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**STANDARDS FOR
JAILS IN OHIO**

**JAIL ADMINISTRATOR
RESOURCE GUIDE FOR
JAIL INSPECTIONS**

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5120:1-7-02 Glossary of terms

(A) The term "Standards for Jails in Ohio" refers to rules 5120:1-8-01 to 5120:1-12-18 of the Administrative Code. The standards apply to county jails, municipal jails, regional jails and workhouses. Each such facility falls within one of the following categories and is subject to the standards identified within the definitions as applicable to those categories:

(1) "Full service jail": A local confinement facility used primarily to detain adults for more than two hundred eighty-eight hours. The standards set forth in rules 5120:1-8-01 to 5120:1-8-18 of the Administrative Code apply to full service jails.

(2) "Twelve day facility": A local confinement facility used primarily to detain adults for a maximum of two hundred eighty-eight hours. The standards set forth in rules 5120:1-10-01 to 5120:1-10-18 of the Administrative Code apply to twelve day facilities.

(3) "Twelve-hour facility": A local confinement facility used primarily to detain adults for a maximum of twelve hours. The standards set forth in rules 5120:1-12-01 to 5120:1-12-18 of the Administrative Code apply to twelve-hour facilities.

(4) "Minimum security jail": A local confinement facility used to detain sentenced adults for more than one hundred twenty hours for a misdemeanor or a felony of the fourth or fifth degree, provided the person has been classified as a minimum security risk by the jail administrator or designee. The classification shall include, at minimum, the individual's propensity for assaultive or violent behavior and escape risk based upon the offender's prior and present behaviors. The standards set forth in rules 5120:1-8-01 to 5120:1-8-18 of the Administrative Code apply to minimum security jails.

(5) "Temporary holding facility": A local confinement facility used to detain arrestees for a maximum six hours for processing and/or awaiting transportation. The temporary holding facility (THF) may be a jail cell, but also may be an area which is designated for temporary holding purposes, e.g., holding area or room.

(B) As used in rules 5120:1-7-01 to 5120:1-7-04 and 5120:1-8-01 to 5120:1-12-18 of the Administrative Code, the following terms have the meanings indicated in this rule:

(1) "Administrators and supervisors": Persons who have managerial responsibility for a full service jail or who supervise employees security assignments or activities in the jail.

(2) "Administrative segregation": The act of confining an inmate to an individual housing cell or designated housing unit, that physically separates the inmate from the general population for specified reasons other than as a penalty, thereby prohibiting physical contact between this inmate and the general population.

(3) "Attorney (of record)": A licensed lawyer (retained or court appointed) whose name appears in the case records or court docket of the case, or whom the inmate has named as his or her attorney.

- (4) "Authority having jurisdiction": The governmental authority having responsibility for certifying compliance with applicable statutes, regulations and codes.
- (5) "Average daily population (ADP)": The number arrived at by totaling the number of meals served to inmates during a specified period of time, divided by three, and then dividing by the number of days during that specified period. This figure is also sometimes derived by dividing the total number of commitments recorded in the jail ledger or the sum of daily official inmate counts by the total number of days in the specified period.
- (6) "Classification": A system or process for determining the needs and requirements of inmates and for assigning them to housing units and programs. Elements of this determination include the following: security level; work assignments; special treatment services; allowance or denial of certain privileges; and other assignments as may be available.
- (7) "Clergy": A clergyperson or minister from a recognized religious community outside the jail who is the spiritual leader for a particular inmate.
- (8) "Compliant Jail": A jail which complies with all Essential Jail Standards and 90 percent of all Important Jail Standards is in compliance.
- (9) "Contraband": Anything possessed by inmates or within the confinement facility which is declared illegal by law or which is expressly prohibited by those legally charged with the responsibility for the administration and government of the jail.
- (10) "Corporal punishment": The act of inflicting punishment directly on the body, such as beating, flogging, hitting, kicking, etc.
- (11) "Disciplinary isolation": The act of confining an inmate to an individual housing cell that physically separates the inmate from the general inmate population as a penalty, thereby prohibiting physical contact between the inmate and other inmates.
- (12) "Emergency operations plan": Written documents that address specific actions to be taken in an emergency or catastrophe such as fire, flood, riot or other major disruption.
- (13) "Essential Jail Standard": These jail standards have been designated to directly support the life, safety and health of jail inmates, employees, contract employees and volunteers. All full service and minimum security jails shall comply with all essential jail standards.
- (14) "Fire exit drill": A practice drill that includes transmission of a fire alarm signal and simulation of emergency fire conditions that is conducted to familiarize jail personnel with the signals and emergency action required under varied conditions. Release of inmates to safe areas or the exterior of buildings is not required.
- (15) "Foot-candle": A unit for measuring the level of illumination.
- (16) "Full Compliance Jail": A jail which complies with all Essential Jail Standards and all Important Jail Standards is in full compliance. Any jail in full compliance, upon proof

satisfactory to the Jail Inspector, will be referred to as a Certified Jail. Any jail successfully completing ACA Accreditation is recognized as a Certified Jail.

(17) "Fundamental rights": Rights which may not be suspended. for disciplinary or classification reasons and which are to be guaranteed to all inmates except in times of emergency or other such conditions beyond the control of the facility administrators. Such rights may include visits by attorneys or clergy, telephone calls to attorneys or clergy, adequate food/nutrition, adequate lighting, adequate ventilation, temperature control, sanitation, medical care and access to a grievance mechanism.

(18) "General population": Those inmates who have not been able to secure release within a reasonable time period after their initial booking and who are therefore classified and housed in areas which are not designated for temporary holding or temporary special housing.

(19) "Grievance": A circumstance or action thought to be unjust or injurious and grounds for complaint to the appropriate facility administrator or designee.

(20) "Health-trained personnel": Members of the jail staff that are trained in limited aspects of health care, including correctional officers and other personnel approved by the jail physician.

(21) "Impartial hearing officer": A staff person who is not involved or witness in the incident in question and who is empowered to determine issues of fact in an inmate disciplinary hearing.

(22) "Important Jail Standards": These jail standards have been designated to support good correctional practices in training, operations, inmate services, physical plant, safety and emergency procedures, sanitation, food service, inmate rules and discipline and other areas that address good correctional practice. All full service and minimum security jails shall comply with 90 percent of all important standards.

(23) "Indigent inmate": An inmate confirmed to have insufficient resources necessary to provide for basic needs.

(24) "Jail support staff": Those persons whose job function does not reflect a primary responsibility for the security and/or supervision of inmates.

(a) "Jail Support Staff with Routine Contact": Those persons who have routine and regular contact with inmates within the jail security perimeter.

(b) "Jail Support Staff with Occasional Contact": Those persons who will not routinely come into contact with inmates but may enter the jail security perimeter.

(25) "Juvenile": Offenders under the age of eighteen.

(26) "Key control center": A secure location inaccessible to unauthorized persons from which facility keys are issued/returned.

(27) "Lavatory": A bowl or washbasin with faucets and drainage for washing face and hands.

- (28) "Legal correspondence": Mail addressed to an inmate clearly bearing the return address of an attorney at law, a public service law office, a law school legal clinic, court of law, or any office or official of the federal, state or local government and administrators or grievance systems and members of the adult parole authority.
- (29) "Life safety code": A handbook published by the National Fire Protection Association specifying minimum standards for fire safety in correctional facilities.
- (30) "Major renovation": A significant structural or design change in the physical plant of a jail facility.
- (31) "Official count": An actual counting and recording of inmates confined in a facility by verifying the presence of each at a given time.
- (32) "Permanent log": A record of all significant activities that take place during the course of a day.
- (33) "Personal observation check": A visual check by jail staff who observes inmates and their immediate surroundings without the use of mechanical or electronic, visual or audio monitoring equipment. This check is performed in such a manner that allows the observing staff to identify the health, safety and security status of the inmates and permits immediate personal interaction or response to any situation.
- (34) "Physical force": Any violence, compulsion or constraint physically exerted upon or against a person's body by any means including the use of firearms, chemical agents, clubs or direct bodily contact.
- (35) "Policy": A statement that reflects the philosophy of the organization, and defines the purpose for which the action is taken.
- (36) "Inmate worker": The classification of inmates who are given work assignments based upon a determination that they present a low security risk.
- (37) "Privileges": Items or programs that may be temporarily suspended for disciplinary or classification reasons and which are generally provided to all inmates. Privileges may include access to entertainment, commissary, visits by friends, telephone calls to friends or family, snacks, dayroom access and program access.
- (38) "Procedure": Provides a detailed description of how a policy is to be accomplished detailing the steps to be taken, the order in which they will be carried out, and by whom.
- (39) "Qualified health care personnel": Physicians, dentists, nurses, physician assistants, psychiatrists, psychologists, psychiatric social workers, paramedics, emergency medical technicians, and others who by virtue of their education, credentials and experience are permitted by law to evaluate and care for the health needs of inmates.

(40) "Qualified mental health personnel": Physicians, physician assistants, nurses, psychiatrists, psychologists, psychiatric social workers, and others who by virtue of their education, credentials and experience are permitted by law to evaluate and care for the mental health needs of inmates.

(41) "Qualified nutritionist, registered dietitian, licensed dietitian and registered dietitian nutritionist": A person registered as a licensed nutritionist or registered nutritionist by the American Dietetic Association.

(42) "Reception": The period during which an inmate undergoes admission processing, which may include orientation and initial classification, prior to regular housing assignment.

(43) "Recreation/physical exercise": Activities such as athletics and calisthenics which require at least a moderate degree of physical exertion.

(44) "Restraining device": Any mechanical contrivance, appliance, or object designed or fashioned to physically control or incapacitate a person. These include wrist manacles, ankle manacles, restraining straps, chains, chairs and other such devices.

(45) "Safety equipment": Firefighting equipment, including chemical extinguishers; hoses, nozzles and water supplies; alarm systems; sprinkler systems; self-contained breathing apparatus; emergency exits and fire escapes; and other firefighting equipment as may be provided. Also included are stretchers; first-aid kits; emergency alarms; and other such provisions and equipment.

(46) "Search": An examination falling into one of the following three categories:

(a) "Frisk search": A thorough search or "pat down" of an inmate's clothes and head cavities, while the inmate is still clothed.

(b) "Strip search": An inspection of the genitalia, buttocks, breasts or undergarments of a person that is preceded by the removal or rearrangement of some or all of the person's clothing that directly covers the person's genitalia, buttocks, breasts or undergarments and that is conducted visually, manually, by means of any instrument, apparatus, or object, or in any other manner while the person is detained or confined.

(c) "Body cavity search": An inspection of the anal or vaginal cavity of a person that is conducted visually, manually, by means of any instrument, apparatus or object, or in any other manner while the person is detained or confined.

(47) "Security control equipment/devices": Firearms, weapons, lethal and non-lethal munitions, use of force devices, chemical agents and restraints. Also included are electronic monitoring equipment, security alarm systems, security light units, auxiliary power supply and other equipment used to maintain jail security.

- (48) “Security perimeter”: A secure boundary which encloses the entire portion of the jail in which inmates are confined, including any area to which inmates have access. Passage through this boundary shall be strictly controlled.
- (49) “Security post”: A location within the jail from which a staff person may perform jail duties.
- (50) “Separation (segregation)”: Whenever possible, to be physically set apart in order to prohibit bodily contact and, where possible, communication.
- (51) “Sick call”: A system through which each inmate reports and receives individualized and appropriate medical services for non-emergency illness or injury.
- (52) “Status Jail”: Any jail which did not meet all Essential Jail Standards and/or met less than 90 percent of the Important Jail Standards. The inspected jail did not reach compliance. The inspection tally reflects the jail compliance status.
- (53) “Surveillance check”: A monitoring check of inmates, inmate occupied areas, inmate accessible areas and other jail areas by jail staff using electronic or mechanical, visual or audio monitoring equipment or by remote position of the monitoring staff.
- (54) “Therapeutic seclusion”: The placement and retention by qualified health care personnel of an inmate in a room for the purpose of containing a clinical situation (e.g., extreme agitation, threatening or assaultive behavior) that may result in a state of emergency.
- (55) “Variance”: The process of receiving approval for a method of complying with the intent of a standard when strict compliance would cause unusual, practical difficulties or financial hardship. The alternative practice shall not seriously affect the security of the jail, the supervision of inmates, or the safe, healthful operation of the jail.
- (56) “Work or education release”: A formal arrangement, sanctioned by law, whereby an inmate is permitted to leave confinement for approved employment in a job and/or participation in specific programs.

5120:1-8-01 Reception and release

(A) Each full service jail, as defined in section 5120:1-7-02(A)(1) of the Administrative Code, shall adhere to following standards regarding the reception and release of inmates. Each full service jail shall implement policies and procedures and produce documentation that evidences compliance with the following standards:

(1) (Important) All inmates are legally committed to the jail.

DISCUSSION: Commitments received to the jail shall be accompanied by legal documents authorizing the detention with the exception of warrant less arrests done in accordance with the Rules of Criminal Procedure, Rule 4. Such documents would include warrants, signed by the arresting officers or issued by the courts, bond forfeiture papers, court orders or mittimuses, transfer papers or hold orders from appropriate government agencies. Practices shall be supported by written policy and procedure.

(2) (Important) The arresting, transporting or committing officer is identified by name and department.

DISCUSSION: Committing officers shall be required to produce a badge and appropriate credentials (preferably photo I.D.) that verifies his or her authority to make the commitment to the jail. This practice shall be supported by written policy and procedure.

(3) (Important) A booking and identification record shall be made of every commitment that includes the following information:

- (a) Time and date of commitment;
- (b) Name and alias;
- (c) Official charge or charges;
- (d) Authority for commitment;
- (e) Date of birth of inmate;
- (f) Sex and race of inmate;
- (g) Height and weight of inmate;
- (h) Marital status of inmate;
- (i) Home address and telephone number of inmate;

- (j) Spouse, next of kin, or person to notify in case of an emergency;
- (k) Social security number;
- (1) Identifying characteristics (scars or marks.)

DISCUSSION: Information shall be collected on each inmate during the booking process to assist the identification, classification and services required by the inmate during confinement. All items noted on this standard shall be recorded on a form(s) designated for this purpose, or entered into an information system. Medical items shall be on a separate screening form to maintain confidentiality.

- (4) (Important) Inmates shall be identified by photograph and/or identification bracelet during reception.

DISCUSSION: Inmates being detained in excess of twelve hours and/or placed into general housing areas shall either be photographed or issued I.D. bracelets for later identification. Photographs can be affixed to booking files/forms or placed into a photo display for immediate inmate identification.

- (5) (Important) Arrested persons shall be provided access to telephones after the reception process.

DISCUSSION: After the reception process, all persons to be confined should be permitted telephone calls to retain an attorney, secure bond or contact a person of their choice.

- (6) (Important) Inmates shall be searched and all unauthorized items shall be confiscated. Confiscated items shall be listed in an inventory by objective description and secured.

DISCUSSION: All inmates shall be searched at reception by jail staff. The search shall include checking for the concealment of contraband and weapons on the inmate or concealed on his/her person or in clothing. Contraband resulting from the search shall be processed, documented and secured with the inmate's personal property or as evidence. All property shall be listed by objective description. Practices shall be supported by written policy and procedure.

- (a) Money or any form of currency shall be confiscated, counted in the inmate's presence and secured.

DISCUSSION: No inmates shall be permitted to possess currency in any form during confinement. Currency removed from the inmate at booking and any funds subsequently mailed or delivered to the inmate shall be processed and secured in accordance with jail procedures for handling funds. Any forms of currency shall be counted in the inmate's presence. Practices shall be supported by written policy and procedures.

- (b) The inmate's signature shall be affixed to the completed inventory. If the signature can not be obtained, the inventory shall be witnessed by another staff person.

DISCUSSION: Once the inventory of the inmate's personal property has been completed, the inmate shall sign a statement on the inventory acknowledging its accuracy. In the event that the inmate is physically or mentally incapable of signing, or refused to sign, a notation shall be made to that effect and another staff person shall witness the inventory. This practice shall be supported by written policy and procedure to include documentation utilized.

- (c) For a minimum security jail, as defined by sections 5120:1-7-02(A)(4) of the Administrative Code, if inmates are permitted to possess currency, the jail shall implement policies and procedures that limit the amount of money possessed and shall include provisions that prevent inmate gambling, theft and extortion.

DISCUSSION: For a minimum-security jail, as defined by sections 5120:1-7-02(A)(4) of the Administrative Code, if inmates are permitted to possess currency, the jail shall implement security procedures to limit the amount of currency possessed and shall include provisions that prevent inmate gambling, theft and extortion. Practices shall be supported by written policies and procedures.

- (7) (Important) The jail shall develop and implement policies and procedures governing strip searches and body cavity searches during reception in consultation with the county prosecutor, city attorney or law director consistent with section 2933.32 of the Revised Code.

DISCUSSION: The jail shall develop and implement policies and procedures governing strip searches and body cavity searches during reception in consultation with the county prosecutor, city attorney or law director consistent with section 2933.32 of the Ohio Revised Code. Practices shall be supported by written policies and procedures. **ALL PROCEDURES, TO INCLUDE FORMS USED, SHOULD BE APPROVED IN WRITING.** The written agreement is subject to on-site review.

- (8) (Important) Inmates who are to be integrated with the general population and/or whose clothing is soiled or infested shall receive a shower and clean uniform clothing. In a minimum security jail, if inmates are permitted to wear personal clothing, the jail shall implement a policy and procedure that limits the amount and type of personal clothing an inmate may possess while in the jail.

DISCUSSION: Inmates who are to be integrated into the general population and/or whose clothing is soiled or infested shall receive a shower and clean uniform clothing. Outerwear shall be available for outdoor recreation or work assignments.

In a minimum-security jail, if inmates are permitted to wear personal clothing, the jail shall implement a policy and procedure that limits the amount of personal clothing that an inmate may possess (ex. five white t-shirts, five pairs of white socks). These practices shall be supported by written policies and procedures. Clothing is subject to on-site review.

- (9) (Important) Inmates shall not be confined in the reception area for more than twelve hours except when security, health and mental health concerns are being addressed.

DISCUSSION: Newly admitted inmates are separated from the general population during the reception process. Inmates are assigned to an initial holding setting prior to initial classification and proper placement in general population, this should not exceed twelve hours. Placement in general population is a priority except when immediate security, health and mental health concerns are being addressed in a reception holding cell versus general population.

