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Procedures and Programs



OGRAPH IN THE SERIES

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GUIDELINES FOR THE ESTABLISHMENT AND OPERATION OF LOCAL DETENTION FACILITIES
STATE OF CALIFORNIA • BOARD OF CORRECTIONS • 1980

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1980

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The Board of Corrections is deeply indebted to the members of the 1980 Minimum Jail Standards Revision Committee and the advisory committees which helped develop the guidelines. The Board is especially appreciative of the time, effort, and expertise each member contributed as well as the contributions of representatives of the criminal justice system, ancillary agencies, organizations, and individuals who contributed to the development of the 1980 Minimum Standards through their testimony at public hearings.

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The standards which this document expands upon are the sixth revision to the original *Minimum Jail Standards* issued in 1946. Over the years, many have contributed to the success of these publications and to significant improvement in the management and operation of California jails. It is to all of these contributors that the Board of Corrections dedicates this publication.

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INTRODUCTION

These Guidelines to the 1980 *Minimum Standards for Local Detention Facilities* were written to be a resource for jail administrators and staff. They're intended particularly for the new administrator, faced with running a jail for the first time. What do you need to know? What should you be careful of? The Guidelines attempt to answer some of those questions and refer you to places where you'll find answers to others.

Prepared by administrators who actually operate jails and by specialists in various areas of operation, the Guidelines focus on creating the consistency of practice which will keep jails and jail administrators out of court and out of trouble. The Guidelines are a resource, a guide, an implementation manual, and a training tool for administrators of jails in California.

Please keep in mind that these Guidelines do not express the only possible ways to implement standards; they are not the definitive answer to "how to do it." Likewise, the standards themselves are not the definitive answer to "what to do." The standards are minimum and are to be seen as a base line below which performance must not fall, but above which a great deal more is possible, and, in many cases, to be desired. Administrators are urged to strive to meet and exceed minimum standards in the operation of their facilities and in the provision of programs and services. Standards may be, to the progressive administrator, a deterrent to innovation. They were never intended to be an obstacle, thus variances and efforts to exceed standards are encouraged.

A major consideration in developing the standards and in writing the Guidelines has been to emphasize flexibility, to enable local jurisdictions and administrators to maximize their discretion. There are a range of options presented here, and there are wide latitudes in the standards themselves. These are intended to encourage the creativity of administrators and staff toward improving, professionalizing, and upgrading the operation of local detention facilities in the state.

Staff of jails as well as program staff must be included in the application of standards, in the development of policies and procedures and in the design of programs and facilities. Staff is of paramount importance in determining what will work in a facility or system. Their input is crucial both because staff members are and have resources and experience not elsewhere available, and because they will be more likely to "buy-in" to programs and policies which they have helped to develop. Staff will work harder to implement decisions they are instrumental in making. The functioning of the system will benefit.

The staff of the Board of Corrections stand ready to assist you and urge you to call on them if you have any questions or concerns not covered by the Guidelines or raised by them.

As a further note, these Procedures and Program Guidelines, relating to Articles 1 through 7 of California's Minimum Standards, are one volume in a series. The others are: Health and Sanitation Guidelines (Articles 10 through 14):

Guidelines for Community Release Programs, and Guidelines for Short Term and Temporary Detention Facilities. There is some overlap of information although every effort has been made to eliminate duplication. Material in other guideline monographs is referenced here, as material in this section is referenced in those others. Administrators should familiarize themselves with all five sections, any one or all of which are available through the Board of Corrections office.

1

ARTICLE 1 GENERAL INSTRUCTIONS

Article 1 of the Minimum Standards for Local Detention Facilities, which will not be reprinted here, with the exception of Section 1006, Definitions, below, is a collection of housekeeping and stage-setting statements. It begins with a section right out of the Penal Code from which the Board of Corrections obtains its authority to promulgate regulations for jails (PC 6030) and a legislative mandate detailing which agencies and persons the Board is to consult in developing the regulations.

When the legislature passed PC 6030, the Board appointed an *ad hoc* committee representing the agencies specified, and, in 1973, promulgated the first version of expanded regulations. Prior to 1973, the Board had promulgated regulations pertaining only to food, clothing, medical care, and design of jails. The 1973 regulations underwent a minor revision in 1976 and a major revision in 1979, resulting in the current, 1980, minimum standards.

1006. DEFINITIONS

Throughout the regulations, some twenty terms are used in specific ways which cannot be found in the dictionary; therefore, this section will define the terms so that we can all share a common understanding. The discussion which follows is intended to give the reader a better understanding of the terms and why they are important.

(a) "Board of Corrections" means the State Board of Corrections, which board acts by and through its Executive Officer and Field Representatives.

Penal Code Sections 6024 through 6043 establish the Board of Corrections and specify its functions. The Board was created in 1944 to coordinate the correctional activities of the state and to conduct studies into crime, corrections, and penology. It first became involved in local jails at the request of the California State Sheriffs' Association which expressed concern to the Board over the first study of jail conditions.

Today the Board consists of 11 members: three members named by law are the Directors of the Department of Corrections and the Youth Authority and the Secretary of the Youth and Adult Corrections Agency; the remaining 8 members are appointed by the Governor to represent county administration, county sheriffs, chief probation officers, local corrections programs, state corrections line staff, the state parole board, and 2 citizen members.

The Board's meetings, which occur monthly, except December and August, are held throughout the state and are open to everyone. A schedule can be obtained from the Board's offices. The Board makes an effort to schedule its meetings in conjunction with meetings of professional groups such as the Sheriff's Association, California Peace Officers Association, and others so facility administrators can attend. If travel to Board meetings is a problem, look for those held in or near your area. Managers and interested personnel are encouraged to attend Board meetings to stay current and to make input to policy and proposals.

(b) "Local detention facility" means any city, county, city and county, or regional jail, camp, or other correctional facility, and court holding facility used for the confinement of adults or of both adults and minors, but does not include that portion of a facility for the confinement of both adults and minors which is devoted only to the confinement of minors. The types of local detention facilities are as follows:

(1) "Temporary holding facility" means a local detention facility constructed after January 1, 1978, used for the confinement of persons for 9 hours or less pending release or transfer to another facility or appearance in court.

(2) "Short term confinement facility" means a local detention facility constructed after January 1, 1978, used for the confinement of persons for 24 hours or less pending release, transfer to another facility, or appearance in court.

(3) "Type I facility" means a local detention facility used for the detention of persons usually pending arraignment for not more than 48 hours excluding holidays and weekends after booking. Such a Type I facility may also detain persons on court order either for their own safekeeping or sentenced to a city jail as an inmate worker, and may house inmate workers sentenced to the county jail provided such placement in the facility is made on a voluntary basis on the part of the inmate.

(4) "Type II facility" means a local detention facility used for the detention of persons pending arraignment, after arraignment and during trial, and upon a sentence of commitment. Detention in such facilities may be indefinite during trial and up to one year upon commitment.

(5) "Type III facility" means a local detention facility used only for the detention of convicted and sentenced persons who have been committed for a period of up to one year.

(6) "Type IV facility" means a local detention facility or portion thereof designated for the housing of inmates eligible under Penal Code Section 1208 for work/education furlough and/or other programs involving inmate access into the community.

"As you can see, local detention facility" is a general term covering just about any setting in which adults charged with or convicted of committing a crime are held. Under this general term are the six specific types of facilities.

In 1973 the Legislature defined, in PC 6031.4, a local detention facility as any facility which holds adults over 24 hours. Within this definition, the Board saw three separate kinds of facilities, each with a specific function and thus each with a somewhat different set of regulations applying: a Type I facility, typically a city or sheriff's substation jail, holds persons for at most a weekend plus holidays from arrest to arraignment then releases or transfers them to a county jail; a Type II facility, typically a county jail, holds persons for whatever time necessary during trial and/or completion of a sentence; and a Type III facility, typically any camp, rehabilitation center, or honor farm holds exclusively sentenced prisoners.

In 1978 the law defining "local detention facility" was revised to include any facility regardless of the time persons are held. Because administrators of facilities which held persons for less than 24 hours were concerned about retroactivity of regulations, the Legislature added the words "constructed after January 1, 1978." Thus, facilities which hold persons for less than 24 hours and are constructed after January 1, 1978, will be expected to comply with minimum jail standards. To determine the type of facility one operates, it is necessary to ask first, "how long are people held in the facility" and second, "when was it constructed?"

There are three types of facilities newly defined in the 1980 Standards: Temporary Holding—usually court holding areas and some city police holding rooms—and Short Term Confinement—usually police holding areas—as well as Type IV, Community Release Program Facilities. Table I on page 11 of the Standards sets out which regulations apply to which type of facilities. There are separate Guidelines for Temporary Detention and Short Term Confinement Facilities and another companion publication, Guidelines for Community Release Programs, for Type IV facilities.

The Type IV facility classification was added by the Board in 1980 because the needs of work and education furlough facilities were not met by the Type III definition. The fact that prisoners remain outside the facility for 8 to 10 hours per day and have access to the community for medical care, education, and other activities dictated the need for a new designation with its own specific regulations.

(c) "Living areas" means those areas of a facility utilized for the day-to-day housing and activities of inmates. These areas do not include special use cells such as detoxification, safety, and holding cells normally located in receiving areas.

We define "living areas" because it is important to make a distinction between what occurs in the more temporary housing areas like receiving, and relatively long term housing in modules, cell blocks, etc. Before placement in a "living area," prisoners are screened for communicable diseases (see Section 1207), classified, and detoxified. In some unusual cases (such as in Los Angeles County), "living areas" may be in one central facility while outlying substations are the receiving areas.

(d) "Facility administrator" means the sheriff, chief of police, chief probation officer, or other official charged by law with the administration of a local detention facility.

(e) "Facility manager" means the jail commander, camp or farm superintendent, or other comparable employee who has been delegated the responsibility for operating a local detention facility by a facility administrator.

(f) "Managerial custodial personnel" means those staff members whose duties include planning, managing, and other administrative functions.

(g) "Supervisory custodial personnel" means those staff members whose duties include direct supervision of custodial personnel.

(h) "Custodial personnel" means those officers with the rank of deputy, correctional officer, patrol persons, or other equivalent

sworn or civilian rank whose primary duties are the supervision of inmates.

Because of the need to assign responsibility for certain tasks specified in the regulations and to differentiate between the kinds of training various levels of personnel must complete, the positions in a local detention facility are clarified here. In the typical large county system, the facility administrator is the sheriff, undersheriff, director of the local department of corrections, or chief deputy who has been delegated the authority to administer a number of facilities in a department. The facility manager, usually of the rank of captain, commander, or inspector, is responsible to the administrator for the overall operation of a facility, including custody and other functions. Managerial custodial personnel are those staff of a facility who carry out the custody function and report to the facility manager. These are typically lieutenants, watch commanders, or other staff to whom report the first line supervisor. Supervisory personnel, typically sergeants, oversee the day-to-day work of line employees.

Custody personnel are line staff whose *primary* duties are the care and treatment of prisoners. It is important here to make a distinction between staff who have a duty to supervise inmates in the course of their work but whose primary duty is something other, for example to carry out the food service program, and personnel whose primary duty is to be solely responsible for the care and treatment of, say, all women inmates but who is also the radio dispatcher. The former, a food manager, is not required to complete training specified in Sections 1020 and 1026 but the latter, anyone who provides all services received by a segment of prisoners, must be required to complete jail training.

(i) "Emergency" means any significant disruption of normal facility procedure, policies, or activities caused by a riot, fire, earthquake, attack, strike, or other similar disturbance.

The term emergency is well defined above. Suffice to say that a temporary condition which causes overcrowding is an emergency. However, if overcrowding is a regular occurrence, it is not an "emergency," but a condition which will need to be reviewed to determine the causes and find a solution.

(j) "Rated capacity" means the number of inmate occupants for which any cell, room, unit, building, facility, or combination thereof was planned and designed in conformity to the standards and requirements herein listed.

Every local detention facility in the state has a rated capacity set by the Board's staff after careful measurements have been taken of the facility and the appropriate building regulations applied. The rated capacity of a facility can change from time to time as a result of regular Board inspections and requests for review of capacity. A housing unit may have been emptied and used for storage at the time of inspection. The rated capacity would be reduced thereafter by the capacity of that unit. The opposite is also true. An increase in rated capacity could come about from the mobilization of a storage area for housing. An increase can also come about through the addition of required elements such as plumbing fixtures. An area may be large enough for 16 people but be rated for 8 because there is only one toilet. The addition of a second toilet would result in an increase in the capacity of that housing unit.

(k) "Average daily population" means the average number of inmates housed daily during the last fiscal year.

The hallmark of a manager is the ability to plan, and good planning must include the use of up-to-date and relevant data. Average daily population (ADP) is one bit of data which is indispensable to jail planning. It can help identify trends and problems if kept on a regular. It is important that the daily population be taken at the same time every day, counted in the same way, and summarized on a weekly or at least monthly basis. Many institutions do this count at midnight. *Consistency throughout the state, that is, all jails doing a count at midnight, would lead to data which is comparable statewide, and, therefore, using the midnight count as the basis for ADP is recommended.*

(l) "Disciplinary isolation" means that punishment status assigned an inmate as the result of violating facility rules and which consists of confinement in a cell or housing unit separate from regular jail inmates.

(m) "Administrative segregation" means the physical separation of different types of inmates from each other such as is specified in Penal Code Sections 4001 and 4002, Welfare and Institutions Code Section 508, and Section 1053 of these regulations. Administrative segregation is accomplished to provide that level of control and security necessary for good management and to insure the protection of staff and inmates.

(n) "Shall" is mandatory; "may" is permissive.

The above terms are adequately defined here and expanded upon in the regulations. For disciplinary isolation, see Sections 1080, 1081, 1082, 1083, and 1084. For administrative segregation, see Sections 1050, 1051, 1052, 1053, and 1054.

1007. EQUAL OPPORTUNITIES AND FACILITIES.

Throughout the development of these regulations, it has been the policy and intent of the Board of Corrections that facilities, programs, and services be available on an equitable basis to both males and females even though each regulation does not specify that it applies to both males and females.

Section 1007 underscores the importance the Board places on the fact that the regulations pertain equally to males and females even though each standard does not say that it applies to both. It is hoped that this regulation will cause jail administrators to review the facilities and programs available to women and evaluate whether or not they are equal to those available to males. In this context "equal" does not mean "the same as." For example, if you have a minimum security camp for males, it is not intended that women shall have a minimum security camp also. Instead consider what minimum security means: relative freedom, activities, work assignments, an open atmosphere, the ability to spend time outdoors, etc. These are the elements that should be equally available to women.

A Note on the Footnotes Following Each Regulation

The Administrative Procedures Act (APA) requires state agencies to note what authority they have to promulgate *each* regulation they adopt. The intent of APA is to cause the agency to consider whether each regulation is necessary and if it has the authority to adopt such a regulation. That is what the notes after each standard reflect. Unfortunately, to some it appears that the "Note: Authority cited" identifies the law which gives the jail manager authority to do what is required by the regulations. Such is not the case, therefore, in this publication, the "Note: Authority cited" reference is omitted; instead, you are referred to any pertinent laws whenever appropriate.

