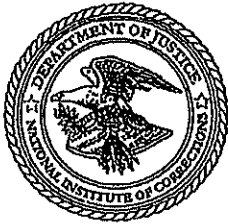


Walworth County Jail  
Operational Assessment

Prepared by:  
Brad Hompe, MPA  
Technical Assistance Request No. 17J1078  
National Institute of Corrections

June 21, 2017

*Operational Assessment: Walworth County Jail, Selby, SD*



U.S. Department of Justice

*National Institute of Corrections*

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*Washington, D.C. 20534*

DISCLAIMER

RE: NIC Technical Assistance No. 17J1078

This technical assistance activity was funded by the Jails Division of the National Institute of Corrections. The Institute is a Federal agency established to provide assistance to strengthen state and local correctional agencies by creating more effective, humane, safe and just correctional services.

The resource person who provided the onsite technical assistance did so through a cooperative agreement, at the request of the Walworth County Sheriff, and through the coordination of the National Institute of Corrections. The direct onsite assistance and the subsequent report are intended to assist the agency in addressing issues outlined in the original request and in efforts to enhance the effectiveness of the agency.

The contents of this document reflect the views of Mr. Brad Hompe, MPA. Points of view or opinions expressed in the Technical Assistance report are those of the author and do not represent the official opinion or policies of the U.S. Department of Justice. Upon Delivery of the final Technical Assistance report to the agency that requested the assistance, the report becomes the property of that agency. The National Institute of Corrections will not distribute the report to non-NIC entities, or consider it an agency record under the Federal FOIA, without the express, written approval of the agency.

## *Operational Assessment: Walworth County Jail, Selby, SD*

### *Overview and Introduction*

The Walworth County Jail was originally constructed in 1909 with a small addition being added in 1999. The jail operates under the sheriff's office with a jail administrator assigned to oversee the day-to-day operations.

The jail capacity is 32 with overflow beds of up to 47.

Desiring to improve facility operations and obtain an assessment of the facilities, Sheriff Joshua D. Boll contacted the National Institute of Corrections (NIC), specifically Mr. Michael Jackson, to seek technical assistance to conduct an operational assessment. The aging and outdated facility has been a significant concern as it relates to the overall security and safety of the staff, inmates and community.

As a key component of the criminal justice system and more importantly, as a community safety resource, the sheriff sought to assess the facility and identify ways to improve jail operations. This operational assessment is the result of that goal. Brad Hompe, MPA was assigned to conduct the operational assessment.

Walworth County, SD has a population of about 5400 and has a total square area of 745 square miles. The jail serves the municipalities of the county including Selby, Mobridge, Glenham, Lowry, Java and Akaska. In addition, the jail houses inmates from many surrounding counties that do not have jails and has become a major component of the overall criminal justice system in the region of the state.

Numerous stakeholders, staff, and inmates were provided an opportunity to offer input into the report. There were no apparent barriers to interviewing staff, inmates and the public. Specifically, the following people should be acknowledged for availing themselves for specific meetings:

#### *Kick-Off Meeting*

Sheriff Joshua D. Boll  
Chief Deputy/Jail Administrator,  
Justin Jungwirth  
Commissioner Jim Houck

#### *Close-Out Meeting*

Sheriff Joshua D. Boll  
Chief Deputy/Jail Administrator,  
Justin Jungwirth  
Commissioner Jim Houck  
Commissioner Kevin Holgard



## *Operational Assessment: Walworth County Jail, Selby, SD*

Commissioner Melissa Miller  
Commissioner David Siemon  
Commissioner Scott Schilling  
County Auditor, Rebecca Krein  
Walworth County State's Attorney,  
James Hare

Numerous additional staff and inmates were also interviewed during facility tours.

### *Operational Assessment*

As a starting point, the focus was on identifying issues directed at best practices and effective risk management. Using the risk focus principles found in the NIC Jail Administration training program, the assessment was categorized into the six broad initiatives described below:

- Physical Plant
- Staffing
- Active Supervision of Inmates
- Thorough Policies and Procedures
- Life, Health, and Safety Issues
- Monitoring Performance, Aggressive Problem Solving, and Continuing Documentation

These elements are addressed concerning the Technical Resource Provider's (TRP) observations and discussions with staff, administrators and inmates.

#### Section A: Physical Plant

The jail was originally constructed in 1909 to include a housing unit, kitchen and living quarters for the Sheriff. At some point the living quarters were converted to additional housing. Additional housing units and a control center were constructed in 1999.

#### Administrative/Visitor Entry and Lobby

This facility lacks your typical entry and lobby to ensure an appropriate identification and security checkpoint before entering the jail. Other than fire exits, which are also blocked or not fully functional, the only entry way in to the jail is through the sally port/garage and directly into the secure jail/booking area. Due to the lack of a sufficient lobby or visitor entry, visitors are brought into the jail through this route. Routing visitors directly into the booking area, which is part of the secure jail, poses numerous safety and security concerns.



## *Operational Assessment: Walworth County Jail, Selby, SD*

A typical jail lobby entrance point would have a walk-through and hand-held metal detector scanning process as well as an x-ray machine to scan items being brought in to the facility.

In addition to the lack of facilities in this area, door access modifications have been made to supplement for the lack of staffing. This poses a significant security and safety issue as discussed at the close-out meeting.

The jail also lacks sufficient administrative or office space. The Jail Administrator currently works out of the Sheriff's Office, which is in the Courthouse. The lack of office space in the jail for the Jail Administrator reduces the time the administrator spends in the jail and takes away opportunities for supervision and operations enhancement. Although updated facilities in this area are needed there are opportunities to enhance operations temporarily while facility planning takes place.

SUGGESTION: Develop an identification and screening process for visitors that will take place in the garage prior to entry into the booking area. This would include the process of identification, sign in, storage of personal belongings and a search using a metal detector. Due to limited space and the fact that the garage is a multi-use space a hand-held metal detector is recommended rather than a walk-through model.

SUGGESTION: Consider moving the Jail Administrator's office to the jail utilizing the office space in the 1999 addition.

SUGGESTION: Eliminate the ability to enter or exit the jail using the card/fob access system. Note: (This would need to be done in conjunction with appropriate staffing and control center security that will be noted in other areas of this report)

### Sally Port(Garage)/Intake and Release (Booking)

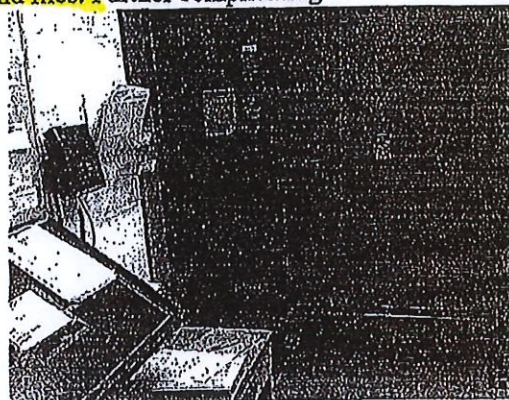
The Sally port garage consists of space for one vehicle to pull into a secure area to pick up or drop off inmates. Due to a lack of space, this area also contains the jail laundry, property storage, food storage and mattress storage. Recent enhancements were made in this area that include insulation and finish sheeting to the inside of the garage along with the addition of a freezer and refrigerator used to store bulk foods. Entry and exit points to the garage area are a garage door and a service door. The service door can be controlled by key, fob or central control. The fob access exists as a compensation for the lack of staffing to allow for law enforcement entry into the jail. Jail staff also carry keys and fobs that allow for exit from this door and secure jail (booking entrance) due to the lack of a secure control center and designated post/staff.

