice complaints, seek improvements, or air frustrations. Such grievance mechanisms provide inmates with a means of addressing any aspects of their confinement.

The grievance procedure also serves as a useful tool for corrections administrators, since it helps to eliminate the historical and non-desirable methods by which inmates have made known their complaints, i.e., riots, work stoppages, assaults, escapes, and other illegal acts. As David Fogel wrote in *We Are The Living Proof . . . The Justice Model for Corrections*, "Conflict neglected may explode into violence. Conflict, to be resolved, must be transformed into negotiation, a form of diplomacy."

TYPES OF COMPLAINT/GRIEVANCE MECHANISMS

Corrections systems in the United States have always relied on informal methods of information sharing and complaint pro-

cessing in order to resolve problems of inmate unrest and dissatisfaction. While these methods were useful in providing some relief, they lacked such crucial features as: the ability to provide consistent and timely responses, the ability to protect complainants from reprisals, and the ability to confront controversial issues, particularly those dealing with official policy or misconduct by correctional officers.

But procedures for dealing with inmate grievances began to change in 1971 when the State of Minnesota implemented the **Ombudsman Program** for its prison system, using the Swedish system as a model. The ombudsman has been an accepted institution in Sweden's civil administration since 1809. Initially funded by the U.S. Justice Department's Law Enforcement Assistance Administration (LEAA), the Minnesota project received statutory authority in 1973. The basic purpose of the Minnesota project was to permit ". . . the release of inmate frustration by opening communication . . . and to insure procedural safeguards which are so fundamental to our system of justice, that is . . . due process." Subsequent to the Minnesota project, many other states and correctional jurisdictions have implemented ombudsman programs.

Traditionally, attempts to develop mechanisms for dealing with inmate complaints have fallen into six broad categories: multi-level grievance procedures, ombudsmen, grievance boards, inmate councils, inmate unions, and legal service programs.

Multi-Level Grievance Procedures

In general, **formal grievance procedures involve the submission of complaints to a designated individual within an institution.** An unsatisfactory response at the first level enables the complainant to appeal to higher levels within the organization and, in some instances, to an individual or body outside the correctional agency. Where outside review exists, it is in all cases advisory.

Significant variations exist among different mechanisms, all of which call themselves grievance procedures. In the first—the more traditional type—appeals follow the standard chain-of-command and administration. In the second type, inmates, line staff, and frequently outsiders are involved in making or reviewing decisions.

The rationale for inmate and staff participation is to give the greatest amount of decision-making authority to the people who must live with the results of the decisions and to furnish a forum for accommodating opposing points of view; the rationale for outside participation is to provide a fresh, unbiased look at contested actions or policies and to increase the credibility of the entire system.

Ombudsmen

Based upon a model of complaint resolution developed in Scandinavia, **this system gives a public official the full authority to investigate citizens' complaints against governmental agencies and to pass judgment upon their merit.** The official has no power to enforce his recommendations, however. He must rely upon his persuasiveness, reputation, and public support to produce compliance.

Traditionally, the legislative branch of government appoints to the office a well-known, respected individual with experience and integrity. In conducting his investigations, the ombudsman has access to records and information and complete independence from the agencies he is monitoring.

Increasingly popular in the United States, the ombudsman concept has been applied in a variety of settings, including, since 1972, both prisons and jails.

Although a few of the new correctional ombudsmen have retained the essential features of the Scandinavian model, most have lost the traditional independence associated with the office, since they are hired by and responsible to the directors of the agencies they monitor. Furthermore, budgetary limitations often preclude the hiring of individuals who are widely known prior to their tenure. Finally, although Scandinavian ombudsmen do not function in place of administrative grievance procedures but as supplements to them, some correctional systems have attempted to use ombudsmen as their sole means of responding to complaints. In these systems, the ombudsmen, even when aided by several assistants, have had difficulty keeping up with the workload. As a result, many of them have become effective advocates for the establishment of inmate grievance mechanisms in order to handle complaints at the local level.

Grievance Boards

Combining aspects of both the ombudsmen and the multi-level appeal procedures, inmate grievance boards can be particularly appealing to jails and short-term detention facilities with significant inmate populations. **The grievance board is empowered by the sheriff or the corrections administrator to review complaints filed by inmates and to make appropriate recommendations for their resolution.**

The credibility of the grievance board is enhanced by removing the final decision-making process from one person to three or more individuals. The grievance board is particularly beneficial to the administration on matters governing programs or policies, since the board can provide the administration with a broader viewpoint in the final decision-making process.

Inmate Councils

Once the primary channel for communicating inmates' points of view to administrators, inmate councils have lost support as other grievance mechanism models have been adopted. **Councils which are successful have tended to concentrate on issues of institutional and departmental policy rather than upon individual grievances.** Deviance from this limitation often has resulted in councils becoming a personal interest forum for

their members, with a subsequent loss of effectiveness as a voice for all inmates. Where councils deal with personal complaints, they rarely are subject to time limits for written responses; nor are they expected to take staff as well as inmate views into account in their recommended solutions.

The best known inmate council was the Resident Government Council at the Washington State Penitentiary in Walla Walla. The council was disbanded in April 1975 because of "general dissatisfaction." A new Resident Council took its place to act as a means for dealing with all grievances at the institution. However, the attempt to convert the council into a grievance mechanism generally was regarded as ineffective.

Inmate Unions

Attempts to organize prisoners to negotiate with administrators concerning their complaints thus far have been unsuccessful; most of these attempts have been abandoned. These attempts have failed because of the strong opposition of correctional administrators to recognizing inmate unions and because of the inability of the unions to win in the courts. In addition, studies in California indicated that such unions often have limited support among prisoners, since they tend to attract only the more militant.

Legal Services

Programs to provide legal services to inmates have become common. These programs generally are devoted to **litigation and legal advice concerning problems outside the institution**, however. Even in the rare instances where legal services programs provide representation in internal administrative proceedings, they are not really mechanisms for resolving complaints; rather, they are simply a way to provide representation for the individual who complains.

Structure Of The Grievance Process

Sheriffs and administrators of jails and short-term detention facilities operate under considerable time constraints in the processing and resolution of inmate grievances. Jails and local lock-ups have, for the most part, extremely transient populations which have no vested interest in promoting long-term stability within the institution. Therefore, immediate solutions generally are demanded for various complaints and grievances. Unlike the long-term prison where the inmates' presence is guaranteed for a reasonable time period, **jails must respond quickly and appropriately to the grievance process.**

The responsibilities of first line supervisors in the formal or informal grievance process must be governed by **specific operational procedures** for maximum effectiveness. The jail administrator must clearly define the grievance process through written policy and procedure in order for supervisors to implement it effectively. (A sample policy for an inmate grievance procedure is included in Figure 23:1.)

Generally, most jails and short-term detention facilities have a **three-step process** for the resolution of inmate grievances. The administrator usually appoints a staff person as "**grievance coordinator**." He is responsible for receiving and investigating

Figure 23:1
Sample Inmate Grievance Procedure Policy

	Effective Date	Date of Issue	Pages	DOC
Rattlesnake County Jail Policies & Procedures				
Chapter:	Subject: ACA STANDARDS 2-5303 INMATE GRIEVANCE PROCEDURE			

Related References:

-
- I. POLICY: A viable complaint process is available to inmates to allow systematic redress of conditions relating to confinement. All complaints shall receive a written, signed response within a short period of time. This policy encourages internal problem-solving at the level of most direct inmate contact. Additionally, it offers the facility a means for continuous review of administrative policy and decisions as well as acquiring written documentation of an incident for possible subsequent court-filed suits. Should a case come to court, acquired documentation may facilitate a speedier decision. The grievance procedure will function as the proper appeal method for dispositions passed by the facility discipline committee or for minor disciplinary action.
- II. DEFINITIONS: As used in this document, the following definitions shall apply:
- A. Grievance: A circumstance or action considered to be unjust and grounds for complaint or resentment.
- B. Complaint: An expression of dissatisfaction or distress.
- III. PROCEDURES:
- A. Informal Resolution:
- Informal Resolution between the inmate and staff member is strongly encouraged. Generally, an Informal Resolution can be the result of a complaint which is filed by the inmate. A verbal or written complaint can be resolved without a grievance being filed. If the inmate cannot find an informal solution and wishes to utilize the grievance procedure, he shall file his complaint, using the administrative remedy. If he is dissatisfied with the facility's reply, the inmate may appeal to the captain or director.

Figure 23:1 (continued)
Sample Inmate Grievance Procedure Policy

B. Filing Process:

An inmate is to request an administrative remedy from the sergeant or shift commander. A redress for all grievances and complaints should be exhausted at the institutional level. If an inmate is dissatisfied with the proceedings at the institutional level, then he has the right to file a complaint with the Federal Court Monitor or with the Circuit Court.

C. Program Responsibility and Processing:

The administration of the grievance program will be the responsibility of the facility commander or his designee. The investigation of complaints and drafting of a reply should be accomplished by the shift commander or supervising sergeants. All grievances should be answered on the form on which they are filed. An inmate who does not file a formal grievance on a regular form will receive an answer on an administrative remedy form with the written grievance attached.

D. Notification:

All inmates shall be advised of this grievance procedure policy statement. This shall be addressed through, but not limited to, all inmate publications and the admission-orientation program.

E. Record Keeping:

The facility commander shall maintain a monthly log of complaints filed under this procedure. At the beginning of each month, a copy of the completed log for the two previous months shall be forwarded to the director. A log shall be maintained by the Administrative Section.

F. Use of the Complaint Form:

If an inmate cannot resolve his complaint through informal contact with staff and wishes to file a formal complaint for administrative remedy, he should secure the appropriate form from any correctional officer and write his complaint in the space provided. He may obtain assistance from other offenders or staff to complete the form. The inmate shall give the completed form to the officer, who will provide a signed receipt. The complaint shall be processed under the following time constraints:

1. Within 7 days from the date the incident of complaint occurred, unless it was not feasible to file within such period. Facility staff have up to 7 days from receipt of the complaint, excluding weekends and holidays, to act on the matter and provide a written response.

Figure 23:1 (continued)
Sample Inmate Grievance Procedure Policy

2. When the complaint is of an emergency nature and threatens the inmate's immediate health or welfare, reply must be made as soon as possible, and within 48 hours of receipt of the complaint. When the proper course of action is determined, the form should be completed and signed. One copy shall be placed in the classification file, and the original given to the inmate. Responses should be:
 - a. Made as quickly as possible.
 - b. Based upon facts which pertain specifically to the issue.
 - c. Deal only with the issue raised.
 - d. Not include extraneous material.

G. Appeal:

1. If an inmate is dissatisfied with the facility commander's response, he may mail a file for appeal to the director within 5 days of receipt of the response. This should be done on the form provided by a staff person and must include a completed copy of the initial complaint, including response. The director shall forward receipt of appeal to the inmate and reply within 7 days from receipt, excluding weekends and holidays.
2. If an inmate's complaint is of a sensitive nature and he fears possible repercussions, he may file directly with the director through the mail. In such case, the inmate shall explain clearly the reason for not filing in the facility. The director's office shall send the inmate a receipt, replying in 7 days, excluding weekends and holidays.
3. If the time limit expires without a reply, this will be deemed denial of the request. Any inmate still dissatisfied with the response to the complaint and appeal is free to file suit in an appropriate court and attach documentary proof that all administrative grievance procedures have been exhausted.

H. Extension of Time Periods:

The period of time referred to for action by the reviewing officials may be extended for a like period if findings indicate that the initial period is insufficient to make an appropriate decision. This shall be communicated in writing to the complainant. Grievances requiring extensive research and documentation may, at times, require a longer period of response.

APPROVED BY: _____

Detention and Corrections

grievances and recording and initialing all decisions. If inmates are dissatisfied with the initial response to a filed grievance, under this process they can appeal to the warden or facility commander and ultimately to the sheriff.

Informal Grievance Process

The "grievance coordinator" usually is a supervisor who is responsible for day-to-day operations and who has extensive contact with the inmate population. The "grievance coordinator" must have extensive knowledge of all aspects of institutional operations and have the authority to initiate investigations and recommend changes.

The "grievance coordinator" is extremely crucial to the overall grievance process. His ability to function effectively can add credibility to the total process. When the jail has an effective "grievance coordinator" assigned to handle complaints, inmates are encouraged to bring problems to the attention of staff through this informal process. This enables the administration to clear up frivolous or routine complaints without tying up a lot of staff time. An example of the resolution of a grievance through an informal process is depicted in Case Study 1.

Case Study 1:

Inmate Larry Michaels had been in the Boondock County Jail for two weeks awaiting trial on armed robbery charges. During his confinement inmate Michaels was being held in administrative segregation as an escape risk due to a previous charge of "escape" from a minimum security facility in another state. Records indicated that the old charge was still open.

Inmate Michaels complained that he was being unjustly confined as an "escape risk" because the old charge was in error. Michaels said he had been released for a funeral furlough and was five hours late returning due to a snow storm. The charge was routinely filed and never removed.

Lt. Dan Johnson, the jail's "grievance coordinator," checked Michaels' story through central records. The other state was notified and officials there verified inmate Michaels' story. Michaels was then released from administrative segregation and his name was removed from the special handling roster.

The resolution of complaints through an informal grievance process enables the correctional staff to **avoid extensive investigations and encourages prompt and fair disposition of minor situations.**

Formal Grievance Process

The formal grievance process begins when an inmate fills out the necessary forms and seeks corrective action regarding some aspect of confinement. Correctional supervisors should have a standard form available to expedite processing (see Figure 23:2 for an example of a standard grievance form). However, a valid grievance exists whenever a request is received from an inmate, even if it is not in a standard form.

The supervisor or grievance coordinator should log the grievance with the following information: date, name and number of inmate, subject of complaint, and disposition (see Figure 23:3 for an example of a jail's inmate grievance log).



The standard grievance form should be designed to allow for the inmate complaint and the grievance coordinator's response on the same sheet of paper in order to expedite processing (see Figure 23:2). In addition, the standard form should allow for a routine appeal to the next level of command if the inmate so desires. The grievance coordinator should retain sufficient copies of the form for future reference.

It is also important that the inmate sign a receipt acknowledging acceptance of the processed grievance (see Figure 23:2). If a standard form is used, any complaint received which is not written on the form itself should be attached to a copy of the form and processed accordingly. This is important because in most jurisdictions inmates can write to elected officials, judges, attorneys, and public administrators to express dissatisfaction with various aspects of their confinement. When this occurs, jail officials should handle the complaint as a formal grievance even though it did not come directly from the inmate. An indirect formal grievance is depicted in Case Study 2.

Case Study 2:

Big Sky County Jail inmate Calvin Tucker was dissatisfied with the medical treatment he was receiving for a hernia. Tucker wanted the medical staff to operate on him and remove the hernia. Dr. Hawkeye Butcher, chief of the medical staff, felt that an operation was not necessary and that inmate Tucker's problem could be controlled through medication.

Tucker was awaiting trial on armed robbery and attempted murder charges. Angry that his request for surgery was being denied, Tucker wrote to the judge of record and said he was in severe pain. Because of the pain, he argued that he was unable to prepare properly for his defense. He also stated that he had been denied proper medical care and any conviction he received would be appealed on those grounds.

Judge John Paul Justice summoned Jail Administrator Cathy O'Connell to his chambers, presented the letter from inmate Tucker to her, and requested an investigation with a response within 24 hours.

Jail Administrator O'Connell asked Grievance Coordinator Lt. Enrico Macaroni to initiate an investigation. Lt. Macaroni's first step was to attach a copy of the letter inmate Tucker sent to Judge Justice to the standard grievance form. He then gave Tucker a receipt. Lt. Macaroni next interviewed Dr. Butcher and his assistants and examined inmate Tucker's file in the medical unit. The investigation revealed that Tucker was not

**Figure 23:2
Request for Administrative Remedy Form**

RATTLESNAKE COUNTY JAIL

To: Shift Commanders

From: _____
(Last Name, First, Middle Initial) Cell No. _____

PART A – INMATE REQUEST

Date Signature of Requestor

PART B – RESPONSE

Date Signature of Employee Investigating Shift Commander

PART C – RECEIPT

Return to: _____
(Last Name, First, Middle Initial) Cell No. _____

I acknowledge receipt this date of a complaint from the above inmate in regard to the following subject: _____

Date Recipient's Signature (Staff Member)

INSTRUCTIONS TO INMATE:

- (1) Request form from Officer.
- (2) Fill out form completely.
- (3) Turn form back to Floor Officer and request receipt.

telling the truth . . . he had received documented medical care and another physician whom Dr. Butcher had called in to examine Tucker agreed with the initial diagnosis that surgery was not necessary. Lt. Macaroni prepared a report for Judge Justice. A copy was sent to inmate Tucker on a grievance form.

Types Of Problems Processed

The jail supervisor should permit an inmate to complain about any aspect of incarceration. Certainly, many of the complaints will be routine or frivolous. However, it is more desirable that a formal process be established to give inmates an opportunity to express concerns about problems they may have with their conditions of confinement. **If you don't let the inmates tell YOU about their problems, rest assured they will tell the local media or the American Civil Liberties Union (ACLU).**

The jail supervisor will handle a wide range of complaints and grievances from inmates which may include, but not be restricted to, the following:

1. Medical care;
2. Disciplinary decisions;
3. Food services;
4. Maintenance problems;
5. Leisure time programs and activities;
6. Policy and procedure;
7. Staff behavior;
8. Classification decisions;
9. Other inmates;
10. Judicial system;
11. Program or educational opportunities;
12. Visitation;
13. Bond-out procedures;
14. Property complaints;
15. Overcrowding;
16. Personal problems;
17. Good time;
18. Legal issues; and
19. Religious issues.

Processing Time

The jail supervisor can add credibility to the grievance process by **responding to each inmate's formal complaint within a reasonable period of time.** A policy establishing time limits for the resolution of grievances encourages internal problem-solving, rather than having inmates appeal for help to outsiders, such as the media and the ACLU. Additionally, it offers the jail administration **a means for continuous review of administrative policy and decisions.** And, there is another im-

portant benefit for the jail administrator—such a policy provides a means of acquiring **written documentation** of an incident for possible subsequent suits which may be filed in court by inmates.

When the jail supervisor receives a complaint or grievance, a process should be set in motion automatically. This process may include the following steps:

1. Properly log and document the grievance.
2. Discuss the issue with the inmate for clarity.
3. Determine if additional staff members, inmates, or others should be interviewed.
4. Conduct a necessary document/report review to support the decision.
5. Notify proper officials that a grievance investigation is in process. This can usually be handled through routine logging procedures if the complaint is not of an urgent nature.
6. If the grievance is a medical emergency or of a life-threatening nature, take immediate corrective action.
7. Make certain that all pertinent information has been gathered.
8. Formulate a conclusion based on the accumulated evidence.

The jail supervisor should make every effort to resolve most grievances within a time frame of **three to seven days.** The only extensions would be for matters requiring a legal opinion or additional medical tests which have to be scheduled with specialists. In these cases the inmate should be advised in writing why the delay is necessary. When the complaint is of an emergency nature and threatens an inmate's immediate health or welfare, then a reply must be made as soon as possible and within 48 hours of receipt of the complaint. Case Study 3 is an example of a grievance affecting the health or welfare of an inmate.

Case Study 3:

Inmate Anthony Duncan was sentenced to 180 days in the Rattlesnake County Jail in Fangville, Texas, for theft. After he had served 30 days his father died in Oklahoma. Duncan requested permission to submit the necessary paperwork for a funeral furlough. His request was denied because the funeral was out of state. Duncan then filed a grievance requesting immediate action because the funeral was to be held in three days. Shift Supervisor Lt. Dick Bradley immediately reviewed Duncan's case and determined that the in-state requirement applied only to pretrial detainees. Because Duncan was a sentenced inmate, Lt. Bradley processed his request for a furlough within eight hours and sent the forms to the sentencing judge for final approval.

Organizing The Grievance Board Hearing

The concept of a grievance board can be extremely appealing to jails and short-term detention facilities because it places responsibility for the disposition with a committee of people rather than with the grievance coordinator or jail supervisor alone.

The organization of a grievance board is very important; the board should be representative of the entire correctional operation, insofar as is possible.

The recommended composition of a jail's grievance board is:

1. The grievance coordinator or a jail supervisor functioning as chairperson;
2. A correctional officer; and
3. A non-security staff person, i.e., a social worker, educator, chaplain, or medical officer.

The chairperson should be responsible for information gathering, scheduling of witnesses, fact-finding, and recording the minutes of the hearings, as well as the board's decisions. The hearings should be conducted on a regularly scheduled basis or whenever necessary, depending upon the amount of complaints which inmates file.

In some jurisdictions citizens in the community are asked to participate, along with staff members. A mixed citizen/staff board allows for opposing points of view and provides an unbiased assessment of the inmates' complaints during the hearing process, it has been argued. But there are problems involved with citizen participation, including the fact that citizens who have full-time jobs may not always be available for scheduled hearings; in such cases, the frequency with which hearings are conducted may make the utilization of professional staff more realistic.

The board should have the authority to hear grievances and make decisions regarding disposition of the complaints. However, the board can also advise the jail administrator about other matters arising from the hearings, such as:

1. The clarification of ambiguous policies and procedures;
2. Review of internal procedures;
3. Suggestions for improving relations between inmates and staff members;
4. New program ideas that may reduce inmate tensions and frustrations;
5. Suggestions for more open communication;
6. Improving minority or race relations;
7. Correctional officer training needs;
8. Programs and services for special management inmates; and
9. Trends in inmate behavior.

A sincere effort by the grievance board could substantially contribute to improving the overall management of the inmate population. In an era of jail overcrowding, hostage situations, violence, and inmate rebellion, an atmosphere that promotes "fair play" does much to prevent these types of situations.

Appeals Process

The jail supervisor's responsibility to the grievance process does not end at the conclusion of the initial response to a formal complaint. One of the most significant aspects of a formal grievance mechanism is the **appeals process**. This process enables the inmate to disagree with the jail supervisor's disposition and seek redress at a higher administrative level, usually the jail administrator or sheriff.

The jail supervisor should be responsible for processing the appeal to a higher authority. This process should take place within a reasonable period of time after the initial grievance has been filed and should include copies of the original complaint and response. If an inmate complaint is of a sensitive nature and possible repercussions are feared, then a direct appeal to the jail administrator should be permitted. However, in routine cases, the jail supervisor should be responsible for processing, monitoring, and recording the appeals of grievances (a sample form for appeals is illustrated in Figure 23:4).

The significance of the appeals process cannot be understated. As long as inmates are confident that jail officials will permit them to file complaints or grievances, then the probability of lawsuits and complaints to outside groups, such as the media and the ACLU, will be reduced.

Case Study 4:

Inmate Steven Gibson was confined in the Turkey County Jail on bad check charges. He was regarded as a jailhouse lawyer and spent a great deal of time in the law library. Last week inmate Gibson filed a grievance because no typewriters are available for inmate use. He cited "hindered access to the U.S. Supreme Court." Grievance Coordinator Mary Kay Feathers denied inmate Gibson's request on the basis of: (1) lack of funds, and (2) a manual typewriter is available for inmate use even though it needs to be repaired.

Inmate Gibson appealed to Sheriff Gary Gobble, who consulted with Turkey County's legal officer, Bob Whiplash. Attorney Whiplash said that typewriters in good working order should be available to inmates and a lack of funds is no excuse. He also advised that typewriters could be purchased through the inmate welfare fund.