ARTICLE 2

INSPECTION AND APPLICATION OF STANDARDS

1010. APPLICABILITY OF STANDARDS.

(a) All standards and requirements contained herein shall apply to Type I, Type II, Type III and Type IV facilities except as specifically noted in these regulations.

(b) Temporary holding facilities shall comply with only the following regulations: 1027, 1028, 1031, 1032, 1044, 1056, 1067, 1100, 1101, 1102, 1104, 1110, 1111, 1112, 1280, 1281, and 1282.

(c) Short term confinement facilities shall comply with only the following regulations: 1023, 1027, 1028, 1031, 1032, 1044, 1051, 1053, 1056, 1067, 1100, 1101, 1102, 1104, 1105, 1111, 1112, 1240, 1241, 1243, 1244, 1245, 1246, 1270, 1271, 1272, 1280, 1281, and 1282.

Section 1010 and Table 1 in the Standards attempt to simplify the task of ferreting out which regulations pertain to which type of facility. To classify any facility as to type, see Section 1006 (b), Definitions of Local Detention Facilities. If you still have a question related to applicability of standards or classification of facility, contact a field representative at the Board of Corrections.

1101. VARIANCES.

The Board of Corrections, by a majority vote of its members, may grant a variance from any standards or requirements contained herein for good and sufficient reasons. Such a variance shall be granted only upon the written application therefor and documentation thereof.

Regulations cannot be written to apply to all circumstances; therefore, the Board provides the avenue of variances to a jail administrator seeking approval for an alternate means of complying with a specific regulation. Although most variances are granted for construction and design regulations where an existing part of a facility is reasonably close to required dimensions, variances may be applied for and granted for any regulation. Since the regulations specify minimums, they may be exceeded without a variance. Thus, variances have come to mean providing something less than what is required. This is unfortunate because variances are also granted for alternate, and often better, ways of accomplishing the goal of the regulation. Variances often provide a way for the Board to approve a process pending formal revision of a standard.

A variance may be applied for by letter to the Executive Officer, specifying the regulation in question, the reason for the request, and any circumstances which might help the Board in making a decision. Routinely, it will require less than 60 days for a response, depending on when the Board will next meet.

1012. EMERGENCY SUSPENSIONS OF STANDARDS OR REQUIREMENTS.

Nothing contained herein shall be construed to deny the power of any facility administrator or facility manager to temporarily suspend any standard or requirement herein prescribed in the event of any

emergency which threatens the safety of a local detention facility, of any of its inmates or staff, or the public, provided that only such regulations as are directly affected by the emergency may be suspended and that the facility administrator or facility manager shall notify the Board of Corrections in writing in the event that such a suspension lasts longer than three days. In no event shall such a suspension continue more than 15 days without the approval of the Chairman of the Board of Corrections for a time specified by him.

Jails are designed, staffed, and programmed on the basis of what can ordinarily be expected. While some design allowances are made for riot, fire, and earthquakes, we know that such occurrences will significantly disrupt the routine. This regulation allows the facility administrator or manager to suspend selected regulations for up to three days. If the "emergency" continues beyond three days, the administrator or manager must notify the Board of Corrections. If the emergency suspension continues over 15 days, the approval of the chairman of the Board of Corrections must be secured. The notification and application for approval may be made by telephone to the Board's office.

1013. CRIMINAL HISTORY INFORMATION.

Such criminal history information as is necessary for the conduct of facility inspections as specified in Section 6031.1 of the Penal Code and detention needs surveys as specified in Section 6029 of the Penal Code shall be made available to the staff of the Board of Corrections. Such information shall be held confidential except that published reports may contain such information in a form which does not identify an individual.

Section 11105 of the Penal Code requires that you maintain certain individual criminal history information confidential except to certain agencies. This regulation authorizes you to supply such information or provide access to your files to the staff of the Board of Corrections. It also requires that the Board's staff maintain this information in a confidential manner.

1014. INSPECTIONS.

All inspections made by the Board of Corrections pursuant to Penal Code Section 6031 shall be according to the standards set forth in these regulations. All reports of such inspections and their findings as to substandard or nonstandard conditions, practices, policies, procedures, buildings, or facilities shall be according to the standards and requirements set forth in these regulations, including the biennial reports to the Legislature as required by Penal Code Section 6031.2.

This regulation limits Board of Corrections inspections to only those areas covered by PC 6030 and these standards. In other words, jail administrators may not be required by the Board to establish a policy or program which is not set forth in these regulations.

Staff of the Board inspects all facilities biennially. In addition, annually the appropriate local health officer inspects all facilities according to Title 15, Minimum Jail Standards pertaining to food, clothing, bedding, medical care, and sanitation. The health officer's inspection is required by Section 459 of the Health

and Safety Code. Section 13141.1 of the Health and Safety Code requires that the local fire authority (or at request, the State Fire Marshal) inspect each facility annually for fire and life safety. The fire inspection includes appropriate regulations from the fire code (Title 19), the building code (Title 24), and these standards.

If a facility has held anyone under the age of 18 for 24 hours or more, the Youth Authority inspects that part of the facility used for holding the minor according to regulations contained in Title 15 of the California Administrative Code, Subchapter 7. The Youth Authority standards for holding minors in adult facilities may be obtained from the California Youth Authority, 4241 Williams-bourgh, Sacramento 95823.

Copies of the inspection reports cited above, i.e., health officer, fire authority, and Youth Authority, are sent to the Board of Corrections for review and inclusion in the biennial report to the legislature.

1015. EXCLUSIONS.

Articles 8 and 9 of these standards and requirements which pertain to planning and design of detention facilities shall be applicable to facilities for which architectural drawings have been submitted to the State Board of Corrections for review. Articles 8 and 9 shall not be applicable to facilities which were constructed in conformance with the standards of the Board of Corrections in effect at the time of initial architectural planning.

If, in the course of inspection of local detention facilities, the Board of Corrections determines that a facility planned or built prior to these regulations does not meet the appropriate, applicable standards in effect at the time of initial architectural planning, the local governing body shall submit to the Board of Corrections for their approval within one year of such inspection a plan for causing that facility to meet current standards. Such a plan shall include the specific building areas which need to be remodeled and/or constructed, a definite time period over which the proposed modifications are planned, and a cost estimate including a description of the method of financing.

The grandfather clause! Virtually every code has one. It means that a city or county may design and construct a facility according to Board of Corrections building regulations (Articles 8 and 9) in effect at the time of design and will not be required to meet new regulations as they are revised in the future.

There were a set of building standards in effect in 1963; they were revised in 1973 and again in 1976, then a major revision was made in 1980. Thus, there are 4 different sets of regulations against which all facilities are inspected. The date preliminary architectural plans are drawn is the date which indicates the regulations applicable. There is a significant financial investment made when plans are drawn, and the Board of Corrections does not intend to require a costly plan revision process. It is noteworthy that cities and counties typically require their architects to meet proposed requirements.

In the case of remodeling, it has been the Board's policy to limit the effect of the standards to only the area being remodeled; to do otherwise would discour-

age remodeling if the entire facility or floor or section would have to be brought up to current regulations.

When an inspection report reveals that a facility is substantially out of compliance with the building regulations, such as occurs when the housed population consistently exceeds the rated capacity, the local governing body must submit to the Board of Corrections, within one year of receipt of the Board's inspection report, a plan for meeting the regulations. The plan must include a review of all factors causing the non-compliance and a plan for attaining compliance. The typical response has been to conduct a needs assessment study of the entire detention system including diversion programs, facilities, and funding methods. Such a needs assessment may be requested of the Board via PC 6029.

1016. CONTRACTS FOR WORK/EDUCATION FURLOUGH PROGRAMS.

In the event that a county elects to contract for a Type IV facility with a community-based organization, compliance with appropriate Title 15 regulations shall be made a part of the contract.

These regulations pertain only to city and county-operated facilities, programs and personnel. Unless written into a contract or agreement with a private organization which might operate a work furlough program, these regulations would not be applicable to that organization. It is for this reason that the regulations require counties to hold the contractor responsible for complying with the regulations.

ARTICLE 3

TRAINING, PERSONNEL, AND MANAGEMENT

Staff, well trained and oriented to their roles, will make a jail operation run smoothly. It is no longer acceptable—if it ever was—to hire staff, hand them the keys and say "Go to it." Careful hiring, screening, and training are now the order of the day—and of the courts. Among the most indefensible or difficult to defend jail law suits are those brought on the grounds of negligent hiring, failure to train and failure to supervise; administrators face a heavy burden of proof in such cases. In order to avoid potentially damaging decisions, administrators must take every reasonable care to recruit and screen applicants, to hire qualified staff, to appropriately and thoroughly train people for the work they are expected to do, and to supervise those working under them. Documentation of efforts to screen, hire, train and supervise is also important and may make the difference between winning or losing a law suit.

In the interest of hiring people best suited to the needs of your particular facility or system, you may want to do a task analysis which is a formal study of all the elements of particular positions; or at the very least, create detailed job descriptions to help you in identifying your needs and in hiring people capable of filling them. In other words, find out what personnel do or should do in your facility, and then hire the appropriate kinds of people to perform those tasks. (The National Sheriffs Association Publication, *Jail Audit System* (1979) contains an example of model job descriptions.)

An agency should consider its philosophy about corrections. Are corrections positions career steps which have regular pay increase and promotion possibilities or are they stops on rotation into and out of the jail? Are jail positions filled by deputies or non-sworn corrections officers? Are custodial positions part of a career orientation or does specialization in such work cause burnout and inefficiency? Should line staff and first line supervisors rotate but management personnel be allowed to pursue career development in corrections if they choose to? These questions are often and hotly debated, and there are no RIGHT answers; nonetheless, how a department deploys staff will be based, in large part, on how the department sees these issues. The personnel policies section of your department or facility manual should reflect the posture of the department so employees and prospective employees can know what to expect.

Assignment to the jail should *never* be used to punish or downgrade an employee. Those people selected to work in jails ought to be psychologically suited as well as experientially qualified and trained to do so. Ideally, they will have an interest in the correctional function and will see their work as challenging and important.

1020. JAIL OPERATIONS TRAINING.

Except as specified in this section, all custodial and supervisory personnel and, where feasible, all personnel working with inmates of a Type II or Type III facility shall participate in at least 80 hours of jail operations training and orientation to their mission and tasks. Such training shall include, but not be limited to, the following:

- (a) Correctional history and philosophy.

- (b) Security and emergency procedures.
- (c) Inmate attitudes and behavior.
- (d) Inmate supervision techniques.
- (e) Inmate disciplinary procedures.
- (f) Supervision of special inmates.
- (g) Minority group relations.
- (h) Laws pertaining to local detention and holding facilities.

1021. JAIL OPERATIONS TRAINING—TYPE I FACILITIES.

All custodial and supervisory personnel of a Type I facility shall participate in at least 40 hours of jail operations training. Such training shall include, but not be limited to, the following:

- (a) Security and emergency procedures.
- (b) Inmate attitudes and behavior.
- (c) Laws pertaining to local detention and holding facilities.
- (d) Fire and life safety.
- (e) Defensive tactics.
- (f) Movement of prisoners.
- (g) Legal responsibilities and liabilities.
- (h) Collection, identification, and preservation of evidence.
- (i) Report writing.
- (j) Recognition and special handling of persons with medical and psychiatric problems and/or developmental disabilities.

In addition to the training specified in this regulation, personnel shall have satisfactorily completed the basic first aid training specified by the American Red Cross, or equal, and the cardiopulmonary resuscitation training specified by the American Red Cross or the National Heart Association.

Within six months of assignment to corrections service, custodial and supervisory personnel are expected to complete 80 hours of training in jail operations. Those who have completed training mandated by Penal Code Section 832 (POST academy) are assumed to have covered much of the required material and thus need only complete 40 hours of jail operations training. Personnel of Type I facilities are required to complete only 40 hours. Personnel who are defined in Penal Code Section 831 as custodial officers must complete the training prior to actual assignment in the jail. There should be specialized training available for these employees of correctional facilities who perform specialized functions.

Resources

For information regarding the locations, times and content of courses sponsored by the California Commission on Peace Officers' Standards and Training (POST), contact POST at 916-445-1515. For information about courses certified by the Board of Corrections, contact the Board in Sacramento, 916-445-5073. The National Institute of Corrections (NIC) Jail Center, 303-443-7050, offers training in jail operations, jail management, and special jail related issues.

1022. TYPE IV FACILITY OPERATIONS TRAINING.

Personnel of a community release program assigned to a Type IV operation shall, in addition to the training required by Section 1020, within 180 days, satisfactorily complete a minimum of 8 hours of training in the history, philosophy and operation of work/educational furlough programs and other programs involving access into the community. Such training shall be coordinated through and approved by the Board of Corrections. Personnel of private agencies which contract to operate Type IV facilities shall demonstrate, through an examination process established by the Board of Corrections, their knowledge and proficiency in the relevant subject areas outlined in Section 1020 and Section 1024 of these regulations.

1024. TYPE IV FACILITY MANAGEMENT TRAINING.

In addition to the training required by Section 1023, all managerial personnel assigned to a community release program shall, within the first 90 days of such assignment, satisfactorily complete:

- (a) a minimum of three on-site reviews of Type IV programs followed by a summary of observations and the applicability of same, which shall be submitted to the Board of Corrections; and,
- (b) an orientation program coordinated by the Board of Corrections, consisting of 8 hours of individualized instruction, to be conducted on the site of the new manager's facility.

Non-sworn personnel and personnel of private agencies which contract to operate Type IV facilities may substitute satisfactory completion of the National Institute of Corrections correspondence course in jail management for the training required by Section 1023 of these regulations.

Sections 1022 and 1024 require additional training for staff and managers of Type IV, Community Release Program Facilities. This is to insure that people working in those facilities know and appreciate the particular nature, purpose, and character of release programs. Such programs can be quite sensitive, and staff and management must have a clear understanding of their strengths and potential hazards. Moreover, staff must be able to deal with a number of situations and eventualities not likely to occur in traditional detention settings. Proficiency in these areas is hoped for, for employees of community based organizations which contract with counties to operate Type IV facilities, as well as for employees of county sheriff's, corrections or probation departments. An equivalency examination is provided for by the Board of Corrections for those personnel in private agencies not eligible to receive subvented corrections or management training.

1023. JAIL MANAGEMENT TRAINING.

All managerial custodial personnel including the facility manager, and where feasible, all supervisory personnel of a local detention facility shall participate in at least the training specified in Section 1020 of this article and an additional 40 hours of jail management

training. Such management training shall include, but not be limited to:

- (a) fiscal and personnel management;
- (b) administrative and logistical support management;
- (c) correctional program development;
- (d) jail planning;
- (e) legal problems in jail administration;
- (f) community relations; and,
- (g) emergency procedures and planning.