The actual booking area is a very small and confined area that no longer meets the needs of the booking process. The booking area is congested and unsafe for staff. The booking area lacks any cell to secure inmates in, lacks appropriate area for strip searches and change over,



## *Operational Assessment: Walworth County Jail, Selby, SD*

lacks space for medical screening or showering, lacks any bathroom facilities and lacks space for necessary booking equipment, officer work space and files. Further complicating this area, the visitor side of the inmate visitation is located adjacent to booking with no way to separate the two activities. This dictates that visitation must be terminated when the booking area is being used for the booking process due to security and safety issues as well as privacy issues during the medical and mental health screening.



Current process calls for the corrections staff to meet the law enforcement personnel at the booking door and perform a pat search in the booking area. Upon completion of this search the booking process is completed. Once inmates are booked into the facility, they are escorted to a cell adjacent to central control where they are strip searched and changed over into jail issued clothing. This cell contains a camera due to the fact that the cell is also used for housing high risk inmates such as those that are disruptive, intoxicated, and suicidal. Requiring inmates to strip in front of a camera that is recorded and visible to staff is not only not consistent with today's correctional practices but it is contrary to the Prison Rape Elimination Act requirements.

**SUGGESTION:** Consider having the correctional staff meet law enforcement in the garage and perform the pat search of the inmate prior to the inmate accessing the secure booking area/jail.

**SUGGESTION:** Develop a process to cover the camera in the cell used for strip searches while this area is being used for strip search. When strip searching inmates keep the cell door open, and station the officer in the corridor so that the officer remains in camera view.

### Control Center

The control center is not a secure post as the door cannot be secured. This area is also small and does not contain space needed. The post is also not consistently staffed due to lack of staffing. The control center contains a recently upgraded camera and recording system, and door control module. The control center also houses the jail computer and keys.

**SUGGESTION:** Take measures to repair or replace the control center door and make this a 24/7 secure post. It is also recommended that policy be developed for this post to ensure it is kept secure unless relieving staff and only opened when all inmates are secure.



## *Operational Assessment: Walworth County Jail, Selby, SD*

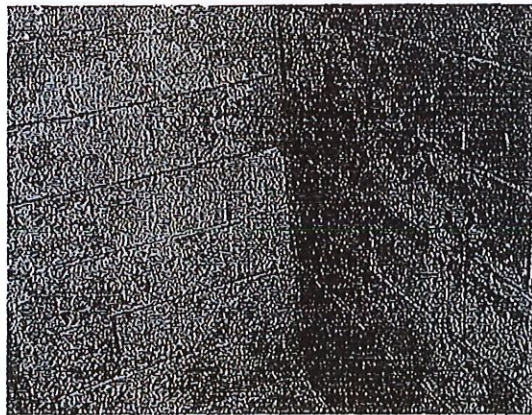
**SUGGESTION:** Use the control center post to control doors capable of remote control and remove keys and fobs from officers that would no longer be necessary.

### Housing

The facility has five general housing unit dorms. One dorm also contains two cells that are used to house high risk inmates. The only other cell is the high-risk cell adjacent to control. The dorm that contains the two high-risk cells poses operational challenges as well as safety and security concerns for staff. When escorting inmates to and from these cell staff must pass in front of a group of inmates in the dorm area creating a vulnerable situation. This also creates a potential scenario for inmates to set up staff for an assault or hostage situation.

Two of the housing units are located on the second level which is an area that was converted from Sheriff's residence to inmate housing. This area contains numerous safety and security concerns due to the lack of detention grade surrounds and furnishings along with the narrow and steep stairs leading to the area. Household grade showers and plumbing were present along with non-detention glass windows. Several of the units contain household flooring that poses a fire safety risk. Nearly all units had significant amounts of graffiti present and needed paint.

The concrete shower areas were worn and are in need resurfacing both in terms of appearance and sanitation. It was reported that they had been painted in the past but the product used was not an industrial product necessary to hold up in a detention environment.



Many idle inmates were observed in the dayrooms with the primary activity being watching television. None of the units contain any exercise or program space. The number of bunks in each or the areas exceeds the seating available.

The high-risk cells present at the jail do not have intercoms in them. This is a correctional standard so that inmates can reach staff in the event of an emergency. It appears that the intercoms were once present but were damaged and removed rather than repaired or replaced.



## *Operational Assessment: Walworth County Jail, Selby, SD*

SUGGESTION: Consider reviewing the number of beds and dayroom space in each housing area to ensure the numbers are consistent with the square footage requirements noted in the ACA Core Jail Standards.

SUGGESTION: Consider providing seating in each unit consistent with the number of bunks.

SUGGESTION: Paint the housing units and resurface the shower areas with an industrial surface designed for jail showers.

SUGGESTION: SUGGESTION: Reinstall intercoms in each of the three cells. ✓

SUGGESTION: Consider removing the household type flooring to remove the potential fire hazards posed by this material.

### Health Care

The jail lacks any space for healthcare and currently does not provide any onsite medical services from qualified health professionals. This is not consistent with today's correctional practices. Healthcare services will be addressed in a later portion of this report.

SUGGESTION: Consider repurposing a space for healthcare purposes. Perhaps the upper level would better serve this need.

### Food Service

The food service operation consists of a household grade kitchen where correctional staff with no dietary training prepare the foods purchased by the jail administrator. This process is not consistent with today's correctional practices and distracts officers from the supervision of inmates. The menu has been reviewed by a dietician who has provided comment.

SUGGESTION: Recommend that the dietician review the menu at least annually and that recommendations and changes are documented.

SUGGESTION: Consider contracting with a correctional food service management company who would prepare the food in the current facility. Another option may be to hire part time food service staff to prepare the meals and perform necessary kitchen sanitation and documentation processes. Other options may include hospital food service providing the meals if there is such a facility nearby. Such processes recommended include food preparation and serving temperature documentation, freezer and cooler temperature documentation and weekly inspection documentation.

## *Operational Assessment: Walworth County Jail, Selby, SD*

SUGGESTION: Review current policy and procedure for addressing religious and therapeutic diets to verify they are meeting requirements.

SUGGESTION: Consider contracting for an annual documented inspection of the food service area and operation.

SUGGESTION: Develop a documented inventory process for kitchen sharps and utensils.

### Laundry/Property

The Laundry consists of household grade machines that are in the garage area. Correctional staff are required to wash the inmate clothing and bedding. Requiring correctional staff to perform this duty takes away from their ability to supervise inmates and also requires them to leave the secure portion of the jail. Property storage consists of plastic bins that are also stored in the garage area.

SUGGESTION: Consider adding laundry responsibilities to the civilian food service worker or contractor responsibilities that were recommended in the previous food service section. Another option may be to hire a corrections technician that has laundry and food shopping responsibilities.



### Program Areas and Visitation

The facility has no program spaces.

Visitation consists of two no contact visiting booths that are adjacent to the booking area. In addition to the issues noted previously due to a lack of a lobby or appropriate visitor entrance, this area contains additional operational, safety, and security issues. The area is not ADA accessible, the area provides no visitor bathrooms and the area doubles as a clothing storage area for inmate clothing. Visitors can also not be secured in this area and have access to the booking area and potentially the entire jail facility. Adjacent to the visitation area there is also a maintenance/communications room that contains tools that are currently not inventoried and cannot be secured.

SUGGESTION: Take measures to secure the maintenance/communications room.

SUGGESTION: Place locks on all tool boxes

SUGGESTION: Develop a documented tool inventory process.

### Staff Areas

Staff areas are virtually non-existent in the jail. There is no break room space and no training and or meeting space in the jail. Currently staff are utilizing the jail kitchen and refrigerator. This creates the possibility of cross contamination from items brought in by staff from home.