- (10) (Important) The jail shall develop, implement, maintain and update as necessary a set of generally applicable inmate rules. The rules shall be accessible to all inmates and shall provide information regarding confinement including sleeping hours, meals, mail, work assignments, telephone access, visitation, correspondence, medical care, hygiene, laundry, recreation, programs, rules of conduct, disciplinary procedures and grievance procedures. A staff member or translator shall assist the inmate in understanding the inmate rules if there is a literacy or language problem. The jail shall maintain signed acknowledgements from each inmate acknowledging that the rules were received by and/or explained to them.

DISCUSSION: During reception to the jail, inmates shall be informed of the inmate rules of conduct for the jail. These rules shall be accessible to inmates at all times during confinement. The rules shall provide information regarding confinement to include:

1. Sleeping hours
2. Meal times
3. Work assignments
4. Telephone access
5. Visitation times
6. Correspondence
7. Medical care
8. Hygiene care
9. Laundry services
10. Recreation
11. Programs
12. Rules of conduct
13. Disciplinary procedures
14. Grievance procedures

A staff member or translator shall assist inmates in understanding the inmate rules if there is a literacy or language problem. Practices shall be supported by written policies and procedures. Documentation shall be maintained and is subject to on-site review.

- (11) (Important) During reception, male and female inmates shall not be placed in the same cell or unsupervised areas together.

DISCUSSION: During reception, male and female inmates shall be placed in physically separate cells in such a way that they are unable to physically touch one another. Male and female inmates may be held in waiting areas together if they are under direct supervision by jail staff. Practices shall be supported by written policies and procedures. Booking/reception areas are subject to on-site review.

- (12) (Important) Juveniles shall not be held in jails except under rare circumstances – if at all – and shall be accepted only 1) under court order, 2) when all other alternative placements, including placement in the local juvenile detention center, have been considered and rejected, and 3) after the jail provides the juvenile court with information regarding the conditions under which the youth shall be held in the adult jail and the jail’s ability to comply with the juvenile specific standards, including sections 5120:1-8-01(A)(12), 5120:1-8-02(B)(4), and 5120:1-8-04(K) of the Administrative Code. Status offenders, i.e., runaways, curfew violators, etc. are prohibited from the facility. Every effort shall be made to ensure that juveniles are held in jails for the minimum amount of time necessary.

DISCUSSION: Juvenile inmates held in adult jail facilities are subject to special requirements because of their age and shall be handled consistent with sections 2151.311, 2151.312, and 2152.26 of the Ohio Revised Code. Juveniles must be sight and sound separated from adults; for more details on sight and sound separation, see the discussion in Housing – Standard 5120:1-8-04(K). Juveniles shall not be physically secured to any stationary furnishings. Status offenders (juveniles who are being charged with an offense that an adult cannot be charged) shall not enter an adult facility. National research shows that youth in adult jails are more likely to commit suicide than youth in juvenile detention centers and can be at great risk of physical and sexual assault. In addition, youth in jails placed in isolation for long periods of time, has shown to create new or exacerbate existing mental health problems and can impede adolescent development and increase the likelihood that youth will commit suicide. Because of these challenges, the American Jail Association has stated it is “opposed in concept to housing juveniles in any jail unless that facility is specifically designed for juvenile detention and staffed with specially trained personnel.” Therefore, jails are encouraged to work with their local juvenile court and county commissioners to identify alternative placements for youth besides the jail. If youth are placed in jails, this standard requires jails to accept youth only in rare circumstances. Before any youth is placed in the jail, the jail must provide the juvenile court with information about the youth’s conditions of confinement in the facility, including the jail’s ability to meet the various jail standards that specifically deal with youth. Additionally, this standard complies with federal law by prohibiting status offenders from being held in adult jails

for any length of time. Practices must be supported by written policy and procedures. Intake/reception areas are subject to on-site review.

- (13) (Important) Inmates' identification and release documentation shall be verified.

DISCUSSION: Inmates shall not be released, removed or otherwise transferred from the jail unless proper written documents are available to authorize the release or removal. The inmate's identification shall be verified by photo identification prior to release. Such documents include bond papers, court orders, docket entries, written release orders, warrants and other similar verification. Practices shall be supported by written policy and procedure.

- (14) (Important) Upon an inmate's release to another agency, the jail shall document the following information:

- (a) The identity of the receiving officer and the agency;

DISCUSSION: Officers from another jurisdiction, shall be identified and produce credentials (preferably photo I.D.) that verifies authority to assume custody of an inmate being released to their jurisdiction. The officer's identity shall be recorded and maintained on file.

- (b) The time and date of the release;

DISCUSSION: The date and time of release or transfer shall be recorded. All documentation shall be maintained and kept on record. Practices shall be supported by written policies and procedures.

- (c) The authority for the release.

DISCUSSION: The authority of the release or transfer shall be recorded. All documentation shall be maintained and kept on record. Practices shall be supported by written policies and procedures.

- (15) (Important) Upon an inmate's release or transfer, the jail shall obtain a receipt for all property returned at the time of release or transfer from the inmate, or the receiving officer, as appropriate.

DISCUSSION: Inmates being released shall sign a statement that acknowledges receipt of all items of their property that are returned. If an inmate complains about confiscated, allegedly missing or damaged property, and the complaint cannot be resolved prior to his/her release, the inmate shall be required to submit specific details of the complaint in writing. Practices shall be supported by written policy and procedure. Documentation is subject to on-site review.

5120:1-8-02 Classification

- (A) (Important) Each full service jail shall have a written inmate classification system that specifies the criteria and procedures for determining and changing the classification of inmates to determine the level of custody required, special needs, housing assignment and participation in programming. Each minimum security jail, as defined in section 5120:1-7-02(A)(4) of the Administrative Code, shall have a written inmate classification system that limits inmates housed in the jail to those sentenced or transferred by order of a judge for a traffic offense, misdemeanor or felony of the fourth or fifth degree that are not offenses of violence as defined in section 2901.01(A)(9) of the Revised Code. The classification system shall include the evaluation of each inmate to determine whether the inmate is suitable to be housed in the minimum security jail. Determination to transfer an inmate from the minimum security jail shall be made by the jail administrator or designee based on the best interests of the inmate, staff and/or the safe, secure operation of the jail.

DISCUSSION: Each jail shall have a written inmate classification system. This practice shall be supported by written policy and procedure and subject to on-site review.

- (B) Each full service jail shall have written policies and procedures, and practices which evidence compliance with the following standards:

- (1) (Important) Male and female inmates are housed separately by sight, touch and out of range of normal conversation with each other.

DISCUSSION: Adult male and female inmates shall be housed separately. Normal conversation is defined as direct oral communication between male and female inmates, within close proximity to each other and without a barrier separating them. Sight and sound separation may be accomplished architecturally or through policies and procedures such as time phasing the use of an area to prohibit simultaneous use by male and female inmates. Brief and inadvertent or accidental contacts between male and female inmates does not constitute being non-compliant with the standard. This practice shall be supported by written policy and procedure.

- (2) (Important) Violent and non-violent inmates are not placed in the same cell or unsupervised areas together.

DISCUSSION: Adequate separation of violent from non-violent inmates by a minimum of touch shall be provided (separate confinement areas). Actual holding/housing arrangements are subject to on-site review.

- (3) (Important) Male and female inmates are supervised if placed together for purposes of programming, transportation or other similar activities.

DISCUSSION: Adult male and female inmates may be permitted to attend programming together, provided they are supervised by appropriate staff at all times. This practice shall be supported by written policy and procedure.

- (4) (Important) Juvenile and adult inmates are separated in a manner pursuant to sections 2151.311 and 2152.26 of the Revised Code.

DISCUSSION: Juvenile and adult inmates shall be separated in a way that they are sight and sound separated from each other and consistent with sections of the Revised Code 2151.311 and 2152.26. For more details on sight and sound separation, see the discussion in Housing – Standard 5120:1-8-04(K). Sight contact is defined as clear visual contact between adult inmates and juvenile inmates, within close proximity to each other and without a barrier separating the adult inmates from the juvenile inmates. Sound contact is defined as direct oral communication between adult inmates and juvenile inmates, within close proximity to each other and without a barrier separating the adult inmates and juvenile inmates. Sight and sound separation may be accomplished architecturally or through policies and procedures such as time phasing the use of an area to prohibit simultaneous use by adult inmates and juvenile inmates. Brief and inadvertent or accidental contacts between adult inmates and juvenile inmates does not constitute being non-compliant with the standard. In a secure booking area where continuous visual supervision is provided throughout the booking process, and juveniles only remain in the booking area for no more than a length of time to be fingerprinted and photographed, the juvenile is not considered to be in a secure detention status therefore, separation would not apply during this time. Once the booking process is completed juvenile inmates must be separated immediately from adult inmates. This practice must be supported by written policy and procedure.

- (5) (Important) Jails using inmate workers shall evaluate and select workers based on established criteria.

DISCUSSION: Selection of inmate workers shall be accomplished in an objective manner, such as the nature of the inmate's offense and sentence, previous attempts to escape by the inmate, the inmate's ability to understand directions, and the inmate's day-to-day behavior. These criteria reflect the need for inmate workers to be a low security risk and capable of accomplishing the tasks assigned to them. This practice shall be supported by written policy and procedure.

- (6) (Important) Inmates participating in work or educational release programs shall be housed separately from the general population.

- (C) (Important) Juveniles shall not be held in a minimum security jail.

DISCUSSION: Each minimum security jail, as defined in section 5120:1-7-02(A)(4) shall prohibit juveniles from being housed in the jail. This practice shall be supported by written policy and procedure.

- (D) (Important) Inmates when placed in general population shall be:

- (1) Assigned a bed:

- (2) Provided with a mattress, blanket, bed linens and towels;
- (3) Provided with articles to maintain personal hygiene (toothbrush, toothpaste, feminine hygiene items and soap.)

DISCUSSION: Practices shall be supported by written policy and procedure. Hygiene items, bed linens and mattresses, and sleeping facilities are subject to on-site review.

5120:1-8-03 Security

(A) Each full service jail shall maintain the following minimum standards in regard to security of the jail.

(1) (Essential) An established security perimeter.

DISCUSSION: Each jail shall establish a secure boundary, which encloses the entire portion of the jail in which inmates are confined, including the booking area and any area to which inmates may have access. Passage through this boundary shall be strictly controlled and monitored. This boundary shall be clearly identifiable as the boundary, which separates the secure areas of the jail from those which are used for other functions. Public access through this boundary shall be controlled by physical design and shall be monitored. A sketch of the jail and written procedures shall designate the security perimeter. The adequacy of the security perimeter is subject to on-site review.

(2) (Essential) In a minimum security jail, there shall be a defined, controlled security perimeter.

DISCUSSION: Each jail shall establish a secure boundary, which encloses the entire portion of the jail in which inmates are confined, including the booking area and any area to which inmates may have access. Passage through this boundary shall be strictly controlled and monitored. This boundary shall be clearly identifiable as the boundary, which separates the secure areas of the jail from those which are used for other functions. Public access through this boundary shall be controlled by physical design and shall be monitored. A sketch of the jail and written procedures shall designate the security perimeter. The adequacy of the security perimeter is subject to on-site review.

(3) (Essential) A secure booking and release area.

DISCUSSION: The jail shall have a designated area for accepting, processing and releasing inmates. The area shall be secure with passage through the area controlled. This area is subject to on-site review.

(4) (Essential) Temporary weapons storage lockers or other secure storage at each point of entrance to the jail's security perimeter.

DISCUSSION: There shall be a means to temporarily secure weapons at all entrance points used by law enforcement officers or other appropriate persons. The weapon lockers or cabinets should be located within or near sallyports or security vestibules. This practice shall be supported by written policy and procedure. Temporary storage areas are subject to on-site review.

- (5) (Essential) If installed, closed circuit televisions that are operational and preclude the monitoring of shower, toilet and clothing exchange areas.

DISCUSSION: Electronic surveillance devices, such as closed-circuit television (CCTV) cameras, shall be located to supplement existing security by monitoring control points, areas that are not easily observed, common areas, holding areas, etc. Electronic surveillance devices shall be situated in a manner that does not compromise inmate privacy when using toilets, showers, etc. except when taking steps to prevent self harm. Monitors shall be positioned to prevent viewing by unauthorized individuals. At jails where CCTV is utilized, the location and field of view of the camera(s), as well as the location of all monitors, is subject to on-site review. Cameras and monitors are to be operational, maintained and tested. A policy shall support the use of close circuit cameras.

- (6) (Essential) A two-way communications system between central control, staffed posts and inmate occupied areas.

DISCUSSION: Inmates shall be able to verbally contact the jail staff on duty by speaking at a normal conversational level. Yelling, rattling of bars or doors or other non-verbal means of attracting attention, is not an acceptable means of communication. A staff person shall remain within normal conversational hearing range or a two-way audio communication system shall be established to provide for verbal communication between staff and inmates. Such a system shall permit either party to initiate contact or it shall be continuously monitored by the staff person responsible for the designated inmate area. The responsibility of staff to monitor these systems shall be supported by written policy and procedure or post order. The adequacy of staff posts and means of communication/monitoring is subject to on-site review.

- (7) (Essential) Equipment necessary to maintain utilities, communications, security and fire protection in an emergency. Documentation supports that such equipment is tested quarterly and repaired or replaced as needed.

DISCUSSION: Each jail shall have an emergency power source necessary to maintain utilities, communication, security and fire protection in an emergency. Documentation supports that such equipment is tested quarterly and repaired or replaced as needed. This is supported by policy and procedure. Evidence of tests and repair is subject to on-site review.

- (B) Each full service jail shall have written policies and procedures, and practices which evidence, that the following minimum standards are maintained.

- (1) (Important) Procedures govern the availability, control, inventory, storage, and use of firearms, less than lethal devices, and related security devices, and specify the level of authority required for their access and use. Chemical agents and electrical disableers are used only with the authorization of the jail administrator or designee.

Access to storage areas is restricted to authorized persons and the storage space is located in an area separate and apart from inmate housing or activity areas.

DISCUSSION: Weapons or any object, which has the potential of being used as a weapon, shall be prevented from entering the jail's defined security perimeter. They should only be permitted in the confinement area at the direction of the jail administrator or his designee. Written procedure shall reflect those circumstances, which would justify bringing weapons, chemical agents, etc. into the jail. Employees, e.g., corrections officers, whose primary responsibility is inmate supervision, who are required to enforce jail rules, respond to jail safety/security needs, and directly interact with inmates in the performance of their duties, shall be trained in the use of the jail's security control equipment and devices. Acceptable means of verifying staff comprehension include written examinations, training checklists, documented oral examinations, etc. This practice shall be supported by written policies and procedures. Training records are subject to on-site review. Firearms, weapons and chemical agents stored and maintained at the jail, shall be secured in an arsenal, vault or other properly secured area. These storage areas, if located within the security perimeter, shall be outside of inmates housing and activity areas. Access to such storage shall be controlled by written policy and procedure. The storage area(s) is (are) subject to on-site review.

- (2) (Important) All inmates shall be searched whenever entering or leaving the jail's security perimeter to control contraband.

DISCUSSION: To help ensure that the jail remains free of contraband, inmates shall be properly searched whenever they leave or enter the jail's defined security perimeter. This is especially important where inmates are in physical contact with persons outside the jail. Non-invasive sensors and other techniques may be used whenever feasible. Searches shall be supported by written policy and procedure.

- (3) (Important) Procedures and practices governing strip and body cavity searches following reception shall be developed and implemented in consultation with the county prosecutor, city attorney or law director consistent with section 2933.32 of the Revised Code.

DISCUSSION: The county prosecutor, city attorney or law director shall be consulted prior to developing and implementing policy and procedure relating to strip and body cavity searches. Same gender and cross gender searches shall be specified in written policy and procedure.

- (4) (Essential) There is a plan that guides the jail's response to emergencies. All jail personnel are trained in the implementation of the emergency plan. The emergency plan should include procedures to be followed in situations that threaten jail security.

DISCUSSION: There shall be written plans that specify procedures to be followed for emergency situations, (such as escape, hostage situation, fire, riot, food

poisoning, civil disturbance in the community, natural disaster, suicide, other death, job action, outbreak of contagious disease, inmate strike and other disturbance, bomb threat). These plans shall be readily accessible to appropriate jail staff. The manual is subject to on-site review.

- (5) (Essential) The maintenance by staff of a log to record routine information, emergency situations and unusual incidents.

DISCUSSION: Proper management and control of the jail requires development of a formal system for recording routine and emergency situations occurring within the jail. All activities, (surveillance checks, security inspections, inmate counts, use of force, disciplinary actions, movement inside and outside the jail, medical treatment, feeding, critical incidents (e.g., fires, assaults, attempted/completed suicides and escapes and other deaths), inmate vandalism (e.g., destruction of jail property, flooding or other acts of vandalism) shall be routinely documented by the officer supervising the inmates on each shift on a form or log designed for that purpose. The time, date and initials or other identifier of the recorder shall be clearly noted along with the activity/incident regarding individuals or groups of inmates. The entry may be less detailed if supplemented by other reports (e.g., incident or disciplinary reports). It is preferable for all items to be recorded on one log or form designed for this purpose. This practice shall be supported by written policy and procedure. Logs are subject to on-site review.

- (6) (Essential) An official count shall be conducted to verify inmates physical presence and identification. There shall be no less than three official counts daily, not to exceed nine hours from the previous official count. The official counts shall be reconciled. Jail staff conducting the count shall record the count.

DISCUSSION: There shall be a systematic means of physically counting inmates at least three times within a twenty-four hour period, not to exceed nine hours from the previous official count. The staff person conducting the count shall be able to affirm the presence of each inmate being counted by observing the inmate's physical presence, hearing his voice and/or clearly seeing his movement. These counts shall be documented on a form or log (e.g., jail log), which is initialed or signed by the staff member(s) conducting the count and verified. This practice shall be supported by written policy and procedure. Records of counts are subject to on-site review.

- (7) (Essential) Personal observation checks of inmates shall be conducted every sixty minutes on an irregular schedule. Observation checks shall be conducted at varying times and shall be documented after completion by the staff person performing the check.

DISCUSSION: Each inmate shall be personally observed within the housing unit by jail staff at least once every sixty minutes and verified as being safe and secure either by the inmate's physical movement and/or other noticeable signs. These

checks shall be at irregular intervals (not to exceed sixty minutes) so that inmates do not anticipate the appearance of an officer. CCTV and other monitoring equipment may not be used as a substitute for direct staff observation. The time that each housing area was checked shall be routinely recorded on a log (e.g., jail log). This practice shall be supported by written policy and procedure. Jail logs are subject to on-site review.

- (8) (Important) In jails that recognize special needs inmates, they shall develop their own policy to address the management of those with special needs.