Such management training shall be satisfactorily completed as soon as practical, but in any event not more than one year after the date of assignment to custodial duties for all managerial custodial personnel. Completion of a jail management course certified by the California Peace Officer Standards and Training Commission shall fulfill this requirement.

The concept underlying the requirement that managerial personnel complete 40 hours of jail management training is to insure that managers have a full working knowledge of corrections facility operation and administration. Correctional facility management is a specialized and important responsibility and requires training above and beyond that offered in general management or jail operations courses.

Management training courses are multi-jurisdictional, that is, open to managers from many systems so sharing experiences and getting to know one's peers can enhance course curriculum. Course information is available from the agencies noted above.

1025. CONTINUING JAIL MANAGEMENT TRAINING.

All managerial personnel of a Type II, Type III, or Type IV facility shall participate yearly in a minimum of 24 hours of training designed to maintain currency in issues, skills, and knowledge appropriate to the manager's assignment. This training requirement may be satisfied through attendance and/or participation in meetings, conferences, seminars, or on-site training courses in addition to that required by Section 1026.

The continuing management training called for in Section 1025 can be accomplished by attending seminars, by attending Board of Corrections meetings and/or working on committees and task forces of the Board, by participating in professional associations, and by taking courses useful to the manager's assignment. Managers should participate in organizations outside their facilities to exchange and maintain up-to-date information and expertise. This is important in that it enhances reevaluation of operation and methodology and can produce innovative and open thinking about correctional management problems.

1026. IN-SERVICE TRAINING.

All custodial, supervisory, and all managerial custodial personnel of a Type II, Type III or Type IV facility shall participate in at least 24 hours of on-site in-service training per year. Such training shall include, but not be limited to:

- (a) recent developments in penology and corrections;

- (b) new security equipment and procedures;
- (c) latest legal requirements for the confinement and treatment of inmates;
- (d) critiques of recent incidents; and,
- (e) community relations.

Completion of an advanced officer training course certified by the California Peace Officer Standards and Training Commission may be credited to the fulfillment of this requirement on an hour-for-hour basis, provided that the advanced officer training course provides training which may be reasonably applicable to jail operations. The completion of this related advanced officer course will fulfill the in-service training requirement of this section only for the calendar year in which the training was completed.

There are many ways to accomplish the 24 hour on-site, in-service training required each year. The training may take the form of speakers who come to the facility, video tapes, pre-shift briefings on appropriate topics, or staff meetings. There are any number of possibilities here, including completion of an advanced officer training course certified by POST or the Board of Corrections in lieu of the on-site, in-service training.

In this, as in so many other areas of jail operations, the key is to document your activities. You may save yourself a lot of trouble later by documenting your in-service training. Documentation may be by an in-service training guide, special orders, general orders, memoranda, sign-up sheets, training bulletins, a standardized form, or a training log, whatever way works best for you.

The standards do not require Type I facilities to have continuing jail management or 24 hours in-service training for their staff or management; however, it is recommended that they do so. The liability for failure to train and supervise is as great for Type I personnel as for any other, and the need to be current and well informed in one's job is as real in the pre-arraignment facility setting as in any other.

1028. FIRE AND LIFE SAFETY STAFF.

Pursuant to Penal Code Section 6030(c), effective January 1, 1980, whenever there is a person in custody, there shall be at least one person on duty at all times who meets the training standards established by the State Fire Marshal for general fire and life safety which relate specifically to the facility.

Special attention is called to the requirement that one staff member on every shift be trained in fire and life safety. This regulation was adopted pursuant to the legislature's expressed concern over fire safety in jails (PC 6030c). To meet this requirement, the jail manager should seek the assistance of the local fire authority and, using the training manual developed for this purpose (available from the Board of Corrections), cooperatively develop and offer training to jail staff. If the local fire authority prefers, the State Fire Marshal will assist in developing the required training on request. Although the code requires only one member of the staff on duty to be trained, good management practice requires that all jail staff be trained in procedures in case of fire. The training should include use of the self-contained breathing apparatus required in Section 1282 of these standards.

1027. NUMBER OF PERSONNEL.

A sufficient number of personnel shall be employed in each local detention facility to permit intermittent visual supervision of all inmates and to insure the implementation and operation of the programs and activities required by these regulations.

Whenever there is a person in custody, there shall be at least one employee on duty at all times in a local detention facility or in the building which houses a local detention facility who shall be immediately available and accessible to inmates in the event of an emergency. Such an employee shall not have any other duties which would conflict with the supervision and care of inmates in the event of an emergency. Whenever one or more female inmates are in custody, there shall be at least one female employee who shall in like manner be immediately available and accessible to such females.

There is no magic number of staff nor perfect ratio of staff to inmates. A "sufficient" number of personnel will be that number which is necessary to perform all the tasks and responsibilities in your facility. At rock bottom, there must be at least one staff person on duty who is immediately available and accessible to inmates whenever there is an inmate in the facility. There must be at least one female employee available and accessible when there is a female in custody, and there must be at least one person on duty at all times who has been trained in fire and life safety and the special application of that training in your facility. Even small facilities and those with limited staffs must comply with the requisite fire and life safety training. Facilities which do not have full time medical personnel on site must have medically trained custodial personnel available to perform, at least, the pre-screening required as part of the booking or pre-booking process. (See the Health and Sanitation Guidelines and Standards Section 1207 for a description of the pre-screening process.)

Other factors which bear on the number of personnel needed to operate your detention facility are the kinds of activities and programs offered and those required by regulations. Examples of activities which require staff to accomplish are feeding, getting inmates to showers when showers are not located in the immediate housing area, issuing and exchanging clothing and bedding, booking and releasing inmates, conducting searches and the myriad other tasks of institution life.

Section 1050 of these standards calls for a classification officer or committee and Section 1081 implies the need for a discipline officer or committee; Section 1055 calls for intermittent visual observation of those housed in safety cells every half hour, and good detention practice dictates intermittent visual supervision of all inmates at all times. Staff interaction with inmates is important to the smooth running of jails and the maintenance of order and security; sufficient staff to provide that interaction is called for by the standards, in addition to enough staff, properly trained, to respond to any and all emergencies which might arise.

Staffing Plans

To gauge whether or not you have sufficient staff, set out in writing the staffing needs and pattern of your facility. Develop a staffing plan. You can call on Board

of Corrections field staff to develop this plan with or for you, or you might contact the National Institute of Corrections which offers assistance in staffing analysis, especially for agencies designing new facilities. A detailed staffing plan will reveal your needs and indicate to your funding source why and for what purposes you need additional positions, if you do. Staffing patterns and plans should be kept on file in your facility for review during your biennial inspection and should be updated and revised during your general facility audits.

When you're considering staffing patterns, two important things to keep in mind are: 1) response times in cases of emergency, and 2) the training of personnel with multiple responsibilities. Having a dispatcher on duty, for instance, in another part of the building which houses the jail is unacceptable unless that person can immediately and fully respond to jail emergencies; procedures must specify that that person will get to where he or she is needed at once. That person must be trained both in elements of dispatch work and in all relevant matters of jail operations and inmate handling. If, by way of another example, you hire a female clerk who will double as the facility matron when you have a female in custody, you must see to it that she has custodial training in addition to her clerical skills.

1029. POLICY AND PROCEDURES MANUAL.

The facility administrator or manager shall develop and publish a manual of policy and procedures for the facility.

Such a manual shall be made available to all employees, shall be updated annually, and shall provide for, but not be limited to, the following:

- (a) Table of organization, including channels of communications.
- (b) Inspections and operations reviews by the facility administrator/manager.
- (c) Policy on the use of force and restraint equipment.
- (d) Procedure and criteria for screening newly received prisoners for release per Penal Code Sections 849(b) (2) and 853.6, and any other such processes as the facility administrator is empowered to use.
- (e) Security and control including physical counts of inmates, searches of the facility and inmates, contraband control, and key control.
- (f) Emergency procedures including:
 - (1) fire suppression preplan as required by Section 1032 of these regulations;
 - (2) escape, disturbances, and the taking of hostages;
 - (3) civil disturbance;
 - (4) natural disasters;
 - (5) Periodic testing of emergency equipment; and,
 - (6) storage, issue, and use of weapons, ammunition, chemical agents, and related security devices.

Where appropriate, community service agencies, both public and private, should be consulted in the development of the manual to assure coordinated program planning and agency cooperation.

The policies and procedures required in subsections (e) and (f) may be placed in a separate manual to insure confidentiality.

1030. TYPE IV FACILITY POLICY AND PROCEDURES MANUAL.

In Type IV facilities, the procedures manual shall include, in addition to the procedures required in Section 1029, procedures for:

- (a) accounting of inmate funds;
- (b) community contacts;
- (c) field supervision;
- (d) temporary release; and,
- (e) obtaining medical attention.

1031. POLICY AND PROCEDURES MANUAL FOR TEMPORARY HOLDING AND SHORT TERM CONFINEMENT FACILITIES.

There shall be a policy and procedures manual for short term confinement and temporary holding facilities which contains only those elements necessary to the operation of the particular facility and need not include all the elements of Section 1029.

Policies are directives; they express the philosophy of a department or division and the purpose of specific actions to be taken. Procedures tell how those actions are to be carried out, the steps necessary and by whom, to implement policies. Together, policies and procedures are the 'what to do' and 'how to do it' of jail operations, and every facility must have a viable policy and procedures manual. The courts find extensive liability in the absence of such a manual. A manual is a management and training tool which can lead to cohesiveness and uniformity of practice in a facility.

There is equal if not greater liability in having policies and procedures which are not accurate reflections of the performance of a given facility than in having no policies and procedures at all. Policies which are not implemented, procedures which are not followed, and manuals which are dusted off every two years for the Board of Corrections' inspection or when you're called into court will do you no good in managing your jail, training your staff, or defending suits. They can, in fact, be used against you in court, as a measure you are not meeting. Be sure your policies and procedures are accurate statements of how your facility is run, and be sure you do what your policies and procedures say you do.

Policy and Procedure Development

Developing a policy and procedure manual will involve you in questions of form and style, communication and distribution of information, time and staffing, and functional questions about your jail and its operation. It may take you three to six months to develop a manual from step one, and it may be necessary to hire a consultant or review other jurisdictions' manuals before you begin. You might consider establishing a task force of staff and service provider personnel to work on the manual or you may assign staff who have particular interests and skills in relevant areas. Do keep in mind, however, that a consultant cannot write a manual for you, nor can one or two staff people do the job alone, nor can you simply adopt someone else's manual for your own use. Your manual will have to spell out the actual practices of your jail, and you'll have to study and review and analyze practices to get them onto paper and into the manual. There may

be things you'll want to change once you've really looked at them closely; there may be things you'll want to add to your procedures and things you'll want to delete. The exercise of developing policies and procedures can help you streamline your operation and can be beneficial and rewarding as a rethinking process.

While you are developing, or if you are supplementing or updating existing, policies and procedures be sure to test them as you go. Have someone read the policies to see that they really do say what is meant and what the department does. Have staff perform the procedures to guarantee that things work as the manual says they do. If testing reveals problems, either change the practice or change what's written, but don't leave yourself with an invalid statement or set of instructions. Accurate procedures, especially those dealing with potential emergencies, can be the difference between inefficiency—perhaps panic—and orderly operation.

Policies and procedures should be reviewed at least annually to make sure they are current and still appropriate. There should be a policy and procedure in the manual which details how that annual review is to be accomplished; there should also be provisions for more frequent revisions as the need arises. Dating and signing policies and procedures each time they're reviewed and/or revised provides good support documentation in case of law suits and thus is recommended.

Other Issues Relating to Policy and Procedures

There may be one manual for a department or a series of manuals. There may be different manuals for the different units of an agency, for the various facilities within a detention system, or for separate subject headings. For example, medical policies and procedures may be a section in the general facility manual or the facility may have a separate medical manual. General policies may comprise the manual, with specific evacuation, riot, security and disaster plans being kept apart, perhaps in your post orders log or in a special, classified manual which is not subject to public scrutiny.

It is crucial that staff—all staff—be aware of, have access to and, ideally, *know* routes of evacuation, riot plans, and emergency procedures for any and every part of the facility in which they're assigned. This information must, at the very least, be immediately available; it's useless buried in a manual which is locked in the watch commander's desk. "Flag" the emergency procedures in your manual or in post orders; make sure the manual is available to staff; and test staff on and perform regular drills of your emergency procedures.

In some jails it is possible for every staff member to have his/her own copy of the policy and procedures manual; in others, there are too few copies of the manual or too large a staff to make that feasible. The standard requires only that the manual "be made available to all employees". How that is accomplished is up to the jail administrator; however, for all the reasons previously discussed and more, staff must have immediate and ongoing access to the manual and must familiarize themselves with all the policies and procedures of their facility. There may be a copy of the manual at every post, or in the watch commander's and jail office. There may be copies available for staff to 'check out,' or every staff member may be issued a copy for personal use. A copy may be given to each of the new employees, and then a test administered as part of staff orientation. Regardless of how it's done, there must be some mechanism for insuring

that all employees know about, have continuing access to and understand the manual, and that, whenever revisions and updates occur, those changes are incorporated into all copies of the manual and are recognized by staff.

The unique program aspects of Type IV facilities indicate that their policy and procedures manuals will be different in some regards from those of general detention facilities. Likewise, temporary holding and short term confinement facilities will have less extensive manuals due to their smaller range of programs. The elements called for in Section 1029, are the areas of operation which must be covered at a minimum in Type I, II, and III facility manuals; where there are policy and procedural matters pertinent to such facilities not covered by the proposed contents, include those things in the manual. The extra work will afford you extra protection in the long run.

While you may want to include some sample forms in the policy and procedures manual, there are other kinds of information needed to operate the jail which do not necessarily have to be included in the manual. Ordinances, county administrative bulletins, civil service announcements, memoranda of understanding, and the like should be accessible to administrative staff at some central location, but would not have to be in the manual.

Resources

The American Correctional Association (ACA) standards may be a useful outline to assist you in evaluating and updating your policy and procedures manual. The National Sheriff's Association Jail Audit, which is based on ACA standards and/or the federal Department of Justice Standards (1980) may be viable outline material, as may the California Minimum Standards for Local Detention Facilities.

1032. FIRE SUPPRESSION PREPLANNING.

Pursuant to Penal Code Section 6031.1 (b), the facility administrator or the facility manager shall consult with the local fire department having jurisdiction over the facility, or with the State Fire Marshal, in developing a plan for fire suppression which shall include, but not be limited to:

- (a) a fire prevention plan to be included as part of the manual of policy and procedures (15 *Cal. Adm. Code* 1029);
- (b) regular fire prevention inspections by facility staff;
- (c) fire prevention inspections by the fire department having jurisdiction on at least a biennial basis;
- (d) an evacuation plan; and,
- (e) a plan for the emergency housing of inmates in the case of fire.