### Section B: Staffing

Federal Courts have handed down decisions which require sufficient jail staffing. Some of these decisions are outlined in Appendix A. Insufficient staffing levels are immediately noticeable at this jail. Not only are there insufficient posts on each shift, there are insufficient positions (hired staff) to fill the posts without generating overtime. Current practice is to have two staff on each shift. Having only two staff does not allow for sufficient staff to maintain the control center and respond to emergencies such as staff needing back up or an inmate suicide attempt. Adequate staffing suggests that there must be the right number and type of staff, in the right place, at the right time, doing the right thing. Although there is an immediate need to increase staffing, a staffing analysis would identify the correct number of positions needed to cover the posts as well as review the current schedule of activities to ensure the right staff are in the right place at the right time.

Good hiring, screening, selection, placement and retention of staff are major components of having the RIGHT STAFF. The staff must be recruited and hired based on



## *Operational Assessment: Walworth County Jail, Selby, SD*

appropriate skills and personality characteristics (e.g., desire to work with people, ability to perform routine repetitive tasks, ability to use appropriate judgment when immediate life-safety decisions must be made, etc.). Due to a lack of a state training program or local funding for a local training program for correctional officers, practice is to hire those with law enforcement training to ensure staff have at least some training that pertains to the working environment. This has created a scenario where many staff are looking to leave to pursue a law enforcement program. The average seniority at the jail is only 2 years with the most senior only having 7 years of seniority.

Law enforcement/deputy pay is also significantly higher than that of correctional staff in the county. Currently corrections staff start at \$14.93 per hour while law enforcement deputies start at \$18.46 per hour. Admittedly, staff who have jail experience will bring skills that would benefit law enforcement; however, the need for talented, educated and skilled staff in the detention center is paramount to a successful jail operation. Moreover, there were issues and concerns relayed about the jail merely serving as a proving ground for law enforcement, which has left staff with the perception that the jail is secondary to law enforcement.

Having staff doing the RIGHT THING focuses on providing training, monitoring performance, and coaching and counseling staff as necessary. Ineffective staff training is one of the primary reasons why detention center facilities lose lawsuits, often due in large measure to a lack of keeping up with evolving changes in legal and evidence based operational practices. Often training includes the core competencies that any employee should know (e.g., physical and area searches, counts, handcuffing, etc.) and skills appropriate for specialized posts (e.g., control rooms, supervision of special management inmates, etc.). The training program should reflect the skill set and the expectation of the agency – including the mission and the guiding principles where these are documented.

The current training program consists of a 4 week FTO program in which new staff shadow other staff and at the same time take part in a training series that has been purchased from "Lock Up USA." In addition, the Sheriff has law enforcement staff provide the correctional staff training in a law enforcement control tactics program.

Training programs appropriate for jail/correctional staff are too numerous to list here, yet intake processing, court and legal documents, medical, legal issues, mental health, inmate behavior management, are a few that should be considered.

**SUGGESTION:** Consider adding a third post to each shift that would allow for a 24/7 control center post and two additional staff for jail floor operations.

**SUGGESTION:** Consider conducting a staffing analysis. The NIC does provide training on how to conduct such an analysis or you may consider having a consultant assist you in this process.



### *Operational Assessment: Walworth County Jail, Selby, SD*

SUGGESTION: Consider a geographical comparison of corrections staff wages to determine if adjustments are desired. Also consider moving towards parity in pay for corrections and law enforcement staff.

SUGGESTION: Consider a focused recruitment effort to hire staff who seek a career in the corrections profession. Counselors, teachers, and prison correctional officers often use skills similar to those necessary in a jail environment.

SUGGESTION: Further develop the current training program to include increased documentation such as dates of task training, dates of testing and or competence demonstration and signatures of completion.

SUGGESTION: Consider further researching standard correctional pre-service training programs and implement such a program locally. This may include developing local instructors for the desired topics. Once developed, a proposed budget should also be developed.

SUGGESTION: Develop an annual Training Plan that will outline agency training needs coupled with training resources available. The annual training plan should describe the proposed budget, the number of people to be trained in each subject matter, specialized training if any and potential locations for holding training. If necessary, develop in-house training programs to address specific and relevant training needs. Ensure that suicide prevention is part of this annual plan as the standard is a minimum of two hours annually.

SUGGESTION: Provide PREA training to all staff.

### *Section C: Active Supervision of Inmates*

Corrections practitioners typically focus on active supervision of inmates because mere observation results in surveillance rather than supervision. To illustrate the distinction, surveillance allows staff to observe behaviors in their immediate view and then react to situations prompting staff intervention. Conversely, staff who actively supervise inmates have ongoing contact with the inmate population and therefore can detect subtle changes in behavior such as escalation of an incident, suicidal tendencies following sentencing, etc., which allows staff to address issues before they become volatile. While current practice is to observe all inmates once at least every 30 minutes, it is unlikely that the staffing pattern allows for much active supervision of inmates and observation of all areas.

## *Operational Assessment: Walworth County Jail, Selby, SD*

Given PREA,<sup>1</sup> additional supervision or, at a minimum observation of all inmate areas is essential. This observation and supervision should take place from inside of each housing unit.

SUGGESTION: Continue efforts to implement the requirements of the Prison Rape Elimination Act. The newly implemented PREA standards and the PREA Resource Center are excellent resources for obtaining copies of the standards and specific requirements. This legislation outlines requirements for preventing abuse as well as future reporting requirements.

Effective inmate behavior management considers six elements to maximize supervision of inmates. These elements include:

- Assessing Risk and Needs
- Assigning Inmates to Housing
- Addressing Basic Needs
- Defining and Conveying Expectations
- Supervision
- Keeping Inmates Productively Occupied

Although each of these elements can be implemented independently of the others resulting in improved supervision, the combination of all of the concepts yields the greatest benefit.

### Assessing Risk and Needs

Effective classification requires that inmates are screened upon commitment to the jail to ensure they are physically, mentally, and emotionally stable to be received into the facility; and classification to assess several of the predictors of behavior while in detention center. Screening focuses on determining basic housing considerations such as the need for immediate mental health or medical issues that should preclude acceptance into the facility and a determination of preliminary housing considerations (e.g., separation orders, high-risk inmates, etc.). There are generally three primary decision points for assessing risk and needs: admission (to accept or not accept), holding in booking, and housing in the facility (reassessments are included as scheduled/needed).

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<sup>1</sup> Prison Rape Elimination Act enacted in 2003. Major provisions include the development of standards (these have recently been issued, data collection regarding the incidence of rape (survey results indicated that inmate-on-inmate victimization occurred most often in the victim's cell (56%)). The effective date of the Standards: August 20, 2012; compliance deadline: August 20, 2013.



## *Operational Assessment: Walworth County Jail, Selby, SD*

Currently corrections staff do an initial medical and mental health screening to determine acceptance. Once accepted into the facility, an additional medical and mental health screening is also performed at booking by corrections staff.

The jail currently does not have an objective classification process. The result of this is that inmates are not formally assessed for risk and needs and are subsequently not housed by an objective process that ensures the separation of inmates by risk. This creates significant liability for the county. Although there are currently insufficient housing units to separate all inmates by classification it would still be beneficial to obtain such data to better make housing and separation decisions.

SUGGESTION: Consider reviewing available objective classification systems (both point-additive and decision tree) available and develop a plan for implementation. This plan will provide for successful transition, implementation, and monitoring of an objective classification system to ensure it meets the agency needs. Issues to address in this plan would include, but not be limited to:

- o Sufficient staffing to ensure all inmates receive an initial classification prior to a housing assignment as well as scheduled reclassifications.
- o General training for staff assigned to do the initial classification.
- o Special training for those that review and/or oversee classification.
- o Analysis of the housing needs based on the results of the classifications.
- o Redevelopment of a housing plan based on the classification system.

### Assigning Inmates to Housing

Generally, correctional practice includes assignment to housing following classification. It is essential to house the inmate in a location where they are assigned with inmates of similar risk and need. By doing so, correctional staff are better positioned to manage inmate behavior. While this facility does not have designated program space, classification may also be used to provide appropriate treatment resources in an efficient and centralized manner. These cohorts allow for housing based on custody and programmatic focus. These programs range from substance abuse to education.