ALTERNATE COMPLAINT CHANNELS

In addition to the formal grievance mechanisms described earlier in this chapter, there are several alternative methods which jail inmates use to voice their complaints. Among the most common channels are: **inmate councils; judicial services; attorneys; public administrators and elected officials; the news media; and family, relatives, and friends.**

Inmate Councils

The inmate council is a representative body of inmates chosen by inmate peers. Such councils generally meet on a regular basis to discuss jail concerns and problems under the

Figure 23:3. Sample Department Monthly Complaint Log

RATTLESNAKE COUNTY JAIL

Month		Year				
Complaint Number	Date Received	Inmate Name and Number	Subject of Complaint	Date	Miscellaneous Information	Disposition Code + Inmate's Favor - Against Inmate O Other Disposition

Figure 23:4. Sample Department Monthly Appeals Log

RATTLESNAKE COUNTY JAIL

Month		Year			
Appeal Number	Date Received	Inmate Name and Number	Subject of Appeal	Disposition Code + Inmate's Favor - Against Inmate O Other Disposition	Date

chairmanship of a jail supervisor. The inmate council can be a valuable forum for orderly discussion of jail problems and concerns (see Figure 23:5 for a sample policy).

Judicial Services

Various judicial systems have mandated that inmates be given access to the courts in matters affecting their cases. The courts can be an important resource to help the jail supervisor measure internal tension and frustration. For this reason, it is recommended that the jail administrative staff establish positive working relationships with judges and court administrators for routine feedback on potential problem areas.

Attorneys/Legal Services

Attorneys representing inmates in pending trials are primarily concerned with the criminal aspects of a case and not with the internal operations of a jail. However, inmates routinely express dissatisfaction regarding their confinement to their attorneys. Generally, the complaints concern staff misconduct or personal safety. **If a jail is maintaining a credible complaint/grievance mechanism, then attorneys may willingly refer most complaints to the jail administrator for investigation before considering any legal action.**

Public Administrators/Elected Officials

In most jurisdictions inmates are able to write to public administrators and elected officials without censorship. Because of this, jail administrators should make public officials aware of the jail's complaint/grievance mechanism and encourage immediate contact if the public officials receive a complaint from an inmate. Elected or public officials who are most likely to receive correspondence from inmates regarding some aspect of jail operations would be members of Congress, state legislators and the governor, county commissioners or supervisors, city council members, and administrators of human services agencies.

News Media

The news media's interest in jail operations is continuous and on-going. As long as jails have the potential for providing a story that may be of interest to the public, then the news media will closely scrutinize all aspects of jail operations. Perhaps **inmate complaints** are foremost among the interest of news reporters, since journalism thrives on controversy.

As with public officials, jail administrators should endeavor to inform the area's media representatives that a complaint/grievance mechanism exists and jail officials will investigate the complaints which inmates have sent to the media. Jail officials should also provide newspaper editors and radio/television station news directors with copies of the following policies:

1. The written policy which governs all facets of inmate complaints or grievances.
2. The written directions for staff and inmates for the processing of complaints and grievances.
3. The written policy which strongly encourages inmates to exhaust internal grievance procedures before seeking external intervention.

4. The written policy governing the process of investigation for correctional officer misconduct.

Family, Relatives, And Friends

When an inmate enters a jail, his immediate supervisors on the staff will be flooded with questions from his family and loved ones. Family members and friends can be an extremely valuable resource for jail supervisors in helping to prevent escapes, suicides, sexual assaults, and improper classification. On the other hand, they also can be a source of aggravation and manipulation.

If the jail supervisor establishes proper communications with the families and friends of inmates, these citizens can provide the supervisor with a continuous flow of information about problems involving jail operations. This information may or may not be meritorious, but it is worth receiving in the long run—sometimes an inmate's family members or friends will alert you to problems which, if they are not solved, could result in lawsuits.

But, because of the large volume of complaints from families and friends of inmates, it is **not** recommended that each complaint be sent through a formal grievance process. However, the jail supervisor should have an **objective screening process** so that each complaint from family members, friends, or relatives can be evaluated on its individual merits.

CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT (CRIPA)

In order for a complaint/grievance system to be effective, it must have the cooperation of jail employees and the trust of inmates. One way of guaranteeing that this will be accomplished is through an **effective training program**. Staff members must learn what is expected of them in the complaint/grievance process and how they should explain the mechanics of the process to inmates. **Training should include necessary skills, such as methods of investigation, mediation techniques, record-keeping procedures, and the appeals process.**

The basic mission of any jail supervisor is to provide for the safe and secure operation of a corrections or detention facility. This entails a wide variety of responsibilities which are overlapping and interconnected. However, it is apparent that the issue of constitutional standards and inmate rights permeates all aspects of correctional operations. With passage of the **Civil Rights of Institutionalized Persons Act (CRIPA)**, 42 U.S.C., Congress in 1980 lent its support to "encouraging the development and implementation of administrative mechanisms for the resolution of prisoner grievances within institutions."

The jail supervisor should keep in mind that from the perspective of the inmate, litigation is seldom an effective or viable means of redress. Despite the fact that correctional systems in the United States are swamped with court orders regarding conditions of confinement, more than 95 percent of inmate lawsuits are disposed of by summary judgment or motion to dismiss. Therefore, **it is clearly in the best interests of everyone for jails to operate an effective inmate complaint/grievance program.**

Figure 23:5
Sample Policy Governing Inmate Council

RATTLESNAKE COUNTY DEPARTMENT OF DETENTION AND CORRECTIONS

Inmate Council - Rattlesnake County Jail

1. PURPOSE AND ROLE: The Inmate Council is a representative body of inmates chosen by inmate peers which meets on a regular basis to discuss jail concerns and problems of the inmates under the chairmanship of the Inmate Council officer, a jail officer chosen by and directly responsible to the captain of the facility. **The Inmate Council has no authority to affect changes in jail policy or procedure.** Its role is to provide a forum for orderly discussion of inmate concerns and problems, and to provide an avenue for response to those concerns and problems which are appropriate. The Inmate Council is initiated and continued at the discretion of the captain of the facility.
2. OBJECTIVES:
 - A. The inmates have regular structured access to a designated jail officer to insure presentation of concerns and problems.
 - B. Administration is provided a method of communicating to inmates information and directives requiring inmate understanding and participation, e.g., availability of copies of the Consent Decree, rule changes, and cell cleaning expectations.
 - C. Administration has a consistent method of determining the current mood of the inmates, patterns of problems and chronic complaints which could fester into riot or cause injury to staff and inmates.
 - D. Administration is provided an immediate personal written report of inmate attitudes and concerns for immediate response as the captain deems appropriate.
 - E. The inmates are provided not only with a sounding board for grievances, but also with a designated jail officer who can troubleshoot and solve appropriate problems as needed at the direction of the captain.
 - F. The Inmate Council officer also monitors cell cleanliness on a daily basis, has daily contact with all the inmates, and insures cell cleanliness response from the inmates.
 - G. Mitigation of inmate tension, which helps insure better security.

Figure 23:5 (continued)
Sample Policy Governing Inmate Council

- H. Enhancement of the inmate perception of the jail officer, the administration, and the staff as responsive to legitimate concerns, and as worthy of respect.
3. RESPONSIBILITIES:
- A. The captain initiates and authorizes the functioning of the Inmate Council; he appoints the Inmate Council officer, who is responsible directly to, and has immediate access to, the captain. He is responsible only to the captain in his capacity as Inmate Council officer.
- B. The Inmate Council officer conducts the Inmate Council meetings regularly according to the written procedures, and makes an immediate personal and written report to the captain. He does the appropriate follow-up work at the direction of the captain, and with the advice, as needed, from the recreation supervisor. He makes a written report of the follow-up work for the previous meeting. He sees that copies of both the meeting minutes and the follow-up report are given to the captain and recreation supervisor. He also monitors cell cleanliness on a daily basis to insure inmate responsiveness and compliance. He reports to the captain, or his designee, on cell cleanliness.
4. ATTITUDE AND COMPETENCE OF THE INMATE COUNCIL OFFICER: This position requires a motivated person with a blend of special and varied knowledge abilities. His positive attitude is crucial to the success of the Inmate Council.
- A. KNOWLEDGE: Departmental policies and operational procedures; the criminal justice process; some knowledge of human behavior processes; full knowledge of the facility; functional knowledge of departmental and facility staff/roles; Roberts Rules of Order.
- B. ABILITIES: Establish rapport with inmates; function comfortably and effectively with inmates and staff; be aware of the "lightning rod" function he serves for inmates ventilating anger; have the patience to be comfortable in intimidation and contention; perceive the inmates as human beings who have basic human rights; be fair and considerate; be very much in charge of the meeting; be able to make quick but discerning judgments about what is pertinent, and fair; keep his word with inmates; make good judgments on what he can promise and what he cannot; have the ability, tact, and tenacity to do the appropriate follow-through; prepare reports; have a sense of humor.
5. PROCEDURES:
- A. The Inmate Council officer (ICO) goes to each cell, as needed, to acquaint inmates with the purpose, procedures, and guidelines of the Inmate Council.

Figure 23:5 (continued)
Sample Policy Governing Inmate Council

- B. Inmates are given a reasonable amount of time to select a cell representative and an alternative representative, due to inmate turnover.
- C. The ICO records the names and cell numbers of the cell representatives and alternates.
- D. The ICO schedules the Inmate Council meetings in the chapel at an appropriate hour with all cell representatives or alternates, and facilitates inmate movement to the chapel.
- E. The Inmate Council meets weekly, alternating between the male and female inmates, i.e., bi-weekly for each.
- F. Roberts Rules of Order are observed in the conduct of the meeting. The ICO explains the basic rules and guidelines, as needed.
- G. The basic meeting agenda is as follows:
 - (1) ICO calls the meeting to order.
 - (2) Minutes of the previous meeting are read.
 - (3) ICO reports on follow-through activities relative to the previous meeting, or supplies pertinent information.
 - (4) Questions from the floor relative to the above.
 - (5) Representatives or alternates have 20-30 minutes to decide on a specific agenda for the meeting.
 - (6) New business; old business.
 - (7) Each cell representative or alternate signs a form that his cell possesses or has been given this day a copy of the Consent Decree.
 - (8) Meeting adjourned by vote and seconded.

6. GUIDELINES:

- A. Only the cell representative or the alternate attends the meeting, not both.
- B. Inmates are expected to conduct themselves in an orderly manner.
- C. Each person must be recognized by the ICO before speaking, and give name and cell number.

Figure 23:5 (continued)
Sample Policy Governing Inmate Council

- D. Only one person speaks at a time.
- E. Pertinent guests may be invited to provide information as the ICO deems appropriate, e.g., correctional social worker, chaplain, classification specialist, commissary staff, medical staff.
- F. Administrative staff are welcome to attend on occasion, but not as a command performance for the inmates on a regular basis.
- G. Inmates are informed that all minutes and follow-up reports go directly to the captain.
- H. If the ICO has good reason to believe that a cell representative has forced his selection on his peers, the ICO may personally poll the inmates of that cell relative to the preferred cell representative.

SUMMARY

- 1. Formal grievance mechanisms in jails provide inmates with a means of addressing any aspects of their confinement and are useful tools for jail administrators.**

There are several types of complaint/grievance mechanisms in use in jails and detention centers, including:

- A. Multi-level grievance procedures;
- B. Ombudsmen;
- C. Grievance boards;
- D. Inmate councils;
- E. Inmate unions; and
- F. Legal services.

Of these methods, multi-level grievance systems and grievance boards seem to be the most effective in jails.

- 2. The responsibilities of first-line supervisors in the formal or informal grievance process must be governed by specific operational procedures for maximum effectiveness. The jail administrator must clearly define the grievance process through written policy and procedure in order for supervisors to implement it effectively.**

Most jails and detention centers have a three-step process for the resolution of inmate grievances. This process involves:

- A. Appointing a grievance coordinator who is responsible for receiving and investigating grievances and recording and initialing all decisions.
- B. Appeal to the warden or jail administrator if the inmate is unhappy with the manner in which his grievance was resolved by the grievance coordinator; and
- C. A final appeal to the sheriff.

Jail supervisors should permit inmates to file grievances about any aspect of their incarceration. Grievances should be processed within specified periods of time.

- 3. In 1980 Congress passed the Civil Rights of Institutionalized Persons Act (CRIPA), which encourages the development of inmate grievance mechanisms.**

Because of this law, and because the court system is seldom the ideal forum for dealing with inmate grievances, it is in the best interests of both the jail staff and the inmate population for the jail to establish and maintain an effective system for resolving inmate complaints.

CHAPTER TWENTY-FOUR

THE SUPERVISOR AS A TRAINER

In this chapter we will discuss your role as a trainer. You, the first line supervisor, have special and unique skills which you have developed over the years. Those skills enabled you to advance up the ranks to be a successful supervisor. **The measure of your effectiveness as a supervisor rests in your ability to pass on to others those highly technical skills which you yourself possess as a correctional officer.**

Therefore, in order to teach you how to hand on your skills to your subordinates, we will look at several issues in this chapter:

1. Is there a problem that training can correct?
2. What is the best method of instruction to use?
3. How do I go about correcting employee behavior?
4. How do I select an expert to help me with my problems?

As we approach each issue, you will begin to see how you can have a positive impact upon your employees. You will learn the nuts-and-bolts of communicating your desires to your subordinates. But don't be frightened, for you do not have to be a scholar to be able to teach someone how to do his job well.

Our aim in this chapter is to plan for success with our subordinates. We will take on a **coaching role**. A good coach can set realistic goals for his team, alternately praise or reprimand them, and gauge whether they are on the road to victory or the road to defeat. You can coach your jail officers to be the very best correctional officers they can be. You will be a success because they will be a success.

TRAINING PROBLEM?

In the following statements, determine whether you have a training problem. Answer yes or no.

1. Deputy Ray Montoon uses snuff and spits into a styrofoam cup which he carries all the time.
2. Officer Rula Jean Doughty is very kind to the trusties. She tends to touch them on the arm as she talks to them, or pat them on the shoulder.
3. Inmate Freddy Waskem puts laundry soap in the washers without measuring amounts.
4. Deputy Jim Gallanty, a rookie, has twice failed to clear his revolver before entering the security perimeter of the jail.
5. On an escort to court, Deputy R. J. Mitchell stopped at a local drugstore to buy a sick prisoner some aspirin.

When you were trying to decide whether these situations are training problems, a few questions may have arisen in your mind:

1. **How serious is the action?**
2. **Does it jeopardize the safe, efficient operation of the jail?**
3. **Who is responsible for correcting the behavior?**

Let us look at the answers one at a time:

1. This is not a serious threat to the operation of the jail unless the backwash from Montoon's snuff makes everyone sick. He basically is being inconsiderate. A few words of advice in a non-threatening way should take care of the problem. Of course, if Montoon always has one hand occupied holding his drool cup, then you should be concerned about how well he may be able to function in his assigned duties. So your training here will be individualized, short, informal, and reasonable.
2. Officer Doughty may be quite compassionate, but she is inviting danger with her affectionate behavior. This could seriously hamper jail operations and get her hurt in the process. You must confront her and help her to show her compassion in less provocative ways.
3. Too much soap in the wash could be serious if it damages the washers, but it does not call for a full-scale laundry school. Demonstrating the proper procedures and allowing inmate Waskem to practice under supervision should take care of the problem.
4. Deputy Gallanty is creating a very dangerous situation. Everyone forgets to do something now and then but it seems he may be starting a bad habit. He must be reminded of the "no-weapons policy" and shown the proper clearing procedure. Both you and the firearms instructor share the responsibility for correcting safety violations. This could even be a disciplinary problem that no amount of classwork or range-time could cure. Gallanty must be told of the danger he poses to the entire jail community by his disregard.
5. Your policy regarding proper escort protocol must be clearly spelled out to each officer. Deputy Mitchell may be kind in his stopping for a bottle of aspirin, but he is also inviting danger. Escape is always on a prisoner's mind. You should provide Mitchell with guidelines on escort and sick-call procedures. While you're at it, touch base with all of your escort officers to be sure they understand proper procedures.

As you can see, each case has some aspect of a training requirement. It may be as simple as directing a snuff-dipper to dip only on break, or as demanding as redirecting a person's way of showing concern. **You are training someone each time you attempt to change his behavior.** Training is not just a

classroom and a textbook exercise—it is an ongoing communication of proper behavior by someone in authority to someone who is required to demonstrate that behavior.

A “teachable moment” occurs whenever you have someone’s attention directed to a problem and can get them to listen to your suggestions. **The best opportunities for “teachable moments” occur shortly after the person has performed an act that is fresh in his memory.** For example, in the five situations proposed above, you could lose all your effectiveness if you waited until the end of shift to talk to Officer Gallanty about clearing his gun before he enters the jail. **The teaching should quickly follow the action in question.**

As a supervisor you must know what **level of training** your subordinates have received. Therefore, you must examine the basic correctional or law enforcement curriculum they have studied in the recruit academy, as well as in-service programs which they attended. You can, without very much work, get a set of objectives and hand-out materials from your academy, the state Peace Officer Standards and Training Commission (POST), your regional training board, state sheriffs’ association, the National Sheriffs’ Association (NSA), or the National Institute of Corrections (NIC) Jail Center.

You should read over the material to get an idea about how sophisticated the training is. Any honest criminal justice trainer will tell you that classes teach an officer just enough to stay out of trouble. It is not until the officer is on the jail floor that he will really grasp the significance of what his job entails. So do not expect your rookie to be ready to run the jail by himself during a full moon. It will take a long time for that rookie to be a seasoned officer. Remember, high scores on academy tests only point out who the good students are. It is in the jail that we see who the best officers are. You can help those good officers to become superb officers by training them to do the job in the best way.

The following checklist may help you to determine whether there are training problems you need to address:

1. The material in the officer’s initial training did not include in-depth coverage of specific issues; i.e., communication classes may have taught “be polite” but failed to teach **how** to be polite to unruly prisoners. Some classes say to do this or that, but never tell you **how**.
2. A training problem could exist if a good officer seems to foul up for no apparent reason. For that matter, even poor officers foul up because they do not know how to do a job correctly.
3. If a new procedure is instituted and officers continue to behave according to old habits, then the method of training is suspect. **Merely telling employees to change will not guarantee their doing so.**
4. A **discipline problem** differs from a training problem in that discipline problems usually involve a test of willpower, disregard for rules, a history of infractions, a history of counseling; or training approaches have

been employed but to no avail.

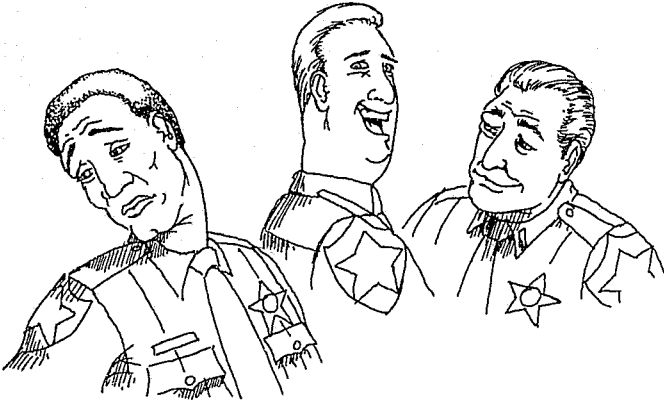
5. An officer who makes an effort to solve a problem but fouls up usually does so through lack of training. The officer can usually explain the action he took. Even if it is wrong, you can see he was not purposely wrong.
6. **Malicious obedience** (following your rules to the letter even when officers should have known better) is usually a discipline rather than a training problem.
7. Immediately throw out the term common sense! Your job involves a lot of **technical skills**. If all it took were common skills, then we could train monkeys or porpoises to replace you. In fact, being a jail officer requires **uncommon sense**. When you suspect an officer acts as if he has no common sense, then you are actually seeing a training problem. The problem and its solution is “common” to you because you are an expert, but to the unskilled officer it is like a foreign language.
8. You have a need for training when there is **inconsistency** in discipline, procedures, or conduct among personnel.
9. Training should be given to those people who cannot make decisions in a timely fashion. The training should cover decision-making, leadership, policies, and motivation.
10. If you have subordinates who have received advanced education and training, then they will seek to make changes. This may not be a problem if you are flexible and can grow. It will be a problem if you feel threatened by their knowledge. Handle the situation by listening carefully to the new ideas and encouraging their suggestions for implementing change. You can make a trial run of the new technique and return to status quo if things do not go smoothly. You have a problem if you send people to advanced training programs, but never make the changes they suggest when they come back.

A good supervisor is always looking for ways to improve the performance of his subordinates. He is constantly training his subordinates to accept more responsibilities. The ideal situation is one where all employees are so well trained that no one would miss a step if the supervisor were out sick or on vacation.

It is quite true that if you want to advance in your career, then you should **train a replacement**. Otherwise, you may be too valuable to promote.

THE BEST METHODS OF TRAINING

There is a definite **pattern** involved in training people effectively. **The pattern is a cycle in which the instructor is very active at first and the student is passive. Then, as you progress through the cycle, the student becomes active while you become less so.** This model is built on a foundation of four rules:



1. **ADULTS FEAR FAILURE.**
2. **ADULTS RESIST CHANGE.**
3. **ADULTS ASK "WHAT'S IN IT FOR ME?"**
4. **ADULTS NEED TIME, PRACTICE, AND ENCOURAGEMENT TO MASTER NEW SKILLS.**

Adults hate to look bad. They will say they understand when in fact they do not have the foggiest idea what you are saying. You ask, "OK, Jones, any questions?" and invariably Jones will say, "No, Sir!"

The toughest people in the world to teach are police and correctional officers. They hate to look like fools. They are supposed to know everything under the sun. And if they do not know an answer, they will make one up.

Break through that fear by saying, "Jones, I have given you a lot of data here. What would you like for me to go over? Perhaps I went too fast over a point or two." By inviting Jones to ask questions he does not have to look dumb. You accept the possibility that you left something out of your presentation.

When Jones gives you a wrong answer to a question, do not climb down his throat! If you even hint at the fact that he blew it, then you will lose him. In front of other officers, this could devastate him. Instead, say something like this: "Good try. Let's change that answer a little and we will bring it on target." Then give him the correct answer.

Training and education require the student to change. Without change there is no growth.

But people resist change. Many folks are comfortable with the status quo and will avoid any disruption in routine. When we change it requires a lot of thinking, which is hard work. One deputy in an in-service class, for example, said he hated new procedures because he had to think all the time. Some people will avoid thinking at all costs. They will resist change even if they can be shown how the change will benefit them. To them, familiar discomfort is better than potential joy.

Do not expect people to love you as a training supervisor. In fact, they will resist you unless you can show them the benefits involved in changing. Adults want to see what is in it for them.

Show them how a new procedure (or a correct one) will make their job easier, safer, and more efficient. If the new procedure will not materially improve the job, then perhaps you should reevaluate its worth.

In a sense, **training is selling an idea to a resistant audience.** The trainees will test you to see if what you are saying has any merit. It is not that they are hostile. Rather, they want to see results from their labors.

Get your subordinates involved in the learning process. A car salesman who shows you pictures of a car and talks to you about its best features is not as likely to make the sale as the salesman who puts you behind the wheel. So put your subordinates "behind the wheel of their learning." Give them time, practice, and encouragement as they learn new skills.

When a gun manufacturer teaches armorers how to repair their weapons, does the manufacturer show pictures, give orders, and lecture? No. He gives the armorers a weapon and tools and tells them to get their hands dirty. Throughout the training, the new gunsmiths get time to practice and lots of encouragement.

Applying this situation to a jail, how would you train your officers to handle fire equipment effectively? For example, let's look at the air-pack. Air-packs are devices every jail needs in case of fire. If you have to train your subordinates to don the pack quickly, first let them play with it. Then give them the correct information. By getting their "hands dirty" with the new information, they become involved in their learning. Tips on easier ways to don the gear will be accepted eagerly. Your subordinates will immediately see the benefits of using the new material you are presenting.