As regards the fire prevention plan called for in this section, be aware that facility administrators may have to initiate contact with their local fire departments and arrange for development of the plan and an inspection schedule. The State Fire Marshal's regulations, found in Title 19 of the Administrative Code, recommend the same elements of preplanning as are required here and in Section 6031.1 (b) of the Penal Code. However, it is jail managers who will face extreme liability if there is failure to comply, so don't wait for your local fire

department to come to you. Contact the department and guarantee that you will have the appropriate plans and inspections for your facility.

1033. INMATE GRIEVANCE PROCEDURE.

Each administrator of a facility which holds persons over 48 hours excluding weekends and holidays shall develop and implement a written procedure whereby any inmate may appeal and have resolved grievances relating to any conditions of confinement, including but not limited to: medical care; classification actions; disciplinary actions; program participation; telephone, mail, and visiting procedures; and food, clothing, and bedding. Such procedure shall include:

- (a) a grievance form or instructions for registering a grievance;
- (b) resolution of the grievance at the lowest appropriate staff level;
- (c) appeal to the next level of review;
- (d) written reasons for denial of grievance at each level of review which acts on the grievance;
- (e) provision for response within a reasonable time limit; and
- (f) provision for resolving questions of jurisdiction within the facility.

A good grievance mechanism, one that is clear, straight-forward and easy for staff and inmates to use, will reduce the number of writs filed against the jail and can be a valuable management tool. The grievance procedure can supply a kind of self-inspection system; it will tell you what works and what doesn't. It is an open line from inmates to staff to management for identifying and correcting deficiencies, and it is a constant source of documentation of good faith efforts to remedy difficulties and provide conditions of confinement which comply with accepted standards. Federal legislation, H.R. 10 passed in 1980, mandates a grievance mechanism for all jails.

A written procedure for grievance review and resolution has no value unless: 1) staff are trained in effective use of the grievance mechanism and how to resolve matters at the lowest possible staff level; 2) inmates are aware of the existence of the grievance procedure and know how to set the process in motion; 3) grievances are handled judiciously and within the time limits set by the procedure; and 4) the courts know about the grievance procedure so judges may gauge whether inmates have exhausted all administrative remedies available to them before filing suits. The point of a grievance mechanism is for it to be used, for grievances to be resolved at the earliest time possible, before they escalate into tension in the facility. A grievance mechanism, if fully implemented, can defuse potential problems. Staff should clearly and fully understand the procedures and steer inmates to the process when appropriate. Confrontations in writing can be much more effective than personal confrontation or writ filing.

Grievances are to be resolved at the "lowest appropriate level," which is that place in the chain of command at which a decision can first be made. In some jails, the levels of appeal are from line staff to first line supervisor to shift commander to watch commander and on to the facility administrator and/or the sheriff. In other jails, the steps are fewer; in some, grievances go directly to

the watch commander, in others straight to the facility manager. At least one county uses its parole board as the final level of appeal. At every step in the process, regardless of how many there are, inmates should receive written reasons for the action taken—approvals as well as denials—and there should be some notation or form to validate that notification.

Where there are jurisdictional differences within a facility, as between a medical authority and a facility administrator, for example, the procedure must include some means of resolution of potential disagreements. While facility administrators are responsible for seeing that grievances are resolved, the medical authority must have the ultimate responsibility for medical decisions, i.e., the content of the medical grievance. There is no separate medical grievance mechanism; the process is the same for medical as for any other grievance; however, the staff involved are different and the resolution of health care related grievances would have to rest with the medical authority.

Although there is no requirement for a grievance procedure in facilities which hold people for less than 48 hours excluding weekends and holidays, Type I facilities which house sentenced prisoners such as inmate workers must develop a grievance procedure along the lines set out in Section 1033.

1034. REPORT OF POPULATION, PROGRAMS, AND SERVICES.

In Type II, III, and IV facilities at least annually, the facility administrator shall submit to the presiding judge of the superior and municipal court, the board of supervisors, and the grand jury a written summary of prisoner population, changes in capacity and extent and availability of services and programs.

The annual report, which can be perceived as part of the public information plan called for in Section 1045, is an administrator's chance to promote those parts of the jail's or system's operation which are successful and to ask for help with those parts which aren't. The report is an opportunity to let judges, the Board of Supervisors, the press and the public know what you are doing in the jail, what's right and what's wrong. If you have a problem with the influx of weekenders, say so in the annual report. If you've been particularly successful with an alternative work project, say that.

The report can be sent to whomever the facility administrator feels would benefit from it and can be used to the advantage of the jail and its public relations. It is a summary which will be useful to administrators as an evaluation and planning device and can serve to keep the jail or detention system in the public eye and in the minds of judges and funding source members in positive instead of crisis oriented ways. Wherever feasible, a personal orientation to facilities and programs should be made to sentencing judges in addition to the report.

ARTICLE 4

RECORDS AND PUBLIC INFORMATION

1040. POPULATION ACCOUNTING.

Each facility administrator shall maintain an inmate population accounting system which reflects the monthly average daily population of sentenced and unsentenced prisoners by categories of male, female, and juvenile. If feasible, a population accounting system should be established in conformity with the requirements of the Bureau of Criminal Statistics of the California Department of Justice and should include data on the arresting agency, sentencing court, offenses for which arrested or convicted, dates of booking and release, time detained in sentenced and unsentenced status, manner of release, fines and bails involved, and type of sentence.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Sections 6030, 6031, 6031.1, 6031.2 and 6031.4, Penal Code.

1041. INMATE RECORDS.

Each facility administrator shall maintain individual inmate records which shall include, but not be limited to, intake information, personal property receipts, commitment papers, court orders, reports of disciplinary actions taken, medical orders issued by the jail physician, and medical treatment received.

NOTE: Authority cited: Section 6030, Penal Code. Reference: Sections 6030, 6031, 6031.1, 6031.2 and 6031.4, Penal Code.

1042. FISCAL RECORDS.

Each facility administrator shall maintain fiscal records which will clearly indicate the costs for his detention facility according to generally accepted accounting principles. Such records shall include feeding and clothing outlay and other program costs.

In Type IV facilities, the fiscal records shall further include a system for accounting of inmate funds. Such funds shall be processed in a manner which will allow an inmate access to his/her money within one business day.

Records keeping and statistical information are important both as good management and in terms of projections and planning. It is necessary for an administrator to be able to identify the numbers and kinds of prisoners a facility holds; these issues will affect staffing, staff training, future renovation or construction, funding, ancillary services, and day to day operating procedures. Accurate population and fiscal records will enable administrators to support and document their needs at budget time and will help them to improve Board of Corrections biennial reporting to the legislature on their behalfs. Without statistical information describing people and their flow through detention and corrections, individual systems and the justice system as a whole are likely to remain segmented and unable to formulate long range plans.

Consistent, accurate, comprehensive records will yield a basis for comparison of systems' performance and may be beneficial in determining allocation of

national and state resources as those may become available for local use. Fiscal records are those relating to feeding and clothing costs; personnel costs; maintenance costs such as janitorial supplies, minor repairs, etc.; and other program costs besides capital structure outlay. Fiscal records also show revenues including room and board payments by work furloughees and inter-department transfers of funds. Such detailed records allow facility management and local government to present a precise and accurate accounting of expenditures in local detention and corrections, allow the public to see how its tax dollars are being used, and encourage the improvement of local systems by comparison among system components and different jurisdictions. Accurate per capita, per-day costs will facilitate internal administration and good management as well as external, comparative functions.

Individual inmate records may be the source of some of the required population accounting and fiscal information; more importantly, individual records will provide complete profiles of those people held in a facility. The record must be complete and current on each person in custody and, if it is, will provide you with invaluable documentation in cases of litigation in which records keeping or activities relating to specific inmates are called into question.

Medical Records

While Section 1041 says that medical orders and medical treatment information should be included as part of an inmate's individual record it does not say where that information should be kept. General information may be included as part of an inmate's confinement record; however, all specific medical information and all treatments or interactions covered by doctor-patient privilege and rules of confidentiality must be recorded in a separate medical record, which is controlled by the responsible physician, pursuant to Section 1025. Information from the medical record (which includes psychiatric and mental health data as well) shall be shared with custodial staff in ways not in opposition to the confidentiality privilege whenever such information is important or necessary to the safety of inmates, staff or the facility.

1043. INMATE WELFARE FUND—ACCOUNTING.

Penal Code Section 4025 provides for the establishment and expenditure of the inmate welfare fund and requires an annual itemized report of expenditures from the fund. This itemized annual report shall be posted in each facility and made available to the public and inmates by inclusion in the public information specified in Section 1045 of these regulations.

Inmate welfare funds, according to P.C. Section 4025, are to be used "solely for the *benefit, education, and welfare* of the inmates confined within the jail." Because the definition of these terms may vary from county to county, each facility or system administrator should develop policy regarding the appropriate use of the inmate welfare fund and shall review the use of inmate welfare monies if questions arise. Administrators might find it useful to meet with the county auditor or controller to determine consistent interpretation of "the benefit and welfare" of inmates, but otherwise responsibility for the control, use, and allocation of inmate welfare funds rests with the sheriff or his or her designee, within

the parameters of the law.

Administrators must insure that there is an annual itemized report of income to and expenditures from the fund. This report must be sent to the Board of Supervisors and must be posted in each facility where inmates and staff can review it. Every administrator wants to make the most appropriate and beneficial disposition of welfare fund monies; therefore, the itemized report should also be made available to members of the press and the public who express an interest in it. Public scrutiny and advice may indicate areas of use not yet considered by the administration and will promote better understanding by the citizenry of the fund and its purpose.

Many sheriff's departments have advisory committees for inmate welfare funds, to promote public input and review. In some departments, the advisory committee is comprised solely of department personnel, often from the various facilities in a local detention system; in others, there are public members as well. In some jurisdictions, the inmate welfare fund advisory committee includes one or more inmates in an effort to guarantee that the fund is responsive to the needs of inmates. Whatever the makeup of the committee, the existence of an advisory body is helpful to an administrator in making crucial decisions and spreading the responsibility for inmate welfare funds to more than one pair of shoulders. An advisory body for inmate welfare funds is recommended and both public and inmate participation should be considered.

Resources

If you have questions regarding the creation of an advisory group or about the administration and operation of the fund, contact the Board of Corrections. Staff will be able to answer your questions and/or refer you to specific programs which have had experience administering inmate welfare funds and may have encountered the problems you face.

1044. INCIDENT REPORTS.

Each facility administrator shall maintain a written record of all incidents which result in physical harm, or serious threat of physical harm, to an employee or inmate of a detention facility or other person. Such records shall include the names of the persons involved, a description of the incident, the actions taken, and the date and time of the occurrence. Such a written record shall be prepared and submitted to the facility manager within 24 hours of the event of an incident.

While it is common sense and good management to document all incidents which result in physical harm or serious threat of physical harm to staff, inmates or others in a detention facility, it is equally reasonable and important to keep records of *all* occurrences which are unusual, out of the norm, or likely to cause problems. Such documentation will provide substantive assistance to staff or administrators called on to testify about an incident months, a year, or more after it occurred. Such documentation has served as quantitative evidence of conditions in a facility; it may indicate where staff needs additional, specialized training or where procedures in the jail are not serving the purposes for which they were designed. It is important, therefore, that Section 1044 be expanded in the minds

of facility personnel to include incidents of any unusual nature, rather than only those involving harm or serious threat of harm.

There must be policy and procedure regarding what shall be cause for filing an incident report, where such reports shall be filed, what actions should follow from filing of the report, and for how long the report should be retained. There must be facility policy and procedure regarding the use of force. Of course, all instances in which staff use force should be cause for filing an incident report.

There should be a distinction made between incident reports, an in-house notation of occurrences which may or may not lead to disciplinary proceedings, and crime reports which are relayed to the district attorney for filing of charges and potential prosecution in a court of law. Not all incident reports are crime reports and not all crime reports must have incident reports backing them. If a crime and an incident report arise out of the same event, it is unnecessary to duplicate the information on two different forms; it is sufficient for a copy of the crime report to be kept on file in the facility without an incident report being written. However, where both exist, be sure to cross reference crime reports to incident reports and vice versa so copies of reports can be found when they are needed.

There are a number of different methods of filing and retaining incident reports. Some facilities hold them in inmate booking jackets; this is their major location for permanent records. Others locate incident reports in a facility central incident file. Some use multiple copy forms with copies going to the booking jacket, the central file, and the deputy or staff person involved in the occurrence. How report retention is accomplished is less important than that it is done. The long term benefits of documentation are not realized unless the information can be retrieved and utilized when needed.

Searches

Searches should be carried out by staff of the same sex as the inmate, preferably in a private location out of sight of others arrestees, inmates and staff. There has been a good deal of litigation around issues relating to searches, particularly body cavity searches, thus they are the sort of occurrence it is well to keep records about. In some facilities, there are separate forms for recording the details of body cavity searches such as when, by whom and where conducted. In other places, the general incident report format is used. Because these are sensitive issues, there should be policy and procedure addressing the conducting of searches and documentation that those policies and procedures have been regularly and uniformly followed.

Body cavity searches, in particular, must be conducted with the utmost regard for the dignity and privacy of inmate and staff. Body cavity searches shall be conducted by medically licensed or certified personnel only, and only when necessary. Body cavity searches should be authorized by the watch commander and there should be policy and procedure relating to probable cause for such searches. The cause or reason for performing a body cavity search should be noted on the report form.

1045. PUBLIC INFORMATION PLAN.

Each facility administrator shall develop a plan for the dissemination of information to the public, to other government agencies, and

to the news media. The public and inmates shall have ready access to the following printed material:

(a) The State Board of Corrections publications, *Guidelines for the Establishment and Operation of Local Detention Facilities, California Laws Pertaining to County and City Adult Detention Facilities*, and these regulations.

(b) Facility rules and procedures affecting inmates as specified in Sections 1029, 1030, 1031, 1033, 1043, 1045, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1080, 1081, 1082, 1083, and 1200 of these regulations.

A facility's public information plan should serve two major purposes. First, it should outline how the facility intends to do the public relations and promotion of public awareness so helpful in improving community relations and developing contact with community resources. It will set out how you choose to deal with the press and other media, other government agencies and the general public and should be geared to optimizing the sharing of information. Remember that the best time to 'put out fires' is before they start; the best time to get public support is before it is needed.

The annual report of population, programs and services (per Section 1034) can be one element of your plan as may your inmate orientation, your rules and regulations book or handout, brochures or flyers developed about the jail, and/or a speakers' bureau made up of members of your agency and jail service providers. Regular news releases may be part of your plan or your plan may say, "We never talk to the press." (This is certainly not recommended!) The plan should allow you to let people know your problems, goals, strengths, and limitations. It should be a useful way to gain community support for, or at least knowledge and understanding of, the jail and the jail's part in the community. As with policy and procedure, the plan should make clear what you do and why, and the administrator, having developed a plan that works for the specific facility and is designed for it, must insure that the plan is followed and that staff are familiar with it.