DISCUSSION: Housing will be available for inmates with medical, psychiatric needs, suicidal, sexually aggressive, or those at high risk for victimization. Inmates with violent or mental health issues shall receive more frequent observation. Handicapped accessible furnishings shall be made available for those in need (e.g., wheelchairs, toilets, showers, etc.). The services and programs are supported by policy and procedure and are subject to on-site review.

- (9) (Essential) Inmates in physical restraints shall be personally checked by staff every ten minutes. The report of the use of physical restraints shall be reviewed and signed off by a non involved supervisor or higher ranking personnel. This use of physical restraints shall be reviewed for policy compliance by the jail administrator or designee.

DISCUSSION: Inmates being held/housed with physical restraints shall be directly observed by staff in person at least every ten minutes. All checks shall be logged. This practice shall be supported by written policy and procedure and with logs that documented the required observations. Health trained staff shall check the restrained inmate every two hours for responsiveness and restraint pressure. They shall review for least restrictive alternatives.

- (10) In regard to the use of force:

- (a) (Essential) Use of force shall be limited to instances of justifiable self-defense, prevention of self-inflicted harm, protection of others, prevention of riot, discharge of firearm or other weapon, escape or other crime and controlling or subduing an inmate who refuses to obey a staff command or order.

DISCUSSION: Use of physical force by jail staff shall be restricted to instances of justifiable self protection, protection of others, protection of property, prevention of escapes and the maintenance of jail order in accordance with appropriate statutory authority. This practice shall be supported by written policy and procedure. Use of force reports, and video when available, are subject to on-site review.

- (b) (Essential) Use of force shall be limited to the amount of force necessary to control a given situation and shall include a continuum of escalating force levels. In no event is physical force used as punishment.

DISCUSSION: Physical force shall only be used to the degree necessary to regain or maintain control of a situation. In no case should force be considered justifiable as punishment or discipline and should cease once the situation is under control. This practice shall be supported by written policy and procedure, directing staff in appropriate escalating levels of force to be used. Use of force reports are subject to on-site review.

- (c) (Essential) An examination and/or treatment by qualified health care personnel shall be provided to inmates or staff involved in a use of force incident when there is obvious physical injury or there is a complaint of injury or request for medical attention.

DISCUSSION: When the use of force results in obvious physical injuries and/or when persons involved request medical assistance or indicate they have been injured, the person involved, whether inmate or staff, shall receive medical attention. Treatment, if needed, shall be provided either by in-house medical personnel or by outside emergency medical services as appropriate to the situation. This practice shall be supported by written policy and procedure. Reports are subject to on-site review.

- (d) (Essential) Use of force incidents shall be documented and reviewed by the jail administrator or designee.

DISCUSSION: Whenever physical force is used on an inmate, the staff involved shall prepare a written report indicating the persons involved, the type of force used and explain the rationale for requiring the degree of force, and reviewed by the jail administrator or designee. This practice shall be supported by written policy and procedure.

- (11) (Important) Procedures guide searches of jails and inmates to control contraband.

DISCUSSION: The inmate rules of conduct shall specify those items which inmates are permitted to have in their possession, and/or those which they are not allowed to possess. Items that are not allowed shall be clearly defined as contraband. The inmate rules of conduct containing the definition of contraband or lists of permitted items are subject to inspection. Searches of housing areas shall be unannounced and at irregular times (include both occupied and unoccupied cells). The searches should be conducted with minimal disturbance to inmate possessions and only contraband should be confiscated. This practice shall be supported by written policy and procedure. Reports are subject to on-site review.

- (a) (Important) Inmate accessible areas shall be inspected in a manner that ensures all areas are inspected each month.

DISCUSSION: At least monthly on an irregular interval, all inmate accessible areas shall be inspected. These inspections of inmate accessible areas shall be unannounced and at irregular times. Results of these inspections shall be documented. Those areas accessed by inmates during the month shall be checked. This practice shall be supported by written policy and procedure and the documentation is subject to inspection.

- (b) (Essential) A security inspection of the jail shall be conducted once a month.

DISCUSSION: At least monthly on an irregular interval, all bars, locks, windows, walls, floors, ventilator covers, glass panels, access plates, protective screens, doors, other security devices, furnishings and equipment that is accessible to inmates shall be checked for inmate tampering, operational wear or the concealment of contraband. Results of these inspections shall be documented. Only those areas occupied or accessed by inmates during the month shall be checked. Unoccupied or unaccessed areas shall be checked prior to inmates being placed into the area. This practice shall be supported by written policy and procedure and the documentation is subject to inspection.

- (c) (Essential) The jail administrator or designee shall be notified of any discovered contraband or physical security deficiencies. The appropriate disposition of contraband and the remediation of physical security deficiencies shall be documented.

DISCUSSION: Any security problem noted during routine surveillance checks, monthly security inspections and/or weekly spot checks shall be submitted in writing to the jail administrator or individual in charge of security and corrected as soon as possible. The disposition of any confiscated contraband shall be documented. This practice shall be supported by written procedure and the report forms are subject to inspection.

- (12) (Important) Inmate movement from one area to another is controlled by staff.

DISCUSSION: Inmate and staff identities are verified prior to opening doors. Staff escorts inmates for safety and security when necessary. Movement in or out of the housing unit is logged. Logs and/or electronic records are subject to on-site review.

- (13) (Important) The staff supervision and searching of inmate workers.

DISCUSSION: Jails that utilize inmates as inmate workers shall control the duties that they may perform and the areas of the jail where they may be conducting these assigned tasks. Contraband should not be allowed in housing areas. This practice

shall be supported by written policy and procedure and in written instructions for trustees.

- (14) (Important) No inmate shall be given control of or authority over any other inmate, security function or service activity.

DISCUSSION: No inmates, including inmate workers, are to be given any responsibility that permits them to direct or control the activities of other inmates. Inmates shall not be able to regulate other inmates' access to telephones, food, jobs or other jail services. Inmates shall not be allowed to supervise other inmates, use keys to security doors or areas or perform any security post duties. Inmates cannot be used to supplement or replace jail staff in maintaining jail security. This practice shall be supported by written policy and procedure.

- (15) (Important) Same gender and cross gender supervision guidelines shall be provided in policy and procedure.

DISCUSSION: When both males and females are housed in the jail at least one male and one female staff member shall be on duty at all times. If an employee finds himself isolated with an inmate of the opposite gender, they shall minimize the isolated time with the opposite gender. The jail shall develop, document and make its best efforts to comply on a regular basis with a staffing plan that provides adequate levels of both genders of staff and where applicable, CCTV. When calculating staffing, the jail shall consider the number of posts, composition of the inmate population, number of inmate units and facility design. The jail shall enable inmates to shower, perform bodily functions and change clothes without opposite gender (excluding medical staff) viewing their breasts, buttocks, or genitalia except in exigent circumstances or when the viewing is incidental to routine checks. Inmates shall be notified at the beginning of the shift when they are being supervised by opposite gender staff. A privacy barrier or clothing can be utilized upon notification of opposite gender staff in the area. These practices shall be supported by written policy and procedure.

- (16) (Important) Keys, tools and culinary equipment are inventoried and use is controlled.

DISCUSSION: Jail keys shall be stored in a locked cabinet or room with controlled access. All keys shall be issued in a systematic manner and shall be logged. The log shall contain the name of the person signing out the key, the date and the time signed out and the date and time the key is returned. This practice shall be supported by written policy and procedure. The key control center is subject to on-site review. Any key or lock, which does not function, shall be reported to the person designated by written procedures and be repaired immediately. The jail shall maintain a duplicate set of keys, which is stored in a locked area, separate and distinct from the main key control center, outside the jail's security perimeter and inaccessible to unauthorized persons. Inmates may be allowed to possess keys to non-secure areas, i.e., their assigned room, and never

have control of jail keys. Keys for exterior doors, gates and other barriers providing egress from the jail's security perimeter, shall not be carried or stored in areas accessible to inmates. Keys for external locks shall be different from keys for interior locks and shall also be controlled in a systematic way through written policy and procedure. Keys for emergency use shall be color coded or otherwise marked to enhance their use by non-facility personnel during an emergency evacuation. Written procedures shall specify who has access to emergency keys and how they are issued. There shall be 24-hour-a-day access and it shall accommodate all types of emergency situations. Written procedures shall specify who has access and authority to operate non-key locking devices. Control of these areas shall be addressed in the jail's key control policy. Tools, such as hacksaws, shears, welding equipment, kitchen knives, syringes, etc. shall be kept in a locked cabinet or room which is located in areas that are inaccessible to inmates or unauthorized persons. This practice shall be supported by written policy and procedure and logs. The storage areas are subject to on-site review.

(17) Toxic, corrosive and flammable substances and tools shall be:

- (a) (Important) Stored in a secure area and used by inmates only under direct supervision and used only in accordance with manufacturer's instruction. The substances are only accessible to authorized persons.

DISCUSSION: When inmates are in possession of particularly hazardous materials, tools or equipment used for cleaning or maintenance, staff shall remain in the area where the tools/supplies are in use, and supervise the inmate. Toxic, corrosive and flammable substances shall only be used according to the manufacturer's instructions. SDS information should be readily available. All flammable, toxic and caustic materials are to be stored in accordance with written instructions on the container or received item(s). These areas and materials shall be inaccessible to inmates. These practices shall be supported by written policy and procedure. Location and condition of these areas are subject to on-site review.

5120:1-8-04 Housing

(A) Full service jails shall provide inmates with sufficient space. The jail shall maintain documentation regarding square footage and maximum occupancy figures for all housing and holding areas, and shall comply with the following minimum requirements:

(1) Holding cells:

- (a) (Important) Sixty square feet for one to three occupants with twenty square feet for each additional occupant up to a maximum of one hundred and twenty square feet (six occupants.)

DISCUSSION: Each jail has a “Recommended Capacity” for holding cells which is considered sufficient space for confining inmates. Sufficient space for inmates in holding areas is defined as a minimum of 20 square feet for each inmate. The sizes of holding cells cannot be less than 60 square feet or larger than 120 square feet. Each jail shall maintain documentation of holding capacities. Documentation and the number of inmates held are subject to on-site review.

(2) Housing cells:

- (a) (Important) Seventy square feet for single occupancy; forty-eight square feet in jails constructed prior to 1983.

DISCUSSION: Each jail has a “Recommended Capacity” for housing cells which is considered sufficient space for confining inmates. In existing jails constructed prior to 1983, there shall be at least 48 square feet of sleeping space per inmate. In new jail facilities constructed after January 1, 1983, there shall be at least 70 square feet of sleeping space per inmate. A list of housing areas with corresponding actual and recommended capacities shall be documented and provided. The size of these areas should also be included. The number of inmates housed in each cell is subject to on-site review.

- (b) (Important) One hundred square feet with seven feet least dimension for double occupancy, stacked bunks, one hundred and ten square feet with nine feet least dimension for double occupancy, single bunks.

DISCUSSION: Each jail has a “Recommended Capacity” for multiple housing cells. Housing cells with these dimensions can only house two inmates at all times. A list of housing areas with corresponding actual and recommended capacities shall be documented and provided. The size of these areas shall also be included. The number of inmates housed in double occupancy cells is subject to on-site review.

- (c) (Important) One hundred and forty five square feet with nine feet least dimension for triple occupancy, stacked bunk and single bunk; one hundred and seventy square feet with twelve feet least dimension for triple occupancy, single bunks.

DISCUSSION: Each jail has a “Recommended Capacity” for multiple housing cells. Housing cells with these dimensions can only house three inmates at all times. A list of housing areas with corresponding actual and recommended capacities shall be documented and provided. The size of these areas shall also be included. The number of inmates housed in triple occupancy cells is subject to an on-site review.

- (d) (Important) One hundred and eighty square feet with nine feet least dimension for quadruple occupancy, two stacked bunks, two hundred and fifteen square feet with twelve feet least dimension for quadruple occupancy, single bunks.

DISCUSSION: Each jail has a “Recommended Capacity” for multiple housing cells. Housing cells with these dimensions can only house four inmates at all times. A list of housing areas with corresponding actual and recommended capacities shall be documented and provided. The size of these areas shall also be included. The number of inmates housed is subject to on-site review.

(3) Dormitory sleeping space:

- (a) (Important) Fifty square feet per occupant, except forty-eight square feet in jails constructed prior to 1983 wherein the formula shall be based upon the requirements of 5120:1-8-04(A)(2)(a) of the Administrative Code.

DISCUSSION: Each jail has a “Recommended Capacity” for dormitory sleeping areas. There shall be at least 50 square feet of sleeping space per inmate in a dormitory area, except forty-eight square feet in jails constructed prior to 1983 wherein the formula shall be based upon the requirements of 5120:1-8-04(A)(2)(a) of the Administrative Code. A list of dormitory areas with corresponding actual and recommended capacities shall be documented and provided. The size of dormitory areas shall also be included. The number of inmates housed is subject to on-site review.

(4) Dayspace:

- (a) (Important) Thirty five square feet per number of occupants occupying the dayspace at one time. Minimum size of one hundred and five square feet.

DISCUSSION: Each jail has a “Recommended Capacity” for dayspace in all inmate housing areas in general population areas. Each inmate shall be provided thirty-five square feet of activity space. This requirement for

activity space is in addition to space required for programs, recreation and administrative functions. A list of dayspace areas with corresponding actual and recommended capacities shall be documented and provided. The size of all dayspace areas should also be included and subject to an on-site review.

- (B) (Important) Seating shall be provided in holding areas, holding cells, housing cells, dormitories, dayrooms and eating areas for each inmate.

DISCUSSION: Each holding area, holding cell, housing cells, dormitories, dayrooms and/or eating areas shall have adequate seating for the number of inmates confined in or using the area. This is defined as actual seating designed for this purpose and does not include the floor or other areas not specifically designed for seating. Seating arrangements are subject to on-site review.

- (C) (Important) Single cells/rooms and multiple occupancy cells/rooms/dormitories shall have an air circulation of fifteen cubic feet of outside or recirculated filtered air per minute per occupant or as required by the local authority having jurisdiction. Documentation from a qualified source shall be maintained by the jail.

DISCUSSION: Each jail shall receive documentation from a qualified source (city maintenance, engineering department, etc.). Documentation shall be maintained by the jail. Documentation is subject to on-site review.

- (D) (Important) Temperature is mechanically raised or lowered to acceptable comfort levels.

DISCUSSION: Heaters, fans, etc. may be utilized to supplement the buildings HVAC system in order that the temperatures can be maintained to acceptable comfort levels. Their use shall be controlled by written policy and procedure. Each jail shall document all temperatures in all inmate holding and housing areas once per day. Documentation is subject to on-site review.

- (E) (Important) Sanitation facilities shall include access to an operable flush toilet and lavatory with hot and cold potable water on a twenty-four hour a day basis without staff assistance.

DISCUSSION: Sanitation facilities in inmate areas (e.g., holding cells, holding areas, housing cells, dayrooms, dormitories) excluding program areas, shall be equipped with a sanitary, working flush toilet, lavatory/sink with hot and cold potable water on a 24-hour basis without staff assistance. If drinking water is provided via a faucet (as opposed to a “bubbler” or fountain), then an instrument for drinking shall be provided. Condition and location of sanitation facilities is subject to on-site review.

- (F) (Important) Toilet facilities at a minimum of one operable toilet for every twelve occupants.

DISCUSSION: Multiple occupancy housing/holding areas shall have one flush toilet for every 12 inmates. There shall be a written approval or documentation of appropriate codes if the ratio is different from 12 inmates per flush toilet. The adequacy of the number of flush toilets provided is subject to on-site review.

- (G) (Important) Shower facilities at a minimum of one operable shower for every twelve occupants. Water temperatures shall be controlled thermostatically in a range from one hundred and five to one hundred and twenty degrees Fahrenheit.

DISCUSSION: Multiple occupancy housing areas shall have one working shower for every 12 inmates. There shall be a written approval or documentation of appropriate codes if the ratio is different from 12 inmates per shower. Documentation shall be maintained to show that water temperatures are between 105 and 120 degrees Fahrenheit. The adequacy of the number of showers provided and documentation of temperatures is subject to on-site review.

- (H) (Important) One operable wash basin with hot and cold potable water for every twelve occupants.

DISCUSSION: Multiple occupancy housing/holding areas shall have one wash basin (that is suitable for washing hands and face) for every 12 inmates. There shall be written approval or documentation of appropriate codes if the ratio is different from 12 inmates per fixture. The adequacy of the number of fixtures provided and hot and cold water is subject to on-site review.

- (I) (Important) Noise levels shall not exceed seventy decibels in daytime and forty-five decibels at night. Noise levels shall be documented using a sound level meter set to the A-scale (decibels.)

DISCUSSION: Efforts shall be made to keep noise levels in the jail to a minimum. Noise levels are subject to on-site review and measurement by a sound level meter set to A-scale (decibels).

- (J) (Important) Natural light shall be provided in housing units, dorms, cells and/or dayspaces.

DISCUSSION: Each jail shall provide natural light in housing units, dormitories, cells and/or dayspaces. Windows providing natural light shall be free of obstructions, unpainted and in good repair. The blocking of light is only acceptable when the desired security cannot be achieved in another manner. Documentation shall be maintained and provided if such conditions exist. Lighting conditions are subject to on-site review.

- (K) (Essential) Unadjudicated juvenile inmates shall be separated by sight and sound from adult inmates.

DISCUSSION: Unadjudicated juvenile inmates shall be separated by sight and sound from adult inmates. Sight contact is defined as clear visual contact between adult inmates

and juvenile inmates, within close proximity to each other and without a barrier separating the adult inmates from the juvenile inmates. Sound contact is defined as direct oral communication between adult inmates and juvenile inmates, within close proximity to each other and without a barrier separating the adult inmates and juvenile inmates. Sight and sound separation may be accomplished architecturally or through policies and procedures such as time phasing the use of an area to prohibit simultaneous use by adult inmates and juvenile inmates. Brief and inadvertent or accidental contacts between adult inmates and juvenile inmates does not constitute being non-compliant with the standard. In a secure booking area where continuous visual supervision is provided throughout the booking process, and juveniles only remain in the booking area for no more than a length of time to be fingerprinted and photographed, the juvenile is not considered to be in a secure detention status therefore, separation would not apply during this time. Once the booking process is completed juvenile inmates must be separated immediately from adult inmates. Juveniles shall have access to all care given to adult inmates provided under the standards, including but not limited to access to communication described in 5120:1-8-06, visitation as described in 5120:1-8-07, medical, mental health, and dental care as described in 5120:1-8-09, and recreation and programming described in 5120:1-8-11. This practice must be supported by written policy and procedure.