Step One:

Give a concrete experience to your learner. It is best to begin with a hands-on activity, such as the air-pack example described above.

Sometimes that is not practical, however, so **begin by engaging your subordinate in a discussion.** He most likely will be indifferent to the new information, so get him involved (behind the wheel) quickly. Your subordinate has a lot of knowledge in a variety of fields, but none in the particular subject you are trying to teach him. Thus, **a concrete experience encourages him to link his background to the new information.**

Case Study 1:

Refinery County Jail Officer Ted Ramp has been kicked a few times while putting leg-irons on prisoners. His supervisor, Sgt. Ron Napoleon, wanted to suggest to him a new way of getting restraints on inmates without jeopardizing his own safety.

Sgt. Napoleon took Officer Ramp aside and began a concrete teaching experience by asking Officer Ramp to put leg-irons on him. Sgt. Napoleon showed Officer Ramp how easily he can be overpowered. Then Sgt. Napoleon suggested that they reverse the roles, and Officer Ramp became the "prisoner." Sgt. Napoleon told Officer Ramp to turn away and face the wall. Then Officer Ramp was ordered to kneel and cross his legs

behind him. Sgt. Napoleon walked around behind him and talked to him from different points in the room so that Officer Ramp could not tell the sergeant's location. Then Sgt. Napoleon quickly put the irons on Officer Ramp.

In this teaching/learning exercise, Officer Ramp began to feel how valuable the new information is to him. Learning this way had a greater impact upon him than a mere description of the procedure would have.

Now Sgt. Napoleon offered Officer Ramp another opportunity to restrain him. He let the officer practice on him. Each time Officer Ramp applied the leg-irons, Sgt. Napoleon encouraged him by reinforcing good behavior. Sgt. Napoleon even resisted to give Officer Ramp a chance to practice in a more realistic setting.

Thus, we can see from this case study that a concrete experience makes learning much easier because it is real rather than abstract.

The concrete experience sets the stage for interacting with the new material. The learner becomes involved in his own education. It is meaningful to him because he sees immediate benefits from using the new information.

Step Two:

After the concrete practice experience, the next step is to **deliver the information to your learner. Give the information in small doses and let your learner practice using it.** For example, instead of telling an officer line-by-line how to fill out a booking slip, give him a case to practice on and let him work through the slip himself. Watch over his shoulder to feed new bits of data to him.

A cow may eat two bales of hay in one day but she does not gorge herself all at once. She eats a little, chews cud, drinks water, snoozes, wanders around, and eats a little more. Learn from the cows: Do not give your subordinate bales and bales of new information all at once. Let the learner digest the new information before more is introduced.

Step Three:

Your learner has to **practice for himself.** You must let the information become part of him. You cannot learn for someone else—he must work to fit the new information into his brain and behavioral patterns.

You are doing your job well if you **leave the learner alone for awhile to figure out things for himself.** For example, if you are teaching an officer how to run a table saw in the jail shop, the first thing you will do is to tell him the safety points. Then give him a small project to complete and conveniently find a reason to leave. While you are gone, he will have to apply the new information to the task and figure out things on his own.

If he can ask you for help every time he has a trivial question, then he will never have to work out the answers to problems himself. This does not mean to say that you should desert your subordinates after one training session. Rather, it means that you should **give them a concrete experience, feed them some information, and then allow them to work with the material on their own.**

Step Four:

Now your role is one of **advisor, evaluator, and coach.** As your subordinate is busy using the table saw, you should come back into the shop and casually look over his work. He will no doubt ask you a question. Before you answer his question, ask him a question. For instance:

Subordinate: "Sergeant, how close do these cuts have to be for this frame to fit together?"

You: "Well, have you tried to assemble the frame yet?"

Subordinate: "Yes, and it just won't go together. I guess that means I should be more precise, huh?"

You: "I guess so. But let me show you a trick to get these angles at a 45."

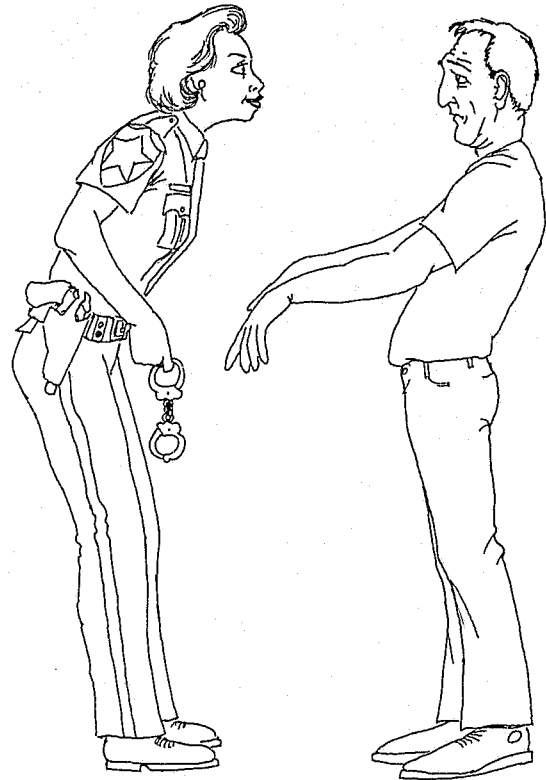
In more complex situations, such as a subordinate asking for coaching in how to handle a conflict with an inmate, use the same questioning technique to help the learner answer his own questions. Ask him what has worked in the past and why it went wrong now. Then let him come up with possible answers as you guide him in his thought processes.

Thousands of years ago the philosopher Socrates used this method of asking questions to teach his students. He was convinced the brain was so able to handle problems that all he had to do was ask the right questions and his students could solve any problem. This method of asking questions as a means of teaching is known as the **Socratic Method.** It does not involve swamping your learner with a barrage of questions such as a gung-ho detective on a major crime case would do. Instead, **you ask one deep question to lead the learner to discover the answer for himself.**

The teaching cycle sees you very active at first and your student rather passive. Then your learner becomes more active and your job is that of a guide. We can summarize the teaching cycle as follows:

1. **Begin with a concrete experience.**
 - A. You are motivating, prompting, and acting.
 - B. Use a discussion to draw out a worker's knowledge.
 - C. Give a sample problem or pre-test.
 - D. Show the worker how the new material will help him.
 - E. Involve the worker in a demonstration.
 - F. "Get the student's hands dirty."
2. **Give them information about the new material.**
 - A. You are now teaching.
 - B. Give them the big picture.
 - C. Provide a framework on which to hang details.
 - D. Give the objectives—what will the new behavior be?
 - E. Let the learner think about the new material.

- F. Summarize often.
 - G. Give the learner case studies and practice problems.
3. **Let the learners work by themselves.**
- A. You are now the coach.
 - B. Encourage the use of skills.
 - C. Correct the use of poor skills.
 - D. Summarize often.
 - E. Let the learners stumble in the right direction.
 - F. Provide a lot of practice.
 - G. The learners need interaction time with the new information.
4. **Turn them loose.**
- A. You are now the mentor—the resource person.
 - B. Let the learners discover for themselves.
 - C. They return to you for advice.
 - D. This is the period of refinement.
 - E. You learn from your students.



Darby was sewn up, released, and returned to the jail without incident.

How should Sgt. O'Connell use the four steps of the learning cycle to teach Deputy Stream how to be safer in her escorts? Refer to the summary points as you answer.

The concrete experience has already taken place, so Sgt. O'Connell should ask her to repeat the steps she took (which she remembers) to prepare Darby for transport. This links her previous knowledge to the new information she is about to receive. Sgt. O'Connell should begin this way: "Let's talk about that escort we made. Review the steps you took to get ready for the run."

Next, he should tell her about the policy regarding transport procedures and ask her if she felt she followed them. If she did, he should congratulate her. If she did not, then Sgt. O'Connell should correct her and tell her why the policy should always be followed.

As Sgt. O'Connell shifts into the coaching and self-learning stages, he should ask Deputy Stream to consider the possibility of escape and where she was most vulnerable in the escort. While she is thinking about it, Sgt. O'Connell should raise some concerns about Darby's criminal history, the seriousness of his wounds, and the use of leg-irons, considering that his wounds were not too serious. Then he should ask her about potential weapons Darby may have found along the way. If Deputy Stream does not realize her error in not checking the exam room, Sgt. O'Connell should ask her what Darby could have found there. If she still does not respond, then Sgt. O'Connell should shift back to step two and tell her, "Check every room you intend to place a prisoner in!"

By asking Deputy Stream to think about these issues, Sgt. O'Connell is, in fact, training her to be more alert in the future. Instead of having Sgt. O'Connell around to ask the questions, next time she will ask them of herself.

Teaching an employee how to do the job better is part of your job as a supervisor. If you are doing your job, then you are teaching your subordinates about the job on each and every shift. Your subordinates watch you and learn what is expected of them. **Are you teaching them bad habits or good habits?**

You can teach good habits to your subordinates by going through the entire learning cycle with them. And you do not have to be a teacher to pass on valuable knowledge. A concerned supervisor can be the best coach possible to help his jail officers perform well.

Case Study 2:

Chuck Darby, a car thief, police assailant, and all-around bad guy, is in the Big Sky County Jail waiting for space to become available at the state penitentiary. While mowing grass today, he cut his leg and had to be taken to the Cloudville City Hospital for stitches. He was able to walk since the bleeding was stopped with a compress and bandage.

Deputy Carol Stream has been assigned to Sgt. Ed O'Connell's shift during her probationary service period. Sgt. O'Connell decided to let Deputy Stream make the escort, but he tagged along since she is a rookie.

In preparing for the escort, Deputy Stream handcuffed Darby but did not use leg-irons since he had an injury. At the hospital, Deputy Stream uncuffed Darby and took him into the examination room. She waited outside the door the entire time Darby was with the doctor.

Sgt. O'Connell was concerned about these issues:

1. No leg-irons;
2. No screening of the exam room for possible weapons; and
3. Not staying in the room with the prisoner.

CORRECTING EMPLOYEE BEHAVIOR THROUGH PERFORMANCE STANDARDS

Do you want to be firm, fair, and friendly? Every supervisor wants to be liked and to be respected. We sometimes fall on one side or the other of the issue—either too friendly or too firm. If we are too friendly, the job may not get done. If we are too firm, then no one may like us. So how do we remain friendly and get the job done at the same time?

By having clearly written standards of performance, you can make people responsible for their behavior, enforce rules fairly, and insulate yourself from giving subjective appraisals. Performance standards are easy to write, easy to understand, and easy to enforce.

All standards do one thing: They prescribe a certain behavior that is acceptable. Standards focus on behavior, not personality. They are not emotional; they don't play favorites. **Standards must be clearly written and easy to understand.** If they are, then the performance of your subordinates is easy to measure.

Getting Down To Business

The cookbook formula for writing standards goes like this:

1. The employee will (do this action);
2. Under these conditions (what he will be given or denied);
3. And do it this well (a criterion or measure of success).

The standard of performance has three parts:

1. An observable action;
2. A condition under which the performance will occur; and
3. A statement as to how well the action must be performed.

We will look at these parts of the performance standard one at a time.

The Performance: You must be able to see someone doing it. Consider: "Employees must have a good attitude." This is not a performance statement; rather, it is a characteristic. You can't do a good attitude. But if you were to say, "Employees will answer the phone quickly (after one or two rings) and say 'Good morning, Sheriff's Department,'" then that would be an **observable action**. It may indicate a good attitude, but it **outlines a specific behavior**. It is more important to identify the behavior we want than to ask people to change their personality. **Focus on behavior that you can see—not on traits.** Change the behavior and the personality will eventually come around.

Start your sentences with the phrase, "The employee will . . ." Then use **action verbs**. Here are some good verbs to use:

- | | |
|------------|---------------|
| 1. Stop | 10. Type |
| 2. Drill | 11. Draw |
| 3. Polish | 12. List |
| 4. Wear | 13. Ship |
| 5. Dictate | 14. Label |
| 6. Say | 15. Weld |
| 7. Order | 16. Dispense |
| 8. Paint | 17. Telephone |
| 9. Record | 18. Arrive |

These words show an **action**. Compare them with the following words: "The employee will . . ."

- | | |
|---------------|-------------------------------|
| 1. Know | 7. Have a good attitude |
| 2. Appreciate | 8. Feel |
| 3. Be loyal | 9. Hope |
| 4. Understand | 10. Believe |
| 5. Enjoy | 11. Have faith in |
| 6. Realize | 12. Grasp the significance of |

This list is a pile of **mental processes that cannot be observed**. How can you judge someone's appreciation, loyalty, attitude, or beliefs unless you look at their behaviors? You cannot. So we are back to focusing on **behavior**.

The following statements are typical of many organizations. Your task is to choose those that are good, observable, performance standards, eliminating those which are simply statements of personality traits. **Underline the performance verb and label it P. If the statement describes a characteristic that can't be observed, then strike through it and write it in performance terms.**

Examples include:

- A. The welders will wear cotton or natural fiber garments.
- B. Receptionists will understand the importance of pleasant personalities.
- C. (revised) Receptionists will answer phones by saying, "Good morning, Rattlesnake County Jail. How can we help you today?"

Now for the real test:

1. Employees will not take more than 15 minutes to clean their uniforms at shift change.
2. Employees will recognize the value of being punctual.
3. Employees should be loyal to the sheriff's department.
4. Employees will not discuss politics while they are on duty.
5. Drivers of departmental cars will return the vehicles with full fuel tanks.
6. Seams will be sewn using thread #00714 on all cloth of 14 oz. or more.
7. Food handlers will know the basic sanitary procedures.

8. Plainclothes officers will wear suits of dark cloth with no stripes, plaids, or patterns.
9. Supervisors will use common sense in dealing with discipline problems.
10. Employees will develop an understanding of the Rattlesnake County Sheriff's Department's philosophy.

Answers:

1. Well written because it describes an observable act. You can see them taking no more than 15 minutes.
2. Poor. You cannot see them recognizing values. It would be better to say, "Employees will arrive at 7:45 a.m."
3. Poor. It would be difficult for us to agree on what loyalty looks like. Is it a long time in one job? Perhaps we should change this to say, "Employees will not write public letters or articles that criticize the administration of this department."
4. This is fine as it stands, but tough to enforce. You can keep them from passing out campaign literature, however.
5. This is much better than saying drivers should be courteous toward other drivers.
6. Well written. It is clear and to the point.
7. You cannot see them knowing anything. This is better: "You will wash your hands after you have used the restroom."
8. This is well written. It is clear and to the point.
9. What is common sense? This is poorly written. A better one would be, "Supervisors will use departmental disciplinary forms when confronting an inmate's behavior."
10. This one describes an act which cannot be observed. It should read, "Employees will take and pass an examination on departmental rules and regulations."

Remember, the key is to focus on what you can see an employee doing. The performance must be specific, measurable, and observable.

Conditions: The second part of the performance statement involves the **conditions that will be present while the desired activity is taking place.** What will the employee be allowed or denied? For example:

1. Employees will use the side entrance when it is raining.
2. When arriving at work for shifts A and B, you will park in front of the statue of Jefferson Davis.
3. Cashiers will add five column figures without using calculators.
4. From memory, list the location of dormitory call boxes.

The conditional part of the standard is underlined. Clues to conditions are words such as: given . . . when . . . without . . . using . . . by referring to . . . from memory . . . during.

When the condition is present, it calls for certain behavior. It further refines the standard to produce the behavior you want.

Criteria: This is an **outside measure of how well the behavior is to be performed.** For example:

1. "Phones will be answered in five rings." ". . . in five rings" is how soon the phones must be grabbed.
2. "Linens must be rotated each day." "Each day" is the criterion. If the stock is not rotated each day, then the standard of performance is not met. Thus, the criteria provide a yardstick for the action.

Criteria are statements of speed, quality, or accuracy. They can refer the performer to an outside standard like a spec book, or they can simply be, "Do it like we told you." **The more concrete the measure, then the easier it is to observe compliance.**

Exercise: Practice On Samples

In these samples you will underline performance statements, [bracket] conditions and put (parentheses) around criteria. If the standard is vague or describes a trait, fix it.

Test items:

1. Employees will know the three laws governing use of the on-site radio.
2. Jail officers will count all silverware after each meal.
3. Without referring to the procedure list, employees will properly don the air pack in two minutes or less.
4. Food servers will believe in our system of food preparation.
5. Staff members will maintain reasonable visitation schedules.

Answers:

1. Employees will comply [at all times] with the departmental rules governing use of (all on-site radios.)
2. Jail officers will count (all silverware) [after] each meal.
3. [Without referring to the procedure list,] employees will don the air pack (in two minutes or less).
4. Food handlers will recite the sanitary rules [for our system of food preparation.]
5. Staff members will keep a [30-minute] appointment book.

When you have a problem with your employees, try to focus on the behavior. For example, if there is too much socializing at the receptionist's desk, then state the desired performance in behavioral terms:

1. The receptionist must answer the phones in two rings. Because people stop by to chat, she cannot pick up the phone until the fifth ring.
2. The chatting among hangers-on is making it difficult for the receptionist to hear the phone conversation.
3. The reception area is so crowded with employees, it is difficult to receive guests quickly.
4. So many personal phone calls are coming in that lines are not free for official calls.

By listing the problems in terms of behaviors, you have discovered good business reasons to enforce compliance. You have also tagged bad behavior to justify the establishment of good standards:

1. The receptionist will answer phones in two rings.
2. No person will carry on a conversation that requires the receptionist to miss a phone call. If conversations will likely take a long time and are jail-related, then the receptionist will find someone to cover for her.
3. All talking around the reception area will be in hushed tones or whispers.
4. No employees will linger at the reception desk. (See to it by rearranging the furniture.)
5. Employees will receive no personal calls unless they are matters of life and death.

By trying to standardize performance, you have to go out on a limb. Perhaps your first draft will be unworkable, but it gets you to wrestle with setting down specific activity prescriptions. What we have been discussing can be summarized as follows:

1. State the problem in your own words.
2. List the poor behaviors.
3. From the bad behavior, write ideal performance standards.
4. Revise your ideal statements into workable objectives. Don't get carried away—sometimes a little leniency helps morale.
5. Explain the good professional reasons why the standard should be followed.
6. Gain commitment to observe the standard.
7. Follow-up to ensure compliance. Reinforce good behavior.
8. If bad performance continues, begin retraining or initiate disciplinary actions.

Too often we are not able to say what we mean when it comes to desired performance. We use phrases that are unclear or cannot be measured. **By focusing on behavior, we can avoid measuring by incorrect standards and making subjective judgments.**

Performance standards are descriptions of observable actions. If you cannot see an employee doing the prescribed activity, then you have not developed a proper standard. **By using action verbs, you enhance the standard.**

Standards should have an observable action, a condition placed on the behavior, and a criterion. They should be readily understood, agreed upon, and be reasonable. There should be enough standards to fully describe a job but not so many as to overwhelm the employees.

You can be a better supervisor if you speak in **behavioral terms** rather than by describing characteristics when you are evaluating employees. People change their behavior much faster than they change their personality.

CHOOSE OUTSIDE TRAINING

What should you do if you are sure you need training for your personnel but cannot find the talent within your department? The simplest solution is to send your people out to a seminar. If you choose this alternative, then in addition to the registration fee, you must foot the bill for hotel, food, travel, and the employee's salary. When the employee returns from the training program, you have one person who knows new information. The rest of your subordinates remain ignorant.

Some departments remedy this problem by sending their training officers to seminars, with the understanding that the departmental trainers will, in turn, train the rest of the personnel in the department. But specialized courses generally do not aim to prepare the participants to be trainers. Expertise cannot be gained simply by attending only one seminar! In other words, if you intend to have your staff members be proficient at a skill, you should send them to several courses and give them lots of time to prepare their own classes.

An innovative means of obtaining training for several officers at once is to contact a qualified training provider and ask about the cost of a "road show." Many trainers enjoy taking their courses on the road. Going "out into the field" helps them spread their fame to a larger public. You save money on training by having it come to you; **training your people at your own site is often the most cost-effective method available.**

Often the training provider will offer you a "deal" for free attendance by some of your officers. For example, the trainer may tell you that if you provide the room, audio-visual equipment, and promotion, you will be given five free admissions in exchange. You will be the host agency which invites other agencies to the seminar. The fees paid by the guest agencies will pay for the expenses of providing the training. So your role is to be a sponsor of the seminar; your pay-off is greatly reduced costs for the training of your personnel.

There are plenty of consultants who will come into your agency and conduct training programs. They will claim to be able to cure your problems with an inoculation of their brand of classes. Many of these consultants are reputable and will deliver what they have promised. A few, however, will drain you of time and money.

Here are some suggestions when it comes to **separating the professional corrections trainers from the charlatans**:

1. **Do not be misled by titles.** There are a host of Ph.D.s who are peddling their educational wares. A Ph.D. does not guarantee you a quality instructor. A reliable, but unscientific, test to use is to listen to how the consultant wishes to be addressed. If he insists on being called "Doctor," then he will likely lord his vast experience over you, the "uneducated, country-bumpkin" of a jail supervisor. Company titles are impressive, too. "World Success Career Management Group" sounds like a good name. Add flashy logos and textweave stationery and your Ph.D. becomes a miniature god. The point is: **They are selling a product.** Do not be so dazzled by the sales pitch that you forget to examine the product.
2. **Look closely at the consultant's credentials.** It is not absolutely required that the consultant have a history of criminal justice experience. Many job skills from private industry transfer very well into public safety. However, a lack of experience will be picked up immediately by jail personnel. They can spot a phony a mile away. Examine the consultant's biographical statement or resume. Look for articles he has written that apply to the field of training he is proposing. Then read the articles to see whether they make sense. Contact several other agencies and organizations which have hired the consultant and ask them to tell you about the quality of the training he provides.
3. **In connection with credentials, a reputable consultant will spend time before beginning the actual training program becoming familiar with your jail.** He will want to meet your jail officers and talk to them about their training needs. It tends to relax a class if they have met the trainer prior to the seminar. Evaluate how many hours the consultant will spend familiarizing himself with your environment.

Many hours of work prior to class could foretell a good seminar that is very nicely tailored to meet your specific needs. It could also mean you are paying to educate the consultants in a field which is totally foreign to them. Ask up front if you will be billed for work done to prepare the consultant to teach. Consulting fees run anywhere from \$75 to \$400 per hour. So you can see how a few hours of chatting with employees can garner the consultant a tidy sum. Normally, a few meetings in the beginning and one to wrap-up after the seminar are figured into the cost of the seminar. It is a negotiable point so do not hesitate to bargain with the consultant. Bear in mind that only a few consultants will try to soak you. The majority of consultants build clientele through reputable contracts for service.
4. **When searching for services, ask various training consultants to give you a written proposal.** It is easier to decide among trainers if you read their written ideas.
5. **Tell the trainers about your needs in general and give them a specific example of a problem.** For instance, you may want training in communication. The

example you provide surrounds an argument between a supervisor and two jail deputies. Communication is such a broad topic that you will need to narrow the scope of your interest to make it meaningful.

6. **Do not make the consultant guess at your needs.** Be as concrete as possible in describing the problem the training must address. The more specific you are in outlining the nature of your desires, then the better able you will be to control the outcome of the training.
7. **Ask the trainer to submit the following materials: a cover letter, behavioral objectives, samples of materials to be used, a proposed schedule, means of measurement, room and support requirements, and references.**

Biographical sketches of instructors will help you evaluate their credentials, so ask for them.

By requesting so much support data from a consultant, you will put him on notice that you know how to play the game. It is unlikely that you will be surprised by poor performance if you carefully evaluate the proposal's content.

It is important to ask for behavioral objectives. What your officers will be able to do after the class is the crucial issue. Too often a session is rated highly because the speaker was entertaining. "We had a great time!" But did the participants change their behavior in the right direction?