The second major function of the public information plan is to provide policy and procedure for staff to refer to in dealing with the public, press and other media in the event of an incident or emergency. When a 'spot news story' arises and the local media call to get the details of the escape or assault they heard about, the staff person on duty should have some direction to follow. The procedure may be that all calls are referred to the watch commander or that there is one person on duty at all times authorized to talk to the press, or that any staff on duty will answer questions. The procedure may be whatever is most appropriate and functional for a given institution. The point is for there to be a plan which lends consistency and credibility to the position of the person facing requests for information. If the press and public know your public information plan in advance, they'll be more likely to cooperate with you in crisis times because they'll know what they can and cannot expect in the way of information.

A portion of what is called for in Section 1045 are local procedures for implementing particular standards. Much of what is specifically required is program and services information, information you want inmates to have and of

which you'd like the public to be aware, such as what education programs the jail has, what the rules and limits of discipline are, how inmate welfare fund monies are used, and the like. In addition, you may also want to set out how you provide personal care items to indigent inmates, what the facility does about health and dental care and other substantive matters of importance to people in your facility and potentially of interest to those members of the public and other governmental agencies who have any involvement or concern with the jail and its operation.

Exclusions and Clarification

Sensitive information, information relating to facility security, is not included in the material made available to inmates and the public. Section 1029 specifically excludes policies and procedures relating to emergency or security issues from the general policies and procedures manual if that manual is to be available to the public or inmates. There is no requirement that an agency disclose information the facility administrator believes to be critical to the safety and security of inmates, staff or the facility.

"Ready access," used in this regulation, means 'availability,' 'approachability' as defined by the facility administrator in the public information plan or in policies and procedures. It does not mean an administrator must give inmates, the press or members of the public copies of every document spoken of here or developed as part of the public information plan. The documents should be available in the detention facility where inmates can read them; members of the press and public could ask to see the copy a facility has, but jails are not expected to be lending libraries or storehouses of publications, and there is no requirement intended in the standard that people be given written information to take away with them unless facility administrators choose to do so. Locally developed materials may be disseminated if administrators elect and budgets permit; Board of Corrections' publications are available from the Board office, and people can call or write to the Board of Corrections. We will send the requested documents as quickly as requests are received.

Advisory Boards

As an additional part of public information and/or public relations, administrators might consider creating advisory boards for their detention facilities or detention systems. Such boards can serve as liaisons between the public and the jail and often provide sound advice, important support and critical resources and assistance. The duties and scope of such a board can be determined by the administrator or department establishing and empowering the board, and can be as broad or as limited as suits the needs of the developer. Contact the Board of Corrections for information about which jurisdictions have advisory boards to the jails or to specific aspects of jail operations. (See Section 1043, Inmate Welfare Funds, for a discussion of one kind of advisory board.)

ARTICLE 5

CLASSIFICATION AND SEGREGATION

1050. CLASSIFICATION PLAN.

Each administrator/manager of a Type I or Type II facility shall develop and implement a written classification plan designed to properly assign inmates to housing units and activities according to the categories of sex, age, criminal sophistication, seriousness of crime charged (felon vs. misdemeanor), assaultive/non-assaultive and other criteria such as will provide for the safety of the prisoners and staff. Such housing unit assignment shall be accomplished to the extent possible within the limits of the available number of distinct housing units or cells in a facility.

Each administrator/manager of a Type II or Type III facility shall establish and implement a classification system which will include the use of classification officers or a classification committee in order to properly assign inmates to housing, work, rehabilitation programs, and leisure activities. Such a plan shall include the use of as much information as is available about the inmate and from the inmate and shall provide for a channel of appeal by the inmate to the facility administrator/manager. An inmate who has been sentenced to more than 60 days may request a review of his classification plan no more often than 30 days from his last review.

Classification in detention facilities essentially takes two forms, the first covering those separations which are required by law and the second those which are implemented for managerial purposes. The evidence is overwhelming—classification systems work and work well. However, it must be stressed that each facility is different in design, capabilities, staff, and types of inmates; therefore, classification systems must be tailored to the distinct needs of each facility.

Legally Mandated Separations

Classification of inmates into the categories required by law is relatively simple. MALE AND FEMALE inmates must be separated from each other except when they are participating in certain programs and activities. Pursuant to Section 4002 P.C. they must not sleep, dress, undress, bathe or perform eliminatory functions in the same room with each other. Essentially, the law requires separation except during periods of recreation, education, work assignments, arts and crafts, library time, etc. Supervision should be an element of any co-correctional programming, and during times when co-mingling is acceptable and legal, supervision is essential. The ability to program male and female inmates together allows facility managers to utilize program resources more effectively and to increase the number of programs available to females in custody.

SENTENCED inmates are to be separated from UNSENTENCED, and CIVIL COMMITMENTS must be separated from CRIMINAL. Section 4001 P.C. is quite specific: these groups are not to mingle or be housed in the same rooms with each other. There is no requirement that one group, i.e. civil commitments, be granted more privileges than any other group.

Although many professional correctional organizations and agencies feel very strongly that juveniles should not be housed in adult facilities, in California at the present time the courts mandate such confinement for certain juvenile offenders. When JUVENILES are held in adult detention facilities, administrators must separate them from ADULTS by sight and sound, that is juveniles must not be able to see, hear, speak or otherwise be in contact with adult prisoners. Jails which hold juveniles are expected to meet California Youth Authority standards for housing youthful offenders; if they do not meet these standards and therefore are not certified by the Youth Authority to house juveniles, they cannot do so.

Managerial Classification

A facility administrator has the responsibility to maintain order, to insure the safety of inmates and staff, and to provide adequate security. Relying solely on the legally mandated separations is insufficient and can lead to violence and a reduced level of safety in the jail. Classification must go beyond the legal mandates to meet specific facility capabilities and needs. Where this is the case and classification systems are in place, managers report that violence, staff/inmate confrontations, and subsequent lawsuits are reduced concurrent with an increase in security.

A facility's classification system will separate the sophisticated from the uninitiated, the violent from the non-violent, the passive from the aggressive. In addition, a classification system assists in identifying security risks, the physically and mentally ill, those requiring protective custody, those who may become potential victims to assertive and assaultive inmates, and those eligible for facility programs.

Classification systems are cost efficient. The expense of allocating staff to plan and administer a classification system is more than returned to the facility by the creation of an improved environment, a lower ratio of injuries to both staff and inmates, lower medical costs, and a reduction in time spent defending oneself in court.

The classification plan should include the following important elements:

1. description of the facility;
2. the different security levels available within the facility;
3. the programs available;
4. the criteria used for classification;
5. the appeal process for both staff and inmates;
6. time frames for a periodic review of the classification of all inmates; and
7. the authority of the person or persons who actually classify and assign inmates.

Some facilities manage their classification systems with input from probation, medical and mental health staff and personnel from inmate programs; others manage the system utilizing only custody staff. The important point is that a system is in place and works for the facility in question.

Resources

Sample classification plans can be obtained from the National Institute of Corrections, the California Board of Corrections, or jurisdictions which have

developed their own. There is also a study by Marvin Bonstedt and others called *Classification Criteria for Criminal Justice Decisions*; it is available through the American Justice Institute (A.J.I.) in Sacramento.

1051. COMMUNICABLE DISEASES.

Each manager of all but Type IV facilities shall segregate all inmates with communicable diseases. To determine if such segregation shall be made in the absence of medically trained personnel at the time of booking, prior to placement in a living area, an inquiry shall be made of the person being booked as to whether or not he/she has or has had tuberculosis, has hepatitis, a venereal disease or other special medical problem. The response shall be noted on the booking form.

1052. MENTALLY DISORDERED PERSONS.

Each facility manager shall segregate all mentally disordered inmates. If a physician's opinion is not readily available, an inmate shall be considered mentally disordered for the purpose of this section if he or she appears to be a danger to himself/herself or others or if he/she appears gravely disabled. A physician's opinion shall be secured within 24 hours of such segregation or at the next daily sick call, whichever is earliest.

Such a mentally disordered inmate should be transferred to a medical facility designated by the county and approved by the State Department of Health Services for diagnosis, treatment, and evaluation of such suspected mental disorder, according to Penal Code Section 4011.6.

People revealed by receiving screening or medical examination to have communicable diseases must be housed separately from the general population in order to prevent the spread of disease and so that they may receive the treatment and care necessary for their illnesses. Such separate housing may be in a jail medical ward, in a designated cell or section of the jail, or in a hospital or clinic removed from the detention site. Those inmates who have been determined to be mentally disordered must be housed apart from other inmates. Every effort must be made (and documented) to transfer mentally disordered prisoners to appropriate treatment facilities as soon as possible.

1053. ADMINISTRATIVE SEGREGATION.

Except in Type IV facilities, each facility administrator/manager shall provide for the administrative segregation of inmates who are determined to be prone to escape, prone to assault staff or other inmates, or likely to need protection from other inmates, if such administrative segregation is determined to be necessary in order to obtain the objective of protecting the welfare of inmates and staff. Administrative segregation shall consist of separate and secure housing but shall not involve any other deprivation of privileges than is necessary to obtain the objective of protecting the inmates and staff.

1054. ADMINISTRATIVE REMOVAL—TYPE IV FACILITY.

In Type IV facilities, the manager shall provide for the administrative removal of an inmate for the safety and well being of the inmate, the staff, the program, the facility, and/or the general public. Such removal shall be subject to review by the administrator/manager on the next business day.

Administrative segregation—and administrative removal from Type IV facilities—is an option afforded facility administrators for the maintenance of order, safety and security. It is not and must not be used as punishment or discipline, although administrative segregation can include restricting privileges as necessary. Restrictions must correspond to conduct which indicates the necessity for the restriction. Of course, that conduct should be documented and the reason for placement in administrative segregation, whether for the inmate's protection or the protection of others, should similarly be recorded.

Administrative segregation is controlled by the administrator; as such, it is not subject to disciplinary review. It is not discipline. It is, however, subject to classification review if an inmate is administratively segregated for more than 60 days, and it is subject to being grieved by the inmate. This classification should be reviewed regularly by the administrator and/or classification committee to assure that it is still valid.

Administrative segregation for the purpose of protective custody should be undertaken where there is reason to believe that protective custody is warranted or where an inmate requests administrative segregation. Failure to heed adequate warnings about the need for protective custody can leave the administrator in a dangerous position. If warnings are neglected without justification, you are leaving yourself open to civil rights litigation under the doctrine that you "knew or should have known" something out of the ordinary was likely to occur. Document your reasons if you deny a request for administrative segregation or protective custody.

1055. USE OF SAFETY CELL.

The safety cell described in Article 9, Section 1114, of these regulations shall be used for the housing of only those inmates who fall under the provisions of Section 1052 of these regulations and/or those inmates who display bizarre behavior which results in the destruction of cell furnishings or reveal an intent to cause self-inflicted physical harm. Such a prisoner shall be placed in a safety cell only with the approval of the facility manager or the watch commander and continued retention in such a cell shall be reviewed a minimum of every eight hours. A medical opinion on placement and retention shall be secured within 24 hours of placement in such a cell or at the next daily sick call, whichever is earliest, and the inmate shall be medically cleared for continued retention every 24 hours thereafter. Intermittent visual supervision shall be provided at least every half hour.

The safety cell and appropriate use of same are discussed in Health and Sanitation Guidelines under Section 1208; however, it is important to note here that use of the safety cell is a specialized kind of administrative segregation,

undertaken with advice of a mental health professional whenever possible. When custody personnel make a decision to place a person whom they believe to be mentally disordered in the safety cell, they must get a physician's or mental health professional's opinion on the continued retention of that person in safety housing within 24 hours and the inmate must be medically cleared for continued retention every twenty-four (24) hours thereafter.

1056. USE OF DETOXIFICATION CELL.

The detoxification cell described in Section 1113 of these regulations shall be used for the housing of inmates who are a threat to their own safety or the safety of others due to their state of intoxication. Such persons shall be removed from the detoxification cell as they are able to continue in the processing. In no case shall a person remain in a detoxification cell over six hours without recorded observation by a medical staff person.

Inmates who are intoxicated and pose a threat to themselves or the safety of others due to their intoxication shall be housed in the detoxification cell until they are able to be processed or released from custody. This a separation of a temporary nature for inmates at the time of booking or pre-booking. There must be regular and careful supervision of people in the detoxification cell because some alcohol and drug related conditions are life threatening and an inmate's deterioration must be noticed and referred to medical care immediately. (See Health and Sanitation Guidelines, Section 1213 for a discussion of issues relative to intoxicated inmates.)

ARTICLE 6

INMATE PROGRAMS AND ACTIVITIES

1069. INMATE ORIENTATION.

In Type II, III, and IV facilities, the facility manager shall develop and implement a program designed to orient a newly received prisoner prior to assignment to a living area. Such a program shall include, but not be limited to, the following:

- (a) Correspondence, visiting, and telephone usage rules.
- (b) Rules and disciplinary procedures.
- (c) Inmate grievance procedures.
- (d) Programs and activities available and method of application.
- (e) Medical services.
- (f) Classification/housing assignments.
- (g) Court appearance where scheduled, if known.

The inmate orientation plan or program shall set out how the facility informs incoming inmates of the rules, procedures, services and activities which they must know about to function successfully in the jail. Orientation will cut down on rule violations as well as decrease staff time spent answering basic questions. Orientation is the process which tells inmates at the point of entry what they can and cannot do, what they can expect, and how and when they can have access to the services the jail provides. The orientation can and should be augmented by posting notice of significant events on a bulletin board to which inmates have access. Commissary times, meals, visiting, doctor calls and other scheduling data should be accessible to inmates at orientation and beyond.

Several locales have prisoner orientation programs on video tapes, developed by local colleges or sheriff's staff, which are played in the receiving areas and which include information important to incoming prisoners. Local colleges can be contacted for assistance in developing audio visual material for the jail; television and film students are often looking for projects because they are required to produce a public service broadcast of some kind as part of their course work. They can be expected to do most if not all the production work of a video tape orientation at no cost to the jail, or they could be involved as cost free consultants to jail personnel developing the materials.

Also worth thinking about are slide and tape presentations when video tape is not possible. Major advantages of either kind of audio visual orientation are that staff is not required to repeat the material over and over for each incoming inmate; there is consistency and uniformity of orientation and there is little likelihood that important information will be overlooked or left out. All individuals will receive the same information in the same style, and there is built-in documentation that orientation occurred and of what it consisted.

Many jurisdictions use handbooks or handouts as part of or all of their orientation. This is particularly useful where there is a process of acquainting the inmate with the material in the handbook and perhaps even quizzing or otherwise checking to make sure that the inmate has read the information and understood it. Just presenting the prisoner with a written document will not guarantee that he or she is thereby oriented. If your goal is to familiarize inmates with the

functioning of the facility they're entering, there should be some verbal or visual support and/or explanation of the handbook, enough to catch the inmate's attention and increase the probability that the handbook will be read.