SUGGESTION: Once the classification system is fully implemented, the classification levels will inform the housing needs. At this point a housing plan can be designed to support the custody and classification levels of the population.

### Meeting Inmates' Basic Needs

Effective behavior management considers the importance of *meeting inmates' basic needs*. Meeting basic needs is significant because the failure to do so often results in inmates finding creative, albeit inappropriate means to meet these basic needs. Individual inmate needs are commonly identified upon admission through a standardized questionnaire that includes questions related to health issues and suicide



## *Operational Assessment: Walworth County Jail, Selby, SD*

ideology. The screening process should also include questions related to sexual predator/victimization risk.

Considering inmates' basic needs in general accounts for those situations when inmates find ways to meet the physiological, safety, and social needs when these needs are not addressed by the facility. An example of this is providing seating in the housing units for the number of occupants. Currently the number of beds and inmates in the housing units is more than the provided seating and table space. This creates several issues such as lack of space to sit and eat meals and a lack of space for leisure activities. The creates the scenario for possible competition for such spaces and the associated problems that arise from such a competition in a correctional environment.

### Defining and Conveying Expectations

A key component of effective inmate behavior management is defining and conveying expectations. Expectations are conveyed both directly (e.g., rule books, orientations and staff directives, etc.), and indirectly (i.e., the physical cleanliness of the facility, staff behaviors, support for the officer, etc.). It is important that administrators continually assess operations to determine what direct and indirect messages are being communicated to the inmates.

For the purpose of this discussion, the expectation of rational behavior and the concept of "all space is staff space" will be addressed together. When an inmate is not provided expectations, they will create their own expectations resulting in the biggest or most dangerous inmate in the housing area establishing expectations.

Similar to the broken window theory<sup>2</sup>, whereby when expectations are not enforced, this facility, has suffered unnecessarily. For example, graffiti is present in most all of the housing units. Many of these occurrences are no longer noticed by inmates, but regrettably, they are also not noticed by staff. The message to the inmates and staff is that it is not a concern. This is not a criticism of staff or management; indeed, without the resources to inspect and hold the inmates and staff accountable for actions/failure to act, it is difficult to resolve these issues.

Direct conveyance of expectations typically occurs through a one page form that is signed by the inmate upon intake. Currently no orientation is provided at the jail.

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<sup>2</sup> A successful strategy for preventing vandalism is to fix the problems when they are small. Repair the broken windows within a short time, and the tendency is that vandals are much less likely to break more windows or do further damage. Clean up the sidewalk every day, and the tendency is for litter not to accumulate (or for the rate of littering to be much less). Problems do not escalate, and thus respectable residents do not flee a neighborhood. The theory thus makes two major claims: that further petty crime and low-level anti-social behavior will be deterred, and that major crime will, as a result, be prevented. Criticism of the theory has tended to focus only on the latter claim



## *Operational Assessment: Walworth County Jail, Selby, SD*

SUGGESTION: Consider expanding the jail rules and/or providing an inmate handbook that further defines expectations and jail procedures.

SUGGESTIN: Consider developing an orientation program that would be presented to new inmates.

SUGGESTION: Establish the expectation that staff must address violations of rules at all times. Although staff do not need to address rule infractions formally, they should at least confront the inmate and reiterate the expectations.

### Supervision of Inmates

Active supervision requires that detention officers roam housing units regularly, and supervisors frequently visit each housing unit to support officers. While it was observed that staff and supervisors were very responsive to inmate requests, and they provided assistance when needed, it is generally done from outside of the housing unit though the door port. This again, appears to be caused by concern regarding the poor facilities and lack of staff. Supervision is more than merely observing areas; the goal is to interact with the population to proactively identify and prevent issues.

SUGGETION: Consider implementing in unit rounds to ensure proactive supervision of inmates, inspection, and accountability.

### Productive Activities

The final consideration for actively supervising inmates is the importance of occupying inmates' idle time with productive activities. With rare exceptions, inmates remain in the housing unit for the entire day with the dayroom being considered an acceptable recreation area. Any person left with so much unoccupied time will often find counterproductive activities to fill that time.

The benefit of providing access to programs, work opportunities, and leisure activities is it keeps inmates productively occupied, but also has the potential to address inmate needs. The goal would be to fill the inmates' day with productive activities. This can be in the form of expanded work crews, structured activities, and more unstructured activities. Inmates spend most of their day watching television and playing cards. No board games or on unit exercise program was present. Commissary is also not offered at the jail eliminating the opportunity for inmates to purchase any items that may occupy leisure time. Commissary is also another privilege that would assist in managing inmate behavior as it can be removed when inmates violate rules such as placing graffiti on the walls.

There is basically no programming space in the jail other than the possibility of using a housing unit dayroom.



## *Operational Assessment: Walworth County Jail, Selby, SD*

Although there is an exercise space outdoors there is no exercise equipment available to inmates to use during exercise periods and the area receives very infrequent use do to the staffing levels

SUGGESTION: Consider contracting for commissary services.

SUGGESTION: Consider further development of leisure activities such as providing appropriate board games, enhanced exercise equipment and as consistent exercise schedule.

### Section D: Thorough Policy and Procedure

Policies and procedures for the operation of the jail have been recently drafted. The jail administrator has primary responsibility for development and maintenance of the jail policies and procedures. It appears there has not been a formal process to conduct an annual review of policies and procedures, and several necessary policies and procedures are either missing or dated.

SUGGESTION: Using State Statute 24-11-23 and the American Correctional Association (ACA) Core Jail Standards as a baseline further develop the jail policy and procedure manual to ensure mandatory and core areas are covered. Also, when developing and reviewing the manual ensure that policy and procedures are consistent with operations.

SUGGESTION: Establish a policy for annual review of the jail policies and procedures, with revisions made as needed. One method of review is to schedule specific SOPs for review each month over the course of the year so that, by the end of the year, a review of all SOPs is completed. This will aid in keeping policies and procedures current and relevant.

SUGGESTION: Develop a process where staff sign a form documenting their receiving and understanding the policies and procedures.

SUGGESTION: Develop emergency policies and procedures and include checklists where appropriate.

NOTE: The ACA Core Jail Standards are especially applicable to small jails and were developed after rigorous field tests by the American Correctional Association in conjunction with the National Institute of Corrections, American Jail Association, National Sheriffs Association, and the Federal Bureau of Prisons. Standards cover areas of safety, security, administration, and care including health care, programs and activities.

## *Operational Assessment: Walworth County Jail, Selby, SD*

### Section E: Prioritize the Resolution of Life, Health, and Safety Issues

The operational assessment included an assessment of life, health, and safety-related issues. Problems or shortcomings in these areas may result in illness or injury to inmates, staff or others who are associated with the facility. The connection between some of these types of conditions and illness/injury is obvious:

- Unsanitary facilities may cause a variety of medical conditions.
- The presence of pests or vermin may cause injuries, such as an insect bite or rodent bite.
- Inadequate or contaminated ventilation may cause illness.
- Mold can cause illness and breathing problems.
- Excessive amounts of combustible materials in cells creates a potential fire hazard.

Sufficient lighting, artificial and natural, also promotes health and may increase safety for inmates, staff and others. Ventilation and temperature systems may become less effective over time, especially if routine and preventive maintenance are not consistently provided. In addition to a breakdown in the equipment, other factors may reduce the effectiveness of these systems, such as dirty air vents that become clogged and restrain air movement. Maintaining compliance means keeping these mechanical systems in good repair, including replacing filters and cleaning ducts as prescribed by the manufacturers. This should be part of ongoing maintenance procedures.