Since you learned how to write performance objectives earlier in this chapter, you will have no problem spotting proposed objectives that do not relate to performance or behavior. **The most common error in objectives is stating what the instructor will do instead of the student's behavior.** It sounds like this: "to provide instruction on conflict management." **You want objectives for the students.** The cover letter and schedule will outline what the instructor will do.

If you want to give a test to your officers after the class is over, **be sure the questions arise from the objectives.** Your questions should come only as evaluations of the objectives. The consultant will know how to evaluate the objectives. Get him to provide you with questions.

Questions written from objectives and not pulled from the handouts will be easily defended if they are scrutinized. And do not fret if there are not 100 questions on the test. Who says 100 questions make a good test?

Do you really want to have a good exam? Then **do not rely on true-false tests.** True-false items can measure only the lowest forms of thinking. Essay questions, fill-in, and short answers are more thought provoking.

Finally, you are asking for a lot of work from a consultant. A well-written proposal represents a great deal of time and a good-faith commitment that you will not steal his ideas. The trainer will provide you with all the information you need to evaluate his effectiveness. Should you decide against using his services, then it is courteous to offer to return the original and

any copies of the proposal which you may have. If word gets out to other trainers that you may plagiarize their materials, then you will never get whole-hearted service again. Sad to say, it was a police department which was the first defendant in a recent string of cases dealing with piracy of training materials.

The whole point of working with a consultant is to gain competence in a field where you are deficient. Do your homework in examining your needs and reviewing the proposal. Then play fair with the consultant. These actions will insure a good outcome.

LEAD AND TRAIN

In this chapter we have looked at four features of your job as a supervisor who must also be a trainer. Careful reading of the chapter will give you a framework for relating to your jail employees and even to the inmates. That framework is a **behavioral approach** to problems. It asks: What is going wrong and how can I tell if changes need to be made? Then it evaluates the best means of **communicating** that change to the subordinate.

When deciding on the goal for improvement, you should **be specific about the actions which you want to observe**. Instead of giving vague instructions, you can now give very clear statements about **how, when, and under what conditions a certain behavior is called for**.

Finally, you may find that your need for training is so specialized that outside help is needed. By using the guidelines for working with a consultant, you can ensure results that will be defensible in court, if necessary, and worthwhile.

Whether or not you want to be a teacher, the fact that you are a supervisor and, therefore, a leader, means people will learn from you. You can lead and train all at once. Training is merely one aspect of your job as a supervisor.

SUMMARY

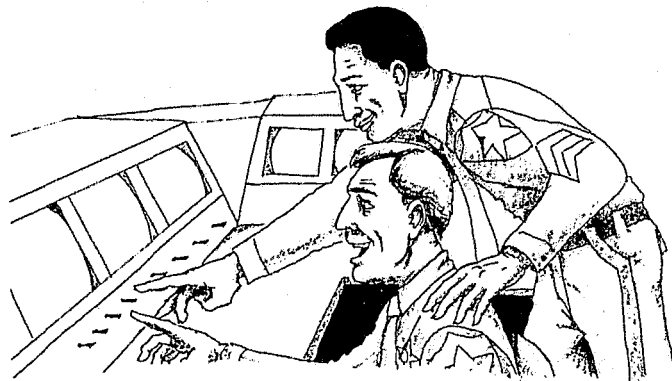
1. As a trainer of his subordinates, the first line supervisor in the jail functions as a coach, guiding his officers to their best levels of performance.

A good coach knows when he has a problem which requires further training. How can you spot such problems? Some of the things you might look for include:

- A. How serious is the action which you think needs to be corrected?
- B. Does the officer's behavior jeopardize the safe, efficient operation of the jail?
- C. Who is responsible for correcting the behavior?

You are training your officers each time you attempt to change their behavior. Training is not just a classroom and textbook exercise—it is an ongoing communication of proper behavior by someone in authority to someone who is required to demonstrate that behavior.

2. The best method of training adults is one in which the instructor is very active at first and the student is passive. As the student progresses and becomes more active, the



instructor becomes passive and takes on the role of a resource person, or coach.

Adults need time, practice, and encouragement to master new skills. They will resist change unless you can show them how the change in their behavior or way of doing things will benefit them. The training of adults is, essentially, selling an idea to a resistant audience. To do this effectively, you must involve your subordinates in the learning process, or "put them behind the wheel." Teaching adults involves four primary steps, which can be summarized as follows:

- A. Motivate the trainee with a concrete experience.
- B. Give him the new information.
- C. Let him practice using the new information.
- D. Advise, refine, and evaluate the learner's work.

As a supervisor, you must constantly ask yourself: Am I teaching my subordinates bad habits or good habits?

3. A good supervisor is neither too friendly nor too firm. How, then, does he motivate his subordinates to perform more effectively if he must always try to walk down the middle of the road? The solution is the development and implementation of clearly written performance standards for all jobs in the jail.

All performance standards do one thing: They prescribe a certain behavior that is acceptable. Standards focus on behavior, not personality. They must be clearly written and easy to understand. The cookbook formula for writing standards goes like this:

- A. The employee will (do this action);
- B. Under these conditions (what he will be given or denied);
- C. And do it this well (a criterion or measure of success).

The standard of performance has three parts:

- A. An observable action;
- B. A condition under which the performance will occur; and
- C. A statement as to how well the action must be performed.

The key is to focus on what you can see an employee doing. The performance must be specific, measurable, and observable.

4. **Sometimes the most cost-effective method of providing advanced training to a group of employees is to bring in an outside training specialist. If you choose the consultant wisely, then your employees should receive quality training.**

But how do you evaluate an outside training consultant before you sign a contract? Some of the factors you should consider in your evaluation include:

A. Do not be misled by titles.

- B. Look closely at the consultant's credentials.
- C. In connection with credentials, a reputable consultant will spend time before beginning the actual training program becoming familiar with your jail.
- D. When searching for services, ask various training consultants to give you a written proposal.
- E. Tell the trainers about your needs in general and give them a specific example of a problem.
- F. Do not make the consultant guess at your needs.
- G. Ask the trainer to submit some materials to you to help in your evaluation.

CHAPTER TWENTY-FIVE

PROGRAMS FOR INMATES

The dictionary defines a “program” as a **plan or system that causes action toward a goal.**

One of the most important goals of a jail administrator should be to have healthy and happy employees. What contributes the most to achieving this goal? The answer is an obvious one: healthy and reasonably content inmates.

Jail programs are management tools. Properly designed and operated, they can be extremely effective in making the job of a jail supervisor easier.

There are **two types of programs** of concern to first line jail supervisors. They are:

1. **Employee Assistance Programs**, which were described in Chapter Twenty-Two; and
2. **Inmate Correctional Programs.**

Both types of programs are essential to the effective operation of a jail facility. This chapter discusses some of the many programs for inmates currently in use in jails throughout the United States and how they contribute to the overall operation of the facility.

Until recently, few jails in the United States provided programs to inmates on an organized basis. Those programs offered generally were limited in scope and objectives. Prisons, on the other hand—particularly Federal facilities—have traditionally offered fairly extensive inmate programs.

WHY JAILS HAVE NOT OFFERED INMATE PROGRAMS

The reasons why jails have not offered programs to inmates include:

1. Jail inmates are generally incarcerated for a relatively brief period of time before being released or transferred to prison and it is commonly believed that there is not enough time for programs to become effective. The high turnover rate in jails means that programs are continually disrupted by inmates entering and leaving and little of value can be accomplished.
2. Program personnel—both professionals and volunteers—are frequently viewed with suspicion and often outright hostility by many custody staff members. They often are perceived as a potential threat to facility security and as an additional responsibility for an already overworked staff.
3. Citizens in general, and many public and private community agencies, do not feel that they have a responsibility to provide program services to jail inmates.

Many citizens have the attitude that inmates are undeserving, while others assume that the jail population is already receiving what it needs. Most people neither know nor care about what goes on inside their local jails and those few who do all too often are quickly discouraged from providing assistance by jail procedures and policies.

4. Funding for jail programs is limited.

Within the last few years, however, many of these attitudes toward jail inmate programs have changed dramatically. Although funding remains a major problem, inmate programs increasingly are recognized by custody professionals as an essential part of effective jail management and operations.

DEMAND FOR INMATE PROGRAMS IS INCREASING

While it is true that much of the recent expansion of program activity in jails is the result of judicial intervention, it also is important to note that **there is now a growing demand from custody personnel for more inmate programs.** Jail employees today recognize more and more that inmates who are actively engaged in constructive programs do not tend to become involved in the traditional destructive activity that makes the work of officers difficult and dangerous. The old attitude of some jail supervisors that inmates are undeserving has been replaced with a better attitude which holds that: **“Busy inmates are happy inmates.”** Inmates who are fairly content are less likely to become a problem to jail employees and other inmates than are inmates who are bored, restless, and without constructive outlets for their pent-up energy and anxiety.

In short, **programs for inmates keep the lid on the jail.** Jail employees now recognize:

1. If the jail doesn’t provide programs for inmates, then inmates will institute their own “programs.”
2. Programs provide jail staff members with a means to direct inmates’ time constructively.
3. Programs provide jail staff with a “goodie” that can be taken away.

Programs for inmates are one of the most important management/supervision tools which are available to jail staffs.

Jail officers and supervisors who perceive program staff members as “the enemy” rather than as professional allies run the risk of alienating an invaluable information resource. Program personnel frequently observe and hear things that jail officers do not. Thus, **it is in the best interest of both custody**

staff and facility operations that there be good, open, two-way communication between custody and program employees.

Every single day in jails across the United States, program employees note and relay information that contributes immeasurably to both officer safety and to the smooth and effective functioning of the jail. This is another reason why more and more jail custody officers are realizing that inmate programs can do much to make their jobs easier and safer, since these programs help to reduce the tension in the facility.

Case Study 1:

Officer Rocky Rambo joined the Big Sky County Sheriff's Department to crush crime. The Sheriff's Department has a rule that all new members of the Department must first serve three years in the jail before going out on patrol. Officer Rambo resents this. He does not see why he should have to "babysit" inmates for three years before he can be a "real cop."

Officer Rambo, assigned to supervise medium custody inmates who have been charged with some heavy felonies, regards the inmates as "dirtbags" and he frequently calls them that. He resents the program people—the school teacher, the chaplain, the librarian—almost as much as he resents the inmates. He believes program people are "commie do-gooder fruitcakes" and, even worse, "civilians." He believes they are a threat to jail security, a "pain in the butt" to be allowed in and out of his area, and another "body" to watch and to supervise.

Whenever possible, he refuses program employees and volunteers admission to his area even when they are scheduled for duty and nothing else is going on. Officer Rambo is uncooperative and unfriendly to program personnel at every opportunity in order to "show them who's boss."

"This is a jail—not a nursery school," he tells the program personnel every time they report for duty. When the inmates complain that they are not receiving their promised programs, Officer Rambo tells them the same thing.

Officer Rambo resents the new 25-inch TV in the inmate's day room. He has an old black-and-white 19-inch TV at home and these "scumbags" have a brand new 25-inch color TV. One evening, shortly before Christmas, Officer Rambo decided to show his colleagues and superiors how a "real jail" should be run. He refused to allow any program personnel into his area, and he disconnected the TV. "You guys are in jail," he told the inmates, "and you ain't got nothin' coming."

On the following day, preliminary estimates indicated that the fire—deliberately set by inmates—caused approximately \$150,000 damage. The five inmates who were hurt in the riot and fire are all expected to recover. But Officer Rambo and the other three officers who were injured are in more serious condition and their recovery is less certain.

Did Officer Rambo do something wrong? If so, what? How would you handle a problem like this if it occurred among the officers you supervise?

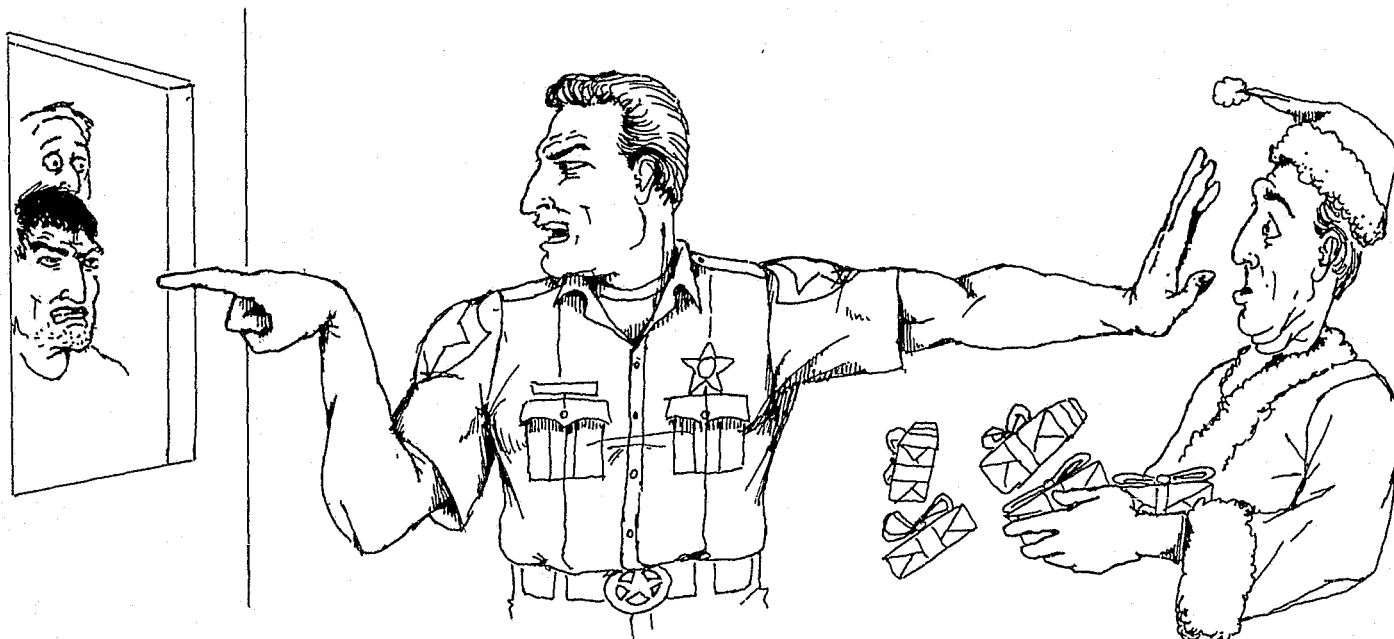
DO INMATE PROGRAMS REHABILITATE?

The answer to the above question is neither easy nor clear. First of all, inmate programs on any organized or comprehensive scale are relatively new to jails and tend to be both understaffed and underfunded. This means that any accurate measurement of the effectiveness of inmate programs in jails as rehabilitation mechanisms is premature. Also, there is no agreement as to what constitutes "success" in jail inmate programs.

Case Study 2:

Robert Smith, age 25 and unemployed, was booked into the Rattlesnake County Jail. He was charged with one count of burglary and one count of receiving stolen property.

After being classified, he enrolled in the school program. Smith was given a standardized educational achievement test and tested out at the third grade level. Meanwhile, he was convicted of both counts and sentenced to one year in the jail. Smith continued with the school program, eventually took and passed the GED test, and earned his high school diploma.



Smith had abused amphetamines ("uppers") for five years. While doing time, he also enrolled in a drug abuse program. After being in custody for eight months, he was released. Smith immediately began work at an auto body and fender repair shop. He did not use illegal drugs anymore.

Three years later he was made shop foreman. That evening he went out with his co-workers after work to celebrate his promotion. Around midnight, he was arrested and charged with drunk driving and hit-and-run after allegedly sideswiping an unoccupied parked car in a narrow alley behind the bar where he and his buddies were celebrating.

Was Robert Smith rehabilitated?

What does inmate programming hope to accomplish? **The general consensus among program personnel as to the objective of an inmate correctional program is that each inmate released from custody goes out in at least slightly better shape than when he came in**—the opposite of what usually happens in jails.

While it is completely unrealistic to expect any correctional program to turn around or totally rehabilitate each and every inmate who has contact with the program, it is not impractical to assess the program needs of each inmate who comes into custody (e.g., educational, medical, psychological, etc.), and to encourage him to participate actively in at least one program area in which he has a demonstrated need. If an inmate who reads and writes at the third grade level earns his GED or high school diploma, and if an inmate with a long history of alcohol and drug abuse successfully completes a substance abuse program, it is by no means certain that either of these inmates will go straight when they are released. But it is almost certain that an inmate who comes into custody illiterate or with a long history of substance abuse and is released without being permitted to improve or better his condition, will not go straight.

While a significant percentage of jail inmates will undoubtedly return to custody—some repeatedly—it is **one of the objectives of jail programs that each inmate, each time he is released, is at least a little better equipped to make it into the mainstream.**

WHO IS RESPONSIBLE FOR CORRECTIONAL PROGRAMS IN A JAIL?

The answer to this question depends in part on how large the jail is. In a small (e.g., 18-person jail), the inmate program coordinator will probably be a part-time employee or volunteer who has as one of his responsibilities the coordination of inmate programs. In a mid-sized or large jail system, inmate programs generally are coordinated by a director of inmate services or director of programs. Generally, this employee is non-sworn and is familiar with both program and custody concerns and terminology.

The primary responsibility of the director of inmate services is to **plan, organize, and coordinate** the correctional program in the jail. The director works with various public and private agencies to involve them in the correctional program.

The director of inmate services encourages and reviews suggestions from custody staff personnel for new programs and

for improving existing programs; examines various Federal, state, and local agency programs to identify possible funding sources for new and existing programs; and writes grant applications.

The director also assists in the development and implementation of new policies and procedures for jail programs which result from new legislation or judicial intervention.

The director is responsible for the on-going assessment of inmate program needs, studies and compares other correctional programs, prepares records and reports and an annual evaluation of programs, develops training programs for program staff and volunteers, and frequently represents the jail administrator at meetings and on various boards and committees.

Sometimes the director will convene regular weekly or bi-weekly meetings of program and custody employees at which the problems and concerns of each are discussed freely. Such meetings between program and custody personnel can help make each group aware of the other group's concerns and problems and foster a cooperative working relationship.

TYPES OF JAIL PROGRAMS

How programs are provided in a jail depends upon the size and type of facility. In minimum custody jails, it is usually possible for inmates to have access to the programs directly. But in maximum security jails, programs generally must be brought to the inmates. Obviously, bringing programs to inmates consumes more staff time from both custody and program employees.

The **major types of programs** provided to jail inmates include:

1. Health Services Program:
 - A. Medical Program; and
 - B. Mental Health/Substance Abuse Program.
2. Religious Program.
3. Library Program.
4. School Program.
5. Inmate Assistance Program.
6. Recreation Program.
7. Volunteer Program.
8. Inmate Welfare Fund.
9. Jail Industries.

The following pages describe some typical programs for jail inmates in maximum custody facilities. These same programs can be provided even more easily in minimum custody facilities.

Health Services: Medical

Every jail needs a health services/medical program for humanitarian, management, and legal reasons. Whether that medical program should be in-house or on-call from a nearby

hospital or medical center depends primarily upon the size of the jail population.

A jail medical program involves the assessment, treatment, and appropriate referral of the acute medical and dental problems of the inmates, including medications, special medical diets, prosthetic devices, laboratory and X-ray work, and necessary surgical procedures.

All jail inmates should receive a medical history screening during the booking process. The initial screening can be done by a booking officer using a well designed health history questionnaire. However, inmates who are in the system 10 days or longer should be given a complete history and physical exam by a health professional.

Emergency medical care should be available **24 hours a day, seven days a week.** Both emergency and non-emergency care should be available by direct request from the inmate and by referral from custody staff.

All medical personnel working in a jail should be licensed. The laws governing the licensing of medical personnel vary from state to state. Increasing use is being made of para-professionals, e.g., licensed nurse practitioners, RNs, and EMTs (emergency medical technicians).

The American Medical Association (AMA) and the National Commission on Correctional Health Care accredit jail medical programs which meet the highest established standards. A list of these specific standards can be obtained from AMA headquarters in Chicago, Illinois.

Health Services: Mental Health

Ideally, all detainees who arrive during the day and who are likely to be staying more than seven days should be screened within 72 hours by a mental health clinician. Some jails have a policy of screening all nighttime detainees—including those who are to be cite-released—due to the very high suicide rate among people who are arrested at night. In addition, anyone being booked who displays or reports any indication of mental illness should be screened as soon as possible by a mental health clinician. Any inmate requesting mental health services should be seen by a mental health clinician at least once for screening. **All mental health screenings should be clearly documented.**

Inmates who have been diagnosed as having a moderate to severe mental disorder should receive follow-up care from a trained mental health clinician. Others with less serious diagnoses can be referred to well-trained volunteer counselors working under the direction of a mental health clinician. **Severely mentally ill inmates should, whenever possible, be segregated from the general population.**

For mentally ill inmates who can be maintained in the general population, there should be psychotropic medications, crisis intervention, brief therapy, and/or related services. **The treatment goal is to identify, treat, and stabilize inmates to the extent that they can successfully cope with the realities of incarceration.** No attempt need be made to resolve deeply

rooted problems that should be properly addressed in a mental health treatment system.

Ideally, mentally disordered persons who have been released from jail should be placed in a structured residential treatment program or a supervised living situation. Locating such facilities is not often easy but does have a proven payoff in reduced recidivism. To release a mentally disordered inmate from a jail into the community is to invite the inmate's return. Providing only a referral and a telephone number and expecting a mentally ill person to follow through often results in failure.

Health Services: Substance Abuse

Alcohol and drug abuse is widespread in our society, and it is even more widespread among jail inmates. It is important that substance abusers be identified and that those who appear to be sincerely motivated to seek assistance in coping with their problems be given that opportunity.

Because of the enormity of the problem, volunteers working within various self-help organizations such as Alcoholics Anonymous (AA) and Narcotics Anonymous are essential in the development of an effective jail inmate substance abuse program. Often, however, the most effective treatment for substance abusers is to transfer them into a long-term residential treatment facility, either community- or hospital-based.

Religious Programs

A comprehensive and inclusive religious program for inmates should be a part of every jail operation. Why? First, the courts have consistently affirmed the constitutional rights of inmates to religious services. Second, religious activity frequently is a very positive and constructive outlet for inmates who have lots of time on their hands; this time can be used either constructively or destructively.

A jail religious program should utilize the services of community volunteers and, if possible, seminarian volunteers and interns. To be effective, however, the program should be under the direction of a **chaplain.** The director of the jail chaplaincy program should be someone with recognized ministerial credentials who is able to work easily with a wide variety of different religious faiths—Christian, Jewish, and Muslim.

Among the many services provided by a jail religious program are:

1. **Outreach:** Identifying inmates who are seeking spiritual support and guidance and enlisting them in the various religious programs.
2. **Worship Services:**
 - A. Communion/Mass;
 - B. Preaching, particularly on Saturday evenings and Sunday mornings;
 - C. Prayer service; and
 - D. Healing services.
3. **Counseling:** Support, therapeutic and crisis, by chaplain, seminarians and trained volunteers.

4. **Religious Community Contacts:** The chaplain establishes contact with home religious communities for those inmates who request such contact. Clergy are then scheduled into the facility to visit incarcerated parishioners.
5. **Clergy and Seminarian Credit Course:** A jail religious program under the direction of a chaplain with appropriate credentials can provide an opportunity for area clergy and seminarians to study and to practice pastoral care skills with adults in a criminal justice setting.
6. **Volunteer Training:** One of the most important functions of a jail chaplain is the training and supervision of lay and clergy volunteers. Competent trained religious volunteers provide invaluable services to the inmates and to the facility. On the other hand, incompetent, overly aggressive and naive religious volunteers can be a major problem for both inmates and staff.
7. **Religious Holiday Observances:** Christian, Jewish, and Muslim.
8. **Religious Music Programs.**
9. **Community Education:** The jail chaplain attends local ministerial association meetings and is available as a public speaker to discuss the jail religious program.