- (L) (Important) If inmate access to clothing, bed, bedding, toilet, lavatory and shower are suspended, there shall be a daily review for re-instatement by the jail administrator or designee.

DISCUSSION: Inmate access to clothing, bed, bedding, toilet, lavatory and shower may be suspended when the inmate is violent or extremely disruptive and refuses to discontinue his/her behavior. Suspension is intended to be used as a tool to restore cooperative behavior, rather than punishment. The jail administrator or designee shall review the status daily for reinstatement and document all reviews. This practice shall be supported by written policy and procedure. Documentation is subject to on-site review.

5120:1-8-05 Sanitation and environmental conditions

- (A) (Essential) The jail shall provide all inmates with hygiene articles at intake and replacement items to indigent inmates.

DISCUSSION: Jail officials shall ensure that inmates are provided with necessary hygiene articles. Initially the jail administrator or designee shall ensure that inmates are provided a toothbrush, toothpaste, and for female inmates, as needed feminine hygiene items. After initial processing, jail officials may allow inmates to possess sufficient money on an account to purchase items from commissary supplies. Inmates who are not indigent may be required to purchase replacement articles from the commissary, but jail officials shall replace items for indigent inmates. Inmate rules shall notify inmates that these items are available upon request. Practices shall be supported by written policy and procedure, and written notification to inmates is subject to on-site review.

- (B) (Essential) All areas of a full service jail shall be safe and sanitary, including the food service and laundry areas. Staff and inmates shall have specific housekeeping responsibilities, which shall include, but are not limited to daily cleaning of toilets, urinals, sinks, drinking facilities and showers in areas occupied by inmates and disposal of garbage.

DISCUSSION: Holding and housing areas occupied by inmates shall have all toilets, urinals, sinks, drinking facilities and showers cleaned daily with appropriate cleaning materials. Garbage shall be disposed of daily. This practice shall be supported by written policy and procedure and is subject to on-site review.

- (C) (Essential) Monthly sanitation, vermin and safety inspections of all areas shall be done by a designated, trained staff person.

DISCUSSION: These inspections are to ascertain that acceptable levels of sanitation are maintained. Any treatment or extermination shall be conducted by a licensed pest control professional. This practice shall be supported by written policy and procedure and the means used for documentation. Documentation is subject to on-site review.

- (D) (Essential) Regular maintenance and repairs shall occur.

DISCUSSION: The jail administrator or designee shall conduct daily maintenance inspections. These inspections are to ascertain that all internal systems (e.g., locks, intercoms, speakers, etc.) are in operable condition. Any repairs shall be documented and maintained. This practice shall be supported by written policy and procedure and the means used for documentation. Documentation is subject to on-site review.

- (E) (Essential) The jail shall be inspected annually by local or state health authorities and a written report shall be provided. There shall be a written plan to correct jail-related deficiencies.

DISCUSSION: Jail administrators or designees shall arrange for a health inspection on an annual basis. These inspections can be conducted by state and/or local health officials. In addition, there shall be a written plan to correct jail-related deficiencies. This practice shall be supported in written procedure. A copy of the annual inspection shall be provided.

- (F) (Important) All grounds, walkways, driveways and parking areas shall be illuminated at night.

DISCUSSION: The grounds, building exterior, sidewalks, driveways and parking areas that are adjacent to the jail shall be sufficiently lighted during evening hours to provide adequate vision for security and at a level to enable use of any exterior CCTV's. All areas are subject to on-site review.

- (G) The jail shall maintain documentation that the following standards are met with regard to interior lighting:

- (1) (Important) At least twenty foot-candles, measured thirty inches above the floor, in inmate reading areas.

DISCUSSION: Periodic inspections shall be conducted to ascertain that at least 20 foot-candles of light is provided in all inmate reading areas measured 30 inches from the floor. Foot-candles are measured by a light meter held either at the desk/table level or 30 inches above the floor. Lighting levels and documentation of inspections is subject to on-site review.

- (2) (Important) At least fifteen foot-candles, measured thirty inches above the floor, in inmate accessible areas.

DISCUSSION: Periodic inspections shall be conducted to ascertain that at least 15 foot-candles of light is provided in all accessible inmate areas. Foot-candles are measured by a light meter held 30 inches from the floor. Lighting levels and documentation of inspections is subject to on-site review.

- (3) (Important) Lighting in inmate sleeping areas shall be reducible to between two and four foot-candles, measured thirty inches above the floor.

DISCUSSION: Periodic inspections shall be conducted to ascertain that in inmate sleeping areas, lighting shall be reducible to between two and four foot-candles of light measured 30 inches from the floor. The reduction may be accomplished by separate lights or using rheostats on existing lighting. The lighting levels and documentation are subject to on-site review.

- (H) The jail shall maintain documentation that the following standards are met with regard to bedding, linens and clothing:

- (1) (Important) Bedding and mattresses shall be in good repair and cleaned prior to being reissued.

DISCUSSION: All sheets and blankets shall be laundered and all mattresses thoroughly cleaned with disinfectant prior to being issued to another inmate. This practice shall be documented and supported by written policy and procedure.

- (2) (Important) Clean bed linens and towels shall be exchanged once weekly. Issuance of clean linens and towels shall be documented.

DISCUSSION: The jail shall have an adequate number of sheets, towels and other linen to provide each inmate with a clean set at least once per week. Soiled linens and towels shall be removed from housing areas. This practice shall be supported by written policy and procedure. Documentation of the weekly exchange is subject to on-site review.

- (3) (Important) Issued clothing shall be exchanged or laundered twice weekly. Arrangements are made to exchange or launder personal clothing and undergarments twice weekly.

DISCUSSION: Jail officials shall provide inmates with adequate clothing to allow them to change into clean uniforms twice a week. Additionally, arrangements shall be made to exchange or launder personal clothing twice weekly. This practice shall be supported by written policy and procedure and documentation. Documentation is subject to on-site review.

- (4) (Important) Blankets shall be cleaned or exchanged once a month.

DISCUSSION: Inmates shall have their blanket cleaned/exchanged at least once a month. This practice shall be documented and supported by written policy and procedure. Documentation is subject to on-site review.

- (5) (Important) Mattresses shall be cleaned monthly.

DISCUSSION: Issued mattresses shall be cleaned with disinfectant on a monthly basis. This practice shall be documented and supported by written policy and procedure. Documentation is subject to on-site review.

- (6) (Important) Bedding, mattresses, towels and clothing shall be exchanged or cleaned when soiled.

DISCUSSION: Inmates shall have their bedding, mattresses, towels and clothing (issued) exchanged or cleaned when soiled. This practice shall be documented when it occurs and supported by written policy and procedure. Documentation is subject to on-site review.

- (I) (Important) Each inmate shall be provided the opportunity for a hot shower not to exceed 48 hours.

DISCUSSION: Inmates shall have access to cold and hot water and soap while showering and/or bathing themselves. Daily hot showers are encouraged; however, access to a hot shower shall not exceed 48 hours. This practice shall be supported in written policy and procedure. The availability of soap and hot and cold water is subject to on-site review.

- (J) (Important) The jail shall make provisions for inmate haircuts.

DISCUSSION: The jail shall make arrangements for inmate haircuts. Arrangements can be a licensed barber coming to the jail, transported to a barber, or provide instruments to cut hair for inmate use as requested. If instruments are provided, they should be kept in a manner acceptable to local or state health officials. The arrangements shall be documented and maintained. This shall be supported by written policy and procedure. Documentation is subject to on-site review.

- (K) (Important) Shaving equipment and supplies shall be made available daily. Issuance and retrieval of shaving equipment and supplies shall be documented.

DISCUSSION: Shaving equipment and supplies shall be made available on a daily basis. All issuance and retrieval of shaving equipment and supplies shall be documented. Non-indigent inmates may be required to purchase through the jail's commissary. This practice shall be supported by written policy and procedure which is acceptable to local and state health officials.

- (L) (Essential) The jail shall be inspected annually by a certified local or state fire safety inspector applying the applicable jurisdictional and Ohio Fire Code. The jail shall have a written plan to correct any jail-related deficiencies. The jail shall maintain documentation of the inspections and any corrective measures taken.

DISCUSSION: Arrangements shall be made to have the jail inspected annually by a certified local or state fire inspector applying the local jurisdictional and Ohio Fire Codes. The jail shall have a written plan to correct jail-related deficiencies and maintain documentation of the inspections and corrective actions taken to comply. This practice shall be supported by written policy and procedure. A copy of the annual fire inspection report shall be provided.

- (M) (Essential) The jail shall have a written fire safety plan approved by local fire officials, and that is reviewed annually and updated as needed. The plan shall include fire prevention, training and drills, fire response and post-fire documentation and review. A current copy of the plan shall be maintained at the local fire department.

DISCUSSION: The jail shall have a written fire safety plan that is approved by local fire officials. This plan shall be reviewed annually with the jail administrator or his designee

and the local fire official. The plan shall include fire prevention, training and drills, fire response and post-fire documentation and review.

- (N) (Important) Training in jail fire safety equipment shall be conducted annually.

DISCUSSION: Training shall be provided on jail safety fire equipment for all staff. Required fire safety equipment is at the discretion of the local fire official. This training shall occur annually and be documented in the jail staff training records. This shall be supported by written policy and procedure. Training records are subject to on-site review.

- (O) (Essential) Fire drills shall be conducted every three months on each shift.

DISCUSSION: The jail administrator or designee shall conduct fire drills every three months on each shift. Documentation of these drills shall be maintained. This shall be supported by written policy and procedure. Documentation is subject to on-site review.

- (P) (Essential) Jail furnishings shall meet fire safety performance requirements.

DISCUSSION: Jail furnishings include draperies, curtains, furniture, mattresses and bedding, upholstered or cushioned furniture, wastebaskets, decorations, and similar materials that can burn. Furnishings, mattresses, cushions, or other items of foamed plastics or foamed rubber (for example, polyurethane, polystyrene) can pose a severe hazard due to high smoke production, rapid burning once ignited and high heat release. Such materials should be subjected to careful fire-safety evaluation before purchase or use. All polyurethane should be removed from living areas unless its use is approved in writing by the fire authority having jurisdiction. The fire authority should consider the flammability and toxicity characteristics of the products being evaluated. "Furnishings" applies to all living quarters. This expected practice requires that specifications be known, if available, at the time of selection. There are no expected practices mandating knowledge of fire-performance characteristics of furnishings in the jail prior to implementation of the policy relating to this expected practice. This shall be supported by written policy and procedure. Documentation is subject to on-site review.

- (Q) (Essential) Jail exits shall be clear and evacuation routes shall be posted or clearly marked throughout the jail.

DISCUSSION: All jail occupants; staff, inmates, visitors, etc. shall be provided with clear direction/guidance in order to reach exits, entrances, exterior doors, building exterior areas and/or other safe areas in the event of a fire emergency within or affecting the jail. This shall be accomplished by either posting of evacuation routes or the placement of signs, arrows, or other markings along a planned route. Posted diagrams and/or markings shall be placed at appropriate locations throughout the building, including inmate occupied areas. These diagrams shall be visible, readable and note the primary and secondary egress routes. All points of exit shall be clearly identified/marked as exits with suitable signs. It is advisable that the location of emergency equipment (extinguishers, breathing

apparatuses, etc.), doors, windows and exits on the posted evacuation routes. The evacuation route postings or markings are subject to on-site review.

5120:1-8-06 Communication

- (A) (Important) There shall be no limitation on the amount of incoming or outgoing mail or correspondence via the postal service when the inmate is responsible for the costs of postage.

DISCUSSION: The jail shall not set any limitations on the amount of incoming or outgoing first-class class correspondence when the inmate is responsible for the cost of postage. Practices shall be supported by written policy and procedure.

- (B) (Important) Incoming and outgoing inmate mail, correspondence and packages can be opened and inspected to intercept contraband or non permitted items. The jail shall document procedures for the appropriate disposition of intercepted items.

DISCUSSION: Jail officials shall open and inspect all incoming and outgoing inmate correspondence and packages to intercept cash, checks, money orders and contraband. The contents of the correspondence/packages shall be removed and inspected for any possible contraband, prior to giving the correspondence to the inmate. The jail shall adopt procedures for appropriate disposition of intercepted items. Practices shall be supported by written policy and procedure.

- (C) (Important) Legal mail or correspondence shall be opened and inspected in the presence of the inmate to intercept contraband. The jail shall document procedures for the appropriate disposition of intercepted items.

DISCUSSION: Jail officials shall open all incoming inmate correspondence from the courts, any attorney of record, or any public officials, remove the contents, and inspect for any possible contraband, in the presence of the inmate. The jail shall adopt procedures for appropriate disposition of intercepted items. Practices shall be supported by written policy and procedure.

- (D) (Important) Mail, correspondence and packages shall only be withheld, read or rejected based on legitimate jail interests of order and security and is justified and approved by the jail administrator or designee in writing. The inmate shall be notified if mail is withheld or rejected.

DISCUSSION: Mail, correspondence and packages shall only be withheld, read or rejected based on legitimate jail interests of order and security and is justified and approved by the jail administrator or designee. If any item is withheld, the inmate shall be notified. Practices shall be supported by written policy and procedures. Documentation is subject to on-site review.

- (E) (Important) If a jail offers email service to inmates, the incoming and outgoing emails shall be subject to review for security reasons.

DISCUSSION: A jail which offers email services to inmates shall have the ability to monitor the emails for security-related issues.

- (F) (Important) Indigent inmates shall receive writing materials, envelopes and postage for two letters per week.

DISCUSSION: Jail officials shall provide indigent inmates with minimum outgoing correspondence assistance. Inmates shall receive writing materials, envelopes and postage for two letters per week upon request. Notice of this provision will be given in the posted inmate rules. Practices shall be supported by written policies and procedures.

- (G) (Important) Inmates shall have access to inmate telephone services.

DISCUSSION: The jail shall provide inmates access to telephones while incarcerated for the purposes of communicating with individuals outside of the jail (e.g., friends, family, attorneys, etc.). Practices shall be supported by written policy and procedure. Actual arrangements are subject to on-site review.

- (H) (Important) Inmates shall have access to legal counsel of record including telephone contact, written communication, and confidential visits.

DISCUSSION: Inmates shall have access to legal counsel of record to include telephone contact, written communication, and confidential visits. Practices shall be supported by written policy and procedure. Refer to Visitation 5120:1-8-07 subsection J.

5120:1-8-07 Visitation

- (A) (Important) There is a secure visiting area that physically separates the inmate and visitor with capability for two-way conversation and non-obscured and/or video visitation.

DISCUSSION: An area within each jail shall be available that allows inmates to visit with persons from the outside. The location and design of this area shall insure that jail security is maintained. It is preferred that the inmate's side of the visitation area shall be within the security perimeter and the visitor's side is outside the security perimeter. Inmates and visitors shall be able to view each other through a non-obscured opening, with location and clarity so as not to impede sight. A system of audio communication shall be utilized whenever inmates and visitors are otherwise unable to converse in normal conversational tones without undue interference from other visitors, or provisions for video visitation. Visiting areas are subject to on-site review.

- (B) (Important) The visitation area shall be equipped with seating.

DISCUSSION: To enhance normal conversation and viewing, each visiting area shall have appropriate seating. Handicap accessible seating and/or accommodations shall be made for visitors with disabilities. Visiting area seating is subject to on-site review.

- (C) (Important) Visitors shall be required to provide valid identification.

DISCUSSION: All visitors shall be able to show identification that appropriately establishes their identity. Inmate visitation records are subject to review. This practice shall be supported by written policy and procedure.

- (D) (Important) Visitors shall register upon entry into the jail. The registry shall include the date, visitor names, inmate visited and length of the visit.

DISCUSSION: Jail officials shall maintain a record of inmate visitations to include at a minimum: the name of the visitor; the name of the inmate being visited; the date and the beginning and ending times of each visit. Inmate visitation records are subject to review. This practice shall be supported by written policy and procedure.

- (E) (Important) The jail shall provide general visitation hours that provide inmates the opportunity for thirty minutes of visitation per week. If the jail utilizes video visitation, it will provide weekly general visitation hours that are supported by the video visitation system utilized, no less than twenty minutes per visit. A schedule of visiting hours shall be posted in inmate and visitor areas.

DISCUSSION: Each inmate is entitled to at least 30 minutes of visiting time per week unless the jail utilizes video visitation. If the jail utilizes video visitation, visits shall be no less than 20 minutes per visit per week. Whenever safety or security situations temporarily disrupt established visitation schedules, visitation privileges shall be

reinstated within a reasonable time frame, after the safety or security situation has been brought back into control. A schedule of visiting hours shall be posted in inmate and visitor areas. Visitation schedules are subject to on-site review. This practice shall be supported by written policy and procedures.

- (F) (Important) Written policy and procedures shall govern contact and special visits.

DISCUSSION: Contact visits, where inmate and visitor are able to meet without barrier, may be allowed and monitored at the discretion of the jail administrator or designee. Where utilized, the practice shall be supported by written policy and procedure, which regulates the visit and insures that jail security is maintained. Whenever circumstances prevent either the inmate or their visitor(s) from obtaining the required 30 minutes of visiting time per week or 20 minutes of video visitation within a week, the jail administrator or designee may consider allowing a special visit to occur. Applicable circumstances to consider a special visit could include visitors traveling from a great distance, handicapped visitors if handicap seating is not available within the visitation area or other situations as determined by the jail administrator or designee. The special visitation time may be counted toward the inmate's total allowed weekly visitation time. Documentation of special visits (allowed and denied) is subject to on-site review. This practice shall be supported by written policy and procedure.

- (G) (Important) The jail shall establish visitor security procedures to prevent contraband from entering the jail.

DISCUSSION: All persons wishing to visit any inmates are subject to security procedures within the jail, including both outside and inside the security perimeter. Security procedures that may be enforced and/or administered shall be clearly posted in the visitors lobby or near the information window/booth. Security procedures may include: frisk search, pat downs, temporarily securing outer garments, valuables, weapons/weapon-like items (e.g., police hand guns, mace, clubs, pocket knives, etc.), searches of briefcases and purses, utilization of metal detectors and surveillance camera. Visits may be denied based upon improper attire and/or appearance. Posted visitation security procedures are subject to on-site review. This practice shall be supported by written policy and procedure.

- (H) (Important) Visits shall be restricted only if the jail administrator or designee determines that a visit is a threat to safety, security or the best interests of the jail. The jail administrator or designee shall document restrictions in writing.