Most of the conditions listed also impact staff and other non-inmates who work or visit the facility. Light, ventilation, temperature, and sanitation are all working conditions that could pose risks to non-inmates as well.

The purposes of safety and sanitation inspections should ensure that:

- All areas of the jail are clean and orderly;
- Lighting, ventilation, and heating equipment is functioning properly;
- No fire, health, or safety hazards exist;
- All detection and suppression system, equipment, tools, and security devices are functioning properly;
- All inmates are receiving appropriate supervision and training in the use of hazardous materials, equipment, and tools;
- All plumbing equipment including bathing, sink and toilets, washing and laundry facilities are functioning properly; and
- All identified deficiencies are promptly reported and corrected.



## *Operational Assessment: Walworth County Jail, Selby, SD*

### Fire Safety

A fire and safety inspection process is not present at the jail. This is a necessary component of the overall jail operations and is critical to life safety. At present time, the fire extinguishers present are not mounted but rather sitting in offices or in a corner on the floor. There are no self-contained breathing apparatuses (SCBA) or evacuation hoods placed in the jail to be used in the event of a fire emergency. It is a common industry standard to have this equipment in place to ensure staff and inmate safety in the event of fire. Fire safety training is limited to informal non-mandated drills. No recent inspection from the local fire department or fire marshal was able to be produced during the assessment.

SUGGESTION: Assign and train a fire safety officer consistent with the recommendations of the ACA core standards.

SUGGESTION: Develop a documented monthly fire and safety inspection process that includes, at minimum, inspection of the extinguishers, fire exits, SCBA or evacuation hoods, and performance of emergency key rings.

SUGGESTION: Ensure that fire safety training is part of the pre-service and annual training plan. Pre-service training should include, at a minimum, training on the use of equipment and emergency keys as well as evacuation plans. Annual training should include documented fire drills, proficiency testing on the use of any manual release mechanisms, and review of the policy, procedure and fire plans.

SUGGESTION: Ensure an annual fire inspection from the local fire department, fire marshal, or contractor is completed as part of policy.

SUGGESTION: Consider mounting the extinguishers in select locations.

SUGGESTION: Consider implementing SCBA and/or smoke hoods.

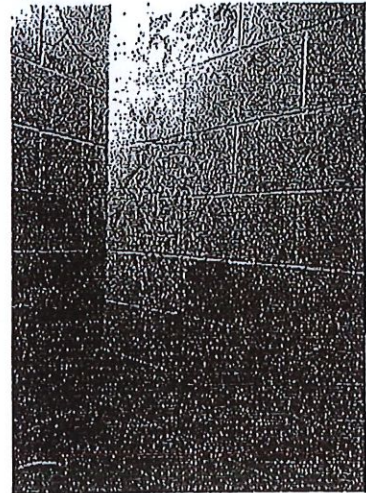
## *Operational Assessment: Walworth County Jail, Selby, SD*

### Sanitation

The current sanitation process in the housing units typically involves an officer issuing cleaning supplies every other day. No formal sanitation inspection process currently exists at the jail.

In the course of the operational assessment, the technical resource provider noted the following:

- Significant amounts of graffiti on the housing unit walls.
- Shower surfaces were worn and appeared to be unsanitary.



SUGGESTION: Consider issuing cleaning supplies daily.

SUGGESTION: As part of policy, ensure officer conduct and document daily sanitation inspections in the daily activity log.

SUGGESTION: As part of policy, dictate a documented weekly and monthly sanitation inspection process. It is recommended that either a Sergeant or Lieutenant conduct the weekly inspection and the jail administrator conduct the monthly inspection

### ADA/Healthcare

The facility lacks the ability to meet ADA requirements in many areas. The healthcare program is not consistent with today's expected correctional practices as there is no onsite services other than emergency care that is limited to standard first aid and EMS. While inmates can put in a request for health care the decision regarding if the inmate is referred for services is left to correctional staff.

SUGGESTION: Obtain the services of on-site nursing staff who would, at a minimum, review all booking screenings, triage medical requests, provide on-site services consistent with level of training, and make necessary referrals for inmates.

SUGGESTION: Obtain the services of an oversight physician to oversee the jail medical program. This would include the development of jail health policies, procedures, and protocols along with supervision of on-site nursing staff.



## *Operational Assessment: Walworth County Jail, Selby, SD*

SUGGETION: Further develop the booking screening to obtain increased medical information regarding inmates who will remain in custody.

### Protection from Harm

#### Suicide Prevention

Inmate suicide prevention practices are in place at the facility. Inmates who are identified by correctional staff as having risk for suicide are placed on suicide watch in a cell with property limited to a suicide resistant smock and a mattress until assessment by a Qualified Mental Health Professional (QMHP). Inmates on suicide watch are checked every 15 minutes according to documentation inspected during the assessment. The QMHP only makes the determination as to if the inmate should be sent to a mental health facility. If the inmate does not qualify for such a commitment they are removed from suicide watch and no further services are available at the jail. As noted previously in the report, cells used for housing those inmates on suicide watch do not have an intercom and are not fully suicide resistant.

SUGGESSTION: Consider expanding the mental health services provided at the jail by a QMHP to include follow up care and monitoring along with a suicide prevention protocols for those who may not fit the criteria for hospitalization but may still be a suicide risk.

SUGGETION: Further develop the booking screening to obtain increased mental health and suicide history information regarding inmates who will remain in custody.

SUGGESTION: Consider retrofitting the HVAC vents in the three cells to increase suicide resistance.

SUGGESTION: Ensure cell front/in person wellness checks for those on suicide watch are conducted at irregular intervals not to exceed 10 minutes.

SUGGESTION: Consider implementing use of a real time recording system so that wellness checks will be electronically logged and can be regularly viewed for quality assurance. In the absence of a real time recording and auditing system, supervisor may be assigned to audit a set number of wellness checks to ensure the log documentation is consistent with the camera recording.

## *Operational Assessment: Walworth County Jail, Selby, SD*

### Use of force

Training in a correctional facility should include verbal skills with physical alternatives and be corrections specific. This type of training will provide verbal skills, confrontation avoidance techniques, and de-escalation techniques while ensuring staff are confident in making use of force decisions as well as confident in their abilities to use and document use of force.

SUGGESTION: Consider conducting a full review of your use of force program including reviewing the policy and procedure, documentation processes, training and the data collection and analysis process. A NIC technical assistance request may be submitted for such a review or you may obtain the services of a consultant.

SUGGESTION: Consider developing a documented review process for any use of force incident.

### Section F: Ongoing Monitoring of Performance Coupled with Aggressive Problem Solving

Jail Administrators must be expected to be problem identifiers, problem solvers, and change agents. The jail administrator must provide line staff with proper "tools" to perform their job properly and constitutionally. Administrative liability is associated with failure to meet these expectations and can result in findings surrounding failure to direct, failure to train, and failure to supervise.

Supervision of staff is a significant component of monitoring performance and is more than observing staff performance to identify failure to comply with approved policies and procedures. It is also ensuring that staff have the necessary resources to perform their duties in an effective and efficient manner.

Systems must be in place to encourage input from staff, and for staff to receive ongoing feedback from the administration staff. Staff are in the best position to offer suggestions for improvement, but often there are many barriers to obtaining this input ("we've always done it this way," "I'm close to retirement and just want to do my job").

Although the jail does have a grievance form available to staff there was no tracking mechanism to ensure the grievances were appropriately addressed nor were the issue tracked to identify problems and/or trends.

SUGGESTION: Further develop the grievance system/policy to ensure a documented resolution and tracking process.

SUGGESTION: Involve supervisory and line staff in the decision-making process where appropriate to do so. This may include developing procedures for



## *Operational Assessment: Walworth County Jail, Selby, SD*

certain policies; establishing criteria for workforce selection; and determining the best way to implement new changes.