Library Programs

A library—including a **law library**—is an essential program in a jail. It provides both recreational and educational opportunities for inmates. Law libraries increasingly are being mandated by the courts.

Depending upon the size of the jail population, jail library services can be provided in-house or brought to the jail from a nearby public library. In either case, it is important that a wide variety of books and magazines be available since inmates have many different reading interests. Because the storage of books and magazines can be a problem, it is important that library services be provided both frequently and regularly, preferably on a daily basis.

We now live in an electronic age and, in addition to printed material, audio cassettes and cassette players with earphones can also be loaned to inmates. Again, there should be a wide variety of material available—music, educational, and drama.

School Programs

More and more jails provide educational programs to inmates. In some jurisdictions, inmates are offered reduced sentences for participating in the school program. This is both an incentive for the inmate to use his time in a constructive manner and an effective tool to reduce overcrowding.

Jail school classes generally are available to all inmates, although classification will determine if school services are to be delivered on an individual or a group basis. Classes usually are offered on an open entry/open exit basis, which means that an inmate can enroll or leave the school program at any time.

Class offerings frequently include the following **subject areas:**

1. **Literacy.**
2. **Adult Basic Education:**
 - A. Reading;
 - B. Writing;
 - C. Math;
 - D. Consumer Economics;
 - E. Community Resources;
 - F. Health;
 - G. Government and Law; and
 - H. Career Opportunities.
3. **GED (High School Equivalency Test) Preparation:**
 - A. Review of English;
 - B. Social Studies, Science; and
 - C. Reading and Math.
4. **High School Diploma:**
 - A. Developmental Reading;
 - B. Literature/Advanced Reading;
 - C. English Grammar;
 - D. Composition;
 - E. General Social Studies;
 - F. Geography;
 - G. United States History;
 - H. United States Government;
 - I. Economics;
 - J. Basic Math;
 - K. Consumer Math;
 - L. Algebra;
 - M. Health Science;
 - N. General Science;
 - O. Biology; and
 - P. Physical Education.
5. **Special Programs:**
 - A. Communication Through Art; and
 - B. Communication Through Poetry.

Some facilities exhibit inmate art, occasionally offering it for sale with the inmate receiving at least part of the proceeds. Several jails throughout the nation publish an inmate newsletter and/or quarterly magazine. In other jails, drama and music classes are very popular.

A comprehensive jail school program begins with an **educational needs assessment** to determine an inmate's educational level and the areas in which he needs to improve. **Accurate records should be kept** so that school credits earned can be transferred if the inmate decides to continue his education after he is released from the jail.

Literacy training generally relies on volunteer tutors—both community volunteers and inmate tutors.

Vocational education in jails is handicapped by the high inmate turnover, although more vocational education is being offered, often in conjunction with an industries program.

It is possible for jail inmates to earn college credits through the **College Level Examination Program (CLEP)** offered by the Educational Testing Service of Princeton, New Jersey. This program enables anyone—including inmates—to earn college credits entirely by means of examination and without having to attend formal college classes.

Inmate Assistance Programs

Inmate assistance programs can be of value to both inmates and jail staff members by providing an intermediary between inmates and their families and the outside world. One of the more effective programs, Friends Outside, is based in California and works with sheriffs' offices and state prison systems in the Western states. Among the many requests for help that Friends Outside receives and responds to each day are:

1. Contact family, wife/husband, girlfriend/boyfriend;
2. Get broken glasses repaired or replaced;
3. Notarize documents;
4. Contact attorney;
5. Contact public defender;
6. Contact probation officer;
7. Provide assistance to family;
8. Aid with financial transactions;
9. Make photocopies of documents;
10. Assist with visiting;
11. Rap (listen);
12. Help with letter writing;
13. Make phone calls, both out of area and local;
14. Aid in filling out forms (divorce, tax, etc.);
15. Referrals to other programs (school, chaplain, mental health, etc.); and
16. Veteran counseling and advice.

In addition, Friends Outside provides a wide range of services to the families and children of inmates. These services include:

1. Emergency food;

2. Used clothing;
3. Information and referral to other community agencies for:
 - A. Gas and electric assistance,
 - B. Temporary shelter,
 - C. Drug and alcohol programs,
 - D. Respite care for children,
 - E. Housing assistance (landlord/tenant problem), and
 - F. Household items;
4. Home visiting;
5. Workshops;
6. Transportation to courts, social service, legal aid, medical appointments, school conferences, etc.;
7. Networking with other community agencies and professionals;
8. Advocacy;
9. Individual and family counseling;
10. In-school counseling with youth;
11. Crisis intervention;
12. Plan and implement summer camp and other recreational activities for youth;
13. Interview, match, and supervise "Big Brother - Big Sister" programs; and
14. Special Christmas activities.

Recreational Programs

Physical education programs, especially aerobic-oriented P.E. programs, benefit both inmates and staff by providing inmates with a constructive outlet for pent-up physical and mental energy.

P.E. and other types of recreational programs, such as arts and crafts, board games, etc., have been mandated for jail inmates by courts all over the nation. **Television**, while not generally considered programming as such, **is perhaps the cheapest and most cost-effective recreational program a jail can offer.**

Volunteers

Several trained, skilled, and dedicated volunteers are essential to the successful operation of any inmate program. Volunteers also can be utilized effectively in some general jail operations, such as visiting. Volunteers assist program staff in many ways, e.g., literacy tutors, teachers' aides, and library assistants who provide vital clerical support.

Many jail program volunteers work directly with inmates. Because most inmate programs in jails are underfunded and understaffed, they frequently depend upon volunteers for assistance.

Some custody employees fear that volunteers will breach security, get in the way of staff members, and interfere with jail operations. But, **when they are properly trained**, volunteers can be of great help to the custody staff and also can help broaden the base of support for jail operations.

The two keys to the development of a successful jail volunteer program are:

1. **The volunteer program should be structured**—goals should be set and a written plan developed that states who does what, where, with whom, and how often.
2. **Jail volunteers need to be trained**—volunteers should not just be dropped into a jail.

With more and more women entering the work force, there is no longer a large cadre of “bored housewives” looking for something to do. To recruit capable volunteers is difficult and requires a concerted and on-going effort. Recruiting volunteers to work in a jail is even more challenging. People must be “sold” on volunteering their time to work in a jail. To do this, jail administrators must emphasize that the inmate population is one of the neediest, yet least served, groups in our society. The crime prevention potential of programs for jail inmates is an important selling point.

When volunteers are recruited, they must be trained or oriented to work in a jail setting. They also must pass a **security clearance**.

Volunteer training or orientation should be conducted by both the custody and program staffs. **Orientation should include, at a minimum:**

1. Overview of basic policies and procedures (and the reasons for them);
2. Criminal justice system terminology; and
3. A tour of the jail, especially those areas in which volunteers will be working.

Inmate Welfare Fund

In many jails, the program budget is augmented by an Inmate Welfare Fund. Money from vending machines is used to purchase recreational equipment, arts and crafts materials, and library and educational materials.

Jail Industries

A correctional industries program involves the production of goods and/or the provision of services by inmates for use outside the facility. The Federal Prison System and many state prison systems have extensive industry programs to defray their operational costs and to provide inmates with an opportunity to serve their time in a constructive manner.

But, although jails have traditionally avoided the development of industries programs in the past, more jails—particularly the large facilities—are beginning to recognize the value of such programs. In 1985 the National Institute of Corrections (NIC) published a study titled *The Development of Jail Industries*, which concluded that: “There is a trend toward the establishment of industry programs in jails, particularly large jails.”

Examples of some jail industry programs currently in operation in the United States are:

1. Print shops;
2. Nurseries;
3. Furniture manufacturing;
4. Mattress and pillow manufacturing;
5. Bakery;
6. Laundry;
7. Upholstery shop;
8. Shoe manufacturing;
9. Telemarketing; and
10. Auto body repair.

Jail industry programs can help inmates learn marketable skills to obtain employment after their release. **The principal value of a jail industries program as a rehabilitation device is that it helps inmates learn the work ethic.**

Jail inmates as a group not only have few marketable skills but they also have little or no work history. Many come from communities where unemployment is chronic and the “work ethic” has little meaning or value. Perhaps this is why many jail inmates tend to view their survival as more related to the development of crime skills than training to do any kind of traditional job.

While there are some differences between industry programs in jails and those in prisons, there are more similarities than differences.

Even though there can be problems, jail industry programs have many more advantages than disadvantages. Jail industry programs can, in some instances, contribute to the cost of facility operations, although all jail industry programs do not make a profit and it is not essential that they do so. Some jail industry programs permit inmates to make money—either to send home to their families (who are often on public assistance) or to be used as “gate money” to help them get established in the critical period immediately following their release.

Public opinion surveys indicate **widespread public support for correctional industries programs.** Citizens like the idea of inmates working and doing something productive. In many communities, however, union and business interests combine to oppose jail industries programs because they see such programs as competitive and fear they might take away jobs.

SUMMARY

1. **Inmate correctional programs are useful management tools which can make the job of a jail supervisor easier.**

Jail employees today recognize more and more that inmates who are actively engaged in constructive programs do not tend

to become involved in the traditional destructive activity that makes the work of officers difficult and dangerous. What does inmate programming hope to accomplish? The general consensus among program personnel as to the objective of an inmate correctional program is that each inmate released from custody goes out in slightly better shape than when he came in. While it is completely unrealistic to expect any correctional program to turn around or totally rehabilitate each and every inmate who has contact with the program, it is not impractical to assess the program needs of each inmate who comes into custody (e.g., educational, medical, psychological, etc.) and to encourage him to participate actively in at least one program area in which he has a demonstrated need.

2. How programs are provided in a jail depends upon the size and type of facility.

The major types of programs provided to jail inmates include:

- A. Health Services (medical, mental health, and substance abuse);
- B. Religious;
- C. Library;
- D. School;
- E. Inmate Assistance;
- F. Recreation;
- G. Volunteers;
- H. Inmate Welfare Fund; and
- I. Jail Industries.

CHAPTER TWENTY-SIX

WORKING WITH THE NEWS MEDIA

As long as there are sheriffs' departments, there will be **image problems**. But the wise sheriff can avert many of these problems by developing and implementing a **comprehensive media relations policy and program** which covers both field and jail operations.

Why do news reporters and their editors or radio/television news directors take such a strong interest in jail operations? The answer is a simple one: To most members of the news media, the jail is an interesting and fascinating place because it contains criminals. As a quick glance at a daily newspaper or television news program will illustrate, crime/criminals seems to be one of the main interests of journalists; crime is what the media calls "newsworthy."

To other reporters and editors, it is not crime and criminals which spark their interest. Rather, their interest is in public agencies and the public servants who staff them.

As many of you may have already learned through bad experiences, this interest is not always altruistic; some journalists have an ax to grind and they grind it upon the backs of public servants because you make an easy target. There are in this nation some reporters, editors, and electronic media news directors who believe that public servants are evil, corrupt, and always looking out after their own self-interests rather than the interests of the citizens they serve. Unfortunately, sometimes this turns out to be true, from the national level right down to the smallest counties and municipalities, confirming the media representatives in their cynicism and belief that there is no such thing as "an honest public servant." These "hardboiled" representatives of the media are easy to spot, as their attitudes are displayed in the types of questions they ask and the manner in which they approach you.

For the most part, though, the reporters, editors, and news directors with whom you will be dealing on a local level are honest, trying to report the news fairly and accurately, and are not "out to get you."

Jails and the people who populate them—both inmates and staff—are fascinating to news media representatives, especially younger reporters fresh out of college who often have a very naive outlook on the realities of life. It takes a few years of "seasoning" on the "police beat" before a young journalist begins to realize that the world and the people in it are not as wonderful and nice as he first imagined. Think back to what you were like at age 21 or 22. Did you realize then what working in a jail is really like and how people who lack a moral sense can really behave toward one another? The naive younger reporters (and you will encounter them because the young reporters are always sent to the "police beat" for seasoning) are often "suckers" for the street-wise inmate who knows how to ma-

nipulate them with a sob story or the civil liberties attorney who has a cause to pursue and also seeks to manipulate them at times to further his own objectives.

On the other hand, **there are very legitimate issues involving jails today which must, and should, be covered fairly and accurately by the news media because these issues must be resolved for the public good.** These issues include:

1. Jail construction and operating costs;
2. Financing jail construction and renovations;
3. Privatization of jail operations;
4. New architectural designs for jails;
5. Jail crowding and its impact upon:
 - A. Inmates,
 - B. Community social service agencies,
 - C. Jail employees, and
 - D. Taxpayers;
6. How to reduce jail crowding through the use of:
 - A. Diversion to such programs as community service, intensive probation supervision, electronic probation monitoring, etc.,
 - B. Negotiations with the state department of corrections to accept sentenced prisoners more quickly, and
 - C. Development of alternatives to incarceration for certain types of offenders, such as alcoholics, drunk drivers, white collar criminals, first offenders, etc.;
7. The development of regional detention centers;
8. Jail conditions and the use of national standards to assess conditions of confinement and monitor jail operations;
9. The role of the community, local elected officials, the state legislature, the court system, police, the prosecuting attorney, public defenders, pre-trial service agencies, social services departments, and the news media in working with the sheriff to develop solutions to jail problems;
10. Legal rights of both inmates and jail employees;
11. Safety issues affecting both inmates and employees, such as rape of inmates, the spread of infectious diseases in the jail, lack of adequate equipment for staff, etc.;

12. The incarceration of juveniles in adult jails and lock-ups;
13. Mentally-ill people in the jail;
14. Public inebriates, drunk drivers, and drug addicts in the jail;
15. Women in the jail; and
16. Suicides in jail.

A fair, accurate airing of these issues in the news media often can help you as a first line supervisor. **The key words, however, are fair and accurate.** This chapter will discuss how you, as well as the upper level management of the sheriff's department, can help ensure that the news media is fair and accurate in its reporting about your jail and the people who populate it.

WHAT DO NEWS REPORTERS WANT?

The news media consist of print and broadcast (or electronic) operations. The print media include reporters who represent daily newspapers, weekly newspapers, regional or state magazines, the wire services (Associated Press and United Press International), and specialized criminal justice publications (e.g., *Corrections Digest*, *Crime Control Digest*, *Law and Order* magazine, etc.). The electronic media are radio and television stations and networks.

Journalists today not only work with the traditional pencils, notebooks, and still cameras, but also with high-tech electronic equipment which tapes every word you say, picks up remarks, via sensitive boom mikes, which you make to fellow officers and don't want the reporters to hear, and records your facial expressions on video film as you talk. These images can be projected on to television screens instantly if TV reporters come equipped with a van full of the proper equipment for live transmission from the scene.

As a first line supervisor who may have to explain jail incidents or problems to reporters or conduct rollcall training for your subordinates on the role of the media, it is necessary for you to understand how reporters work and what they want. What they want is not always what you want to—or should—give them, but you can usually satisfy their needs for factual information to some extent.

Reporters work on deadlines. Radio and television, for major news events such as a cellblock takeover with hostages or a deadly fire in the jail, have instant deadlines, as they can go on the air live from the scene if the station owns the proper transmission equipment. Daily and weekly newspapers also have deadlines when all copy must be completed for a press run. Because of these deadlines, **reporters want the correct facts as quickly as possible** so that they have adequate time to prepare their articles or broadcasts.

What is news? It consists of information about people, places, and things that is of interest to the general public. The fact that Sgt. Rocky Rambo of the Rattlesnake County

Sheriff's Department reported to work on the graveyard shift at the County Jail today is NOT news, because that is what he is paid to do. But, if Sgt. Rambo, while getting out of his car in the employees' parking lot, apprehends a citizen cutting a large hole in a perimeter fence to help a prisoner escape, that IS news. In other words, **events which are non-routine or out of the ordinary are news.**

Some typical news events which occur in jails include:

1. Escape attempts or successful escapes;
2. Suicides;
3. Assaults upon inmates by other inmates with serious injuries and criminal charges filed;
4. Lawsuits filed by inmates against jail personnel and the sheriff alleging cruel and inhuman punishment, brutality, etc.;
5. Lifesaving activities by jail employees or inmates (acts of heroism);
6. Disasters (fires, severe storm damage, etc.);
7. Serious vandalism and destruction by inmates;
8. Riots and hostage-taking incidents;
9. Inmate assaults upon officers in which charges are filed;
10. Accidental deaths in the jail or on outside details such as court transports and work crews;
11. Promotions/commendations for jail employees;
12. Public service activities by inmates or jail employees (e.g., donating blood for disaster victims, conducting a food and clothing drive for the homeless, etc.);
13. Misappropriation of public funds (such as purchasing Mercedes-Benz staff cars for the captains in the sheriff's department, embezzling money from the inmate recreation fund, etc.);
14. Immoral activities on the part of jail employees (e.g., smuggling narcotics into the jail, sexual activities on the jail premises, drunk driving arrests while off duty, etc.);
15. Tension between jail employees and sheriff's department and county officials over rules, union activities, contract disputes, etc.); and
16. Failure to abide by court-ordered decrees regarding crowding and/or conditions of confinement.

You can probably think of additional newsworthy items to add to this list. As you can see, there is little you do as a first line supervisor that may keep you completely isolated from a newsworthy event. Sooner or later you will find yourself in a position of holding the facts which the reporters want about an event which they consider to be newsworthy.

If you carefully analyze the preceding list of newsworthy events, you will be able to detect the **elements involved in news**

stories. These include:

1. **Timeliness:** People are interested in what is happening today, not what happened last week. **Old news is dead news** in this era of instant communication when there is too much fresh news to absorb each day. Thus, if something of significance happens on your shift tonight, the reporters want to know about it by tomorrow morning at the latest, not three days from now when you've had time to leisurely write a comprehensive report.

If your sheriff's department or detention center has a public information officer, it is your responsibility to provide him with the facts about newsworthy events which occur on your shift as quickly as possible (but do not provide him with your speculations and hypotheses, as such personal opinions can get you into serious trouble if your "guessing" is wrong or libelous and ends up in print or on the air).

2. **Names:** Reporters want to know **who** was involved in rescuing inmates from a fire, which inmates seized hostages, and who is supervising the investigation of the inmate hanging which occurred on the swing shift. **Names are news.** Names, especially on the local level of journalism, lead citizens to pay attention to stories, and editors and reporters know this. Thus, they try to use as many names as possible in print and on the air.

3. **Self-Identification:** Readers and radio/TV listeners and viewers want to be able to **identify with the story** in some way. They ask **how it affects them**, as in the current AIDS epidemic, or what they can do to keep it from affecting them (e.g., "Hey, Jethro, barricade the doors and windows, keep the kids in the house, and get out the shotgun because the announcer on KTBC said those six prisoners who escaped from the Rattlesnake County Jail are headed this way!").

In addition, citizens take a strong interest in news stories which are **tragic**, then give a sigh of relief and say: "There but for the grace of God go I." Examples of this type of story include the family shot to death by a prisoner who escaped, the county jail destroyed by a tornado while other parts of town remained unscathed, and the upright, prominent citizen who had a massive heart attack and died in the jail's drunk tank where he landed on a late night DWI charge.

4. **Unusual Events:** You may have heard by now the cliché all freshmen journalism students hear from their professor in the Newswriting 101 class: "If a dog bites a man, it's NOT news, but if a man bites a dog, then that IS news." **Reporters always seek information about unusual out-of-the-ordinary events in the jail.** As with the "man bites dog" cliché, it's not news if an inmate bites an officer (unless the inmate tests positive for the AIDS virus or hepatitis), since this is a frequent occurrence in jails. However, if an officer bites an inmate, then that is news.

Reporters are also interested in such stories as: the inmate who got stuck in an air-conditioning duct trying to escape from the county courthouse lock-up; the family of skunks which took up residence in the jail's recreation yard, thereby putting it off limits until the animal warden could figure out how to evict the unwelcome residents; and the inmate who saved an officer's life by administering CPR when the officer had a heart attack. In

other words, events which are out of the ordinary are considered to be newsworthy by the media.

5. **Progress or Change:** The media is interested in new policies and operational procedures in the jail if they deal with on-going news events (e.g., handling AIDS-infected prisoners, doublebunking to relieve overcrowding problems, etc.), or if the changes being made in jail procedures will have an impact upon the public (e.g., establishment of a new work release program for first offenders, etc.).

6. **Emotional Events: Angry, upset, hurt, or excited people are newsworthy.** Reporters search for emotional people or people in the grip of an emotional reaction to an event because such human emotions on display often make an article, photo, or broadcast into an attention-grabber.

For example, when Sheriff Ted Bradley of the Rattlesnake County Jail banned **ALL** employees from bringing any personal property (other than small items which fit neatly into uniform pockets) into the jail in order to cut down on the smuggling of contraband to inmates after a civilian male cook had been caught selling marijuana cigarettes with the lunchtime swill, this led the jail's female employees to band together and call a news conference, hosted by a female member of the County Commission, to protest Sheriff Bradley's actions. They had a legitimate complaint, the County Commissioner told reporters.

The women employees argued that it was necessary for them to bring their purses into the jail because of the need during the shift for "personal items" which they could not carry in their uniform pockets. The women at the news conference, who were very agitated, also argued that until now the daily searches of women employees' handbags had been effective and no woman employee had ever been caught trying to smuggle in contraband. They also pointed out that the civilian cook was a parolee who had served time in the state penitentiary for drug dealing and that Sheriff Bradley was over-reacting to the cook's new drug dealing offense by punishing the women employees, who were "innocent, and not guilty like the sheriff seems to think."

As the news conference went on, the leader of the women officers accused Sheriff Bradley of "discriminating against women employees" and said they were planning to contact the National Organization for Women (NOW) and the American Civil Liberties Union (ACLU) to file a lawsuit alleging discrimination "unless the sheriff rescinds his unfair and discriminatory order immediately."

Of course this news conference made the evening news on KTBC-TV and front page the next day in the *Fangville Daily News*. It was also picked up by the AP and UPI wire services and broadcast nationally, which led reporters from two national news weekly magazines to call the Rattlesnake County Sheriff's Department.

While you may not think an event like this, which is based upon a real incident which occurred in a large sheriff's department, is significant or newsworthy, in the eyes of the media this is a very newsworthy event because of the emotionalism in-

volved. Reporters view the world through a different pair of glasses than you do.

In addition to the elements described above, **reporters, without fail, are always looking for the slightest hints of official misconduct, corruption, or unethical actions.** If you, as a first line supervisor, know your employees and can trust them, then you have little to worry about here. But you must always be on guard, for it takes only one officer "borrowing" only \$5 from the inmate recreation fund to give you and your entire squad a black eye in print for everyone in the county to see.

Case Study 1:

Rattlesnake County Sheriff Ted Bradley today issued the following statement in response to an article carried in the Sunday (August 30, 1987) edition of the Fangville Daily News which alleges that there is a multi-million dollar drug smuggling operation in the Rattlesnake County Sheriff's Department involving jail staff and department administrators:

"The Fangville Daily News has taken my conversation with its reporter, Juan Gomez, about hypothetical drug smuggling in jails, interviews with a few other persons, some of whom now deny what has been attributed to them, and has turned it into an inaccurate and misleading account of massive drug smuggling and drug sales in the Rattlesnake County Jail and at the County Jail Work Ranch.

"I do not believe, nor is there any evidence to support, the claim that the problem even approaches that outlined by the Fangville Daily News.