DISCUSSION: Visitors that are a clear and present danger to the security of the jail may be denied inmate visitation. Examples of applicable security situations may include, but not limited to: openly hostile and aggressive to staff and/or other persons in the immediate area, visitors who refuse to secure any weapon or weapon-like item when asked by staff to do so, there is reasonable cause to believe the visitor is under the influence of alcohol or drugs, refusing to submit to a frisk search or search of property (briefcase, purse, etc.) or who refuse or are unable to show valid identification. Inmates

may refuse visitation at any time with the exception of those visits mandated by court order (usually for legal matters, medical/mental health matters, etc.). Visitation privileges can be denied to inmates who have temporarily lost their visitation privileges as a disciplinary sanction. Finally, the jail administrator or designee may decide that there are significant reasons related to security and safety that necessitate denial or rescheduling of visitation. Whenever the jail administrator or designee denies an inmate visitation from occurring, the reasons for the denial shall be documented. This practice shall be supported by written policy and procedure.

- (I) (Important) Visits between inmates and members of the public shall be monitored and may be recorded by any means for safety and security reasons.

DISCUSSION: Visitation areas shall have physical design and/or arrangement that shall permit security staff the opportunity to monitor the visit via observation, but not intentionally listen to the conversation during a visiting period. Visits between inmates and members of the public may be recorded by any means. This practice shall be supported by written policy and procedure. This practice is subject to on-site review.

- (J) (Important) Professional visits by attorneys of record or clergy shall be permitted as dictated by jail safety and security needs.

DISCUSSION: An attorney of record (criminal/civil/other attorney of record) and members of the clergy or similarly titled person of any religious sect/group, or denomination of which the inmate practices shall be allowed to visit their client during any reasonable time, both day and evening times, assuming there are no significant security or safety matters existing or expected in the immediate future. Examples of common security or safety situations that may preclude an inmate from visiting their attorney or clergy include, but may not be limited to: during inmate meal times; inmate counts; emergency situations that temporarily do not allow staff the ability to appropriately provide for such a professional visitation to occur; during inmates' scheduled sleeping hours; or if the attorney or clergy refuses to submit to either a frisk search/pat down or to allow jail staff to search any permissible personal property. There is no expectation of a professional visit to be without barrier and such visits shall be determined by policy and procedure. This practice shall be supported by written policy and procedure.

5120:1-8-09 Medical/Mental Health

- (A) (Essential) Health Authority. The jail has a designated health authority with responsibility for health and/or mental health care services pursuant a written agreement, contract or job description. The health authority may be a physician, health administrator or agency. When the health authority is other than a local physician, final clinical judgment rests with a single, designated, responsible, local physician licensed in Ohio. The health authority is responsible and authorized to:
- (1) Provide written policies and procedures specifically designed for the jail for all aspects of this standard that shall be reviewed on an annual basis.
 - (a) Written policies and procedures shall be easily accessible to staff and simple to understand.
 - (2) Arranges for all levels of health care, mental health care and dental care and assures quality, accessible and timely services for inmates. When necessary medical, mental health or dental care is not available at the jail, inmates are referred to an appropriate setting.
 - (3) Ensure where there is a separate organizational structure for mental health services; there is a designated mental health clinician.
 - (4) Ensure decisions and actions regarding health care and mental health care meet inmate's serious medical and mental health needs are the sole responsibility of qualified health care and mental health professionals.
 - (5) No inmate shall be denied necessary health care, as designated by the health authority.

DISCUSSION: The jail shall employ or have a written agreement or contract with a designated health authority. The health authority may be a physician, health administrator or agency licensed in the state to practice medicine or osteopathic medicine. If this authority is other than a physician, i.e., health organization, Urgent Care organization, there must be a single designated physician responsible for final medical judgments. Written policy and procedure shall be specific to the jail, include all aspects of the medical/mental health standard and reviewed annually. If medical, mental health or dental care is not available at the jail, the health authority shall refer the inmate to an appropriate setting outside the facility. Those medical, mental health and dental care needs, which are determined to be youth specific and for which treatment is not available at the jail, shall be referred to providers with expertise on youth issues. This practice shall be supported by written policy and procedure. Documentation (e.g., contract, written agreement), which includes designation of a jail physician, is subject to on-site review.

(B) (Essential) Inmate Pre-Screen. Before acceptance into jail, health-trained personnel shall inquire about, but not be limited to the following conditions and the health authority shall develop policies for the acceptance or denial of admission for:

- (1) Suicide Thoughts/Plan.
- (2) Current serious or potentially serious medical or mental health issues needing immediate attention.
- (3) The use of Taser, pepper spray or other less lethal use of force during arrest.

DISCUSSION: Unconscious arrestees shall not be admitted under any circumstances. Any time an arrestee is denied due to medical circumstances, documentation of medical clearance from a local hospital or urgent care to be incarcerated shall be provided. When force is used, vitals should be checked and inmates are decontaminated, when accepted. This practice shall be supported by written policy and procedure.

(C) (Essential) Receiving Screen. Health trained personnel, in accordance with protocols established by the health authority, shall perform a written medical, dental and mental health receiving screening on each inmate upon arrival at the jail and prior to being placed in general population.

- (1) Inquiry includes at least the following:
 - (a) Current and past illness and health problems;
 - (b) Current and past dental problems;
 - (c) Current and past mental health problems;
 - (d) Allergies;
 - (e) Current medications for medical and mental health;
 - (f) Hospitalizations for medical or mental health purpose(s);
 - (g) Special health needs;
 - (h) Serious infection or communicable illness(s);
 - (i) Use of alcohol and drugs including types, amounts and frequency used, date or time of last use and history of any problems after ceasing use, i.e., withdrawal symptoms;
 - (j) Suicidal risk assessment;

- (k) Possibility of pregnancy;
 - (l) Other health problems as designated by the health authority.
- (2) Observation of the following:
- (a) Behavior including state of consciousness, mental health status, appearance, conduct, tremors and sweating;
 - (b) Body deformities and ease of movement;
 - (c) Condition of skin, including trauma markings, bruises, lesions, jaundice, rashes, infestations and needle marks or other indications of drug abuse.
- (3) Medical disposition of inmate:
- (a) General population;
 - (b) General population with prompt referral to appropriate health or mental health services;
 - (c) Referral for emergency treatment;
 - (d) Medical observation/isolation;
 - (e) Mental health observation/precautions;
 - (f) Documentation of date, time and signature and title of person completing screening.

DISCUSSION: There shall be a structured health observation/inquiry as an initial assessment that is conducted with all newly arrived inmates prior to placing them into the general population. There shall be a process for observation for high risk events, such as seizures, detoxification, head injuries, large or deep wounds, etc. An assessment shall be conducted, using forms that include all the elements contained in this standard, completed by a staff person. This practice shall be supported by written procedures and an appropriate blank preliminary health screening form. The health authority shall approve written procedures. Completed screening forms are subject to on-site review.

- (D) (Essential) Health Appraisal. Within fourteen days, a licensed nurse, physician, physician's assistant, EMT or paramedic shall complete a health appraisal to determine the medical and mental health condition for each inmate in custody. Such appraisal shall at least include the following:
- (1) Review of receiving screen.

- (2) Collection of additional data to complete the medical, dental and mental health history.
- (3) Laboratory and/or diagnostic tests to detect tuberculosis and other suspected communicable diseases as designated by the health authority.
- (4) Recording the height, weight, pulse, blood pressure and temperature.
- (5) Medical examination as determined by the examiner.
- (6) Mental health assessment.
- (7) Initiation of therapy when determined necessary by the examiner.
- (8) Development and implementation of a treatment plan.
- (9) Other test and examination as determined by the examiner or health authority.

DISCUSSION: A physical examination, collection of health history and other health data shall be conducted for inmates whose confinement will exceed ten days, prior to their fifteenth consecutive day of confinement. This practice shall be supported by written policy and procedure and blank health appraisal form(s). Written policies and procedures shall be approved by the health authority. Completed health appraisal records are subject to on-site review.

- (E) (Essential) Full-Service Scope. The jail provides 24-hour emergency medical, dental, and mental health care services.

DISCUSSION: To ensure inmates receive appropriate care, the designated physician or allied medical personnel (LPN, RN) under physician supervision, shall be present at the jail to conduct the sick call a minimum of once each week up to a maximum of five times each week supported by written policy and procedure, which defines situations considered emergencies, courses of action and documentation. Procedures shall be approved by the health authority and are subject to on-site review.

- (F) (Essential) Sick Call. A physician and/or qualified health care professional conducts sick call.

- (1) Once per week for jails with an average daily population of less than fifty.
- (2) Three times per week for jails with an average population of less than one hundred ninety-nine.
- (3) Five times per week for jails with an average daily population of two hundred or more.

DISCUSSION: To ensure inmates receive appropriate care, the designated physician or allied medical personnel (LPN, RN) under physician supervision, shall be present at the jail to conduct the sick call a minimum of once each week up to a maximum of five times each week supported by written policy and procedure and be consistent with reported average daily population (ADP). Written procedure shall be approved by the health authority. Jail logs or other documentation are subject to on-site review.

- (G) (Essential) Credentials. All health and mental health care personnel who provide services to inmates are appropriately credentialed according to the licensure, certification, and registration requirements of Ohio. Verification of current credentials is on file at the facility. Health care staff work in accordance with profession-specific job descriptions approved by the health authority.

DISCUSSION: The duties and responsibilities of qualified health care personnel shall be specified in written job descriptions or procedures approved by the health authority. The procedure shall indicate the specific role of each position in the health care delivery system. The procedure shall state that the work of allied medical personnel is performed under the supervision of the jail physician. This shall be supported by the written job description or policy and procedure.

- (H) (Essential) Health & Mental Health Complaints. The jail shall ensure that there is a daily procedure whereby inmates have an opportunity to report medical and mental health complaints through health trained personnel, or for urgent matters, to any jail employee. The jail employee shall contact the appropriate medical or mental health department immediately. An inmate grievance system for medical and mental health treatment shall be established by the health authority. Both daily complaints and grievances shall be:

DISCUSSION: All inmates shall be allowed to report medical complaints on a daily basis. This practice shall be supported by written policy and procedure. Policy and procedure shall be approved by the health authority.

- (1) Addressed in a timely manner.
- (2) Recorded and maintained on file.

DISCUSSION: All medical complaints from inmates shall be recorded and maintained on file. Medical records and storage areas are subject to on-site review.

- (3) Reviewed daily by qualified health care personnel and treatment or follow-up shall be provided as necessary

DISCUSSION: The designated physician shall review the written health complaints or supervise the triaging of the complaints by qualified health care personnel (LPN, RN, physician assistant, paramedic). The physician's initial review of the requests may be conducted via telephone. This practice shall be

supported by written policy and procedure. Written procedure shall be approved by the health authority.

- (I) (Important) Personal Physician Treatment. Inmates can be treated by a personal physician in the jail at their own expense, upon the approval by the jail physician, provided that the current credentials of the personal physician are verified.

DISCUSSION: Inmates experiencing health concerns may be permitted to receive treatment from their own physician in the jail if they request and are willing to pay for the treatment and the requesting physician is verified as licensed to practice in the State of Ohio. However, this does not preclude jail officials from paying for service if they so desire. The designated jail physician shall also approve treatments, medications and appointments that may be ordered by the inmate's physician and paid for by the inmate. This practice shall be supported by written policy and procedure. Written procedure shall be approved by the health authority.

- (J) (Essential) Medical/Mental Health Record. The jail shall maintain an accurate health/mental health record in written or electronic format. The health authority shall develop policies and procedures concerning the following areas:

DISCUSSION: Health records shall include all medical contacts and requests including notations concerning any psychiatric, dental and other consultative services received or requested by an inmate. Medical record storage shall be supported by written policy and procedure and have the approval of the designated health authority. Storage areas and records are subject to on-site review.

- (1) Health records remain confidential and are only accessible to personnel designated by the health authority.

DISCUSSION: Access to the health/medical records shall be controlled by the health authority by designating those individuals authorized to have access to files. The records are to be maintained in a locked file or room which may only be accessed by those confinement records unless confidentiality may be otherwise insured. The practice shall be supported by written policy and procedure approved by the health authority. The storage area is subject to on-site review.

- (2) Correctional staff may be advised of inmates' health/mental health status only to preserve the health and safety of the inmate, other inmates, jail staff and in accordance with state and federal laws.

DISCUSSION: Jail staff may be authorized to have access to an inmate's health status only to preserve the health and safety of the inmate, other inmates and/or jail staff. Any such authorizations shall be at the discretion of the health authority.

- (3) Retention and reactivation of said records if an inmate returns to the facility.

(4) Transfer of medical/mental health information or record to external care provider.

- (K) (Essential) Pharmaceuticals. Pharmaceuticals are managed in accordance with policies and procedures approved by the health authority and in compliance with state and federal laws and regulations and include the following:

DISCUSSION: The written medical and health care plan shall include written policies and procedures addressing the administering of medication and medical supplies, specifying person responsible for administration. In addition, policies and procedures shall be established when inmates are allowed to carry and administer their own medication. The procedure shall include a prohibition of “dispensing” of medications, which is the issuance of one or more doses of prescription medicine from a stock of bulk containers with required labeling by a registered pharmacist. “Administering” is giving a single dose of an identified drug to a patient by staff trained in the agencies’ procedures regarding administration of medications and medical supplies, as prescribed by a practitioner and prepared by a pharmacist. Written procedures shall be approved by the health authority.

- (1) The policies require dispensing and administering prescribed medications by health-trained personnel or professionally trained personnel, adequate management of controlled medications, and provisions of medication to inmates in special management units.

DISCUSSION: Medications shall be administered or distributed according to the orders of the prescribing practitioner (physician or dentist) or jail physician. This practice shall be supported by written policy and procedures that ensure that medications/medical supplies are administered in a timely manner and in the prescribed amounts and forms (e.g., liquid, tablet) as directed by the physician. Written procedures shall be approved by the health authority.

- (2) The jail shall develop a policy, approved by the health authority, regarding incoming medications.

DISCUSSION: The administering of all medications (prescription and non-prescription) and medical supplies shall be documented, including the information specified in this standard and the name of the inmate receiving the medication/supplies. These practices shall be supported by written policy and procedure and the form used for this purpose. Records are subject to an on-site review. Written procedure shall be approved by the health authority.

- (L) (Important) Dental Care. Inmates shall be provided dental and oral care under the direction and supervision of a dentist licensed in the State of Ohio. There is a system of established priorities for care, when in the dentist’s judgment; the inmate’s health would otherwise be adversely affected.

DISCUSSION: Emergency dental care shall be available for inmates either through a dentist or clinic for acute dental problems (e.g., severe pain, infection, bleeding gums, broken dental prosthesis necessary for eating). This practice shall be supported by written policy and procedure and include identification of conditions considered dental emergencies, course of action to procure a dental emergency and documentation of the dental emergency. In addition to the above, inmates shall have the opportunity for routine dental examinations by a dentist licensed in the State of Ohio. The examination may include x-rays for diagnostic purposes and any subsequent treatment determined as correcting a condition, which would otherwise adversely affect the inmate's health. This practice shall be supported by written policy and procedure specifying dental care considered preventative and corrective, that such dental care is provided for any inmate and process by which eligible inmates are identified. Written procedures shall be approved by the health authority.

(M) (Essential) Mental Health Services. Inmates evidencing signs of mental illness or developmental disability shall be referred immediately to qualified mental health personnel. The health authority shall develop policies for the following areas:

- (1) Screening for mental health problems.
- (2) Referral to outpatient services, including psychiatric care.
- (3) Crisis intervention and management of acute psychiatric episodes.
- (4) Stabilization of the mentally ill and prevention of psychiatric deterioration in the jail.
- (5) Referral and admission to inpatient facilities.
- (6) Informed consent.

DISCUSSION: There shall be arrangements to secure services for individuals exhibiting emotional crisis, mental disorders, or mental/developmental disabilities that ensure prompt response in a crisis situation. This practice shall be supported by written policy and procedure specifying inmate behavior considered a serious mental disorder and provisions for referral to the jail physician or mental health professional or agency. Procedures shall be approved by the health authority.

(N) (Essential) Suicide Prevention Program. The health authority shall have a plan for identifying and responding to suicidal and potentially suicidal inmates. The plan components shall include:

- (1) Identification – The receiving screening form contains observation and interview items related to the inmate's potential suicide risk. Circumstances include but are not limited to: profound incidents/issues, court dates, loss of significant others

either by accident, natural causes or by suicide, sentencing, divorce, rejection, bad news, after a humiliating issue, etc. may be high risk periods for inmates.

- (2) Training – Staff members who work with inmates are trained to recognize verbal and behavioral cues that indicate potential suicide and how to respond appropriately. The plan includes initial and annual training.
- (3) Assessment – The plan specifies a suicide risk assessment and level system. The assessment needs to be completed every time an inmate is identified as being or potentially being suicidal, or if circumstances change. Only a qualified mental health professional may remove inmates from suicide risk status.
- (4) Housing – The plan shall designate the housing beds/units for the suicidal or potentially suicidal inmates.
- (5) Monitoring – The plan specifies the procedures for monitoring an inmate who has been identified as potentially suicidal. A suicidal inmate is checked at varied intervals not to exceed ten minutes. Regular documented supervision is maintained. Inmates are placed in a designated cell, all belongings removed and other prevention precautions initiated, as appropriate.
- (6) Referral – The plan specifies the procedures for referring a potentially suicidal inmate and attempted suicides to a mental health care provider or facility, and includes timeframes.
- (7) Communication –The plan specifies for ongoing communications (oral and written), notifications between health care and correctional personnel regarding the status of suicidal inmates.
- (8) Intervention – The plan addresses how to handle a suicide in progress, including first-aid measures.
- (9) Notification – The plan includes procedures of notifying the jail administrator, outside authorities and family members of completed suicides. The plan shall consider safety and security issues when it comes to notification.
- (10) Reporting – The plan includes procedures for documenting, monitoring and reporting attempted or completed suicides. Completed suicides are immediately reported to the Coroner/Medical Examiner and the Division of Parole and Community Services within thirty days of the incident.
- (11) Review – The plan specifies procedures for medical and administrative review if a suicide or a serious suicide attempt occurs.
- (12) Critical Incident Debriefing – The plan specifies the procedures for offering critical incident debriefing to affected staff and inmates.

DISCUSSION: Written policy and procedure shall address the issue of suicide in the jail, to include prevention measures. Written procedures shall be approved by a mental health professional and/or the health authority.

- (O) (Important) Emergency Equipment/Supplies. Emergency medical equipment and supplies, as determined by the health authority shall be available at all times and replenished, as needed and may include automatic external defibrillators (AEDs).