**SUGGESTION:** Continue to conduct regular staff meetings with an agenda and set time. Allow appropriate time for discussion and establish expectations for both management and staff to resolve issues.

Monitoring performance goes beyond just staff; it also includes overall performance of the operation. The physical plant condition, fluctuations in the inmate population, and trends in the corrections profession are all performance indicators that may trigger operational changes. Documentation is made but there is limited analysis of the data collected to support informed decision-making. An ongoing assessment process or internal audit system can be of great benefit in evaluating current operations/performance and predicting future issues and needs. The steps in developing an internal audit system include:

1. Identify the key operational functions or activities to be assessed;
2. Select the most effective method of reviewing each function or activity;
3. Determine the frequency of reviews;
4. Identify the appropriate position within the organization to the review of each function;
5. Establish a schedule for the reviews; and
6. Establish a process to correct identified deficiencies.

The best method of review could include a regular review and sign-off of reports; periodic review/examination of records; review of census information/other aggregate data collected; inspection of facilities, equipment, and/or furnishings; and visual observation of activities. Currently the jail does not have an automated jail management system to enter, store, and collate data. Such systems provide usable information and reports that allow for jail administration and county decision makers that allow them to make informed decisions on jail and criminal justice issues. Such systems allow for a complete inmate/jail management record system that tracks population data, grievance data, classification, discipline history, use of force data, officer reports, inmate accounts, etc. Such a system also stores necessary information that is demanded in civil litigation proceedings.

Although it is difficult to quantify cost avoidance by implementing performance-monitoring steps, it is intuitively a rational approach to identifying issues that may have far-reaching future implications. From this data, a master plan can be developed so current and future costs can be identified and so staff are not trying to complete all tasks at the same time. There is an excellent foundation for operational assessment measures to continue to meet ACA Core Jail Standards and developed policies and procedures.



## *Operational Assessment: Walworth County Jail, Selby, SD*

SUGGESTION: Develop an internal audit system that includes the steps listed in this section. Include line staff in the development of the system. Many resources exist to assist in developing an audit system. The National Institute of Corrections Information Center (NICIC.gov) is an excellent starting point.

SUGGESTION: Consider the implementation of a jail management system software.

SUGGESTION: Develop a system for managing action plans, projects and audits to ensure the performance monitoring system is being implemented as anticipated.

## *Conclusion*

It is clear that the Sheriff and his staff are committed to meeting the requirements to operate a safe and secure jail. Indeed, the Sheriff has demonstrated a commitment to seek out best practices, evidence-based operations, and an objective facilities assessment. I applaud this effort, but caution that success will be difficult to obtain in some areas and impossible in others without the support of the County Commissioners. Clearly, the jail is an important part of the local criminal justice system in Walworth County as well as the regional criminal justice system in South Dakota. The value the jail provides in community safety cannot be understated. This is the case of jails Nationwide.

It is clear that facilities planning must continue following this assessment due to the aged and outdated facility. Fortunately, the County Commissioners have identified this as a need and have previously authorized funding for a concept proposal that was recently presented to the Commissioners. This proposal is merely a beginning and significant planning must take place prior to putting a shovel in the ground. As discussed at the close out meeting it is recommended that the planning process continue to include:

- A decision point to move forward on the jail plan development.
- Taking advantage of planning resources available from NIC such as "Planning of New Institutions" as outlined in appendix B.
- Conduct a formal needs assessment to determine your current and future jail space and staffing needs
- A decision point on a choice of architect, construction manager, and consultant to ensure the county's present and future interests and needs are met during this planning. This would include conceptual drawings for future additions such as the courts, current offices in the County Building and added housing if needed.
- Eventually your selected architect, construction management firm along with your consultant will provide a final plan and estimated cost for a decision point to build.



## *Operational Assessment: Walworth County Jail, Selby, SD*

Operationally, a significant number of potential enhancement opportunities have been suggested that will improve current operations and carry over to any new facilities. County Commission support will also be necessary for many of these changes. The need for developing an overall strategic and operations work plan will be important to ensure the County fully capitalizes on this assessment.

**SUGGESTION:** Consider further utilizing the National Institute of Corrections (<http://nicic.gov/>) as a technical assistance provider and as a resource to provide information and training that will assist you in meeting the stated vision of the jail. This may include:

- Technical assistance request for "Planning of New Institutions (PONI)." This is now an onsite program.
- Technical assistance for onsite training "Making the Transition to a New Jail."
- Technical assistance requests for conducting site visits to observe successful objective classification systems and successful inmate behavior management programs.
- Technical assistance to conduct a full review of the use of force program.
- Participate in training such as inmate behavior management, classification and jail administration.
- Utilization of the on-line training regarding jail topics.
- Utilization of the Resource Center for materials regarding jail topics.

**SUGGESTION:** Consider developing a strategic plan that would incorporate the development of measures to sustain operations (e.g., policies and procedures). Training should be included to reinforce the mission, goals and objectives of the agency and how the policies, etc., support the mission. Concurrently, begin to implement the six elements of Inmate Behavior Management into the operation and continue the planning of needed facilities.

Appendix A

NIC 17J1078

26

WALWORTH COUNTY 341



**Excerpts from:**

**Jail Staffing Analysis  
Third Edition**

**Jail Staffing and the Federal Courts**

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## Jail Staffing and the Federal Courts

Court decisions define important parameters for jail operations by establishing minimum levels of service, performance objectives, prohibited practices, and specific required practices. We explore federal court decisions in this appendix, but we note that state and local courts also play an active role in evaluating and guiding jail operations. Decisions handed down by federal courts have required jails to:

- Protect inmates from themselves, other inmates, staff, and other threats
- Maintain communication with inmates and regularly visit occupied areas
- Respond to inmate calls for assistance
- Classify and separate inmates
- Ensure the safety of staff and inmates at all times
- Make special provisions for processing and supervising female inmates
- Deliver all required inmate activities, services, and programs (medical, exercise, visits, etc.)
- Provide properly trained staff

Federal court involvement with jails goes back more than 40 years. State and federal prisons were the focus of many landmark cases in this era, and local jails soon became targets as well. Early federal decisions tackled fundamental constitutional issues in jails. Many of these pioneering decisions are still cited in current litigation.

### Courts view staffing levels and practices as central to the constitutional duty to protect

The United States Constitution imposes an extraordinary duty to protect on jails that has no counterpart in the public safety. <sup>1</sup> While our duty is less visible to the public, and likely less appreciated, it rises above the constitutional responsibilities of our public safety colleagues. Even probation does not approach the duty to protect that is imposed on jails. Probation officials are not held responsible for the behavior of offenders under their supervision, nor for what happens to the offenders when they are not actually with a probation officer.

Do citizens have a *constitutional* right to be protected from crime or to have a fire extinguished? No, these are services that government *chooses* to provide. Whether or not to provide these services, and the level of service that are delivered, are discretionary decisions, from a constitutional perspective. To be sure, it is politically expedient to provide fire and police protection. Because such services are discretionary, officials may vary staffing levels in response to temporary or long-term staff shortages.<sup>2</sup>

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<sup>1</sup> When fire, police and other public safety personnel provide services, the Constitution certainly comes into play, establishing many requirements for the manner in which services are delivered. But in these cases, the duty to protect commences when officials decide to act.

<sup>2</sup> While the constitution does not mandate such services, state law, local ordinances, local policies and procedures, and even union contracts, might create requirements for staffing levels or patterns.



But a jail's duty to protect is constant, beginning when an inmate is admitted and continuing until release. Case law clearly establishes the responsibility of jail officials to protect inmates from a "risk of serious harm" at all times, and from all types of harm-- from others, from themselves, from the jail setting, from disease, and more. Because our duty to protect is constant and mandated, we do not have the option to lower our level of care just because we do not have enough staff. If a shift supervisor leaves a needed post vacant because there are not enough employees to staff all posts, he/she increases risk and exposes the agency and government to higher levels of liability.