If written material is used for orientation, care must be taken that the material is produced in the language or languages most often used by inmates. If you have a significant number of non-English speaking inmates, you must publish a bi- or multi-language edition of your rules and regulations; if inmates are unable to read, you should provide them—again in the language understood by them whenever possible—with a verbal orientation. Be sure to change the orientation presentation, whether it be verbal or written, when the rules change.

1060. INMATE WORK ASSIGNMENT PLAN.

The facility administrator or the facility manager of any Type II, Type III, or Type IV facility shall develop and implement an inmate work assignment plan within the limitations of the number of work opportunities and sound security practices for both sentenced and unsentenced inmates. Inmates in custody in excess of 29 days in a pretrial status shall be included in such a plan.

The "plan" spoken of here and in Section 1061 below is a policy and procedure; it is a program of inmate involvement in work and educational activities. It is carried out—not just written and placed aside. It is the effort jail administrations make to occupy the time of inmates and to provide some positive benefit to them from incarceration. Inmates who are busy instead of bored are easier to supervise; inmates who are working or involved in educational programming are less likely to be making trouble or worrying about friends and family on the outside.

Every effort must be made to include all classes of prisoners—male and female, sentenced and unsentenced, able and handicapped, young and old—in planning for work. Work assignments may include janitorial, food service, gardening, or other tasks in and around the facility. Agriculture and husbandry on county farms and assignment to public works projects, enabled by PC Section 4017, are options many systems include in their work assignment plan.

One of the difficulties in jails today is that there are seldom enough jobs for all inmates, and jobs that are just 'make work' or 'busy work' are more trouble than they're worth, often making inmates resentful, frustrated or hostile. A challenge to administrators is devising meaningful work opportunities and creating outlets for inmate time and energy which may benefit the individual and the jail in which he or she is incarcerated.

1061. INMATE EDUCATION PLAN.

The facility administrator or the facility manager of any Type II or Type III facility shall plan and shall request of appropriate public officials an inmate education program. When such services are not made available by the appropriate public officials, then the facility manager shall develop and implement an education program with available resources. Such a plan shall provide for the voluntary academic and/or vocational education of both sentenced and unsentenced inmates when there is a reasonable expectation that pretrial

custody will exceed 29 days. Reasonable criteria for eligibility shall be established and an inmate may be excluded or removed from any class based on sound security practices or failure to abide by facility rules and regulations.

The sheriff or facility administrator is responsible for developing an education program for inmates, pursuant to authorization from the county board of supervisors, as specified in Section 4018.5 PC. In so doing, he or she should contact the local school district or, where there are a number of different districts in the county, the County Superintendent of Schools. The administrator should try to develop a relationship with one contact person; this will lend greater clarity and consistency than would dealing with three or four different people.

Working in conjunction, district personnel and the jail administrator should be able to develop an efficient and effective program to meet the needs of inmates at relatively little cost to the county. The Education Code, at Sections 17951 and 17952, permit a.d.a.—state funds based on average daily attendance—to be used by school districts for adult education in jails and elsewhere. One problem with a.d.a. is that there is a requirement for classes to have a minimum number of students, and this is sometimes difficult for jails to muster. Discussions with district personnel and/or the superintendent of schools should cover this issue and attempt to work out some creative alternatives.

Correspondence Courses

In addition to this traditional method of providing quality educational programming to inmates, there are several other possibilities. Some jurisdictions with smaller inmate populations have used correspondence courses for inmates. There are a number of private and accredited correspondence schools, and the University of California maintains a large Extension Service which offers many courses via correspondence. Many of these can be paid for in part or fully by various "G.I. Bill" benefits for those inmates who are eligible veterans.

Other Issues Relating to Education

G.E.D., the "General Education Development" test has been found successful in California jails and is well suited to the unsentenced or short term sentenced inmate with limited educational backgrounds. Programmed texts, video tapes, teaching machines, closed circuit television, and educational television broadcasts have all been used as elements of an educational program, and these can be coordinated with volunteer or student intern 'teachers,' local community colleges, and/or private contractors to provide meaningful and productive educational experiences for inmates.

There are computer courses available which can lead to a G.E.D. in 30 hours. Vocational courses, remedial English and other subjects are all on computer now, and computer terminals may be able to be purchased or leased by grant funds. The National Institute for Mental Health (NIMH), for instance, has funding available for creative training in institutions. Administrators are urged to keep in touch with computer technology which is being developed for institutionalized individuals, and to keep an ear open for grant and funding possibilities.

For inmates eligible to be released on furlough, Section 1208 PC allows for educational as well as work release, i.e., permitting inmates to leave the facility

during the day to attend classes at a local school.

Vocational Training

In the field of vocational education, many developments have begun to occur which jail administrators will want to keep abreast of. Vocational training, federally funded through a school district, is being conducted at one county's jail farm most successfully. The National Alliance of Business and other civic organizations have taken positions of strong support for apprenticeship and vocational re-entry programs for inmates, and the U.S. Department of Labor, via Title VII, the Private Sector Initiative Program, is encouraging community based organizations as well as existing educational institutions to offer vocational education in jails in such fields as food preparation and service, laundry, landscape and gardening. Under the Title VII program, Department of Labor funds are used in cooperation with funds and support from private business corporations to train inmates and assure them of continuing work after release. Administrators are advised to keep in touch with their CETA Prime sponsors, the Department of Labor, and/or the Board of Corrections to keep apprised of future developments in these areas.

Good Time/Work Time

Under the direction of Penal Code Section 4019, as amended by the Legislature in 1978, all inmates—unsentenced as well as sentenced—receive good time and work time credits unless their conduct causes them to lose that time. In other words, the presumption is that all inmates are earning good time and work time. In order to have good time taken away, an inmate must commit a violation of facility rules or regulations and must go through the disciplinary process. To have work time disallowed, the inmate must have refused to work. The fact that there were not enough jobs for every inmate or that an individual is classified as too great a risk to be allowed to work cannot enter into the consideration.

The authority for crediting good time and work time to sentenced inmates resides with the jail administrator; for unsentenced inmates, however, that authority is in the hands of the judge at time of sentencing. If an unsentenced inmate has successfully completed his or her pre-sentence time, credit will be given automatically; if, however, the inmate has violated rules or refused to work, the jail administrator must notify the court and can recommend the loss of good or work time, as applicable. There should be some mechanism established whereby jail administrators routinely report to the court incidents or behavior of unsentenced inmates which mitigates against their being given credit for good and/or work time.

Program Time

As a point of interest, some jurisdictions have established, in addition to good time and work time, what they call 'program time,' that is, credit for time spent in viable, meaningful programs such as education or drug abuse counseling or the like. Time is credited on the basis of hours spent actually working in the program, and participants are carefully supervised to insure that they are getting the full benefit from their programs. The 'program credit' concept is a local option which has been achieved by a standing court order from the presiding judge of the Superior Court at the request of jail administrations.

Pretrial Prisoners

You'll note that pretrial or unsentenced prisoners are included in both Sections 1060 and 1061. Unsented inmates should be offered work and educational opportunities if it appears that they will be in custody for any significant period of time. The 29 days of which the standards speak is intended to allow jail staff or the classification committee time to assess and classify the inmate and process him or her for programming. However, it is not required that 29 days elapse before an unsentenced inmate can be put into a program. To have required immediate access to work and education programs could have meant that people were being geared up for programs as they were on their way out the door; the 29 days permits some lead time, and an opportunity for staff to become familiar with the inmate in order to determine his or her best interests. However, the goal should be to get inmates into work and education programs as soon as possible.

1062. VISITING.

The facility administrator or the facility manager shall develop and implement an inmate visiting plan. Such a plan shall provide for as many visits and visitors as facility schedules, space, and number of personnel will allow. For sentenced prisoners in Type I facilities and all prisoners in Type II facilities there shall be allowed no fewer than two visits totaling at least one hour per inmate each week. In Type III and Type IV facilities there shall be allowed one or more visits, totaling at least one hour, per week.

Contact visits shall be allowed at least to minimum security prisoners housed in Type III and Type IV facilities and in Type II facilities which are designed and constructed for contact visits.

If visiting is a problem in your jail, if you have long lines of people waiting to see inmates, if you have to bring on extra staff and pay overtime for visiting days, if you think of visiting as a big hassle—consider this. The standard speaks in terms of minimums; the experience of jail administrators around the state is that the more visiting allowed, the better. An expanded visiting policy not only lessens tension, leads to better inmate morale and improves the emotional climate in a jail, it also (after the initial resistance) leads to improved staff morale, more effective use of staff, less need for reserve or extra duty officers to be called in, and less crowding, confusion, and aggravation during visiting times. Where visiting is permitted often—and in some jurisdictions that is five (5) days a week from 9 a.m. to 9 p.m. excluding meal times—there are no long lines of people waiting to see inmates and no inmates desperate for it to be Saturday so they can have a visit.

How much visiting is to be allowed, what kinds, and/or how often should be determined by the administrator considering space, staff, other facility activities, and classification of inmates. One other consideration is the availability of telephones for inmate use; where telephones are generally accessible, inmates are likely to request fewer visits.

Special Visits

There should be policy and procedure for the provision of special visits, and in Type I facilities, there may be a plan for unsentenced prisoners to be permitted special visits at the discretion of the administrator. Sentenced inmates of Type I facilities, pursuant to the standard, will be allowed no fewer than two visits per inmate per week.

While not constitutionally required, contact visits can play an important part in normalizing a jail environment and reducing tensions. Through regulations designed by facility personnel, administrators maintain selectivity and control and can utilize contact visits as a management tool, a privilege rather than a right. There are special problems created with contact visits that must be balanced with security needs, but such visits do have a place in certain facilities.

1063. CORRESPONDENCE.

The facility administrator or the facility manager shall develop and implement an inmate correspondence plan. Such a plan shall provide that:

- (a) there is no limitation on the volume of mail that a prisoner may send or receive;
- (b) mail is not read except where there is a valid security reason to justify such action and the facility manager approves;
- (c) inmates may correspond, confidentially, with state and federal courts, any member of the State Bar or holder of public office, and the State Board of Corrections, provided that the jail authorities may open and inspect such mail only to search for contraband, cash, checks, or money orders. Such searches shall be conducted in the presence of the inmate.
- (d) inmates may correspond, confidentially, with the facility manager or the facility administrator; and,
- (e) those inmates who are without funds shall be permitted at least two postage-free letters each week to permit correspondence with family members and friends but without limitation on the number of postage-free letters to his or her attorney and to the courts.

This standard pretty well spells out what an appropriate policy and procedure regarding correspondence should include. Mail and correspondence are protected by the United States Constitution, and courts have generally found that there must be a valid security reason to read an inmate's mail, as per subsection (b). This does not take authority away from the jail administrator since administrators define "valid security reasons" and must approve requests to read inmate mail. As with all constitutional issues, administrators are well advised to document instances of and causes for reading inmate mail.

When mail is found to be inappropriate, per Section 1066(a), or when an inmate is sent any material that is not prohibited by law but is considered contraband by the facility, the material is either returned to the sender or held to be given to the inmate upon his or her release. In either case, the inmate is notified. This process may be facilitated by assigning an individual staff member to be responsible for mail, including in his or her duties the task of returning rejected mail to the sender if such is the facility's policy. Notification of the return

or rejection of mail, as well as the actual processing of incoming and outgoing mail should occur as expeditiously as possible.

The bar against reading inmate mail does not preclude staff from opening and inspecting mail to search for contraband, cash, checks, or money orders. Where there is a confidentiality privilege, as with members of the State Bar Association, judges, holders of public office, and the Board of Corrections—so-called "legal mail"—such action should take place in the inmate's presence and inmates may well be required to sign a receipt indicating the mail was opened in their presence but was not read or censored.

A facility's policies and procedures relating to mail and correspondence are among those things which should be included in the facility's public information plan. Correspondence can be a big issue to inmates and, once again, it will prove easier to make inmates and the public aware of the facility's stand on the matter in advance than to have confrontations or lawsuits arise later out of misunderstandings or lack of information.

Correspondence in Type I Facilities

As a point of interest to administrators of Type I facilities, subsection (e) of this standard applies in all classes of jails. Type I facilities should, therefore, have policy and procedure regarding providing at least two postage free letters each week to those inmates who may be indigent.

Because Type I's hold inmates for a relatively short time and generally allow neither visits nor incoming mail, there are often requests made of staff to deliver notes or messages to inmates. Family members often have need to communicate with inmates on a semi-emergency basis, for instance, to determine where a car has been left or to say that the children are all right. In most Type I facilities, staff will carry such messages when they can; in all facilities, there should be a policy which is clear, consistent and posted so inmates and the public alike are aware of what it is.

1064. LIBRARY SERVICE.

The facility administrator or the facility manager shall develop and implement a library service in all Type II and Type III facilities. Service shall provide access to legal reference materials and to current information on community services and resources. Such a service may be established in conjunction with the local county or city library and the scope of such service shall be determined by the facility administrator or facility manager. In Type IV facilities, such a program can be either in-house or provided through access to the community.

Appropriate library services, designed to meet inmate and staff needs will do much to relieve tension within an institution, will aid in preparing inmates to return to the community, and can assist staff in day to day operations as well as in career advancement. Library programs should be planned cooperatively by correctional and library professionals to provide optimal levels of service within architectural, budgetary, and security limits. A pamphlet entitled *Guidelines For Jail Library Services*, developed by the California Library Association, is available from the Board of Corrections on request. Additional library expertise could

come from city, county, or community college libraries or from a cooperative public library system. In California, the most frequent partnership is between a sheriff's department and a county library; Section 26151 of the California Government Code authorizes use of county General Funds for such a partnership.

Libraries have experience in tailoring collections to the needs, reading skills, and interests of all groups. Input on developing a jail library should be invited from inmates, staff, counselors, chaplains, and other interested persons, but the final decision regarding materials is the acting or supervising librarian's responsibility subject to the approval of the facility manager. Section 2601 of the Penal Code gives guidance on what may be excluded.

A selection policy should be developed and agreed upon by the cooperating library agency and the facility. When appropriate criteria are applied, donated materials can enrich collections and supplement budgets. Undelivered magazines from the post office and book displays from conferences can be sources of appropriate free materials, as can publishers' overruns and books donated by Friends of the Library and other groups. Service clubs will often sponsor subscriptions, and newspaper vendors are frequently willing to deliver extra copies to established delivery sites.

Circulation systems should be designed, not to protect material, but to allow its widest possible use by the greatest number of people. Library agencies can be particularly helpful in developing procedures appropriate for the staff and materials to be circulated. Paperbacks and magazines might be exchanged informally; hard bound books may be checked in and out. A copy machine is a cost effective investment for even a very small library; it can easily pay for itself in reduced book loss and vandalism and in expanding the use of materials, especially legal and other reference matter. Fair use guidelines for libraries under the Copyright Law should be followed.