DISCUSSION: Emergency medical equipment and supplies may be placed in specified area(s) of the facility. The health authority shall approve the contents, location and intervals for inspections of the emergency medical equipment and supplies. This practice shall be supported by written policy and procedure. Procedures shall be approved by the health authority. Emergency medical equipment and supplies are subject to on-site review.

- (P) (Essential) Infectious Disease Control Program. The health authority shall have a written infectious disease control program which collaborates with the local health department and shall include, at minimum, an Exposure Control Plan and Standard Isolation Precautions for inmates and staff, which are updated annually. The health authority will develop written policy and procedure.

DISCUSSION: The health authority shall ensure that an infectious disease control program is implemented. Hand hygiene promotion measures should be in place throughout the jail. Provisions should be made for the screening, surveillance, treatment, containment, and the reporting of infectious diseases. Procedures should be in place for handling bio-hazardous waste and decontaminating medical, dental and contaminated areas/equipment, which shall comply with applicable local, state, and federal regulations.

- (Q) (Essential) Pregnant Inmate. Pregnant inmates shall receive appropriate and timely pre-natal care, delivery and postpartum care, as determined by the health authority.

DISCUSSION: Female inmates shall be provided pre-natal care as determined by the health authority. Practices shall be supported by written policies and procedures.

- (R) (Essential) Restraints. Use of restraints for medical and psychiatric purposes shall be applied in accordance with policies and procedures approved by the health authority, including:

- (1) Conditions under which restraints may be applied.
- (2) Types of restraints to be applied.
- (3) Identification of a qualified medical or mental health professional who may authorize the use of restraints after reaching the conclusion that less intrusive measures are not a viable alternative.

- (4) Monitoring procedures.
- (5) Length of time restraints are to be applied.
 - (a) There shall be ten-minute, varied checks by correctional staff;
 - (b) There shall be thirty-minute checks by health-trained personnel;
 - (c) Inmates in medical restraints, if possible, after every two hours of continuous use, each extremity is freed or exercised for a period of five to ten minutes.
- (6) Documentation of efforts for less restrictive treatment alternatives.
- (7) An after-incident review.

DISCUSSION: The jail physician shall authorize the use of medical restraints after determining that no less restrictive treatment is appropriate. Practices shall be supported by written policy and procedure. Documentation is subject to on-site review.

- (S) (Important) Continuous Quality Improvement Program. The health authority shall develop a Continuous Quality Improvement (CPI) system of monitoring and reviewing, at least annually, the fundamental aspects of the jail's health/mental health care system, including but not limited to: access to care; the intake process; emergency care and hospitalizations; and, adverse inmate occurrences, including all deaths. Periodic chart reviews are included to determine the timeliness and appropriateness of the clinical care provided to inmates.

DISCUSSION: Examples of on-site monitoring of health service performance may include: chart reviews for signed orders by the responsible physician or his or her designee, including investigation of complaints and quality of health records, review of prescribing practices and administration of medication practices, logging the investigation of complaints and grievances, reviewing all deaths in custody, serious suicide attempts and contagious illness outbreaks, monitoring of corrective action plans, maintaining appropriate records of internal review activities, issuing an annual report to the jail administrator of the findings of internal review activities, and ensuring records of internal review activities comply with legal requirements on confidentiality of records.

- (T) (Important) Emergency Response Plan – The health aspects of the emergency response plan (mass disaster drill & man down drill). Emergency medical care, including first aid and basic life support, is provided by all health care professionals and those health-trained correctional staff specifically designated by the jail administrator. All staff responding to medical emergencies are certified in cardiopulmonary resuscitation (CPR) in accordance with the recommendations of certifying health organizations.

DISCUSSION: Health care staff responsibilities are addressed by written policy and procedures. The emergency response plan is approved by the health authority and jail administrator, and include at a minimum: responsibilities of health staff, procedures for triage, predetermination of the site for care, telephone numbers and procedures for calling health staff and the community emergency response system (e.g., hospitals, ambulances), procedures for evacuating infirmity patients, and alternative backups for each of the plan's elements. At least one mass disaster drill is conducted annually. The health emergency man-down drill is practiced once a year on each shift where health staff are regularly assigned. Both the mass disaster and man-down drills are critiqued and shared with all health staff. If full-time health staff are not assigned to a particular shift, that shift is exempt from drills. If there are no full-time health staff, drills are not required.

- (U) (Essential) Continuing Education for Health Trained Personnel. All qualified health care professionals participate annually in continuing education appropriate for their position.

DISCUSSION: Training may include: security procedures and regulations, signs of suicide risk, suicide precautions, use of force regulations and tactics, inmate rules and regulations, key control, rights and responsibilities of inmates, safety procedures, all emergency plans and procedures, interpersonal relations, CPR/First Aid, sexual harassment/sexual misconduct awareness, purpose, goals, policies, and procedures for the jail and parent agency, security and contraband regulations, appropriate conduct with inmates, universal precautions, occupational exposure, personal protective equipment and bio-hazardous waste disposal.

- (V) (Essential) Special Nutritional and Medical Diets. Inmate diets are modified when ordered by the appropriate licensed individual to meet specific requirements related to clinical conditions.

DISCUSSION: Special nutritional and medical diets are prepared and served to inmates according to the orders of the treating clinician or as directed by the responsible health authority official. Prescriptions for therapeutic diets should be specific and complete, furnished in writing to the food service manager. Therapeutic diets should be kept as simple as possible and should conform as closely as possible to the foods served other inmates. Pregnant women are only prescribed meals, if necessary.

- (W) (Essential) Intoxication and Detoxification. The health authority shall develop specific policies and protocols in accordance with local, state and federal laws for the treatment and observation of inmates manifesting symptoms of intoxication or detoxification from alcohol, opiates, hypnotics, or other drugs. Specific criteria are established for immediately transferring inmates experiencing severe, life-threatening intoxication (overdose) or detoxification symptoms to a hospital or detoxification center.

DISCUSSION: Medical staff are contacted and have a role in the assessment of intoxication and withdrawal. Any protocols are approved by the health authority. Life threatening intoxication or withdrawal shall result in transport to a local hospital.

- (X) (Essential) Confidentiality. Information about an inmate's health status is confidential. Non health trained staff only has access to specific medical information on a "need to know" basis in order to preserve the health and safety of the specific inmate, other inmates, volunteers, visitors, criminal justice professionals or correctional staff.

DISCUSSION: The principle of confidentiality protects inmate patients from disclosure of confidences entrusted to a health care provider during the course of treatment. When correctional staff are advised of an inmate's health status, only that information necessary to preserve the health and safety of an inmate, other inmates, volunteers, visitors or the correctional staff is provided. Information provided to correctional, classification staff, volunteers and visitors addresses only the medical needs of the inmate as it relates to housing, program placement, security and transport.

- (Y) (Important) Informed Consent. The health authority shall develop a policy and procedure requiring that all examinations, treatments and procedures are governed by informed consent practices applicable in the jail's jurisdiction.

DISCUSSION: Informed consent policies are observed and documented for inmate care in a language understood by the inmate. When health care is rendered against a patient's will, it is in accordance with state and federal laws and regulations. Otherwise, any inmate may refuse, in writing, medical, dental and mental health care. If the inmate declines to sign a refusal form it should be witnessed by at least two witnesses. The form must be reviewed by a qualified health care professional. If there is concern about the inmate patient's decision making capacity, an evaluation is done, especially for acute care.

- (Z) (Important) Privacy. The health authority shall develop a policy whereby health care encounters, including medical and mental health interviews, examinations, and procedures are conducted in a setting that respects the inmate's privacy.

DISCUSSION: When discussing or examining the inmate for medical or mental health reasons, there is an expectation of privacy. This could be as simple as lowering voices or as complex as bringing the inmate to a private room/area.

- (AA) (Important) Inmate Death. In all inmate deaths, the health authority determines the appropriateness of clinical care; ascertains whether corrective action in the system's policies, procedures, or practices is warranted; and, identifies trends that require further study.

DISCUSSION: There is a policy that describes action to be taken in the event of the death of an inmate. The medical examiner or coroner should be notified of the inmate's death immediately. A postmortem examination should be performed, according to the laws of the jurisdiction, if the cause of death is unknown, the death occurred under suspicious circumstances or the inmate was not under current medical care.

5120:1-8-10 Food service

- (A) (Essential) There shall be documentation that the food service operation complies with the regulations of the local or state health department.

DISCUSSION: The jail food service operation shall comply with regulations of the local or state health department. All practices shall be supported by written policy and procedure. Documentation of policy and procedure as well as copies of inspections are subject to on-site review.

- (B) (Essential) Inmates shall be served a minimum of three meals daily at regularly scheduled intervals, not to exceed fourteen hours between meals. Inmates can be served a minimum of two meals daily at regularly scheduled intervals, not to exceed fourteen hours between meals, on weekends, State holidays and during emergencies.

DISCUSSION: Jail officials shall ensure that all inmates, regardless of classification or gender, are served a minimum of three meals at regularly scheduled intervals, not to exceed fourteen hours between meals. Inmates can be served a minimum of two meals daily at regularly scheduled intervals, not to exceed fourteen hours between meals, on weekends, State holidays and during emergencies. Inmate meals shall be served fresh, in reasonable variety, and at optimum temperatures consistent with rules adopted by the Ohio Department of Health. Meal times shall be established in written policy and procedure. Practices shall be supported by written policy and procedure.

- (C) (Essential) Menu cycles and contents shall be evaluated and approved annually by a licensed nutritionist or registered dietitian nutritionist.

DISCUSSION: Menu cycles and contents shall be evaluated and approved annually by a licensed nutritionist or registered dietitian nutritionist. Practices shall be supported by written policy and procedure. Documents and records are subject to on-site review.

- (D) (Important) Records of food items served at meals shall be maintained pursuant to the jail's record retention schedule.

DISCUSSION: Records of food items served shall be maintained and are subject to on-site review.

- (E) (Essential) The jail shall make provisions for modified diets by physician's order or to accommodate the mandatory dietary requirements of a recognized religion practiced by the inmate.

DISCUSSION: The jail shall make provisions for modified or special diets by physician order or to accommodate the mandatory dietary requirements of a recognized religion practiced by an inmate. Practices shall be supported by written policies and procedures. Documentation of special diets is subject to on-site review.

- (F) (Essential) All persons involved in the preparation of food shall receive a pre-assignment medical examination and annual re-examinations.

DISCUSSION: The facility shall provide adequate health protection for all inmates. All persons (inmates, staff and cooks, etc.) who are assigned duties in the food service or kitchen area shall receive medical examinations and approvals by qualified health care personnel (i.e. physician, nurse) prior to initiation of the work assignment. Practices shall be supported by written policies and procedures. The jail physician shall approve all screening criterion and forms utilized. All documentation is subject to on-site review.

- (G) The jail shall institute policies and procedures that require:

- (1) (Essential) All food handlers are instructed to wash their hands upon reporting for kitchen duty, after restroom breaks and/or after handling unsanitary items.

DISCUSSION: All food service handlers shall be required to wash their hands before reporting to work for kitchen assignments, after restroom breaks, and/or after handling unsanitary items. Notice of this practice is to be posted at sinks for use by staff and inmate workers. Practices shall be supported by written policy and procedure. Facilities are subject to on-site review.

- (2) (Essential) The food service manager (or designee) is responsible for a healthy and sanitary kitchen environment and shall immediately address any health or cleanliness issues with kitchen staff or inmate workers.

DISCUSSION: Food service managers and/or designees are required to observe inmate workers on a daily basis for health and cleanliness. The food service manager (or designee) shall question and immediately address any deficiencies related to health or cleanliness. Practices shall be supported by written policy and procedure.

5120:1-8-11 Recreation and programming.

- (A) (Important) Exercise and/or equipment for inmates shall be provided and the jail shall ensure that inmates are offered at least five hours per week.

DISCUSSION: Written policies and procedures shall outline the services and recreation programs available to inmates. Procedures shall also address any inmate access requirements. The jail shall provide inmates at least five hours of recreation a week. Outdoor recreation shall occur when weather permits. Practices shall be supported by written policy and procedure. Supporting materials, recreation areas and equipment are subject to on-site review.

- (B) (Important) The jail shall provide for inmate television viewing and table games.

DISCUSSION: The jail shall provide inmates access to leisure-time activities. These activities may include, but not be limited to: table games, cards, checkers, board games, etc. In addition, inmates shall have access to television during specified hours. Practices shall be supported by written policy and procedure. Leisure-time materials and equipment are subject to on-site review.

- (C) (Important) The jail shall provide inmate access to reading materials.

DISCUSSION: Inmates shall be provided access to reading and printed materials, at the discretion of the jail administrator or designee, but should be in sufficient quantity, variety and good condition. Practices shall be supported by written policy and procedure. Reading materials are subject to on-site review.

- (D) (Important) The jail shall provide the opportunity for alcohol and drug abuse treatment, academic training, psychological and social services and other community services.

DISCUSSION: The jail shall provide inmates with services in the areas of alcohol and drug abuse treatment; academic training; psychological and social services and other community programs and services. Policies and procedures shall outline eligibility requirements for inmates to participate in programs and guidelines and training requirements for outside agency personnel within the facility. Although not required, jails are encouraged to collaborate with the local school district and/or school district where a youthful offender falls under Ohio's compulsory education laws (IDEAs) and who have been deemed eligible for special education services and who has not dropped out, in providing educational services while a youthful offender is in jail, in allowing space for the local school district or school district where the youthful offender resides in providing education services. This process may be addressed through a jail procedure. Practices shall be supported by written policy and procedure. Any agreements/contracts or referral requests forms are subject to on-site review.

- (E) (Important) Inmates shall be permitted to practice a recognized religion subject to limitations necessary to maintain security and order.

DISCUSSION: The jail shall allow inmates to practice a recognized religion, subject to limitations necessary to maintain security and order. Practicing religion includes, but is not limited to: access to religious publications; possession of religious symbols; being permitted to congregate to worship in an appropriate space; individual or group counseling; religious study classes; and adherence to dietary requirements. Policies and procedures shall ensure that all recognized religions receive equal status and protection and that limitations placed upon religious practice further a compelling safety or security interest using the least restrictive means necessary. Practices shall be supported by written policies and procedures.

5120:1-8-12 Inmate Discipline

- (A) (Important) Written inmate rules shall specify prohibited acts or conduct, degrees of violations, ranges of penalties and disciplinary hearing procedures.

DISCUSSION: The jail's policy and procedure manual shall contain a section pertaining to inmate discipline to include: prohibited acts or conduct; degrees of violations; range of penalties; and disciplinary hearing procedures. The manual and supporting materials are subject to on-site review.

- (B) (Important) There shall be a sanctioning schedule for rule violations. The jail administrator or designee shall approve any penalty exceeding suspension of rights or disciplinary isolation for more than 120 hours. The maximum sanction for rule violations shall be no more than sixty days for violations arising out of one incident. Continuous confinement for more than thirty days requires the review and approval of the jail administrator or designee.

DISCUSSION: There shall be a schedule for inmate rule violations. This shall be supported in written policy and procedure and also appear in the Inmate Rules of Conduct. The jail administrator or designee shall approve all penalties that exceed suspension of rights or disciplinary isolation for more than 120 hours. Documentation shall be maintained. This practice shall be supported by written policy and procedure and also be contained in the Inmate Rules of Conduct. Inmates shall not be subject to a disciplinary penalty for more than 60 continuous days when the penalty arises from one incident. Whenever an inmate has been in disciplinary isolation for more than 30 days, the jail administrator or designee shall review the approval and document the decisions. This practice shall be supported by written policy and procedure. The Inmate Rules of Conduct and disciplinary records are subject to on-site review.

- (C) (Important) Inmate rules shall specify the fundamental rights that cannot be suspended except in an emergency or other condition beyond the control of the jail administrator.

DISCUSSION: The Inmate Rules of Conduct shall specify that fundamental rights (phone calls and visits by attorney and clergy, adequate food (nutritional diet), light, ventilation, temperature control, sanitations, and medical care); cannot be suspended except in extreme cases of emergency or other conditions beyond the control of the jail administrator or designee. This practice shall be supported by written policy and procedure and the Inmate Rules of Conduct. Disciplinary records are subject to on-site review.

- (D) (Important) Jail disciplinary measures shall not include corporal punishment, discipline administered by inmates and withholding food.

DISCUSSION: Jail disciplinary measures shall never include corporal punishment, inmates administering discipline or the withholding of food. This practice shall be supported by written policy and procedure and in the Inmate Rules of Conduct.

- (E) (Important) Each jail shall have a written policy that specifies the circumstances under which a disciplinary hearing is conducted.

DISCUSSION: The disciplinary process and hearing must be fair, documented and systematic so that no staff can be bias or an inmate may plead ignorance of the rules. Sufficient evidence must exist to support the rule violation.

- (F) (Important) Pre-disciplinary hearing requirements shall include, at minimum a written incident report, an inmate's opportunity to waive in writing the disciplinary hearing, an investigation that commences within twenty-four hours of the incident to determine whether sufficient evidence exists to support the charge, and written notification to the inmate of the nature and date of the violation within twenty-four hours of the alleged violation(s) or discovery of the alleged violation(s).

DISCUSSION: A written report shall be prepared as soon as possible after the incident takes place. Investigation of a violation of inmate rules shall be conducted as soon as possible after the incident takes place and within 24 hours. A charged inmate shall be informed in writing within twenty-four hours of the following:

- (a) The specific rule(s) broken.
- (b) The accuser, unless deemed inadvisable by the investigation.
- (c) The time the violation occurred.
- (d) The date and place of the violation and the facts on which the charge is based.

This practice shall be supported by written policy and procedure and any forms used for notification.

- (G) (Important) The inmate shall have a minimum period of twenty-four hours after receiving written notification of the rule violation(s) to prepare for the disciplinary hearing. The inmate may waive the twenty-four hour period. The inmate is given a hearing within forty-(eight) hours excluding holidays, weekends, and emergencies after receiving the written notification if placed in isolation or within three business days if the inmate is not placed in isolation. Postponement of the hearing may be granted.

DISCUSSION: The inmate shall have a minimum period of twenty-four hours after receiving the written information in which to prepare a defense. The inmate may waive the twenty-four hour period, but such waiver shall be in writing and signed by the inmate. The inmate shall be given a hearing within eighty hours, excluding holidays, weekends, and emergencies, after receiving the written notification if placed in isolation, or within three business days if the inmate is not placed in isolation. A continuance of the hearing may be granted for good cause. If the hearing is postponed or continued, the reason shall be documented. This practice shall be supported by written policy and procedure and the documentation is subject to on-site review.