"I do not believe, nor does any sensible person, that there is widescale narcotics trafficking in which staff and administration is a party. Certainly there are drugs in jails and prisons and occasionally we are able to identify staff who have become involved. The vast majority of our employees never become involved in any illegal activities. It is very unfair to imply otherwise.

"One of the two persons quoted as being an FBI informant has told a member of my staff today that he did not tell the Fangville Daily News reporter that he is an FBI informant and, in fact, is not. This person—inmate Bobby Ray Houston—has told my staff that his life is now in danger because of the Fangville Daily News article.

"The other prisoner, who is a former employee, apparently was an FBI informant before being hired as a corrections officer. His relationship with the FBI does not have anything to do with the Rattlesnake County Sheriff's Department.

"The employee quoted is not an internal investigator for the department and denies that he told the reporter that. His information about drug use and smuggling comes primarily through hearsay and is not based on any internal investigation.

"Occasionally we have to fire an employee for smuggling in drugs. Perhaps two or three times a year an employee resigns rather than be fired for smuggling in drugs. During 1987 there have been no instances of any employee fired for smuggling drugs.

"The Fangville Daily News article has unfairly maligned the vast majority of our employees and, that, I think, is very unfortunate."

What did you learn from this case study, which is based upon a real incident which took place in 1986 in a state department of corrections? How can you prevent such an incident from occurring in your jail? Can you see from this case study why you must be careful in what you tell reporters—giving them facts, and only facts, about actual incidents which have occurred?

LEGAL ISSUES

According to the National Coalition for Jail Reform, in a packet of materials which it published called *Covering the Jail—Resources for the Media*, **the right of inmates to have access to the media is clearer than the right of the media to have access to the jail.**

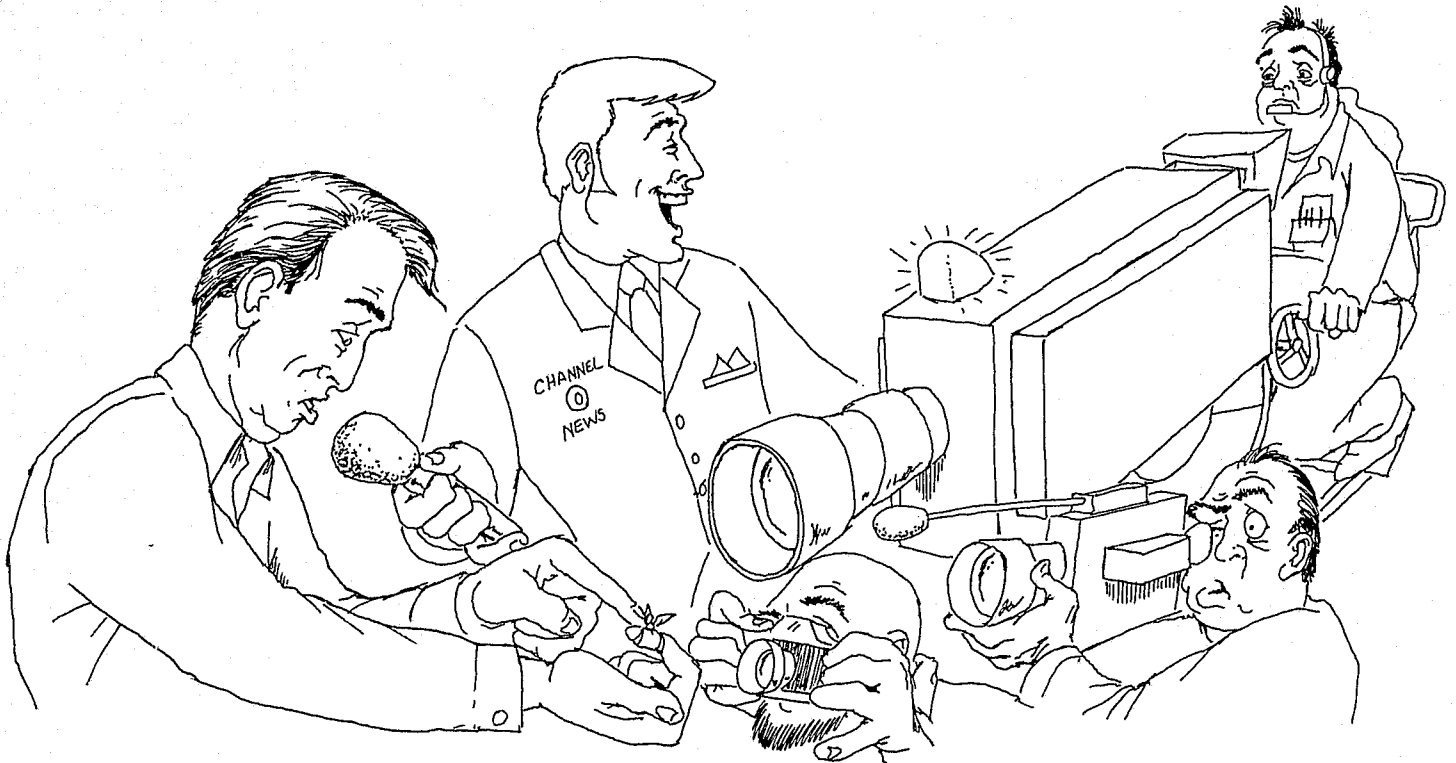
Inmates gain access to the media through the **First Amendment to the U.S. Constitution.** But, as the National Coalition for Jail Reform pointed out to reporters, while inmates have a First Amendment constitutional right to communicate with the media, **"jail officials may regulate the time, place, and manner of interviews with the press, and may deny the interviews if they pose a security risk."** This issue was decided by the U.S. Supreme Court in *Pell v. Procunier* (1974) and *Houchins v. KQED* (1978).

In its reasoning underlying these decisions, the Supreme Court justices explained that there are other ways for inmates to make their views known to the media, such as writing letters or phone calls. Face-to-face contact is not the only means of communication available to them. The Supreme Court said, in another case in 1978 (*Guajardov v. Estelle*), that **jail officials may NOT restrict an inmate's right to correspond with the media without substantial reason.** In addition, jail officials are prohibited from punishing inmates for what they say to reporters.

Nor do reporters have a right to government information or sources of information (such as employee personnel files and inmate records) beyond that which is available to the general public through Freedom of Information laws. A few states, however, have open records laws and will release such normally confidential information as the personnel records of public employees, including home addresses, to the news media.

Also to be considered when releasing information to the media are **state privacy acts**, which protect both inmates and employees from having certain types of information about them released. For example, privacy laws are being cited in arguments against releasing information about inmates who have infectious sexually-transmitted diseases to sexual partners and community health authorities.

First line supervisors should familiarize themselves with any Freedom of Information Acts or privacy laws in their states in order to know for certain what types of information can and cannot be released to the news media about both employees and inmates. If your sheriff's department has a media relations policy, then there will be a section in the policy statement covering the types of information which can and cannot be released.



Jail supervisors should also be aware of exactly what they say to reporters about an inmate or a jail employee in order to avoid a charge of **libel**. According to the *American and English Encyclopedia of Law*, a libel "is a malicious defamation expressed either by writing or printing or by signs, pictures, effigies or the like; tending to . . . impeach the honesty, integrity, virtue, or reputation or to publish the natural or alleged defects of one who is alive and thereby expose him to public hatred, contempt, ridicule, or obloquy; or to cause him to be shunned or avoided, or to injure him in his office, business, or occupation." There are **two types of libel**:

1. **Libelous per se**—These are statements which are libelous in themselves, without the necessity of proving that their utterance or publication actually cause injury;
2. **Libelous per quod**—These are statements which are otherwise legitimate, but are made libelous because of the circumstances under which they are made, so as to cause a particular loss. For example, if Sheriff Gary Gobble of Turkey County, whose wife has left him and moved in with the owner of the Ritzy Restaurant, tells the news media that he has issued an order to Sheriff's Department employees not to eat at the Ritzy Restaurant because one of the waiters there has AIDS, and, as a result of this information being printed and broadcast, no residents of Feathersville or Turkey County eat at the Ritzy Restaurant, causing the restaurant to declare bankruptcy, then the restaurant's owner can sue for libel. To win the case he must prove that Sheriff Gobble destroyed his business in a malicious attempt to seek revenge for his ex-wife's actions, even though it is true

that one of the waiters was recently diagnosed with AIDS.

Jail employees can sue the media for libel under certain circumstances and some jail employees have won cases against the news media.

To be certain of exactly what constitutes libelous actions in your state, you must ask your public information officer or county attorney to provide you with the specific definitions in the law, since the libel laws vary from state to state.

PUBLIC INFORMATION POLICIES FOR JAILS

The sheriff and his commanders should develop a **comprehensive media relations policy** for the entire department—including jail operations—in conjunction with the local media outlets which cover the department on a daily basis. The importance of written policy directives (a general order) cannot be stressed enough. **These policy guidelines fix responsibilities, delegate authority and, most importantly, spell out the types of information which the media under state law MUST be given and that which the department, legally, must withhold.**

The county attorney should also assist in the development of the guidelines to provide input about state **Freedom of Information Act (FoIA)** requirements as well as what types of information the department can legally withhold so as **NOT** to jeopardize an accused person's right to a fair trial, identify a witness and (in many states) a juvenile, or create problems for certain types of victims (for example, many states permit law enforcement agencies to withhold the identities of victims of sexual offenses).

Media participation in the policy development process is very important because they can tell you what they need and they generally will cooperate with your guidelines if they help develop them.

What should your guidelines cover? Important subject areas which should be included are:

1. Purpose of the general order or policy directive;
2. Relevant state statutory citations;
3. Description of the duties, responsibilities, and authority of the public information office;
4. Types of incidents which require notification of the PIO by the Emergency Operations Center or dispatcher;
5. Types of investigative information subject to and/or exempt from release:
 - A. At the scene,
 - B. Intelligence, investigative, or sensitive information,
 - C. In the jail or detention center,
 - D. Arrest information (circumstances of arrest, charges, suspect/defendant information, arresting officer identification, request for aid in locating a suspect or evidence, and pretrial release or detention information),
 - E. Victim information,
 - F. Information which may not be released, and
 - G. Information not to be released to ensure a fair trial;
6. Rules governing photographers and television crews; and
7. Rules governing the issuance, use, and revocation of media passes.

These guidelines should take into consideration "what if" situations (such as a hostage incident or serious fire in the jail), as well as everyday occurrences. They should be comprehensive, clearly written, and included as part of the recruit training academy program. In addition, they should be explained to all current officers at rollcall and officers should be made aware that deliberate violation of the guidelines will be considered as a disciplinary infraction. Examples of comprehensive media relations guidelines are included in Figures 26:1 and 26:2.

Case Study 2:

In 1986 Sgt. Ramon Tejas of the Rattlesnake County Jail had a loud and disturbing argument in front of other jail employees with Sheriff Ted Bradley over an article in the Fangville Daily News about an internal investigation of a series of thefts of jail medical supplies and ammunition. Sgt. Tejas was assigned to investigate the thefts. He felt that higher ranking officers were interfering with his investigation and covering up for another officer, a popular "good old boy" who was one of the sergeant's suspects.

Sgt. Tejas next quarrelled with County Manager Sam Houston IV and then, despite Houston's order NOT to speak to

reporters, in accordance with the media relations policy of the Rattlesnake County Sheriff's Department, Sgt. Tejas gave a statement to the Fangville Daily News and KTBC-TV.

After these allegations—which proved to be false—appeared on the air and in print, Sheriff Bradley summoned Sgt. Tejas to his office and fired him.

"You can't get away with that!" Sgt. Tejas yelled. "I'll take this to the County Civil Service Commission and we'll see who is right!"

The Civil Service Commission upheld Sheriff Bradley's dismissal of Sgt. Tejas, agreeing that the evidence showed Sgt. Tejas violated several departmental rules, regulations, and policies. The Commission's decision was upheld in the district court, leading Sgt. Tejas to appeal to the Texas Supreme Court. The Supreme Court affirmed, holding that the Commission's delay in filing a certified transcript of its proceedings did not prejudice Sgt. Tejas' case; his unauthorized interviews with newspaper and television reporters were in direct violation of rules and regulations of the Rattlesnake County Sheriff's Department; and his dismissal by Sheriff Bradley was made in good faith and for good cause.

In their decision the Texas Supreme Court justices stated: "Rules and regulations are designed to ensure order and efficiency. The efficiency of the Sheriff's Department as well as its image in the community is affected whenever an officer makes unauthorized statements . . . to the media . . . , and plaintiff's conduct in accusing a superior officer of interfering in a department investigation and covering up for another officer is detrimental to the morale and efficiency of such department."

This case study is based upon an actual case which occurred in Louisiana in 1980, *Trahan v. City of Jennings, Etc.*, 411 So.2d 1242 (La. App. 1982). It teaches the significance of having written rules and policies governing relations with the media.

MEDIA RELATIONS GUIDELINES FOR HOSTAGE-TAKING INCIDENTS


When developing a tactical response plan for hostage-taking incidents, it is extremely important to consider media relations needs. A well-developed set of media relations guidelines can assist the department in providing for the smooth dissemination of public information while the incident is in progress. In addition, the rapid transmission of available facts to the media through a designated department spokesman will tend to assure that the public receives accurate information.

For maximum effectiveness, the media relations guidelines ought to be developed in consultation with those media representatives who are regularly assigned to cover departmental activities. **Media input during the planning phase will generally bring positive cooperation to abide by the guidelines during an actual incident.**

These guidelines for sheriff's department-media cooperation during incidents-in-progress should cover the following areas:

1. Safety of media representatives;
2. Type of information to be released;
3. Procedure for the release of information;

Figure 26:1
Sample Public Information Policy

	LUCAS COUNTY CORRECTION CENTER – TOLEDO, OHIO			
	POLICY & PROCEDURES	PAGE <u>1</u> OF <u>4</u>	APPROVED BY SHERIFF:	
	SUBJECT: PUBLIC INFORMATION AND MEDIA CONTACT		SPECIAL INSTRUCTIONS:	
VISION	SECTION	SUPERSEDES NO.	DATE OF ISSUE: / /	EFFECTIVE DATE: / /

POLICY

All employees of the Lucas County Sheriff's Department shall strive to maintain credibility with those persons and organizations legitimately concerned with the operations and policies of the department. This policy endorses public information as a means of encouraging a better understanding of the Sheriff's Department and the Correction Center. Those community and civic groups seeking information and departmental operations will be encouraged to direct their inquiries to the Sheriff and the director of public information and community affairs.

All contact with local print and electronic media will originate with the Sheriff. These contacts are encouraged and are to be handled directly through the Sheriff or his designee. The Sheriff shall, in as many cases as possible, comply with the media request directly or route the request through the appropriate division head.

If the inquiry concerns an inmate or inmates currently held in the Lucas County Corrections Center, then all efforts will be made to maintain the inmate's constitutional rights, including his right to privacy. No interviews or photographs of inmates will be taken without the express consent of the inmate. All inmates consenting to be interviewed/photographed/recorded must first sign a release form provided by the media representative and the Lucas County Sheriff's Department. The inmate's attorney must also agree to the media contact and give his consent in writing.

All employees are encouraged to cooperate with media representatives when such cooperation does not infringe on the rights of inmates to privacy or confidentiality. Any employee receiving a request from a media representative for information on departmental business must first refer the request to the Sheriff. **UNDER NO CIRCUMSTANCES WILL ANY INFORMATION BE RELEASED FROM AN INMATE'S CASE FILE OR MEDICAL FILE WITHOUT AUTHORIZATION OR SUBPOENA.**

DEFINITIONS

1. Public Information - That information which explains the functions and operations of the Sheriff's Department and enhances its credibility with the public. This information shall in no way violate the civil and constitutional rights of inmates and/or staff.

Figure 26:1 (continued)
Sample Public Information Policy

LUCAS COUNTY CORRECTION CENTER — TOLEDO, OHIO

SUBJECT:
PUBLIC INFORMATION & MEDIA CONTACT

NO:

EFFECTIVE DATE:

/ /

PAGE 2 OF 4

2. News Media - Representatives of general circulation newspapers, magazines of local, state or national circulation sold through newsstands and/or mail subscriptions to the general public; national/international news services or radio/television stations holding a license from the Federal Communications Commission.

PROCEDURES: Responsibility for Media Contact

Visits from the news media are encouraged and shall be dealt with directly through the Sheriff's Office. The Sheriff or his designee shall, in as many cases as possible, approve such visits and route the request to the appropriate division head as follows:

1. Director of Public Information and Community Affairs -- Any questions or request for information concerning Sheriff's Department activities in the community or special programs that the department is taking part in. At the discretion of the Sheriff, the director of public information and community affairs will act as the primary liaison for the Sheriff's Department with the media. The Sheriff will be informed at all times of any information being released by the director of public information and community affairs.
2. Chief of Law Enforcement -- Any questions regarding the functions of the detective bureau, road patrol, internal affairs, and record bureau; any criminal charges filed against an inmate as a result of an activity or an incident in the Correction Center; and questions about other law enforcement functions. The Sheriff is to be informed immediately of the nature and extent of the media inquiry.
3. Chief of Administrative Services -- Any matters concerning fiscal policy, including union negotiations, inmate billing and costs, supply and service contracts, annual budgets, and personnel policies. The Sheriff will be kept informed by the chief of administrative services of the nature and extent of the media inquiry.
4. Corrections Administrator -- Any question or request for information relevant to inmate programs or services, security within the facility, medical treatment in the facility, local/state/Federal court decisions affecting Correction Center operations, and the booking area. The Corrections Administrator will immediately inform the Sheriff of the nature and extent of the media inquiry.

Figure 26:1 (continued)
Sample Public Information Policy

LUCAS COUNTY CORRECTION CENTER — TOLEDO, OHIO

SUBJECT: PUBLIC INFORMATION & MEDIA CONTACT	NO:	EFFECTIVE DATE: / /	PAGE 3 OF 4
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5. Any questions or request for information regarding pending lawsuits, criminal actions against employees, or any emergency situation arising in the Correction Center shall be dealt with directly by the Sheriff. Division heads may be called to provide additional information at the Sheriff's request.

PROCEDURES: Media Contact with Lucas County Sheriff's Department Through the Director of Public Information and Community Affairs

The director of public information and community affairs will:

1. Arrange for representatives of the news media and private citizen groups to have conducted access to specified areas of the facility or other departmental divisions.
2. Preserve the inmates' individual rights of privacy when they are involved in media contact.
3. Portray a factual presentation of the facility and the Sheriff's Department.
4. Determine that media representatives have proper credentials.
5. Make certain that all necessary and appropriate release forms are signed and witnessed.
6. Ensure that citizens' groups are informed of visitor rules and regulations.
7. Ensure that media personnel are provided with a copy of Media Rules and are aware of the responsibilities regarding security.
8. Provide media visitors with a copy of the on-site evaluation form and self-addressed envelope and request that such evaluations be completed and returned as soon as possible for record purposes.

PROCEDURE: Contact with the Public

Employee contact with the public is expected to be conducted in a professional manner. All employees dealing directly with the public are expected to provide prompt, courteous, and correct responses to inquiries. This is especially important for Main Control officers. (See Policy and Procedures on "Visitors at Main Control.")

Figure 26:1 (continued)
Sample Public Information Policy

LUCAS COUNTY CORRECTION CENTER — TOLEDO, OHIO

SUBJECT: PUBLIC INFORMATION & MEDIA CONTACT	NO:	EFFECTIVE DATE: / /	PAGE 4 OF 4
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PROCEDURES: Release of Official Information

1. Individual employees receiving requests for official information from sources outside the Sheriff's Department shall forward all such requests to their immediate supervisor, who shall, in turn, refer them to the appropriate division head for action through the Sheriff. It is important, however, that all inquiries be answered promptly, accurately, and completely in compliance with local, state, and Federal laws governing public information and rights of privacy.
2. All official information and press releases referring to departmental or facility policy or statements regarding facility programming or conditions shall be issued only by the Sheriff or his designee.

Figure 26:2
Sample Public Information Policy

FAIRFAX COUNTY SHERIFF'S DEPARTMENT
STANDARD OPERATING PROCEDURE

SOP NUMBER 018
SUBJECT: PUBLIC
INFORMATION POLICY

I. PURPOSE

To provide guidelines for providing information to the public.

II. POLICY

It is the policy of the Fairfax County Sheriff's Department that the sheriff and chief deputy sheriff are available to the public and to representatives of the media.

III. PROCEDURE

- A. The sheriff and chief deputy sheriff are the official spokespersons for the Fairfax County Sheriff's Department. No employees will represent themselves as spokespersons without specific authorization from the sheriff or chief deputy sheriff.
- B. Official inquiries pertaining to the Fairfax County Sheriff's Department operations, policies and procedures, programs, conditions of confinement, litigation, investigations, treatment of specific inmates, or employee conduct and behavior, shall be referred to the chief correctional officer, chief of court security and services, or director of management, depending on area of responsibility, for action.
- C. Whenever possible, responses to official inquiries shall be in writing. Written responses shall be prepared for the signature of the sheriff. Verbal responses shall be cleared through the chief correctional officer, chief of court security and services, or director of management.
- D. Inquiries from Federal, state, county, and foreign officials shall be handled on a priority basis.
- E. Inquiries concerning specifically named inmates which exceed the scope of information which can be routinely released under the provisions of SOP Number 102 shall be referred to the chief correctional officer.
- F. In most cases, representatives of the media will be permitted access to the Adult Detention Center for purposes of reporting items of public interest. However, all requests from the media for: information about the Adult Detention Center; Adult Detention Center policies, procedures,

Figure 26:2 (continued)
Sample Public Information Policy

operations, programs; access to specific inmates; information about treatment of inmates and conditions of confinement; information concerning litigation, investigations, or the conduct of employees, shall first be referred to the sheriff or chief deputy sheriff for their information.

- G. It is the sheriff's policy to be available to the public and the media. Requests for statements concerning Department philosophy, policies, and operations; and requests for speakers to address public and private groups will be referred to the sheriff. No employee will voluntarily represent the Department before a public or private group without the express approval of the sheriff.
- H. Tours of the Fairfax County Adult Detention Center and Judicial Center by the public and media are encouraged and shall be conducted as provided for in SOP Number 015.
- I. Inquiries from the public and media shall be handled in a courteous and professional manner.

IV. PROCEDURE FOR ACTING ON MEDIA INQUIRIES

A. General.

- 1. Media Information Officer. The sheriff is the media information officer for the Department. During his absence, the chief deputy sheriff will act as the media information officer. This authority may be delegated to other members of the Department in specific cases.
- 2. Media inquiries normally fall into five categories:
 - a. Requests for information about specific inmates.
 - b. Requests for interviews with specific inmates.
 - c. Requests for information about incidents and investigations involving, and being conducted by, the Department.
 - d. Requests for explanation and clarification of Department policies and positions on issues.
 - e. Requests for tours of the facility.
- 3. Response to media inquiries will depend on:
 - a. Verification that the person making the request is an official representative of the media.

Figure 26:2 (continued)
Sample Public Information Policy

- b. Determining whether the request can be complied with from a legal and procedural standpoint.
 - (1) Does the requester have a right to the information?
 - (2) Would access to the facility or information compromise security or privacy rights?
- 4. Action to take upon receipt of media inquiries.
 - a. Be honest, forthright, and courteous.
 - b. Provide releaseable information if requested (see SOP Number 102).
 - c. When the person receiving the inquiry is unable to respond, refer the inquiry to a member of the administration, or advise a superior of the nature of the inquiry and take action as directed.
- 5. Under no circumstances discuss:
 - a. The character or reputation of an inmate.
 - b. Admissions, confessions, or the content of a statement or alibi of an inmate.
 - c. Courtroom testimony.
 - d. Identity of a deceased inmate prior to notification of the person's next of kin.
 - e. Personal opinions as to the guilt or innocence of an inmate or any Department matter.
- B. Inmate Interviews by the Media.
 - 1. When the media requests to interview an inmate in the Fairfax County Adult Detention Center, the person receiving the request will refer the matter to the chief correctional officer, who will, in turn, inform the sheriff. The inmate(s) concerned will be contacted to ascertain whether or not they wish to be interviewed by the media. If the inmate desires, the interview will be granted. Should the inmate decline, the media shall be so informed. The refusal will be documented on an Incident Report (ADC 108).