### **Duty to Protect**

In an early federal district court case in Pulaski County, Arkansas, the court described the fundamental expectations that detainees have while confined:

*...minimally, a detainee ought to have the reasonable expectation that he would survive his period of detainment with his life; that he would not be assaulted, abused or molested during his detainment; and that his physical and mental health would be reasonably protected during this period... Hamilton v. Love, 328 F.Supp. 1182 (D.Ark. 1971).*

In a Colorado case, the federal appeals court held that a prisoner has a right to be reasonably protected from constant threats of violence and sexual assaults from other inmates, and that the failure to provide an adequate level of security staffing, which may significantly reduce the risk of such violence and assaults, constitutes deliberate indifference to the legitimate safety needs of prisoners.

### **Staffing Levels**

The first Pulaski County case produced continuing federal court involvement with jail operations. When the county was brought back to court by inmates in 1973, the county asked the court to consider their plans to build a new jail. But the judge held that, while the plans are promising, current conditions must be addressed:

*This Court can only deal with present realities....The most serious and patent defects in the present operation result directly from inadequate staffing. Hamilton v. Love, 358 F.Supp. 338 (D.Ark. 1973). A federal district court judge linked Platte County (Missouri) Jail's duty to protect to staffing levels: There shall be adequate correctional staff on duty to protect against assaults of all types by detainees upon other detainees. Ahrens v. Thomas, 434 F.Supp. 873 (D.Mo. 1977).*

In New Jersey, the federal district court required county officials to obtain an independent, professional staffing analysis addressing security staffing and training, classification, and inmate activities. The court set expectations for the plan and ordered the county to *implement* the plan:

3 *Ramos v. Lamm*, 639 F.2d 559 (10th Cir. 1980).

*The staffing analysis shall review current authorized staffing, vacancies, position descriptions, salaries, classification, and workload...[The county] must implement the plan... Essex County Jail Annex Inmates v. Treffinger*, 18 F.Supp.2d 445 (D.N.J. 1998).

### Liability

Officials may be found to be "deliberately indifferent" if they fail to address a known risk of serious harm, or even if they *should* have known of the risk. Ignorance is not a defense. Failure to protect inmates may result in liability. Usually court intervention takes the form of orders that restrict or direct jail practices. Sometimes the courts award compensatory damages to make reparations to the plaintiffs. In more extreme situations, defendant agencies may be ordered to pay punitive damages. A U.S. Supreme Court decision held that punitive damages may even be assessed against individual defendants when indifference is demonstrated:

*A jury may be permitted to assess punitive damages in a § 1983 action when the defendant's conduct involves reckless or callous indifference to the plaintiff's federally protected rights. Smith v. Wade*, 103 S.Ct. 1625 (1983)

### Court Intervention

Most court decisions produce changes in jail conditions, including operations. Continuing court involvement might be prompted by a consent agreement between the parties, or by failure of the defendants to comply with court orders. The nature of court involvement may even include the review of facility plans. In a New Mexico case, the court renewed its involvement when plans to reduce staffing were challenged by the plaintiffs. The court prevented the state from reducing staffing levels at several correctional facilities:

*...defendants will be enjoined from...reducing the authorized or approved complement of security staff...unless the minimal staffing levels identified as being necessary to provide a constitutional level of safety and security for prisoners have been achieved.. The Court also will enjoin defendants to fill existing vacancies and thus to employ at least the number of medical and mental health staff as well as the number of security staff authorized to be employed...during fiscal Year... Duran v. Anaya*, 642 F.Supp. 510 (D.N.M. 1986).

### Connecting Staffing Practices to Other Conditions

In the New Mexico case, the court went on to draw links between staffing levels and other aspects of facility operations, ranging from overtime to inmate idleness:

**Overtime** "*...security staff will be adversely affected by excessive overtime work as a result of the understaffing of the institutions subject to the Court's orders in this litigation*"



**Out of Cell Opportunity** "...In addition, prisoners will be required to remain in their housing units for longer periods of time, and inmate idleness will increase."

**Idleness.** "Prisoner idleness...will increase as a result of staff reductions..."

**Programs and Activities.** "There is a direct, inverse correlation between the incidence of acts and threats of violence by and between inmates, on the one hand, and the types and amounts of educational, recreational, work and other programs available to inmates, on the other--i.e., acts and threats of violence tend to decrease as program availability and activity increase."

**Training.** "Reduction in security staff positions will prevent...complying with staff training requirements of the Court's order..."

The court noted concerns by a security expert that the "security staff reductions that are contemplated will result in a 'scenario at this time...very similar to the scenario that occurred prior to the 1980 disturbance'", referring to the deadly inmate riot at the New Mexico Penitentiary that claimed 33 inmate lives and injured more than 100 inmates and 7 officers.

#### **Lack of funds is not an excuse**

Federal courts have made it clear that lack of funds does not excuse violation of inmates' constitutional rights:

*Humane considerations and constitutional requirements are not, in this day, to be measured or limited by dollar considerations... Jackson v. Bishop, 404 F.2d 571 580 (8th Cir.1968)*

Courts may even restrict a jurisdiction's discretion with regard to where funds are found to make needed improvements. An appeals court held that it may restrict the sources from which monies are to be paid or transferred in order to protect the legal rights of those who have been victims of unconstitutional conduct.<sup>4</sup> In a 1977 decision,<sup>5</sup> Supreme Court Justice Powell observed:

*...a federal court's order that a State pay un-appropriated funds to a locality would raise the gravest constitutional issues... But here, in a finding no longer subject to review, the State has been adjudged a participant in the constitutional violations, and the State therefore may be ordered to participate prospectively in a remedy otherwise appropriate.*

The Indianapolis case (see Footnote 3) concluded:

*It is not the province of a federal court to instruct the legislature on how it should finance its obligations. The district court did not attempt to do so. The court did what was within its authority--order a wrongdoer to pay the cost of remedying its wrongdoing*

<sup>4</sup> *United States v. Board of School Commissioners of City of Indianapolis*, 677 F.2d 1185 (7th Cir.1982).

*s Milliken v. Bradley*, 433 U.S. 267 (1977).

#### **Recent Federal Cases**

Although the basic tenets of federal court involvement with jail staffing and operations were forged many years ago, the practice has not ended, as suggested in these more recent cases:

*Cavalieri v. Shepard*, 321 F.3d 616 (7th Cir. 2003). The court noted that the detainee's right to be free from deliberate indifference to the risk that he would attempt suicide was clearly established.

*Wever v. Lincoln County, Nebraska*, 388 F.3d 601 (8th Cir. 2004). The court held that the arrestee had a clearly established Fourteenth Amendment right to be protected from the known risks of suicide.

*Estate of Adbollahi v. County of Sacramento*, 405 F.Supp.2d 1194 (E.D.Cal.2005). The court held that summary judgment was precluded by material issues of fact as to whether the county knowingly established a policy of providing an inadequate number of cell inspections and of falsifying logs showing completion of cell inspections, creating a substantial risk of harm to suicide-prone cell occupants.

*Hearns v. Terhune*, 413 F.3d 1036 (9th Cir. 2005). The court held that the inmate's allegations stated a claim that prison officials failed to protect him from attacks by other inmates. The inmate alleged that an officer was not present when he was attacked even though inmates were not allowed in the chapel without supervision.

*Velez v. Johnson*, 395 F.3d 732 (7th Cir. 2005). The court held that the detainee had a clearly established Fourteenth Amendment right to be free from the officer's deliberate indifference to an assault by another inmate.

*Smith v. Brevard County*, 461 F.Supp.2d 1243 (M.D.Fla. 2006). Violation of the detainee's constitutional rights was the result of the sheriff's failure to provide adequate staffing and safe housing for suicidal inmates, and in light of the sheriff's knowledge that inmate suicide was a problem, his failure to address any policies that were causing suicides constituted deliberate indifference to the constitutional rights of inmates.