- (H) (Important) Disciplinary hearing requirements shall include an impartial hearing officer appointed by the jail administrator or designee, the inmate's opportunity to be heard, present evidence and question witnesses subject to limitations imposed by the hearing officer, the hearing officer shall state the reasons for any limitations in writing, a written statement by the hearing officer of the facts relied upon and reasons for the imposition of any penalties shall be provided to the inmate and a copy placed in the inmate's file, and selection by the jail administrator or designee of a staff person to assist an inmate when the inmate is unable to effectively communicate.

DISCUSSION: An impartial hearing officer shall be appointed by the jail administrator. The hearing officer should not have had involvement in the initial incident. The hearing officer may limit the inmate's presentation of evidence or questioning of witnesses. The record of disciplinary hearing shall include the decision, the evidence supporting the decision and the reason for the disciplinary action shall be provided to the inmate and a copy placed in the inmate's file. The hearing officer shall assign a staff member or another inmate to assist an inmate in presenting the case if:

- (a) The issue is complex, or
- (b) There is a language barrier, or
- (c) The inmate is functionally illiterate or is otherwise unable to effectively communicate due to a mental or physical disability.

The hearing officer shall assess the inmate's disability to represent himself in a disciplinary action. If the hearing officer feels the inmate needs assistance, someone shall be assigned. This practice shall be supported by written policy and procedure and any forms used. Inmate disciplinary documentation is subject to on-site review.

- (I) (Important) Jail inmates shall be afforded an opportunity to appeal disciplinary actions to the jail administrator or designee.

DISCUSSION: Inmates shall be informed of their right to appeal the decision of the hearing officer and the process for filing such an appeal. This practice shall be supported by written policy and procedure and by any forms used.

5120:1-8-15 Administrative Segregation

- (A) (Important) Each jail shall have written policies and procedures that govern the administrative segregation of inmates from the general population.

DISCUSSION: The jail's policy and procedure manual must contain a section pertaining to the segregation of inmates for administrative reasons to include the basis for segregation, placement procedures, status review, documentation requirements and access to programs and services. The manual and supporting materials are subject to on-site review.

- (B) (Important) The use of administrative segregation as a penalty shall be prohibited.

DISCUSSION: The jail's policies and procedures shall clearly prohibit the use of administrative segregation as a tool of punishment or as a penalty. Administrative segregation is not a disciplinary action. These statements shall be included in written policy and procedure.

- (C) (Important) Administrative segregation shall be employed to separate an inmate from the general population whenever one or more of the following exists:

- (1) The inmate presents an inability to conform to established standards of behavior for general population.

DISCUSSION: A inmate who has a history of, or shows a pattern of, not being able to live with other inmates within a general housing arrangement, (e.g., inmates who are verbally abusive towards other inmates, inmates who are physically threatening to other inmates, and inmates whose conduct causes real, or staff perceived, significant security threat, health, or general well-being risks to other general housing inmate populations) may be classified for administrative segregation. This practice shall be supported by written policy and procedure.

- (2) The inmate poses a threat to self, others, or the security of the jail.

DISCUSSION: An inmate who poses a major threat to themselves, to another person, or the security of the jail (e.g., suicidal risk inmates, an inmate with a history of serious assaults upon others, intoxicated inmates, inmates who are known to be an escape risk, and inmates who appear likely to instigate inmate disobedience situations, riots, etc.) may be classified for administrative segregation. This practice shall be supported by written policy and procedure.

- (3) The inmate presents a need for protection as determined by the jail administrator or designee.

DISCUSSION: Administrative segregation is appropriate for those inmates who by their criminal act, their professional status, their reputation, their mental or physical deficiency, their legal status, or by some other reason that requires segregation as a means of protecting the inmate from serious abuse or assault from other inmates. Consideration may be given if allowable and/or possible, limiting the amount of time youth spend in segregation. Examples include: an inmate who has been charged with a hideous crime such as child rape/murder; an inmate who has been charged with a very unpopular crime; an inmate who is also known by the inmate population as having been in the criminal justice profession (e.g., a police officer or a judge); an inmate with a serious mental deficiency; an inmate with a serious physical deficiency; a person being held as a court witness; intoxicated inmates; and inmates known or suspected by the inmate population of being a “snitch”. This practice shall be supported by written policy and procedure.

- (4) The inmate is at risk of spreading a communicable disease.

DISCUSSION: An inmate who has (or is reasonably believed to have) a communicable disease and represents a risk of spreading the disease (e.g., inmates known to have, or is suspected to having active tuberculosis (TB), hepatitis, measles, mumps, etc.), may be administratively segregated pending medical test results. Medical tests and test results shall be given and received in a reasonable time period. This practice shall be supported by written policy and procedures.

- (5) The jail administrator, or designee, has otherwise determined that such segregation is necessary and in the best interests of the inmate, staff, or the safe and secure operation of the jail.

DISCUSSION: An inmate can be placed in administrative segregation when the jail administrator or designee determines it is in the best interest of the inmate, staff, or the safe secure operation of the jail. This practice shall be supported by written policy and procedure.

- (D) (Important) Within 24 hours of administrative segregation, the inmate shall be provided with written documentation of the reason for confinement. The inmate shall be provided an opportunity for a written or oral response to the jail administrator or designee, to be reviewed within 72 hours for determination of continued confinement.

DISCUSSION: If not explained prior to placing into administrative segregation, then staff shall explain to an inmate placed in administrative segregation within 24 hours, the inmate’s new classification status; also, the reason(s) for being placed in administrative segregation, and any restriction of privileges and/or rights being placed upon the inmate. Inmates who are placed in administrative segregation shall be given the opportunity to express their views, either in writing or in person, to the jail administrator or their designee. Upon being made aware of the inmate’s views, objections, etc. for being placed in administrative segregation the jail administrator or designee shall review the

justification for placing the inmate in administrative segregation, within 72 hours, and shall make a decision to either continue or discontinue the administrative segregation. All documentation is subject to on-site review. This practice shall be supported by written policy and procedure.

- (E) (Important) Inmates held in administrative segregation for thirty consecutive days shall receive an administrative review by the jail administrator or designee. Subsequent review shall be conducted every thirty days. Reviews shall be documented.

DISCUSSION: Upon being housed in administrative segregation for thirty (30) consecutive days, an inmate's classification status shall receive a review by the jail administrator, or their designee, to determine if continued administrative segregation of the inmate is warranted. If continued administrative segregation is warranted, then a review of continuation shall be conducted by the jail administrator, or their designee, no less than once every thirty (30) days thereafter. Documentation of these reviews shall be maintained and is subject to on-site review. This practice shall be supported by written policy and procedure.

- (F) (Important) Inmates in administrative segregation shall receive all privileges and rights unless the inmate poses a threat to the security of the jail or the health and welfare of him/herself or others. Any suspension or modification of privileges and/or rights shall be documented.

DISCUSSION: The methods and manner in which inmates are housed under administrative segregation shall ensure living conditions, rights and access to programs, services and privileges available to inmates in general population, e.g., access to day rooms, recreation, telephones. Restrictions to such access is primarily a disciplinary function, but may be exercised in order to protect the safety and security of the jail and its occupants, or the health and welfare of him/herself or others. Any restrictions shall be limited to the degree necessary to ensure such protection, not to be imposed longer than is justifiable, be approved by appropriate staff, and should be documented. Designated administrative segregation housing, cell areas are subject to on-site review. This practice shall be supported by written policy and procedure.

5120:1-8-16 Grievance

- (A) (Important) Inmate rules shall include a grievance procedure that is available to inmates and includes at least one level of appeal.

DISCUSSION: This grievance procedure shall be contained within the Inmate Rules of Conduct which shall either be distributed to the inmates or posted in conspicuous inmate areas within the facility. This shall be supported by a copy of the grievance procedures which appear in the Inmate Rules of Conduct.

- (B) (Important) Retaliation by staff for inmate grievances is prohibited.

DISCUSSION: All jails shall provide a mechanism by which inmates can effectively express a grievance to the jail administrator or designee without fear of being penalized in any way. This shall be supported in written policy and procedure and in the Inmate Rules of Conduct.

5120:1-8-17 Staffing

- (A) (Important) Each jail shall have a designated jail administrator who is qualified by training or experience to supervise and control inmates as outlined in a written job description.

DISCUSSION: The official charged with the responsibility of operating the jail (i.e., the Sheriff or Chief of Police, etc.) shall be recognized as being the jail administrator, or jail manager, or they will designate another person to be recognized as the jail administrator or manager. The designated person shall be responsible for the day-to-day jail operations.

- (B) (Important) Pre-employment background checks shall be conducted prior to hiring of jail staff.

DISCUSSION: There shall be a mechanism including screening criteria/factors for conducting background investigation checks on prospective candidates for jail employment prior to their employment and/or assignment to jail duties. The mechanism for conducting background investigations shall be outlined in written procedure. Completed background checks are subject to on-site review.

- (C) (Important) Annual standardized performance reviews of jail employees shall be conducted.

DISCUSSION: There shall be a mechanism and a formal, standardized instrument for conducting written personnel evaluations of the job performance of staff assigned to any jail duties. Staff assigned jail duties in conjunction with other unrelated duties shall be evaluated on their performance of jail duties. Performance evaluations shall be conducted on an annual basis. The mechanism for conducting evaluations shall be outlined in written procedure and include a blank evaluation form. Completed evaluations are subject to on-site review.

- (D) (Important) There shall be a written, implemented staffing plan that includes jail personnel assignments, days of the week and hours of the day that assignments are covered and any deviations from the plan with respect to weekends, holidays or other atypical situations.

DISCUSSION: Each jail shall be required to have a staffing analysis and staffing plan approved by the Jail Administrator. This staffing plan shall include all posts and functions, a calculated shift relief factor or hours worked formula approved by the National Institute of Corrections as appropriate to each post and total number of employees to fill the identified posts and functions. At a minimum, the staffing plan shall include: jail administration and supervision; jail programs including exercise and recreation; inmate supervision and custody; support services including medical, food

service, maintenance and clerical; and other jail-relevant functions such as escort and transportation of inmates.

- (1) The plan shall include all posts and functions, a calculated shift relief factor, sufficient numbers of male and female jail staff on-duty and available to perform sensitive functions and procedures as necessary by inmate gender, and total number of employees required to fill identified posts and functions.

DISCUSSION: The jail administrator shall designate appropriate security posts throughout the jail from, or near, which staff may perform their duties. Security posts may include: central control; booking; male and female housing officers (i.e., a minimum of one post per floor, on which inmates are housed); limited assignment or special detail posts for supervising programs and activities; additional posts as determined by inmate classifications, jail design, etc. A written order, establishing the general responsibilities and routine duties to be performed, should be established for each post, consistent with staff position descriptions and jail operating procedures. The location and number of posts shall be noted and/or a diagram or written procedure provided designating security posts. The adequacy of posts is subject to on-site review.

- (2) The plan shall reflect that the jail has staff for administration and supervision; inmate programs; inmate supervision, custody and back up; support services including medical, food service, maintenance and clerical; staff training; and other jail-related functions such as escort and transportation of inmates.

DISCUSSION: The jail shall have sufficient staff available to adequately meet the requirements established by the "Standards for Jails in Ohio, Full Service Jail". A mechanism, or system, shall be identified for providing relief to staff and/or supporting staff when the normally scheduled jail staff are either absent or in need of assistance. Whenever jail staff are assigned to conduct inmate transportation and/or court escort, there shall not be a disruption of other normal and/or routine jail operations. Written staff schedules and the mechanism, or system, for providing relief/supporting staff, staffing patterns that support both inmate transportation (and/or court escort) and normal (and/or routine) jail operations are subject to on-site review.

- (3) The staffing plan shall be reviewed once a year by the jail administrator and revised as needed.

DISCUSSION: The jail administrator or designee shall review the jail's staffing plan at least once each year. The review shall be documented in written form sufficient to indicate that staffing plans have been reviewed and revised as appropriate to the jail's needs or referred to the jail's governing body for funding consideration.

- (E) (Important) A staff person shall be designated in charge or supervisor of each shift.

DISCUSSION: A staff person in the jail shall be designated in charge at all times in the absence of administrative staff from the jail.

- (F) (Important) There shall be a written policy and procedure governing the screening, training and use of volunteers in the jail.

DISCUSSION: Jails utilizing volunteers shall develop written policy and procedure governing the screening, training and use prior to utilizing volunteers in the jail.

- (G) (Important) A written code of ethics shall be provided to correction officers.

DISCUSSION: The jail's policy and procedure manual shall contain a code of ethics that prohibits employees from using their official position to secure privileges for themselves or others and from engaging in activities that constitute a conflict of interest. The manual is subject to on-site review.

5120:1-8-18 Staff Training

(A) (Important) Jail support staff with routine contact shall receive training in pertinent agency policies and procedures prior to or in conjunction with assignment to jail duties.

- (1) During the first year of assignment receive 24 hours of training including legal aspects of corrections, basic security concepts, emergency preparedness, interpersonal communications, first aid/CPR, unarmed self-defense and “Standards for Jails in Ohio.”

DISCUSSION: Support staff shall be trained prior to or in conjunction with assignment to such duties in applicable sections of the jail’s policies and procedures. Acceptable means of verifying staff training include written examinations, training checklists, documented oral interviews, etc. This practice shall be supported in written policies and procedures. Training records are subject to on-site review.

- (2) Two hours of in-service training each subsequent year of employment addressing specific job assignments and/or jail related issues.

DISCUSSION: This practice shall be supported in written policies and procedures. Training records are subject to on-site review.

(B) (Important) Correctional officers shall receive training as follows:

- (1) Training in jail policies and procedures within sixty days of employment.

DISCUSSION: Employees, e.g., corrections officers, whose primary responsibility is inmate supervision, who are required to enforce jail rules, respond to jail safety/security needs, and directly interact with inmates in the performance of their duties, shall be trained in the jail’s policies and procedures within 60 days of their employment date. Acceptable means of verifying staff comprehension include written examinations, training checklists, documented oral examinations, etc. This practice shall be supported by written policies and procedures. Training records are subject to on-site review.

- (2) During the first year of assignment, training consistent with Chapter 109-2-9 of the Administrative Code.

DISCUSSION: Employees, e.g., corrections officers, whose primary responsibility is inmate supervision, who are required to enforce jail rules, respond to jail safety/security needs, and directly interact with inmates in the performance of their duties, shall receive training consistent with Chapter 109-2-9 of the Administrative Code within the first year of assignment to such duties. Acceptable documentation would include certificate(s) and/or documentation

reflecting attendance dates, hours and topics. This practice shall be supported in written policies and procedures. Training records are subject to on-site review.

- (3) Eight hours of in-service training each subsequent year of employment addressing specific job assignments and/or jail related issues. These training hours are in addition to training mandated by other standards.

DISCUSSION: Employees, e.g., corrections officers, whose primary responsibility is inmate supervision, who are required to enforce jail rules, respond to jail safety/security needs, and directly interact with inmates in the performance of their duties, shall receive at least eight hours of training each calendar year following their first year of assignment. The selected areas or courses shall be related to their inmate contact work assignments. This training may be obtained in a variety of ways such as attendance at seminars, workshops, in-service programs, etc. Training shall be supported by certificate(s) and/or documentation reflecting attendance dates, hours and topics. This practice shall be supported in written policies and procedures. Training records are subject to on-site review.

- (C) (Important) Administrators and supervisors shall receive training in addition to the training specified in paragraph (B) of this rule as follows:

- (1) Training in jail policies and procedures prior to assignment to jail duties.

DISCUSSION: Staff members who are promoted into or hired for administrative or supervisory capacities within the jail shall be trained in the jail's policies and procedures prior to assignment of such duties. Acceptable means of verifying staff comprehension include written examinations, training checklists, documented oral interviews, etc. Acceptable documentation would include certificate(s) and/or documentation reflecting attendance dates, hours and topics. This practice shall be supported in written policies and procedures. Training records are subject to on-site review.

- (2) During the first year of assignment, forty hours of training including legal aspects of jail management, managerial principles, labor relations and records/information management.

DISCUSSION: Staff members who are promoted into or hired for administrative or supervisory capacities within the jail shall receive at least 40 hours of training addressing the areas noted in this standard at the earliest opportunity within the first year of their assignment to such duties. This training or portions thereof may be omitted if documentation is available which verifies similar training. Acceptable documentation would include certificate(s) and/or documentation reflecting attendance dates, hours and topics. This practice shall be supported in written policies and procedures. Training records are subject to on-site review.

- (3) Eight hours of in-service training each subsequent year of employment addressing special issues, skills-enhancement and other assignment related topics.

DISCUSSION: Staff members who are promoted into or hired for administrative or supervisory capacities within the jail shall receive at least eight hours of training each calendar year following their first year of assignment. This training may be obtained in a variety of ways such as attendance at seminars, workshops, in-service programs, etc. Training shall be supported by certificate(s) and/or documentation reflecting attendance dates, hours and topics. This practice shall be supported in written policies and procedures. Training records are subject to on-site review.

- (D) (Important) Jail support staff with occasional contact shall receive training in pertinent agency policies and procedures prior to or in conjunction with assignment to jail duties.

DISCUSSION: This practice shall be supported in written policies and procedures. Training policy and procedure and records are subject to on-site review.

- (E) (Important) The jail policies and procedures shall be available to jail staff, reviewed annually and updated by the sheriff, jail administrator or designee as needed

DISCUSSION: This practice shall be supported in written policies and procedures. Training policy and procedure and records are subject to on-site review.

Developing and Updating Policy

As the Jail Administrator, you are responsible for overseeing your jail's compliance with Ohio jail standards, and it is critical that you have a leadership role in developing, assessing, and revising policy as part of a team.

You will need to compare the new or revised jail standards to your current policies to make sure they are compliant. Identify gaps or the differences in your jail's policy concerning Ohio jail standards and then update the policy and any relevant forms that you use that are evidence of compliance. The jail standards should be specifically stated and referenced in your policy.

Policy and Practice

Most of the jail standards require attention to practices in your jail (i.e. how you do business day to day) and to what is said in written policy.

Revising policy for standard compliance is only one step to having effective policies within the jail. To assure that policy is effective, everyday practice must match policy, and policy should be a realistic representation of the ability of the jail to carry out practices and procedures.

More Tips about Assessing Your Agency's Policies

Policy revision does not just involve the writing of policy; it must include an assessment of how those policies are followed in everyday practice.

Everyone must be trained on your jail's policies. This involves more than just handing a written manual to someone to read.

Assessment of policy/standard compliance requires a candid review. Do not be afraid to admit that revisions are necessary. Encourage staff participation.

As the Jail Administrator, you have a leadership role in policy development, policy and practice compliance and you should be communicating regularly with your jail leadership about your findings and recommendations.