Figure 26:2 (continued)
Sample Public Information Policy

2. In the absence of the chief correctional officer, arrangements of this nature may be made by the next senior officer on duty at the Fairfax County Adult Detention Center.
- C. Restrictions Applicable to Media Inquiries.
1. Information regarding incidents involving the Department or Departmental personnel shall be released only by the sheriff or a media information officer designated by the sheriff.
 2. While on tour, media representatives are permitted to utilize photographic equipment. Members of the media will be cautioned against photographing inmates against their wishes or without obtaining proper releases from inmate subjects. Whenever possible, inmates should be informed in advance that photographs will be taken.
 3. Departmental position statements will be released only by the sheriff or chief deputy sheriff.
- D. Tours of the Fairfax County Adult Detention Center by the Media.
1. Requests by the media for tours of the facility shall be cleared through the sheriff. Such tours are encouraged. Upon clearance, the chief correctional officer shall be responsible for arrangements and escorts.
 2. While on tour, media representatives are permitted to utilize photographic equipment. Members of the media will be cautioned against photographing inmates against their wishes or without obtaining proper releases from inmate subjects. Whenever possible, inmates should be informed in advance that photographs will be taken.
- E. Identifying Representatives of the Media.
1. In response to phone inquiries about inmates, only that information provided for in SOP Number 102 may be released. Since this is public information, it is not necessary to identify the person to whom the information is provided.
 2. Prior to entering the Fairfax County Adult Detention Center, representatives of the media must produce proper identification. If doubt exists, the shift supervisor should refer the matter to the chief correctional officer. In his absence, the matter should be referred to the senior person present or the staff duty officer. Confirmation of a person's affiliation may be obtained from the sheriff or the person's employer when necessary.

Figure 26:2 (continued)
Sample Public Information Policy

F. News Releases and News Conferences.

1. News Releases. All news releases issued by the Department will be prepared at the direction of the sheriff. Upon inquiry, representatives of the media will be informed that news releases may be obtained by mail or at:
 - a. The Administrative Office of the Sheriff.
 - b. The Control Booth of the Fairfax County Adult Detention Center.
 - c. The Press Room in the Judicial Center and Massey Building.

NOTE: At the time a news release is prepared, the dissemination method will be announced. In all cases, the most expeditious method will be utilized.

2. News Conferences. All news conferences will be conducted by the sheriff or chief deputy sheriff. The time, location and purpose will be announced at the time the conference is called.

REVISED
JUNE 1, 1983

M. WAYNE HUGGINS
SHERIFF

4. Media access;
5. Facilities for media representatives; and
6. Special considerations.

The sections which follow contain questions designed to assist each sheriff's department or detention center in developing its own set of guidelines in cooperation with local media representatives.

Safety Of Media Representatives

1. Who is responsible for the safety of media representatives? What are the legal and moral limits of sheriff's department responsibility if a media representative insists upon entering a danger zone?

2. If the perpetrators ask for a media representative to assist with negotiations which involve direct physical contact, will the sheriff's department permit the media representative to enter the barricaded area and thereby possibly endanger his own life?

3. If an assault upon the barricade is taking place, or if the perpetrators are firing at the officers, will photographers and television cameramen be permitted to roam through the danger zone at their own risk?

4. If a reporter who enters the danger zone or crosses police lines refuses to obey an official command to leave the danger area immediately, what action will be taken against him?

5. Should reporters on the scene be provided with bullet resistant vests, helmets, and other safety equipment?

Type Of Information To Be Released

1. What restrictions, if any, will be placed upon the type of information to be released to the media during and after the hostage-taking incident (e.g., will information on the perpetrator be restricted to name, age, sex, address, etc., if known, or will all information available on the perpetrator be released, such as reason for incarceration, relatives' names, etc.)?

2. If the perpetrators claim to be members of a revolutionary or terrorist group, will this information be released?

3. If the perpetrators claim to have outside accomplices, will this information be released?

4. Will names of hostages be released to the media prior to the notification of the hostages' relatives?

5. If the perpetrators are juveniles, will their names be released?

6. Will restricted information be released to the media with the request that it be held confidential until further notification (e.g., briefing reporters on tactical assault plans)?

7. Will media representatives be permitted to monitor communications between the SWAT team negotiators and the perpetrators?

8. Will the department provide photographs of perpetrators and hostages to the media representatives, if available?

9. If a hostage or officer is killed or injured, will the department withhold this information, if feasible, from the media until the victim's relatives can be notified?

10. What specific types of information will **not** be released to the media **under any circumstances** even under the pressure of direct questioning (e.g., the rape of a hostage, statements made to sheriff's department personnel by the perpetrators after the incident has been brought to a conclusion, etc.)?

Procedures For The Release Of Information

1. Does the department have a public information officer who can immediately respond to the hostage incident? In the event that he may not be available, has the public information officer trained other officers to handle the public information function during emergencies?

2. If the department does not have a public information officer, who will release information to the media during a hostage incident? Is this person aware of the types of information which can and cannot be released?

3. What procedures will be established for the timely release of updated information (e.g., a press briefing every 30 minutes)?

4. Will all officers on the scene be permitted to respond to media questions or will the media representatives be restricted to asking questions only of the designated departmental spokesman at the command post?

5. What provisions has the department made to immediately notify all local media agencies of a hostage incident-in-progress (e.g., hotline, teletype, individual telephone calls, etc.)?

6. Will media representatives be permitted to interview relatives and friends of the hostages and perpetrators who are brought to the scene?

7. If there are multiple telephone lines available to the perpetrators, will media representatives be permitted to conduct telephone interviews with the perpetrators and/or hostages?

8. What procedures will be established to coordinate the release of information when more than one law enforcement agency responds to the incident to help the sheriff's department or detention center?

9. What procedures will be established to forward updated information to a dispatcher or assigned officer handling non-local media calls coming into department headquarters?

Media Access

1. Does the department issue standardized media credentials (wallet card, auto visor card, and emergency situations plastic-encased media pass on a neck chain) to media represen-

tatives who are assigned to cover sheriff's department activities? If so, what guidelines have been established for issuing and revoking these passes?

2. Does the department recognize, in emergency situations, media credentials issued by other law enforcement agencies?

3. What provisions has the department made for on-the-scene accreditation of out-of-town media representatives during emergency situations? Have special "one day" media passes and identification forms been prepared ahead of time for delivery to the scene of major emergencies which would attract non-local media representatives?

4. What provisions have been made to assure that media representatives do not present security problems at the scene of hostage incidents (e.g., a reporter carrying a concealed weapon)?

Facilities For Media Representatives

1. Has the department considered providing at least one outgoing telephone line at or near the command post for media representatives to share?

2. Will media representatives be permitted to hook up any necessary equipment to electrical outlets at the department's emergency command post?

3. What provisions, if any, will be made to provide for the physical comfort of media representatives during a lengthy hostage incident or one which occurs during inclement weather (e.g., a press tent, portable restrooms, coffee, etc.)?

Special Considerations

What special considerations, if any, should the department provide for media coverage of a hostage-taking incident (e.g., number of reporters to be permitted on the scene—will "pool" coverage be necessary? Will television cameramen be permitted to utilize helicopters for aerial filming of the scene, etc.)?

The Post-Incident Evaluation Of Media Relations

The departmental post-incident evaluation of departmental performance during the hostage-taking incident should also include an evaluation of media relations.

This evaluation should occur both **internally** and **externally**, i.e., an evaluation should be conducted within the department by personnel responsible for media relations; in addition, a debriefing session ought to be conducted with media representatives who covered the incident and their agencies' in-house personnel who were responsible for preparing the on-scene reports for publication and broadcasting.

When conducting the internal evaluation, personnel responsible for public information may find it beneficial to seek information on performance and problems from officers of all ranks who were at the scene, personnel from other agencies participating in the incident (e.g., fire department, state police,

hospital officials, etc.), the hostages and their relatives, the negotiators, and, if feasible (considering possible legal problems), the inmate perpetrators.

The purpose of the media relations phase of the post-incident evaluation is to discover areas in which:

1. Officer performance warrants improvement;
2. New policy guidelines need to be developed or existing guidelines need to be revised;
3. Problems between the sheriff's department and media representatives can be identified so that they can be discussed and resolved in a mutually-satisfactory manner before another incident occurs; and
4. Problems of unprofessional conduct on the part of any individual officers and/or media representatives can be identified so that supervisors may be informed (the sheriff's department, however, should not attempt to recommend disciplinary action to the supervisors of media employees).

Guideline questions for the post-incident evaluation process ought to include:

1. Did any officer-media confrontations occur (e.g., the need to forcibly remove a media representative from inside the danger zone)? If so, why? What measures can be taken to prevent similar types of incidents from occurring during future hostage situations?
2. Were there any charges or accusations levied by the media of sheriff's department "favoritism" toward specific media representatives? If so, what is the reasoning behind these charges? If the charges are justified, what efforts will be initiated to prevent the display of "favoritism" during future incidents?
3. Did sheriff's department employees release any information to the media during the incident which could be construed as violating specific legal rights of the perpetrators and thus jeopardize their rights to a fair trial (e.g., posing the perpetrators for photographs)?
4. Were proper and timely provisions made for a post-incident press conference by the sheriff and/or tactical commander and negotiating team to summarize the incident and answer supplementary questions?
5. Were the hostages, if released safely, adequately shielded from an immediate confrontation with media representatives?
6. Were adequate provisions made to shield the hostages' and perpetrators' relatives who were officially brought to the scene from excessive questioning by media representatives?
7. What provisions were made for a post-incident evaluation with media representatives of the method in which the sheriff's department handled the public information function during the incident? What improvements in procedures, if any, will be instituted during future incidents?

8. What problems, if any, did the officers encounter with media representatives during the hostage incident and what agreements should be developed to prevent these problems from occurring again?
9. If another law enforcement agency responded to the incident to help your department, was the public information function smoothly coordinated? If not, what measures can be instituted to prevent a recurrence of these problems in future hostage-taking incidents involving a multi-agency response?
10. If a media representative served as a member of the negotiating team, did this help or hinder your performance? If the use of a media representative on the negotiating team did occur, did this subject the sheriff's department to criticism from other media representatives? How will this problem be resolved in the future?

ROLE OF THE PUBLIC INFORMATION OFFICER

Too many sheriffs hire or appoint a public information officer (PIO) and then consider him to be a "fire extinguisher" who is called in to put out the fire once it flares out of control. In such cases, the sheriff should not expect any miracles and he should not even expect any good firefighting. **The jail's PIO should be in the business of fire prevention, not fire control.**

How does a PIO do fire prevention work for a sheriff's department that pays off in fewer "fires" and a good image in the community? There are **three key steps**, in addition to the development and implementation of a comprehensive news media policy, that the sheriff must take. These include:

1. **Defining the role of the public information officer and his position in the chain-of-command;**
2. **Selecting the right person for the job of public information officer; and**
3. **Giving the public information officer the authority, budget, and staff he needs to accomplish his tasks.**

Defining The PIO's Role

A PIO should not be the person the sheriff calls in at the last minute to share the blame when everything that could possibly go wrong has gone wrong. He can't work a few magic tricks to salvage the department's image once everything has hit the fan. Nor can a PIO be expected to sell a "good" image of the sheriff's department or jail overnight.

An effective "sales campaign" of the department's image requires commitment to the role of the PIO on the part of the sheriff and his administrators. It also requires carefully defining the role of the PIO and giving him the access to the sheriff and the jail administrator which he needs to perform in this role.

What is the role of the PIO? To define what the PIO should be doing, the sheriff needs to **find out what the media wants**. To put it in simple terms, media representatives, both print and electronic, want the facts about incidents that occur.

They want the facts as soon as they are available and they want the truth. They don't want to be lied to and they don't want to be misled. Nor do they appreciate it when public servants play games with them. The media representatives also like direct access to departmental personnel but generally appreciate the opportunity to have a professional PIO channel their requests for interviews, give them leads on additional sources of information, and help them gather the facts, especially when deadlines are fast approaching.

Providing the media with assistance is only half the role of the PIO. The other half involves **providing feedback to the sheriff and jail administrator** on how to avert potentially bad coverage of an unpleasant event brewing in the department (rest assured, the media always does seem to find out about the things you wish you could bury); plan campaigns related to the crime prevention activities of the department and place the public service announcements (safe driving, anti-shoplifting, etc.); and advise departmental administrators about the techniques necessary (and their roles in creating a positive public image for the sheriff's department and the jail).

To perform these tasks effectively, **a PIO must have direct access to the sheriff and the jail administrator**. Generally, this means that in the chain-of-command, the PIO should report directly to the sheriff. Some sheriffs have learned the hard way that the PIO who has to go through channels to reach him eventually becomes completely ineffective. Where the PIO is going up through a chain-of-command, several things can happen to damage the PIO's effectiveness and usefulness to the sheriff:

1. He has sensitive information for the sheriff but is reluctant to pass it on to others in the chain-of-command because of its sensitive nature. Because the PIO can't get to the sheriff, he doesn't report that a problem is about to occur and then the problem does occur. Whose fault is this?
2. In a chain-of-command situation, the PIO may be caught in the middle of intradepartmental politics, to the detriment of the agency as a whole.
3. The PIO placed low in the chain-of-command may not have the authority he needs to seek from others in the department the information the media wants.

There are other problems. Basically, however, **the chain-of-command just does not work in the communications field**—and that is what the PIO is—a communicator. A PIO kept in the dark by the sheriff just can't do much about the department's image. A PIO cannot be very effective if he has to make appointments to see the sheriff. And the sheriff, as well as the department, is the ultimate loser in a situation like this.

Selecting A PIO

The public information officer preferred by the media is a *professional communications specialist*, not a deputy or a captain who has been assigned to the job for a year or two and who really doesn't know (and sometimes doesn't care about) what the job involves. This is not to say that uniformed personnel should be banned from the job. On the contrary, they often prove to be very effective PIOs **provided that they are interested in**

the job and understand the importance of its role in fulfilling the department's public service responsibilities, and they are skilled communicators, both verbally and in writing.

The **qualities** a sheriff should look for in a PIO include:

1. Good interpersonal communications skills (able to interact well with others, tactfulness, clear speech free from street language, and good "body language" skills);
2. Good written communications skills;
3. Good appearance (this person will often be appearing on television as the representative of the sheriff's department and the sheriff should not want someone who has a slovenly personal appearance to be projecting the department's image);
4. Ability to deal with stress and work under pressure (when the news events occur, especially the big ones, the department needs someone who can hold up under pressure);
5. Good planning and administrative skills (the department is counting on this person to plan and administer a campaign to improve the department's image, as well as manage the public information office, its budget and personnel);
6. Typing and personal computer skills (the PIO will be preparing news releases for distribution to the media, often under time pressures);
7. Good overall health; and
8. In the case of civilians, the sheriff should seek out somebody who does not want to "play cop" (the department needs a professional communicator, not the guy with the bad eyes who wanted to be a deputy since age two but couldn't meet the medical requirements).

Giving The PIO Authority

The minute the sheriff establishes a public information office and appoints the PIO, he has the responsibility to inform every member of the department, by written directive or a general order, that the PIO is a very essential person on his immediate staff and speaks in his name when he asks other members of the department for information.

If your PIO does not have this authority, then you are going to have problems, especially if your PIO is a low ranking uniformed officer. For example, if there is a fire in the jail, the PIO must have the authority to go directly to the jail administrator or commander and seek the facts for the media. The jail administrator must be made aware by the sheriff that he is to give the known factual information to the PIO as soon as it is requested, not tell the PIO he will be forwarding the relevant information up through the chain-of-command in a written report. The media deals with immediate on-going information about events of significance to the community. So, too, must the PIO deal with the **immediacy** of events. This is his job.

Stress problems for PIOs are generally as bad as they are for line officers. There is a constant battle the PIO wages with

the media—the media hardly ever wants to broadcast or print the good things about the department, yet the department's personnel put pressure on the PIO to get the good news publicized. However, most of the people in the department are unaware of this constant battle the PIO is fighting because they don't understand how the media functions. They blame the PIO for the lack of positive publicity and the abundance of negative news the public receives about the sheriff's department, the jail, and department personnel.

To avert this problem, the sheriff needs to **staff the public information office properly**. When we're talking about the news media, we're generally talking about a 24-hour-a-day business. Yet, in most sheriffs' and police departments, the public information office consists of one person who is expected to be on call 24 hours a day, seven days a week. PIOs generally have a short life expectancy in their jobs because of this. At this point you may begin to argue that you have a small department and a limited budget and even one fulltime PIO is hard to justify budget-wise, especially when the Federal courts are telling you that you better get some more deputies in the jail pronto or you're in serious trouble. We're not saying that your department should go out and hire a whole squad of PIOs. There are other ways to staff the office—without butchering your budget—for the tough times that occasionally occur.

Two methods that have been tested operationally and which are working in various sheriffs' departments across the nation include:

1. Find some volunteers who are skilled in journalism, public relations, or broadcasting. Some counties seek out older retired professionals from these occupations while others have an active sheriffs' reserve unit consisting of people who are currently employed in other occupations.
2. Seek volunteer emergency PIOs from among your deputies and jail officers. Often, those who work in such specialized areas as crime prevention, planning and research, community relations, or the juvenile unit are interested in and able to assist with the PIO function in an emergency.

No matter where you get your cadre of "reserve" PIOs, the public information officer must **train them**, particularly in the area of what types of information can and cannot be released under agency policy guidelines.

In addition to providing the PIO with the authority and staff he needs to perform his role effectively, the sheriff must also give him an **adequate budget and equipment**.

SUGGESTIONS FOR DEALING WITH REPORTERS

What if you, a first line supervisor, have to speak with news reporters and give them information? How will you handle the situation? The "other side" periodically offers some suggestions which may benefit you. For example, the following hints, once published in a column by Walker Lundy, the executive editor of the *Tallahassee Democrat*, offer **practical guide-**

lines for anyone who is confronted by a representative of the media:

1. **Do be prepared for the reporter to use anything you say**, even a casual remark made as you were leaving.
2. **Don't give what you consider to be off-the-record remarks unless the reporter has agreed, in advance.** Off-the-record means that the reporter may use the information to lead to other information, but that under no circumstances, even court order, will your name be revealed. "Not for attribution" means the reporter can use the information or quotations in the story but not attribute them to you. According to some experts, though, there is no such thing as "off-the-record." However, this is something you must decide, based upon your relationship with your local media.
3. **If you are worried about being misquoted, do ask the reporter to read back to you his notes at the end of the interview.** If a quotation isn't in the notes, it should not appear in the story as something you said.
4. **Don't ask for a story to be read to you before it's published.** Editors and reporters are extremely reluctant to let anyone see a story until it's published for everyone to see at the same time.
5. **Do volunteer any relevant information that the reporter didn't think to ask about or suggest other sources the reporter may want to interview.**
6. **Don't lose your temper, become abusive, or threaten reporters.** They are only trying to do a job, which is to get as much pertinent information as possible and report it accurately. Such behavior, on your part, usually makes a reporter suspicious and more determined to get the story.
7. **Do talk to the reporter.** It's in your best interest for your side of the story to be told. A person in the news almost always is ill-served to hide behind a "no comment," even if his lawyer so advises him or if he is angry at the reporter or the paper or radio or TV station because of its news coverage.
8. **Don't expect the reporter automatically to believe what you say.** An old editor's cliché warns: "If your mother says she loves you, check it out."
9. **Do complain immediately if you're misquoted or if the story contains what you consider to be incorrect information.** Practically all media representatives are ethical and want to be correct; thus, if a mistake is made, it should be corrected.
10. **Know and respect the deadlines of the various media representatives in your community.** Be courteous; it normally pays off.

SUMMARY

1. **To avert image problems in the media, sheriffs should develop and implement media relations policies for their departments.**

There are very legitimate issues involving jails today which must, and should, be covered fairly and accurately by the news media because these issues must be resolved for the public good. A fair, accurate airing of these issues in the news media often can help you as a first line supervisor.

2. **What reporters want is NOT always what the sheriff's department wants to give them, or is obligated to give them by law.**

Reporters work on deadlines and quickly need accurate facts about incidents occurring in the jail. They seek news items, i.e., information about people, places, and things that is of interest to the general public. The elements involved in news stories include:

- A. Timeliness;
- B. Names;
- C. Self-identification;
- D. Unusual events;
- E. Progress or change; and
- F. Emotional events.

In addition, reporters, without fail, are always looking for the slightest hints of official misconduct, corruption, or unethical actions.

3. **Insofar as the law is concerned, the right of inmates to have access to the media is clearer than the right of the media to have access to the jail.**

Inmates gain access to the media through the First Amendment to the U.S. Constitution. However, the U.S. Supreme Court decided in 1974 and 1978 in two cases that while inmates have a First Amendment right to communicate with the media, jail officials may regulate the time, place, and manner of interviews with the press, and may deny the interviews if they pose a security risk. Nor do reporters have a right to government information or sources of information (such as employee personnel files or inmate records) beyond that which is available to the general public through Freedom of Information laws. Also to be considered when releasing information to the media are state privacy acts, which protect both inmates and employees from having certain types of information about them released. Jail supervisors should also be aware of exactly what they say to reporters about an inmate or a jail employee in order to avoid a charge of libel.

4. **The sheriff and his commanders should develop a comprehensive media relations policy for the entire department—including jail operations—in conjunction with the local media outlets which cover the department on a regular basis.**

Written policy directives fix responsibilities, delegate authority and, most importantly, spell out the types of information which the media under state law must be given and that which the department, legally, must withhold. Media participation in the policy development process is very important because they

can tell you what they need and they generally will cooperate with your guidelines if they help develop them. These guidelines should take into consideration "what if" situations as well as everyday occurrences.

5. When developing a tactical response plan for hostage-taking incidents, it is extremely important to consider media relations needs.

A well-developed set of media relations guidelines can assist the sheriff's department in providing for the smooth dissemination of public information while the incident is in progress. In addition, the rapid transmission of available facts to the media through a designated department spokesman will tend to assure that the public receives accurate information. These guidelines for jail-media cooperation during incidents in progress should cover the following areas:

- A. Safety of media representatives;
- B. Type of information to be released;
- C. Procedure for the release of information;
- D. Media access;

- E. Facilities for media representatives; and
- F. Special considerations.

The departmental post-incident evaluation of officer performance during the hostage-taking incident should also include an evaluation of media relations.

6. A public information officer (PIO) who is hired by the sheriff's department to work with the media should be engaged in "fire prevention" work, not firefighting.

How does a PIO do fire prevention work for a sheriff's department that pays off in fewer "fires" and a good image in the community? There are three key steps, in addition to the development and implementation of a comprehensive news media policy, that the sheriff must take. These include:

- A. Defining the role of the public information officer and his position in the chain-of-command;
- B. Selecting the right person for the job of public information officer; and
- C. Giving the public information officer the authority, budget, and staff he needs to accomplish his tasks.

CHAPTER TWENTY-SEVEN

CONTEMPORARY ISSUES IN JAIL ADMINISTRATION

In 1982 the National Sheriffs' Association (NSA) conducted a survey of 2,664 jails and detention centers to determine the five most serious problems—in order of their importance—facing contemporary jail administrators. The survey, published in *The State of Our Nation's Jails—1982*, found that **the most widespread problems in jails today are:**

1. Personnel;
2. Modernization;
3. Overcrowding;
4. Recreation; and
5. Funding.

The study also revealed that 19.9 percent of the jails were engaged in pending lawsuits and 10.7 percent were under court order.