Among materials available to inmates, there should be information on community resources, such as the Community Resource Directory published by many counties. Brochures or resource data produced by human service programs and agencies should be included in the library, and staff should be trained and encouraged to serve as service brokers for inmates to the greatest extent possible.

Law Library

To attempt to locate a complete law library in every jail in the state would be foolish and extremely expensive and is not what the standard calls for. Neither is it possible or desirable for all inmates with legal questions to be transported to county or law school libraries, although this may be appropriate in some cases. What is required is access to legal reference materials, and this can be accomplished by the purchase of pertinent volumes, an agreement with a law library for circulation of books on a request basis, microfiche of legal materials, and/or the use of lawyers, paralegals and/or law students to assist inmates in legal matters. Administrators should contact their local Bar Association for suggestions about ways to provide legal reference materials to inmates and for whatever support and assistance the Association might provide in the way of books, materials, or personnel. Attorneys' canons of ethics require them to do some 'pro bono', or work in the public good; volunteering services to the jail may fulfill that requirement.

1066. BOOKS, NEWSPAPERS AND PERIODICALS.

The facility administrator/manager of a Type II or Type III facility shall establish rules which will permit inmates to purchase, receive and read any book, newspaper or periodical accepted for distribution by the United States Post Office. Nothing herein shall be construed as limiting the right of a facility administrator to:

(a) exclude obscene publications or writings, and mail containing information concerning where, how, or from whom such matter may be obtained; and any matter of a character tending to incite murder, arson, riot, violent racism, or any other form of violence; and any matter concerning gambling or a lottery;

(b) open and inspect any publications or packages received by an inmate; or,

(c) restrict the number of books, newspapers or magazines the inmate may have in his cell or elsewhere in the facility at one time.

Where inmates are allowed to have subscriptions to newspapers and/or magazines, there should be a plan or policy and procedure which insures that the jail will not be liable for payment of inmate subscriptions and which covers what will happen to issues of subscriptions which arrive after the inmates to whom they belong are no longer in custody. In many jails, the greatest need for magazines is in the pre-trial section, where inmates are not in custody long enough to begin subscriptions; donations of magazines or circulation of subscription materials from other inmates might be considered.

Limitations

There is nothing in this standard which limits an administrator from instituting or keeping a "publishers only" rule, and, of course, any material deemed to be inappropriate, pursuant to Section 1066 (a), can be withheld from inmates or returned at the sender's expense.

Fire Loading

An overabundance of materials in cells, aside from making cell searches and the control of contraband difficult, can cause a fire hazard; therefore, be extremely careful about how much flammable material there is in any cell or living area. The Fire Marshal's standards say there should not be more than three pounds of flammable material in any cell. Three pounds is equivalent to a ream of paper, about 2½ inches of paper stacked, more than enough to start a good blaze. The three pounds does not include sheets, mattresses and clothing which may also be flammable, but is restricted to paper such as letters, magazines, cardboard boxes, newspapers, and the like.

While checking for fire loading, staff should be cautioned against discarding or disposing of inmates' property, particularly legal materials, without going through administratively developed and approved notification procedures. Legal materials especially must not be removed without the inmate's knowledge.

1065. EXERCISE AND RECREATION.

The facility administrator/manager of a Type II or Type III facility shall develop and implement an exercise and recreation program, in

an area designed for recreation, which will allow a minimum of three hours of such activity distributed over a period of seven days. Such regulations as are reasonable and necessary to protect the facility's security and the inmates' welfare shall be included in such a program. In Type IV facilities, such a program can be either in-house or provided through access to the community.

Exercise and recreation programs are important to jail inmates and to the operation of facilities as well. Exercise, which often involves moving inmates to the exercise yard, is generally the first program to suffer when there is a staff absence or staff shortage, and that should not be the case. There are facility emergencies which might require curtailing the exercise program for a while, but routine absences and ongoing shorthandedness must not be cause for eliminating regular exercise periods for all interested inmates.

Resources

It is not always necessary to have paid staff for exercise and recreation. The provision of a recreation director or physical education instructor for the jail or system is another element of programming which could be handled through a contract with your educational contractor. Normally there will be enough inmates interested in recreation programs to allow educational providers to support their work through a.d.a.

Volunteers have been used successfully in detention facilities to provide recreational training to inmates, and some facilities use their educational pay incentives to encourage staff to work with inmates in their off-duty time. Some recreational programs, such as leathercraft and other arts and crafts, have been very effectively handled by volunteers from community colleges or people in art or teacher training. Exercise and recreation—exercise being defined as physical activity and recreations as diversion or leisure time activity like playing cards or board games, watching tv, doing crafts and so forth—provide some areas in which volunteers can be especially helpful, and administrators ought to investigate the resources available in their community for capitalizing on volunteer skills.

You'll note that Section 1121 (a) requires an outdoor exercise area or areas for new Type II and Type III facilities. Fresh air and sunlight are extremely important to health and the reduction of tensions; therefore, every effort should be made to have outdoor exercise available for inmates wherever possible. "Area designed for recreation" does not include corridors or cell living space.

1067. ACCESS TO TELEPHONE.

The facility administrator shall develop and implement a plan which allows reasonable access to a telephone beyond those telephone calls which are required by Section 851.5 of the Penal Code.

The more access inmates have to telephones the better. Use of the telephone is another tension and anxiety reducer. Where there are an adequate number of phones and a generally open phone use policy, staff is hassled less by inmates and inmates are less likely to be frustrated, resentful and isolated from family and friends. Contact with the community can be maintained and some incarceration and re-entry problems can be averted.

It is recommended that telephones be located in areas such as exercise yards and common rooms in order to reduce demands on staff time and to increase inmates ability to use the telephones. A system should be established to assure equal access to phones for all inmates, and then staff will not have to oversee a sign-up process but can do informal monitoring to assure that no one misuses or overuses the phones. There will be less agitation about inmates getting their calls if they have ready access to phones and are not dependent on staff's moving them to where a telephone is available. The more phones there are the fewer problems there will be about telephone issues, and administrators should be aware that, if there are an adequate number of telephones, demands for visiting will be reduced.

In many areas of the state, special telephone service is available which restricts calls to local or collect only. No third party or credit card calls can be made from these special service phones. Administrators may want to contact the telephone company for information about this equipment and may also want to inquire as to the expense and practicality of installing a number of jacks and using mobile telephone equipment, available in both desk and pay phone models, which can be moved to whatever areas of the jail require telephones at any given time. With such equipment, telephones could be located in outdoor exercise areas during the day and moved to commons rooms in the evening or could be moved from dayrooms into the infirmary, for instance, if the need arose.

1068. ACCESS TO THE COURTS AND COUNSEL.

The facility administrator shall insure the right of inmates to have access to the courts and to legal counsel. Such access shall consist of:

- (a) unlimited mail as provided in Section 1063 of these regulations, and
- (b) confidential consultation with attorneys.

Inmates have a constitutional right to have unimpeded access to attorneys and legal representation. Facilities must have space designated for the confidential interviewing of clients by their counsel, and staff must make inmates available to their attorneys upon request at reasonable times.

Most administrators have been inconvenienced by attorneys or other legal personnel appearing at their facilities at one inopportune time or another. Attorneys have sometimes been frustrated by long delays in getting to see their clients. A potential solution to both of these problems is for the jail administrator to set up a meeting with the local Bar Association, public defender and/or district attorney staff and attempt to elicit their cooperation regarding scheduling visits to the jail. Explain the constraints of facility schedules and the limitations of staff availability; determine optimum times for inmate interviews and ask their cooperation in planning their client interviews at the jail for convenient times, never during meals or other key activities. Extenuating circumstances will arise and conflicts of schedules are inevitable, but an attempt at mutual understanding may relieve some of the pressure and eliminate a few of the conflicts which arise when attorneys demand to be permitted to see their clients at unsuitable times.

THE JAIL AS A CORRECTIONAL FACILITY

Part of the responsibility of administering a jail is attempting to release inmates back to the community in at least no worse shape than they were received. Jails do not, perhaps cannot, rehabilitate inmates; inmates can only habilitate or rehabilitate themselves. Jail administrators and staff must see part of their task as providing the environment, the possibility for habilitation along with the security and detention intended by jail sentences.

Jails are often described as differing from prisons in that they have no programs. It is true that physical building limitations and the transient nature of jail populations mitigate against many kinds of programs; however, other kinds are possible, and many jail administrators have come to see programming as a very effective means of off-setting trouble, of occupying inmates' time, and of providing at least the potential for beneficial use of that time.

County jails have inmates who are, on the whole, pre-trial and/or pre-sentence prisoners. They are in crisis and concerned about personal, institution and family problems. Prisoners who make bail or Own Recognizance release are able to attend to their own personal and family problems; those who remain in custody are unable to attend to the smallest problem, and, in many cases, are beginning the process of being "institutionalized," becoming dependent upon others.

Prisoners' institutional problems can be minimized if time is taken to hear and respond to their individual needs. Programs and services should focus on the identification of prisoner and related family needs, the communication of these needs within the community and the coordination of appropriate resources necessary for prisoners and their families.

Prisoners respond to the incarceration process with a variety of emotional acts; some become hostile, others withdraw. Many receive little or no attention due to their docile, withdrawn attitudes; others who may be more demanding or vocal receive maximum attention and services. Inmates have little to occupy the long hours; all too many of them suffer from emotional and physical handicaps. Upon release they're faced with limited funds or resources. They need transportation, employment, housing, clothing, all kinds of support. With these needs unmet many will re-enter the criminal justice system.

1070. INDIVIDUAL/FAMILY SERVICE PROGRAMS.

The facility administrator of a Type II, III, or IV facility shall facilitate cooperation with appropriate public or private agencies for individual and/or family social service programs for inmates. Such a program shall utilize the services and resources available in the community and may be in the form of a resource guide and/or actual service delivery. The range and source of such services shall be at the discretion of the facility administrator and may include:

- (a) individual, group and/or family counseling;
- (b) drug and alcohol abuse counseling;
- (c) religious services and counseling;
- (d) vocational testing and counseling;
- (e) employment counseling;
- (f) referral to community resources and programs;

- (g) prerelease and release assistance; and,
- (h) legal assistance.

The intent of this Section is to help administrators address the personal and family related needs of inmates. The kinds of programs enumerated in the Standard are, along with educational and work programs, the most viable and likely kinds to be found in jails at the present time. Administrators should not, however, limit themselves to only these. If other needs exist or if other possibilities present themselves which may be productive or useful in the jail, administrators should venture into new and different programs. It is unlikely that there can be too many programs of value, only too few.

One recent example of innovative programming can be found in a large county which was suddenly faced with an influx of Vietnamese and Cambodian refugees. When arrested and brought to the jail for law violations, these non-English speaking refugees and their families were terrified but unable to communicate with staff or to seek help for themselves. The jail administration requested help from a volunteer agency which established an interpreters' bureau for inmates and their families.

At the very least, this regulation calls for making available to prisoners a resource guide or listing. Resource specialists or community social service agencies should be able to create and update a resource listing if one does not already exist in the county. A resource handbook can be successfully prepared by interns from local foundations. A resource handbook could cover a wide variety of subjects including community resources, a guide to understanding the criminal justice system, and important aspects of incarceration like programs available while in custody. The Board of Corrections has some handbooks of this kind on file and available for distribution, upon request, or staff can refer you to agencies which have developed them and would be willing to share their knowledge.

Most of the services enumerated in Section 1070 are already being provided by community agencies, public or non-profit, thus jails will not have to expend money to create or duplicate them. Administrators need only find out what exists in their jurisdictions and coordinate with the administrators of the provider programs to bring their services into the jail. Most providers will be willing and able to do so given just a minimum of encouragement from the jail administration. Working relationships which set out each party's areas of responsibility and expertise can easily be developed, and security concerns can be addressed in a contract or agreement between the agencies and individuals.

It is advantageous for administrators and staff to take the time and expend the effort to get to know providers and to develop cooperative relationships with personnel who come to the jail. If administrators treat volunteers seriously, other staff will come to see them that way too and jail personnel will soon find that outside providers are like an extension of the jail staff, helping to maintain the environment of the jail, reducing inmate tensions and providing important links to the community. Once the initial mistrust is overcome, and provided there are clearly established parameters, outsiders in the jail can be a productive resource.

1072. COMMUNITY VOLUNTEER PROGRAMS.

Wherever a program of community volunteers is implemented, such a program shall include, but not be limited to, the following:

- (a) A means for securing citizen involvement in programs.
- (b) A designated staff member responsible for administering the program.
- (c) A procedure and criteria for selection of volunteers.
- (d) A program of orientation and training for volunteers including written rules.
- (e) A written and signed statement indicating agreement to abide by all facility policies and rules.
- (f) A process for determining that volunteers who provide professional services are qualified to do so.
- (g) A process whereby the administrator may limit, postpone, or discontinue the services of a volunteer or volunteer organization.

The reason that Section 1072 is worded, "wherever a program of community volunteers is implemented . . ." is to make clear that the decision to have volunteers in the jail or not rests with the facility or system administrator. The standard does not require volunteer programs; it encourages their use and gives a structure or mechanism for optimum utilization. Drafters of the standards did not intend that volunteers be used in place of paid staff and did not want to suggest that boards of supervisors could limit jail staffing by utilizing volunteers in place of custodial personnel. Volunteers can enrich the jail and supplement staff functions; they are not replacements.

Organizations across the country have, for many years, provided successful volunteer programs in jails and prisons. All have addressed some aspect of need and have brought to the institution a wide variety of free professional or para-professional programs and services. In addition, they have provided prisoners with direct contact with the local community.

Volunteers, unfortunately, have been only mildly tolerated. All too often they are looked upon as 'do gooders' who are 'soft on criminals.' Others fear they may be trouble makers, that they ask too many questions or might be a job threat. If, in fact, volunteers and volunteer programs were looked at a little more closely, one would realize their value and that they can be an asset to any detention facility and to the successful re-entry of inmates into the community. Appropriate volunteer programs will do much to improve the jail environment allowing deputies to work in an atmosphere less dangerous to themselves and inmates.

The planning for and structuring of a volunteer program will assure its success or failure. The surest way to cause a program to fail is to provide no structure for it, give it no encouragement, and fail to communicate your expectations or responsibilities to it. If, on the other hand, you intend to make a success of volunteer programs in your system, begin with a general survey of prisoner needs and, having determined the programs and services that should be started first, coordinate and cooperate with local service providers to develop these for inmate use.

Review Committee

A review committee, such as exists in at least one large sheriff's department, may be established to 1) develop criteria for volunteers; 2) develop orientation procedures for volunteers; 3) develop evaluation procedures; and 4) screen

volunteers and groups wishing to provide services. Such a committee should have members from all segments of the community as well as representatives for the detention system. In many communities there are reliable organizations willing to implement such a committee, thereby relieving the sheriff's department or local department of corrections from this burden. The organization would then be responsible for developing training materials, pre-screening individuals and/or programs, preparing for monthly committee meetings, and doing ongoing evaluation.