### **New Jail Planning Initiative**

Local jurisdictions face a wide variety of challenges when deciding whether to build a new jail. If they make a decision to build, they face further challenges in the planning, construction, and operation of a new jail. The National Institute of Corrections (NIC) Jails Division provides training, technical assistance, and information related to new jail planning. These services address issues such as factors to consider in making the decision to build a new jail; the crucial importance of owner involvement in all phases of the project; and information related to designing, constructing, and occupying the new facility.

#### **Jail and Justice System Assessment (JISA)**

Jurisdictions considering renovating an existing jail or constructing a new one can apply for assistance in evaluating their current facility and the role of their jail in the local criminal justice system. NIC will assess the physical condition of the jail and interview criminal justice stakeholders about policies and practices that affect the jail. The assistance will result in recommendations related to new construction or renovation and observations concerning areas of the local justice system that have an impact on the jail population. The recommendations and observations will be presented at a meeting of local officials, jail practitioners, and community members, and will be documented in a follow-up report.

#### **Planning of New Institutions (PONI)**

Although criminal justice planners and architectural firms have the technical expertise to plan and design a new jail, it is the jurisdiction that will operate the jail long after the planners and architects are gone. Therefore, it is important that a jail's design meet the operational and capacity needs of the jurisdiction and agency that will operate it. Owner involvement throughout the planning process is crucial to the success of the planning effort and, ultimately, the successful construction and operation of the new jail. Decisions made at the early stages of the planning process will affect the remainder of the project.

This 24-hour training program teaches the importance of in-depth planning before starting facility design; it does not teach participants how to design a correctional facility. The course teaches concepts through case studies, allowing participants to get "hands-on" experience in planning methods. The course focuses on the critical elements of planning a new facility, including collecting and using data, pre-architectural programming, site evaluation, project management, and determining staffing needs.

This training is designed for key policy and decision makers with roles in the new jail project. Participants should include the sheriff or director of corrections, the jail administrator, county commissioners or supervisors, the county executive or administrator and key non-elected community stakeholders. The preferred class size is 12-24 people. NIC sends the instructors and all the material to your training site.

### **Managing Jail Design and Construction**

Contracting services for the design and construction of a new facility is only one small step in the much larger process of building a new jail. How staff transfer inmates, accept visitors, and create space for special programming are considerations that should be resolved long before construction begins. This program teaches participants to think about the nuances of their operations and how they should translate into design and construction. The course introduces participants to project management and clarifies the roles and responsibilities of those who develop, design, and construct new facilities.

Together, teams learn how to read and interpret facility planning documents, manage changes during construction, and develop a design and construction plan that meets their needs. By the end of the course, teams should be able to take an active role in managing day-to-day activities, resolving problems, and making decisions related to the design and construction process.

Participants work on the skills and abilities they need to manage design and construction. Participants must have key decision-making roles in the building project. They should have a firm commitment to the construction of a new facility and have funding for the project, and they should have completed, or be in the process of completing, a needs assessment and feasibility study. The participants must include the sheriff, jail administrator, project manager, transition team leader, or other assigned staff members.

### **Making the Transition to a New Jail (HONI – How to Open a New Institution)**

Transition assistance helps local officials understand how to plan for the transition to and occupation of the new jail. It is available to jurisdictions at two points in time before the new jail opens:

Before the jurisdiction breaks ground for the new jail, a technical resource provider can work onsite to help local officials understand the major components of transition, develop criteria for selecting transition team members, and begin to create an action plan for the transition process.

After the jurisdiction has broken ground for the new jail, technical resource providers can train the transition team on the function of the jail's mission statement; development of operational scenarios, policies, procedures, and post orders; move logistics; staff training issues; budgeting for transition; and development of an action plan for transition. If a jurisdiction is within 12 months of opening its new jail, assistance can still be provided but is limited in scope because of time constraints. A technical resource provider can help local officials and agency staff assigned to the project identify the critical tasks required to open the facility and develop an action plan to complete those tasks.

*There is no cost to jurisdictions who request assistance and/or training from NIC. For additional information on these technical assistance offerings please contact Mike Jackson at 202-616-9565 or at [mpjackson@bop.gov](mailto:mpjackson@bop.gov).*



## **DATA REQUEST Operational Assessment**

- ☐ Average Daily Population (previous 3 years)
- ☐ Average Length of stay (Previous 3 years)
- ☐ Population breakdown – County, state, revenue, male/female, adult/juvenile, etc. (previous 3 years)
- ☐ County Demographics
- ☐ Classification (Copy of classification plan and description of each classification designation (e.g., minimum, medium, maximum, special management, special needs (medical, mental health), community, etc.
- ☐ Copy of the facility's mission statement...vision...or purpose statement.
- ☐ Copy of applicable state jail standards; state jail code.
- ☐ Copy of the most state recent inspection, review or assessment of the facility along with any corrective measures taken.
- ☐ Copies of other inspection reports (food service, sanitation and safety inspections, etc.
- ☐ Copies of the facility's last annual report with statistical data such as admissions, average daily population, transports, meals served, visits, etc.
- ☐ Activity schedules or plan of the day for the facility representing meal service times, visitation, med rounds, laundry, recreation, courts, shift changes, formal counts, lockdown, wake up, commissary, spiritual or religious services, programs such as education, substance abuse, etc.
- ☐ List of programs and services.
- ☐ Summary of critical incidents such as suicides, deaths, assaults, escapes, facility destruction, etc.
- ☐ Inmate handbook.
- ☐ Policies and procedures manual (including post orders) in electronic form, if available. If too cumbersome, please forward a table of contents so the most salient policies may be selected for review. Current staffing plan and organizational chart.
- ☐ Forms for the following: Disciplinary action; intake assessments, use of force.
- ☐ Service Contracts (e.g., health care, food service, commissary, maintenance, etc.).
- ☐ Volunteer/provider packet (application, manual/agreement, orientation materials)
- ☐ Annual Training Plan; pre-service training plan; field training program documents.

*Appendix C*

☐ Background on any current litigation.



## Walworth County Jail Operational Assessment Agenda

Date/Time	Activity	Description
<b>Tuesday, June 6, 2017</b>		
8:00 AM	Initial/Kick Off Meeting with Sheriff and Deputy Sheriff	<ul style="list-style-type: none"> <li>• Brief Introductions</li> <li>• Review Commission Meeting</li> </ul>
9:00 AM-10:00AM	Commission Meeting	
10:00 AM -11:00 AM	Continue Kick Off Meeting with Sheriff and designated staff	<ul style="list-style-type: none"> <li>• Q &amp; A from Commission</li> <li>• Introductions</li> <li>• Expectations/desired outcomes</li> <li>• General Overview of Facility, special features, current issues, trends</li> <li>• Overview of assessment process/methodology</li> <li>• Confirm Schedule/work space</li> <li>• Consultant escorts</li> </ul>
11:00 AM	Facility Tour	
12:00 PM	Lunch	
1:00PM-2:00PM	Continue Facility Tour	
2:00PM-5:00PM	Facility Assessment	
<b>Wednesday, June 7, 2017</b>		
8:00AM -8:30AM	Briefing/Review schedule & needs	<ul style="list-style-type: none"> <li>• Discuss needed access and/or escorts</li> </ul>
8:30AM-12:00PM	Continue Facility Assessment	
12:00PM	Lunch	
1:00PM-2:00PM	Continue Facility Assessment	

*Appendix C*

2:00PM	Closeout Meeting	<ul style="list-style-type: none"><li>• Review/discuss preliminary findings</li><li>• Answer Questions</li><li>• Next steps</li></ul>
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**BLANK**