What solutions are there to remedy these problems? Solving the first four problems cited by the survey participants depends upon solving the fifth—funding. But money remains scarce, particularly in those areas of the United States facing economic recessions.

Since finding enough money is a problem for all too many jurisdictions, county officials, sheriffs, and the National Institute of Corrections (NIC) have been exploring ways to manage modern jails more efficiently, making better use of scarce resources. **Among some of the alternatives being tested today are privatization, renovation of existing physical plants, and "direct supervision" architectural designs for new facilities.**

PRIVATIZATION

Criminal justice system professionals are aware that the "privatization" of correctional facilities is an emotional issue which tends to polarize people—system personnel and public officials are either strongly for it or strongly against it. There doesn't seem to be a middle ground.

Just as there are different opinions about the issue of privatization, there are also different definitions of what the word means. Some people define "privatization" as wholesale abdication by the public sector of responsibility for the institution and control over it; the private sector assumes complete control and responsibility. To others, "privatization" means:

1. Allowing volunteers to enter the jail to deliver services, such as counseling or education and vocational training; OR
2. Contracting out to the private sector specific functions necessary for the jail's operation, such as food services,

medical services, and laundry services—functions which are often performed in-house by public employees and/or inmate laborers; OR

3. Obtaining private financing for the construction of jails and prisons—the jail is leased by the government agency from the private corporation, but the government agency manages and staffs the facility and assumes all legal responsibilities for the care of inmates. The "rental" fee includes the costs of borrowing the money, i.e., interest, principal, and broker's fees; OR
4. Permitting the private sector to build, maintain, staff, and operate the jail for profit; in this case the taxpayer still pays the entire bill.

The wholesale privatization of a jail, in which the private sector builds, maintains, staffs, and operates the facility, presents several problems.

First, the private sector's experience in the field of corrections primarily has been limited to halfway houses, juvenile homes, and minimum security detention centers, such as those operated under contract for the U.S. Immigration and Naturalization Service (INS). The private sector has not yet proven its capabilities in managing and operating medium and maximum security facilities for dangerous and violent offenders.

Second, in most cases private contractors would not have to meet minimum state standards for jails. Nor would the officers hired to staff these facilities fall under the restrictions imposed by state peace officer training and standards commissions, unless various state legislatures changed existing laws.

Third, private contractors need not react—as sheriffs must—to community pressures for maintaining constitutional jails. Sheriffs who operate jails must make every effort to see that the jails function according to applicable state and Federal laws. Conversely, private contractors are not subject to community pressure since they do not have to stand for election. Thus, they may not attempt to solve problems in the jails, particularly if it would cost a great deal of money to do so.

If this improper performance occurs, the county would want to seek another contractor, but it may have difficulty breaking the existing contract. Legal solutions to contractual disputes generally require a great deal of time. Meanwhile, the problems in the jail will continue to fester, possibly becoming explosive given the nature of the jail's clientele.

Fourth, **who assumes legal liability when a private contractor operates and manages a detention center which houses prisoners sentenced by a public court?** To date this primary question has not yet been answered satisfactorily.

As part of their proposals, some of the private contractors claim they will indemnify governing bodies. In the proposed contract, the private company may state that it will hold the local government harmless for any litigation costs and judgments for violations of inmates' legal rights. Nonetheless, **the local government's legal responsibility for ensuring the constitutional rights of inmates cannot be abdicated or eliminated.** The local government will be held accountable by the courts for the conditions of confinement and for the safeguarding of inmates' constitutional rights. The local government is responsible for confining those whom its judicial system orders to be incarcerated. Without management control of the jail operation, how, then, can the local government ensure compliance with state and Federal laws regarding the confinement of prisoners?

A final problem occurs in the area of **decisionmaking for disciplinary purposes** within the jail. While private contractors argue that operating a detention facility is no different than operating a transportation system or collecting garbage, there is, in reality, a big difference. In a jail operated by a private contractor, a private citizen has been placed in a quasi-judicial function insofar as disciplinary matters are concerned. Thus, the private contractor's employees become an integral part of the local criminal justice system. They will be enforcing discipline and judging whether infractions have occurred. They will be imposing punishments. They will be advising parole boards. All this is quite different from collecting garbage or making certain the buses run on time.

There are many serious legal questions which need to be answered before we can say that privatization is the answer to the problems troubling today's jails.

RENOVATION OF EXISTING PHYSICAL PLANTS

What does the sheriff do if the jail is old and deteriorating and the county governing board will not authorize a vote on a bond issue to build a new facility? To solve this dilemma of needing a modern physical plant but not wanting to spend millions of dollars for a completely new facility, many jurisdictions are approving smaller-scale bond issues to renovate the existing jail so that it meets state standards for security, safety, and sanitation.

If a renovation project is approved by the county government, then the sheriff should involve the entire jail staff in the planning process. The employees who work in the jail on a daily basis are the experts when it comes to determining what is needed in the areas of physical security, safety, sanitation, and inmate programming. **The responsibility for developing proposals and suggestions for improvement should be delegated to first line supervisors, who, in turn, will consult with the employees they supervise.**

Also needed is a **jail advisory committee**, which should consist of representatives from all segments of the local criminal justice system (i.e., courts, local police departments, state police, local representatives of Federal law enforcement agencies, probation, parole, juvenile justice, prosecutor, and public defender's

office). There should also be citizens' representatives on the committee, as well as members of the appropriate county agencies which will be involved in the project (e.g., budget and finance office, building superintendent, purchasing department, etc.).

The committee should develop a **philosophy of corrections** for the county to determine how much the jail will be utilized in the future. For example, the committee may decide to develop various programs which provide alternatives to incarceration, such as **"electronic" probation** (in which the probationer is monitored by means of an electronic "bracelet" and cannot leave his home without the permission of his probation officer or an appropriate court official), minimum security work camps or farms, group homes for misdemeanants or work release inmates, weekend incarceration for non-violent offenders, or restitution programs.

In the past jails have served for the detention and punishment of both pre-trial and sentenced offenders. Simply because the jail exists, there has been a tendency to place all offenders in it, and because the jail is there, too many county governing boards have neglected to explore **alternatives to incarceration.** It is only when a crisis is reached via overcrowding, a lawsuit regarding conditions of confinement, or violence among inmates that the officials are moved to action.

Some offenders do not need to be incarcerated in a secure facility because they do not pose a danger to themselves or to others. Thus, with overcrowding and the need to expand the jail facility, either by renovation or by building additional cellblock wings, it is wise to first consider the development and implementation of programs which provide alternatives to incarceration.

In today's climate of county-wide fiscal constraints and limited budgets for the jail operation, a decision to expand the existing facility or build a new physical plant should be reached **only after** all alternatives to incarceration have been explored and all aspects of the pre-trial system have been examined in depth. Locking every offender up could lead the county into bankruptcy. Therefore, the jail advisory committee should determine which inmates can be appropriately punished and/or treated through **diversionary programs** in the community.

The advisory committee must also assume responsibility for hiring correctional planning specialists who will project the needs of the local criminal justice system for the future—both within the county itself and regionally, since many of the surrounding counties have the same problems. The resources of both the criminal justice system and the community must be targeted and practices and trends in law enforcement, courts, and corrections should be determined. Other information the planners will need to obtain and evaluate includes:

1. Number of persons incarcerated for the past 10 years;
2. Offenses that led to incarcerations;
3. Length of incarcerations;
4. Frequency distribution of offenses;

5. Average daily population of correctional facilities; and
6. Percentage of the area's total population which has been incarcerated.

In addition, the planners should evaluate pre-trial policies and sentencing patterns of local courts to determine how extensively alternatives to incarceration are utilized and what the attitudes are of local judges to community-based alternative programs.

An important component of the planning process is determining which aspects of the corrections process can be shared with another component of the local government, i.e., should the jail carry full responsibility for the detention of all offenders who appear before the court? The sheriff and his jail advisory committee ought to raise such questions as:

1. How many community-based services exist for dealing with the problems of offenders? What types of services are provided?
2. Are there detox/medical facilities available in the community for drunks, alcoholics, and drug abusers?
3. Are there special facilities for juvenile offenders available? Mentally handicapped offenders? Physically handicapped offenders?

A cooperative working arrangement between the sheriff's department and community offender service agencies is essential if the sheriff's department expects to alleviate the overcrowding and recidivism problems. To be efficient, the jail must utilize community resources to the fullest extent possible. For example, when the courts are able to refer low-risk pre-trial detainees to community service programs, this leads to a substantial decrease in the jail population, thus helping not only the jail staff but the taxpayers as well. Judicious use of community service programs helps to alleviate overcrowding. In addition, it can help to prevent unnecessary over-expansion of the jail's physical plant.

If the jail's renovation planning program is to succeed, it will require a good **public relations campaign**. The taxpayers want to know how their money is being spent and why. In addition, if the sheriff's department and the court system are going to develop alternatives to incarceration, the citizens will need to be carefully cultivated in advance. Otherwise, there may be a hue and cry over "letting criminals run loose in the streets." Thus, the jail advisory committee needs to initiate a public relations campaign to explain to the citizens such alternatives as pre-release and work release programs, as well as other community-based correctional options. Public meetings should be conducted to describe the alternatives under consideration and citizens should be encouraged to ask questions and participate in the discussions.

When the plans for the renovation and expansion of the jail are in the actual stages of development, there are several important aspects which must not be neglected. These include:

1. **Environmental considerations:** Can existing utility lines adequately service an expanded facility? Will there

be a negative environmental impact, i.e., is drainage around the facility adequate?

2. **How large should the addition to the jail be?** To plan adequately, it is necessary to attempt to project the inmate population 15 years into the future. The jail should also have a designed capacity for 15 percent more inmates than the projected daily population in order to accommodate daily fluctuations and prevent overcrowding. Don't forget to plan for additional parking areas for employees—an expansion of the jail generally requires increasing the number of officers to staff the larger plant. Parking for visitors will also need to be taken into consideration.
3. **Circulation patterns:** This is one of the most important aspects of the jail operation and must be carefully considered in the design planning stage. The circulation pattern includes not only the internal movements of staff, inmates, and visitors, but outside movements as well, such as transporting inmates into and out of the facility in a secure manner away from public access, patrolling the jail's perimeter, etc. **An effective circulation pattern takes into consideration the jail's security needs.** For example, officers should not need to move inmates great distances down many corridors for showers, recreation, or food service—such movements lend themselves to violence, escape attempts, and the passing of contraband. **It is in the area of defining circulation patterns that first line supervisors and the jail's custody personnel play a most important role.**

In designing an addition to an existing facility or planning for a renovation, some other areas to consider include:

1. **Juvenile intake and processing facilities**, as well as juvenile housing areas, should not be part of the adult complex. No adult inmates should have access to juveniles at any time.
2. The average **holding cell** should be planned for one to four persons and should not be less than 50 square feet in size. Ideally, temporary detention should not exceed four hours.
3. The area for **intake screening and assessment** should be next to the **intake processing** area. There should be space for pre-trial intervention and release, pre-sentence investigation interviews, post-sentence offender assessment interviews, and correctional program coordination. These areas must be adjacent to the initial intake area and be accessible from public areas.
4. The **jail control center** should not be used as a public reception area.
5. **Visiting areas** must be provided. Small open rooms which allow for face-to-face interaction between professional visitors and inmates should be provided. There should be a unit for non-contact visits, as well as an area for contact visits for those inmates who are allowed such a privilege.

6. **Staff support space** is needed for locker/dressing rooms, lounges, armory, and training.
7. **Individual detention rooms** must be provided for each inmate held for longer than four to eight hours.
8. **An all-purpose dayroom** (with 25 to 50 square feet per inmate) should be built with each detention cell cluster. Adequate shower and toilet facilities and sinks should be included. Adjacent space for individual or group counseling should be part of the arrangement.
9. There should be **office space** for in-house staff, visiting staff, and volunteers. There should also be a library designed to serve as a resource center.
10. Space should be provided for both **indoor and outdoor exercise** for inmates.
11. **Dining areas** should be built to allow inmates to eat in small group settings. The kitchen should be at least 200 square feet in area.
12. There should be a **commissary area** to enable inmates to purchase personal items and snacks.
13. Space should be provided for a **laundry** and for **mechanical service** equipment (i.e., heating, ventilating, air conditioning, water supply, waste removal, electrical, and communications).

Another important consideration in the design planning stage—from the viewpoint of security—is that **closed circuit television (CCTV) surveillance cannot and should not replace competent, well-trained jail officers**. Points to keep in mind when installing CCTV systems include:

1. CCTV can be used to best advantage for perimeter and exterior space surveillance.
2. CCTV should **not** be utilized as a primary surveillance system in critical security zones such as weapons storage areas. The electronic surveillance system is **not** a substitute for actual weapons security measures.

Direct staff supervision is the best and most effective security and control measure. This supervision can be enhanced by **efficient jail design**. For example, holding rooms should be placed in direct view of control center officers, since it is at this stage that the critical assessment is made of the inmate's emotional and physical condition.

Longer-term housing cells should be designed to permit maximum direct access by officers into the living areas. Sound design decisions which first and foremost consider security requirements can eliminate the need for an overabundance of costly TV and audio sensing devices.

DIRECT SUPERVISION JAILS

By institutionalizing human beings throughout the centuries, mankind has learned that **the architecture of the institution plays a vital role in the way people act and react to their environments**. For example, the writings of the eighteenth century English sheriff, John Howard, clearly pointed out that prisoners influence one another in ways that make rehabilitation

unlikely. Wrestling with this problem, the **Pennsylvania Quakers** of the 1700s developed their philosophy of total isolation of each prisoner night and day. Solitude, the thinking at the time held, would serve as punishment, but it would also give the prisoner time to reflect about his evil deeds. It served, too, to protect the officers from attacks by inmate gangs. The cells of the Quaker prisons were built as rectangular housing units with double loaded corridors in a **linear design**. Only periodic supervision and surveillance were possible. Jails which exist today with this antiquated architectural design often depend upon communication and closed-circuit television as a substitute for effective supervision.

Eventually, the Pennsylvania system of prison design used in the formative years of the criminal justice system in the United States was rejected in favor of the **Auburn system**, in which the cells were built back to back. The warden given credit for developing the Auburn system was Elam Lynds, who proved to be more in tune with the American work ethic. Lynds decreed that inmates would be allowed out of their cells during the day to perform congregative work in silence. At night the inmates were locked down into solitary confinement. But since the Auburn system also featured a linear design, surveillance by staff was intermittent and the jails were plagued with problems which occurred between patrol rounds.

Lawsuits and jail overcrowding problems in the latter part of the twentieth century forced jail experts and architects to examine the old style of correctional architecture. From these studies, the **podular design** was conceived in the early 1970s. The word "podular" defines a housing unit plan in which **30 to 50 cells are arranged around a common living area**.

There are two different types of podular designs: the **remote surveillance model** and the **direct supervision system**.

In the remote surveillance pod, the officer is stationed inside a security-glazed control room outside of the dayroom common area. The equipment in the pod stresses the use of vandal-proof security fixtures to resist destruction. The officer can control all of the doors electronically from his control booth and can observe several units simultaneously without ever leaving the control booth or coming into direct contact with the inmates.

The podular design is also used in the direct supervision system. In this type of design, **the jail officer is placed directly within the dayroom space of the detention housing unit**. Thus, larger groupings of prisoners are possible due to the constant interaction between the jail officers and the inmates.

The Federal Metropolitan Correctional Institutions (MCIs) were the first to use the podular direct supervision approach in the early 1970s in New York City, Chicago, and San Diego. The officer in the control room maintains direct supervision of the 30 to 50 rooms located in his module. Because of the physical presence of the officer, it usually is not necessary to include expensive indestructible security equipment within the pod.

If this is a workable approach to supervision, then local governments would save money for personnel costs by building new jails or jail annexes using this design.

This approach to supervision does seem to be working. Contra Costa County, California, was the first local jail in the United States to adopt this approach and since then the design has spread across the nation. Officers in direct supervision jails have not been attacked by the inmates as correctional officers assumed would happen. Rather, **jails which have adopted this new direct supervision approach report greatly reduced violence among inmates, a much cleaner and more sanitary facility, and officers who now function under much less stress.**

One of the major accomplishments of these local direct supervision jails has been the **initiation of full inspections of the living units** and other parts of the institution on a regular weekly basis. The results of the inspections are disseminated throughout the jail. Small awards and special privileges are given to the inmates in the cleanest living modules within the jail.

Vitally important to the proper functioning of a direct supervision jail is a **well structured intake and reception center**. At Contra Costa County, for example, inmates are not locked down during booking unless their unruly behavior so warrants it. The Bucks County, Pennsylvania, Jail in Doylestown has taken the precaution of placing two beds in every reception cell—primarily to help with warnings if newly admitted prisoners attempt suicide. This would seem to make good sense since the largest proportion of jail suicides occur during the early critical days and jails usually do not have sufficient information on the new people being booked in order to determine who might be suicidal.

However, despite all the positive features which the direct supervision jail affords, nothing is perfect. According to two writers, one of whom is the jail administrator of a direct supervision jail, **management must be on the alert for the correctional officer "Stockholm Syndrome."** For those who have forgotten, the Stockholm Syndrome was first identified after an unsuccessful bank robbery in Stockholm, Sweden, in 1971. It was reported that the hostages taken by the bank robbers during this stickup gradually shifted their loyalties to the perpetrators. Instead of being upright, virtuous citizens opposed to unlawful acts and disorder, these hostages became advocates for the bank robbers.

According to psychiatrists who have worked with hostages, this syndrome results because hostages held in isolation from people who had previously met their needs for personal security turn to new people for assurance that they will be taken care of properly—in this instance the hostage takers. The theory also states that if the hostages feel in jeopardy or at risk from the hostage takers, then this syndrome is likely to develop quickly.

In the correctional setting it would be naive to believe that the Stockholm Syndrome does not potentially take place between inmates and a correctional officer, all of whom have been confined in a limited area for a long duration. It would be equally naive, however, to believe that the syndrome would manifest itself as quickly and as drastically as it would in a police hostage siege situation.

The syndrome **begins at the verbal level**, but then the officer gradually shifts gears to **change minor behavior patterns** toward the inmates. For example, the officer begins to make things easier for the inmates by **ignoring minor rule infractions**. These minor rule infractions might start at the level of acts of omission and proceed to acts of commission. Acts of omission might be demonstrated by a laxness on the part of the officer in enforcing security measures. Searches for makeshift weapons and other contraband would be relaxed or overlooked, for example. At the level of acts of commission, minor rule infractions such as bringing in extra food, sugar, coffee, candy, or other items would not be stopped by the officer.

Another stage in the development of the syndrome has been labeled the **"poor devil" attitude**. Here the officer feels sorry for the inmates destined to receive long prison sentences or even death penalties. In some instances, it has been reported, officers who felt sorry for the inmates actively conspired in helping them to escape. These incidents, however, did not occur in direct supervision jails.

One writer explained that he extracted 12 cases of the Stockholm Syndrome among correctional officers over a three-year period. All cases were from one correctional setting where officers demonstrated emotional loyalties to inmates, ranging from intimate sexual contact with an inmate while on duty to a successful conspiracy to assist in an escape from a felony maximum security institution.

In all of the cases where loyalty transference to the inmates took place, the correctional officers involved had suffered a personal crisis in their lives prior to the time of compromise. These crises either went unnoticed by their coworkers or, in several cases, the afflicted officers were punitively reprimanded by management for behavior stemming from these crisis situations. These reprimands only forced the officers closer to their viable support system—the inmates with whom they spent the majority of their time.

From this discussion of the Stockholm Syndrome, it becomes clear that **jail management must take the appropriate steps to prevent it from occurring. The responsibility travels down the chain of command to the first line supervisor, since he knows better than anyone else the officers and support staff personnel in his squad.** If he is an effective supervisor, he will know when his personnel are under stress and will take the appropriate steps to deal with the stressful situations or obtain proper counseling for the employees.

Some strategies which the first line supervisor can use to combat the Stockholm Syndrome are:

1. Require officers and non-custodial staff members to take meal breaks away from the pod or work unit.
2. Schedule breaks other than mealtimes where officers can relax with each other and develop personal friendships.
3. Have constructive debriefings after each shift change. This can help combat the urge to have an informal debriefing at the local bar.

First line supervisors should continuously ask themselves this question: **"If I'm not meeting the needs of my officers and not listening to them, then who is?"** Jail officers must not be allowed to feel like victims or come to believe that they are in the same boat as the inmates.

If direct supervision is to succeed, then jail management must be sensitive to the needs of the officers. The top levels of the jail management would be foolish to assume that being sensitive to the needs of the officers is to be equated with more fringe benefits for them. Quite the contrary—a lack of concern on the part of jail management about the needs of the officers can be the prelude to a breakdown in jail security.

SUMMARY

1. **The most widespread contemporary problems in jail management today are tied in to a lack of adequate financing—funds for jail operations are scarce throughout the United States.**

To manage jails more efficiently, making better use of scarce resources, sheriffs are exploring three alternatives:

- A. Privatization;
- B. Renovation of existing physical plants; and
- C. "Direct supervision" architectural designs for new facilities.

2. **The issue of privatization of jail operations must be explored carefully, since it presents several legal problems for the county government.**

Among the problems presented by the wholesale privatization of a jail, in which the private sector builds, maintains, staffs, and operates the facility, are:

- A. The private sector's experience in the field of medium and maximum security facilities for adults is extremely limited.
- B. In most cases, private contractors would not have to meet minimum state standards for jails.
- C. Private contractors need not react to community pressures for maintaining constitutional jails.
- D. The issue of who assumes legal responsibility has not been determined adequately. Without management control of the jail operation, the local government cannot ensure compliance with state and Federal laws regarding the confinement of prisoners.

E. Because of the need to discipline prisoners, the private contractor's employees become an integral part of the local criminal justice system.

3. **If the sheriff's department obtains approval for the renovation of existing jail facilities or the building of an addition to the jail, then it is important to involve the entire jail staff in the planning process.**

The sheriff should appoint a jail advisory committee to coordinate the planning process. Important to the work of this committee is determining whether alternatives to incarceration for certain types of offenders exist in the community and how more efficient use of such alternatives can reduce the need for additional secure cells. A cooperative working arrangement between the sheriff's department and community offender service agencies is essential if the sheriff's department expects to alleviate overcrowding and recidivism problems. When planning for the actual renovation of the physical plant, one of the most important factors to keep in mind is that closed circuit television (CCTV) surveillance cannot and should not replace competent, well-trained jail officers.

4. **To improve supervision of inmates, jail experts and architects have conceived a system of "podular" designs for housing units which enable officers to observe all prisoners within the units at all times.**

There are two different types of podular designs:

- A. The remote surveillance pod, in which the officer is stationed inside a security-glazed control room outside of the dayroom common area; and
- B. The direct supervision model, in which the jail officer is placed directly within the dayroom space of the detention housing unit.

The podular approach to supervision seems to be working in the various jurisdictions which have implemented this design program. However, there is one major drawback. Supervisors must be alert to the development of the Stockholm Syndrome in officers who spend their entire working days interacting with inmates. In the Stockholm Syndrome, the officer begins to identify with the inmates and sees himself as a captive, too. He may permit rule infractions to "get back" at the captors, i.e., the jail administration. To prevent this problem from occurring, first line supervisors should observe their staff members carefully and deal immediately with stress and personal crisis situations by providing counseling and support to the officers. First line supervisors should continuously ask themselves this question: **"If I'm not meeting the needs of my officers and not listening to them, then who is?"**

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