Volunteers as Assets

Programs, services, activities, events, interactions which administrators may have wanted to institute but never had the personnel to staff can be accomplished by volunteers. At least one large jail uses volunteers to monitor its recreation program; several other jails have education programs staffed by volunteers; still others have volunteer groups providing crafts, counseling, or re-entry services. Groups such as Friends Outside and the Service League of San Mateo provide a range of volunteer services to jails, including visiting inmates, supplying indigents with clothes for court, aiding inmate families, and arranging transportation to needed services. One agency coordinates students from local universities' accounting/business schools to help in offering inmates assistance with their tax returns, which are sometimes quite complicated and confusing.

In these times of dwindling resources, the services of volunteers cannot be overlooked. It has long been the policy of the Board of Corrections to

encourage access to jails, honor farms, and camps for viable legitimate community groups and agencies providing services to prisoners and releases. Such access must be consonant with the security requirements of the department and facility in question. Recent changes in the tax structure may result in a reduction of programs and services to local correctional facilities; therefore, the participation of interested service agencies should be encouraged as a means of minimizing the reduction of services.

Resources

Voluntary Action Centers in many counties have rosters of individuals and groups along with the services they do or are willing to provide. Administrators are urged to contact these Centers to discuss where and how jail needs and the needs of the volunteer agencies merge, what each can do for and with the other, and what part Voluntary Action Centers can play in developing a continuum of service to in-custody and newly released prisoners and their families. *Volunteer*, an NIC funded resource center, can also provide useful information about volunteers in correctional settings.

1071. VOTING.

The facility administrator shall provide a procedure whereby the county registrar of voters allows qualified voters to vote in local, state, and federal elections, pursuant to election codes.

Facility administrators should contact local registrars of voters and apprise them of the fact that they will be provided access to qualified jail inmates for

the purposes of registering them to vote and/or supplying absentee ballots. Administrators can inform the registrar of the facility's policy and procedures relative to inmate's voting and encourage the registrar to include the jail population in registration drives and election coverage; however, follow-up rests with the registrar. Jail administrators are expected to make the initial contact; actual provision of registration and/or absentee ballots is the responsibility of the registrar of voters.

This standard would apply to those Type I facilities which house sentenced prisoners eligible to register and vote. Generally, the population of Type I facilities will be in transition and there will not be time to register inmates before they are released and/or transferred.

ARTICLE 7 DISCIPLINE

1080. RULES AND DISCIPLINARY PENALTIES.

Each facility administrator shall establish rules and disciplinary penalties to guide inmate conduct. Such rules and disciplinary penalties shall be stated simply and affirmatively, and posted conspicuously in housing units and the booking area or issued to each inmate upon booking. For those inmates who are illiterate or unable to read English, provision shall be made for the jail staff to verbally instruct them or provide them with written material in their native language regarding jail rules and disciplinary procedures and penalties.

Rules and sanctions for those who violate them are integral parts of all systems, and detention systems are no exception. Particularly given the nature of jail populations and the often onerous tasks asked of staff in outdated and overcrowded facilities, it is extremely important that there be standards of behavior which guide the orderly, safe and efficient operation of facilities and protect staff and inmates. Prevention of rule violations is preferable to correction after the fact; nonetheless, when a rule is violated, initiation of the disciplinary process should occur swiftly and the process itself must be and be perceived as fair and objective. The disciplinary process must conform to constitutional standards of due process and equal protection even though it is an administrative, not a judicial, process. The rules of evidence are different in administrative matters and, contrary to the implication in Section 1081 (c), there is no prohibition against both referring a matter for prosecution and treating it in-house as a disciplinary issue.

Rules should be stated clearly and as affirmatively as possible. It is advisable to keep the number of rules to a minimum, retaining only those essential to facility safety and efficiency. Rules should be continually reviewed to insure that they are reasonable and have a valid base. When rules are changed, all posted copies and inmate rulebooks must be changed too. Superfluous rules cause disciplinary problems, waste staff time, cannot possibly be remembered by inmates, and can create an overly repressive atmosphere likely to result in civil rights class action lawsuits being filed against the jail. Penalties for specific violations, along with the rules and regulations, should be made known to inmates to satisfy due process requirements of the Constitution and to give fair warning as to the results of infractions and major violations of the rules.

Type I Facilities

Type I Facilities sometimes have problems determining what to include in rules and regulations. They may have only a few rules and no disciplinary process other than to prosecute or file charges against those inmates who violate the rules. If a facility will file charges against an inmate for defacing the walls or throwing food at staff members, that should be stated. If there is to be no smoking in housing areas, that should be stated. Whatever are the important points and whatever behavior will result in charges being filed should be made known to inmates at the point of entry, at booking or prebooking, and would

comprise the facility's rules and disciplinary information. The rules can be posted conspicuously, given to inmates as part of the booking sheet or separately, or read to those who are unable to read by themselves.

1081. PLAN FOR INMATE DISCIPLINE.

Each facility administrator/manager shall develop and implement a plan for inmate discipline which shall include, but not be limited to, the following elements:

(a) Designation of one or more subordinates who will act on all formal charges of violation of facility rules by inmates, and who shall have investigative and punitive powers. Where possible, staff so designated shall not participate in disciplinary review if they are involved in the charges.

(b) Minor acts of non-conformance or minor violations of institution rules may be handled informally by any staff member by counseling or advising the inmate of expected conduct.

(c) Major violations or repetitive minor acts of non-conformance shall be referred in writing by the staff member observing the act to the disciplinary officer. Disciplinary action should be suspended if the charge or charges have been referred to the district attorney for prosecution.

(d) The inmate shall be informed of the charge(s) made against him by copy of the written report made in conformance with (c) above.

(e) The inmate shall be permitted to appear on his own behalf at the time of hearing.

(f) Any charges pending against an inmate shall be acted on as soon as possible and no later than 72 hours after the report is filed.

(g) Subsequent to final disposition of disciplinary charges by the disciplinary officer, the charges and the action taken shall be reviewed by the facility manager.

(h) The inmate shall be advised of the action taken by the disciplinary officer by a copy of the record required to be kept by Penal Code Section 419.5.

(i) Nothing in this section precludes a Type IV facility administrator or facility manager from administratively removing any inmate for reasons for personal, mental, or physical health, or under any circumstance in which the safety of the inmates, staff, program, or community is endangered, pending review as required by Section 1050 of these regulations.

Subsection (b) of Section 1081 refers to an important function of facility staff, that of advising and counseling inmates. This is a most effective mode of discipline; it is personal and informal, maximizing staff's interpersonal skills and calling on inmates to respond in mature and responsible ways. It doesn't always work, of course, but it is the first recourse for minor infractions and potential infractions. Staff can head off trouble before it occurs if staff members develop interactions with inmates and are available and willing to talk and listen.

Although informal handling of minor infractions does not require documenta-

tion, it may be a good idea for staff to note, where appropriate, that counseling or discussion relative to a minor infraction has occurred. Inasmuch as a series of minor violations can constitute a major violation, some notation of those accumulating minors may prove helpful in the long run.

Major violations or repetitive minor acts are cause to initiate the disciplinary process. Major violations are those which affect the safety, security, efficiency, or operation of the facility and its personnel, staff and/or inmates. Major violations are those which can result in the loss of good or work time, isolation, or the loss of any facility privilege. Major violations are those which require the transmittal of written reports from the staff member observing the act to the disciplinary officer and to the inmate; they require a hearing at which the inmate is allowed to appear on his or her own behalf; they can, but do not have to in all cases, result in charges being filed with the district attorney.

As has been noted above, there is no double jeopardy in both disciplining an inmate and referring him or her for prosecution. Moreover, there is nothing in the standards to preclude a facility administrator from placing an inmate in administrative segregation pending the outcome of either the disciplinary process or prosecution. This does not prejudice the results as it is not a disciplinary action. Administrative segregation is an administrative option, intended to insure the safety and security of inmates, staff, and/or facility. It shall consist of separate and secure housing but should not ordinarily involve any other deprivations of privilege.

In order to be both swift and fair, disciplinary officers must begin to act upon a disciplinary report as soon as possible but no later than 72 hours after the report is filed. This does not mean that investigation and resulting findings must be available within 72 hours, but only that the process must be under way within that time period. It is in the interest of everyone concerned to complete the process as quickly and as thoroughly as possible.

1084. DISCIPLINARY RECORDS.

Penal Code Section 4019.5 requires the keeping of a record of all disciplinary infractions and punishment administered therefor. This requirement may be satisfied by retaining copies of rule violation reports and report of the disposition of each.

A standardized form for rule violations will facilitate the investigation and documentation of violations. Such a form should cover all essential information relating to an incident, such as persons involved, times and places, witnesses, and injuries or damage to property. Such a written record of the charge against an inmate is required by Penal Code Section 4019.5.

These guidelines recommend that inmate grievances be reviewed by administrators to give an overview of how the jail is functioning; discipline reports and written statements of actions taken can provide the same sort of perspective. Moreover, review of disciplinary actions can help an administrator gauge tensions and assess the atmosphere of the facility as well as monitor the performance of the disciplinary officer and all jail staff as regards facility rules and procedures. The facility administrator should review or have the jail manager review all disciplinary actions. As with all other elements of the disciplinary process, administrative review should be outlined in policy and procedure.

1082. FORMS OF DISCIPLINE.

The degree of punitive actions taken by the disciplinary officer shall be directly related to the severity of the rule infraction. Acceptable forms of discipline shall consist of, but not be limited to, the following:

- (a) Loss of privileges.
- (b) Extra work detail.
- (c) Removal from work details.
- (d) Forfeiture of "good time" credits earned under Penal Code Section 4019.
- (e) Forfeiture of "work time" credits earned under Penal Code Section 4019.
- (f) Disciplinary isolation.

1083. LIMITATIONS ON DISCIPLINARY ACTIONS.

The Penal Code and the State Constitution expressly prohibit all cruel or unusual punishment. Additionally, there shall be the following limitations:

(a) No inmate shall be held in disciplinary isolation for a period of time longer than ten consecutive days without a finding on a new charge of violation of the facility rules and regulations.

(b) The disciplinary isolation cells or cell shall have the minimum furnishings and space specified in Section 1120 of these regulations. Occupants shall be issued clothing and bedding as specified in articles 12 and 13 of these regulations excepting that those inmates who engage in the destruction or destroy bedding or clothing may be deprived of such articles. The decision to deprive inmates of such articles of clothing and bedding shall be reviewed during each 24 hour period.

(c) Penal Code Section 4019.5 expressly prohibits the delegation of authority to any prisoner or group of prisoners to exercise the right of punishment over any other prisoner or group of prisoners.

(d) In no case shall a safety cell, as specified in Article 9, Section 1114, be used for disciplinary purposes.

(e) No inmate may be deprived of the implements necessary to maintain an acceptable level of personal hygiene as specified in Section 1265 of these regulations.

(f) Food shall not be withheld as a disciplinary measure.

(g) Correspondence privileges shall not be withheld except in cases where the inmate has violated correspondence regulations, in which case correspondence may be suspended for no longer than 72 hours, without the review and approval of the facility administrator/manager.

(h) In no case shall access to counsel be suspended as a disciplinary measure.

There are some factors of incarceration which are not privileges but are constitutionally guaranteed rights. These cannot be taken away from inmates; to do so may be interpreted as cruel and unusual punishments. Access to the courts

and counsel is among the rights an inmate has, thus discipline may include the loss of general visitation privileges for a specified time, but it must not include prohibition against seeing one's attorney. While an inmate's mail privileges can be suspended for up to 72 hours for violation of correspondence regulations, that suspension should not include correspondence with courts, any member of the State Bar or holder of public office, or the Board of Corrections.

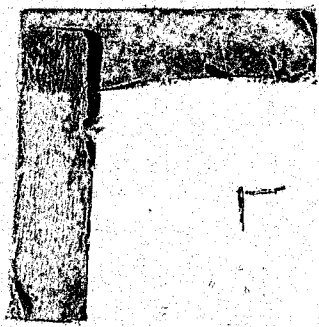
Facilities which permit inmates a broad range of privileges find they have a good deal of latitude in restricting privileges. One reason to extend privileges to inmates as an incentive to good behavior is that there are more steps and degrees of restriction or limitation possible as sanctions against bad behavior. The more the inmate has, the more there is to lose.

There must be policy and procedure for the use of disciplinary isolation. Managers must insure that isolation is responsive to the result they hope it will achieve without being unduly restrictive; policy must insure that personal hygiene can be maintained and that bedding and clothing are available to all but those inmates who indicate by their behavior that they will destroy such articles or harm themselves with them. At no time may a safety cell be used for discipline.

Administrators are well advised, in all matters relating to discipline as in all other areas of jail management, to protect themselves from suit and judgment by complying with standards and by recording, noting, and documenting every occurrence or aspect of that compliance which may be called into question. The importance of accurate record-keeping cannot be overstressed and the value of having complete and current documentation cannot be overemphasized.

SELECTED REFERENCES/BIBLIOGRAPHY

- American Correctional Association, Commission on Accreditation for Corrections, *Manual of Standards for Adult Local Detention Facilities*, December, 1977.
- Bonstedt, et al., *Classification Criteria for Criminal Justice Decisions*. American Justice Institute, Sacramento, 1979.
- City and County of San Francisco Sheriff's Department, *Prisoner Classification Plan and Procedures Manual*, February, 1980.
- Community Research Forum, "Forum on Deinstitutionalization: Selected Readings on Children in Adult Jails and Lockups." (Prepared for U.S. Department of Justice, LEAA, Office of Juvenile Justice and Delinquency Prevention) 1980.
- Community Resource Services, *Policy and Procedures Workbook for Small Jails*. July, 1980.
- Dupree, David and Milosovich, John, *Policies and Procedures: A Resource Manual*. (Developed for the NIC Jail Center, 1980.)
- "Library and Information Services in the Los Angeles Area—A Directory for Parolees and Parole Agents." California State Library, 1980.
- McIntyre, Benjamin Brook, *SKILLS FOR IMPACT: Voluntary Action in Criminal Justice*. Institute of Government, University of Georgia, September, 1977.
- National Coalition for Jail Reform, "Inappropriate Confinement of Children in Jails." Statement of Position and Rationale, 1979.
- National Sheriff's Association, *Jail Audit System*, 1980.
- National Sheriff's Association, *Model Job Descriptions*, 1980.
- National Sheriff's Association, *Standards/Guidelines for Jails*.
- U.S. Department of Justice, *Federal Standards for Prisons and Jails*. Washington, D.C., February, 1980.
- Zinn, Neil, *Survey of Programs in California Jails*. Board of Corrections, Sacramento, 1980.



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