Policy assessment should be done annually. If your jail has policies that are several years old, it is time to reassess them.

Creating a Team for Policy Development

Revising policy for standard compliance involves more than making changes to the written policy. The revision process also includes buy-in of the changes. As the Jail Administrator, you can increase the effectiveness of the policy changes by working with a representative team of jail staff. Working with this team will help ensure understanding and buy-in from your staff.

The purpose of the team is to identify how a certain procedure or practice is being done in the 'real world' and see if it matches the directions in policy. The team that will be collaborating on revising policy should consist of staff from all divisions and areas of responsibility. Depending on the size and functions within your jail, the list will certainly differ. Food service staff should be involved in revising food service policy, just as medical staff should be involved with medical policies. The members of the team can provide invaluable insight into what revisions are needed in policy, and what needs to be done to make sure procedures match policy. If you delegate the chairmanship of this committee to a subordinate, it should be a person with sufficient authority to direct this process and compel participation.

Once the team has agreed on an appropriate revision to a specific policy, there will most likely be additional steps for final approval of the newly revised policy. While the Jail Administrator has the lead in working with the team to assess current policy and recommend revisions, the Jail Administrator or Chairperson should follow the agency process for policy approval.

This may include:

- Submission for review to jail legal counsel
- Submission for review to the jail head
- Additional discussion with the above listed divisions
- Other legal and procedure requirements based on your individual jail
- Final approval by the Sheriff or Chief

Many policy changes at once are not easy for anyone, and can take time. One of the best ways to implement change is to be sure that everyone affected by the change has a full understanding of the catalyst and the purpose of the change. How do you do that?

You cannot do it alone. You will need to collaborate and be supported by the jail leadership, by all levels of staff, and by those responsible for providing training. By working with a team to revise policy, you have taken the first step. If an employee is involved in the process of revision, they are more likely to 'buy-in' to the change. Your team members will be your ambassadors for helping everyone to make the change.

Tips for Implementing Policy Change

In order to implement change, you should do the following:

- Be sure your policy revision team is encouraged to speak to their co-workers about the upcoming changes.
- Work with the training person to ensure that all training includes the new policy.
- Ensure that staff has a safe and open environment and opportunity to ask questions about the new policy. Use employee newsletters, briefings or staff meetings as a forum to achieve this.
- Ensure that jail leadership verbally, and by example, supports the change.
- Set the example by committing to change.

Preparing for the Inspection

Evidence based practices means you demonstrate compliance with standards using documentation. Documentation would include forms, the daily activity log, printed computer based logs or logs specific for a given function, for example:

- Key log to sign in and out keys
- Tool or knife log to sign in and out tools or knives
- Log for segregation that easily shows that inmates are getting their required time out, access to required services, staff, etc.

A separate log for a required activity may not be required, but it easily shows what occurred or failed to occur. A separate log aids in supervision, accountability, and providing documentation for defending the facility and staff when lawsuits are filed.

Tracking for logs in the “daily activity” log is difficult to track, for example when keys, tools, etc. are returned later in a shift. Separate logs frequently provide better documentation and are preferred by jail inspectors and the courts.

The Jail Administrator should have a file for each jail standard that contains supporting documentation and/or variance documents that demonstrate compliance. As a Jail Administrator or someone who has been delegated the responsibility to gather compliance documentation for a jail inspection, there is a wide range of documentation that you will gather and organize to prepare for the inspection. A designated staff member should coordinate the gathering of documentation from your various department heads or areas of responsibility. The Jail Inspector expects to see documents indicating compliance for each standard. Your documentation file should contain the jail standard and discussion. This will explain what documentation would be placed in the individual standard file to show compliance.

Complying with Ohio jail standards and the appropriate facility policy is the responsibility of all jail staff. Gathering the documentation is best left to the employees responsible for day to day operations of a given area, e.g. a booking supervisor would gather compliance documentation for standards related to booking, the food service supervisor would gather compliance documentation for standards related to food service, medical would gather compliance documentation related to medical standards, etc. Gaining overall compliance for a jail requires the involvement of the entire team.

Creating the Standard File

- Set up a follow-up system for monthly or quarterly documentation to be placed into the “inspection files”.
 - Send out a memo requesting the monthly or quarterly documentation for each standard.
 - Follow-up on documentation by doing random spot-checks.
 - Mark files/documents with date received.
 - Manila file folders are acceptable to create your files.

- Each file should have an individual standard.
- Identify what documentation is needed for compliance with standards and the person to gather it.
- Place the documentation in the file and highlight the areas that show compliance (highlight the specific line, date, signature, etc. for easier inspector review). This draws the inspector's attention toward the compliance documentation.
- Make sure documentation is in place correctly – chronological or alphabetical order.

Receiving compliance documentation and fixing non compliance

- Verify it is a quality example for the designated standard.
- Confirm it is correct for the time period.
- All information on the document demonstrates compliance to all standards, not just the standard it is intended for, e.g., format, names, dates, complete information. Do not provide examples that indicate non compliance.
- The designated document provider must believe the jail is compliant with the standards.
- Practice compliance 100% of the time versus 50% of the time. Sometimes staff do not understand why a standard exists. Sometimes there is no support for the standard by an individual or agency, or there is a non-supportive culture. The Jail Administrator needs to be informed.

If corrective action is needed:

- Prompts, memos, discussions with department head should be documented with date and an email or follow-up letter for correction and clarity.
- Provide training or re-training to avoid future non-compliance.

Self Inspections

Self inspections aid in policy compliance, standard compliance, supervision and reducing future liability. The jail administrator can use the examples on pages 77 to 80. If your policy says jail activities, practices or routines are to be done a certain way, you should verify compliance by a self inspection.

It is important for jail administrators to determine non compliance or partial compliance well in advance of the annual jail inspection. It is important to understand that partial compliance (50%) is not full compliance. You can identify the need for variances, appeals or requests for discretionary compliance well in advance of the inspection.

Self inspections are best performed by individuals running shifts, department heads or the jail administrator themselves.

Look at logs and forms for completeness to include signatures, dates, times, etc. Logs need to be legible. If something or someone is logged out, it needs to be logged back in later. Self audits occasionally will identify the need to update policy, the need to increase supervision and the

need for training. In rare instances you may identify the need for discipline. Most importantly, you want to improve staff performance, staff competence and full compliance with the jail standards.

**Self Jail Inspection
Full Service Jail**

SAMPLE

5120:1-8-01 Reception and release

(A) Each full service jail, as defined in section 5120:1-7-02(A)(1) of the Administrative Code, shall adhere to following standards regarding the reception and release of inmates. Each full service jail shall implement policies and procedures and produce documentation that evidences compliance with the following standards:

		Compliance	Non-Compliance
(1)	(Important) All inmates are legally committed to the jail.		
(2)	(Important) The arresting, transporting or committing officer is identified by name and department.		
(3)	(Important) A booking and identification record shall be made of every commitment that includes the following information: (a) Time and date of commitment; (b) Name and alias; (c) Official charge or charges; (d) Authority for commitment; (e) Date of birth of inmate; (f) Sex and race of inmate; (g) Height and weight of inmate; (h) Marital status of inmate; (i) Home address and telephone number of inmate; (j) Spouse, next of kin, or person to notify in case of an emergency; (k) Social security number; (l) Identifying characteristics (scars or marks.)		
(4)	(Important) Inmates shall be identified by photograph and/or identification bracelet during reception.		
(5)	(Important) Arrested persons shall be provided access to telephones after the reception process.		
(6)	(Important) Inmates shall be searched and all unauthorized items shall be confiscated. Confiscated items shall be listed in an inventory by objective description and secured. (a) Money or any form of currency shall be confiscated, counted in the inmate's presence and secured. (b) The inmate's signature shall be affixed to the completed inventory. If the signature can not be obtained, the inventory shall be witnessed by another staff person. (c) For a minimum security jail, as defined by sections 5120:1-7-02(A)(4) of the Administrative Code, if		

	inmates are permitted to possess currency, the jail shall implement policies and procedures that limit the amount of money possessed and shall include provisions that prevent inmate gambling, theft and extortion.		
(7)	(Important) The jail shall develop and implement policies and procedures governing strip searches and body cavity searches during reception in consultation with the county prosecutor, city attorney or law director consistent with section 2933.32 of the Revised Code.		
(8)	(Important) Inmates who are to be integrated with the general population and/or whose clothing is soiled or infested shall receive a shower and clean uniform clothing. In a minimum security jail, if inmates are permitted to wear personal clothing, the jail shall implement a policy and procedure that limits the amount and type of personal clothing an inmate may possess while in the jail.		
(9)	(Important) Inmates shall not be confined in the reception area for more than twelve hours except when security, health and mental health concerns are being addressed.		
(10)	(Important) The jail shall develop, implement, maintain and update as necessary a set of generally applicable inmate rules. The rules shall be accessible to all inmates and shall provide information regarding confinement including sleeping hours, meals, mail, work assignments, telephone access, visitation, correspondence, medical care, hygiene, laundry, recreation, programs, rules of conduct, disciplinary procedures and grievance procedures. A staff member or translator shall assist the inmate in understanding the inmate rules if there is a literacy or language problem. The jail shall maintain signed acknowledgements from each inmate acknowledging that the rules were received by and/or explained to them.		
(11)	(Important) During reception, male and female inmates shall not be placed in the same cell or unsupervised areas together.		
(12)	(Important) Juveniles shall not be held in jails except under rare circumstances – if at all – and shall be accepted only 1) under court order, 2) when all other alternative placements, including placement in the local juvenile detention center, have been considered and rejected, and 3) after the jail provides the juvenile court with information regarding the conditions under which the youth shall be held in the adult jail and the jail’s ability to comply with the juvenile specific standards, including sections 5120:1-8-01(A)(12), 5120:1-8-02(B)(4), and 5120:1-8-04(K) of the Administrative Code. Status offenders, i.e., runaways, curfew violators, etc. are prohibited from the facility. Every effort shall be made to		

	ensure that juveniles are held in jails for the minimum amount of time necessary.		
(13)	(Important) Inmates' identification and release documentation shall be verified.		
(14)	(Important) Upon an inmate's release to another agency, the jail shall document the following information: (a) The identity of the receiving officer and the agency; (b) The time and date of the release; (c) The authority for the release.		
(15)	(Important) Upon an inmate's release or transfer, the jail shall obtain a receipt for all property returned at the time of release or transfer from the inmate, or the receiving officer, as appropriate.		

4. Written policies and procedures shall outline the total training hours and topics required of routine contact jail support staff prior to or in conjunction with assignments of jail duties. (Note: A total of twenty four (24) hours of training is required to be compliant with the standard and you shall complete training topics 2-8 as listed below)
 1. Training in pertinent agency policies and procedures
 2. Legal Aspects of Corrections
 3. Basic Security Concepts
 4. Emergency Preparedness
 5. Interpersonal Communications
 6. First Aid/CPR
 7. Unarmed Self Defense (Subject Control)
 8. Standards for Jails in Ohio
5. Written policies and procedures shall outline the total in-service training hours required each subsequent year of employment which addresses specific job assignments and/or jail related issues for routine contact jail support staff. (Note: A total of two (2) hours is required annually to be compliant with the standard)
6. Written policies and procedures shall guide how training is documented and records stored for routine contact jail support staff.
7. Written policies and procedures shall outline which positions are specifically designated as routine contact jail support staff and may include but not be limited to any of the following:
 1. Medical Staff
 2. Mental Health Staff
 3. Food Service Staff
 4. Maintenance Staff
 5. Program Staff (GED, AA, Religious Programming, etc.)
8. Written policies and procedures shall outline how each position meets the definition of a routine contact jail support staff. (I.e. Routine and regular contact with inmates within the jail's security perimeter)
9. Supporting documentation shall be maintained that reflects how those designated as routine contact jail support staff meet or exceed the definition of the standard as outlined in 5120:1-7-02 (B)(24)(a).

which shall be completed prior to or in conjunction with assignments of jail duties. (Note: There is no total training hour requirement for occasional contact jail support staff, nor are there any requirements of in-service training hours each subsequent year of employment to be compliant with the standard.

5. Written policies and procedures shall guide how training is documented and records stored for occasional contact jail support staff.
6. Written policies and procedures shall outline which positions are specifically designated as occasional contact jail support staff and may include but not be limited to any of the following:
 1. Medical Staff
 2. Mental Health Staff
 3. Food Service Staff
 4. Maintenance Staff
 5. Program Staff (GED, AA, Religious Programming, etc.)
8. Written policies and procedures shall outline how each position meets the definition of an occasional contact jail support staff. (i.e. those persons who will not routinely come into contact with inmates but may enter the jail security perimeter)
9. Supporting documentation shall be maintained that reflects how those designated as occasional contact jail support staff meet or exceed the definition of the standard as outlined in 5120:1-7-02 (B)(24)(b).

ASSESSMENT QUESTIONS - OHIO JAIL ADMINISTRATOR'S HANDBOOK

CHECKLIST 12:

Training

SAMPLE

Staff Training

Yes	No
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1. Are there full service jail support staff assigned to the jail?

Are they trained in pertinent policies and procedures prior to assignment in the jail?

During their first year did they receive training consistent with 5120:1-8-18 or 5120:1-10-18

Are First Aid/CPR and AED certifications current?

Is subsequent, yearly training consistent with 5120:1-8-18 or 5120:1-10-18?

2. For Correction Officers and other jail staff, have they:

Receive training in jail policies and procedures within sixty days of employment?

During their first year did they receive training consistent with 5120:1-8-18 or 5120:1-10-18

Are First Aid/CPR and AED certifications current?

Is subsequent, yearly training consistent with 5120:1-8-18 or 5120:1-10-18?

3. For Administrators and supervisors, have they:

Receive training in jail policies and procedures prior to assignment to jail duties?

During their first six months did they receive training consistent with 5120:1-8-18 or 5120:1-10-18

Are First Aid/CPR and AED certifications current?

Is subsequent, yearly training consistent with 5120:1-8-18 or 5120:1-10-18?

Inspections of Ohio Jails

The purpose of this document is to outline the process by which jail inspections are conducted by the Department of Rehabilitation and Correction Jail Inspector; to define the types of jail inspections conducted by Jail Inspector; and to outline the compliance monitoring, variance requests and appeal process.

I. DEFINITIONS

American Correctional Association (ACA) Accreditation – Ohio jails that the Commission on Accreditation of the ACA has accredited the jail through a successful audit and hearing.

Annual Jail Inspection - A review of a jurisdiction's compliance with a select group of Standards for Jails in Ohio. Each local jail will receive an annual inspection once each calendar year.

Annual Survey – A survey that DRC staff responsible for jail inspections sends to all Ohio jails to capture jail data information on a particular day and to capture critical incidents from the previous calendar year.

Appeal — The process by which a jail formally contests the official determination of non-certification during the certification process or the inspection findings during the annual inspection process.

Certified Ohio Jail - Ohio jails that are accredited by the ACA or other DRC approved organization will provide the audit report and Accreditation Award to the designated jail inspector. The jail will not be inspected, but will submit required reports.

Compliance - A term that indicates that a jail successfully meets a particular standard.

Compliant Jail – A jail which complies with all Essential Jail Standards and 90 percent of all Important Jail Standards is in compliance.

Critical Incident – An event or situation in or affecting a jail which is unexpected or non-routine. These incidents may include but not be limited to those events and situations that affect the health or safety of an inmate or staff member; jeopardize the safety and security of the jail; or, disrupt the orderly operation of the jail. The following is a list of those critical incidents that may be considered for review as a critical incident in a jail:

1. Suicide
2. Death (either staff or inmate)
3. Escapes from secured perimeter
4. Taking hostage(s)
5. Riot
6. Disorder

7. Substantiated sexual misconduct/assault while in custody (perpetrated by inmate or perpetrated by staff)
8. Serious assaults (inmate on staff, inmate on inmate, or staff on inmate) in which serious injury to an inmate(s)/staff occurs requiring admission to the hospital, and/or in which the incident is one of a series of similar incidents. In the case of staff injury, only reportable if the staff member has substantial loss of work time of 40 hours as a result of the injury.
9. Major fires (resulting in injury or significant property loss)
10. An outbreak of contagious disease, e.g., AIDS, TB, Hepatitis, MRSA

Disorder – Includes food strikes, work stoppages, major incidents of vandalism or others during which group(s) of inmates in concert interfere with the security, safety and/or maintenance or order of the jail.

Essential Jail Standard – These standards have been designated to directly support the life, safety and health of jail inmates, employees, contract employees and volunteers. All full-service and minimum security jails must comply with all essential jail standards.

Full Compliance Jail - A jail which complies with all essential jail standards and all important jail standards is in full compliance. Any jail in full compliance, upon proof satisfactory to the Jail Inspector, will be referred to as a Certified Jail. Any jail successfully completing ACA Accreditation is recognized as a Certified Jail.

Full Inspection – A comprehensive review of a jurisdiction’s compliance with all applicable Ohio Jail Standards. These inspections are conducted as determined by need and available resources.

Important Jail Standards – These jail standards have been designated to support good correctional practices in training, operations, inmate services, physical plant, safety and emergency procedures, sanitation, food service, inmate rules and discipline and other areas that address good correctional practice. All full service and minimum security jails must comply with a sum total 90 percent of all important standards.

Jail — A local adult detention facility and operation recognized by DRC through the Division of Parole and Community Services as either a 12-Hour Jail (12H), 12-Day Jail (12D), Minimum Security Jail (MSJ), or Full-Service Jail (FS) classification. The classification of jails is established in OAC 5120:1-7-02 (A).

Jail Inspector - A Jail Oversight Inspector is a DRC employee responsible for conducting jail inspections pursuant to ORC 5120.10.

Jail Oversight Administrator – The Jail Oversight Administrator is a DRC employee who oversees the Jail Inspectors.

Jail Tracking Database – A database maintained by the DRC that contains various jail information including but not limited to: annual inspection data; annual survey data; variances granted; basic jail contact information; jail complaints; and, critical incidents.

Life Threatening Condition - A fire safety, public health, electrical, structural, or other identifiable and volatile condition that presents a substantial and immediate likelihood of directly or indirectly causing the death of jail occupants. For purposes of this definition, any staffing pattern that is insufficient to accomplish the safe and orderly evacuation of the physical facility in the event of an emergency is a life threatening condition. Fire safety conditions alone will be considered life threatening when so defined by a certified fire inspector.

Major Classifications of Inmates - The major classification of inmates for the purpose of enforcement are male and female, and adult and juvenile. Separation requirements are outlined in OAC 5120:1-8-02 Classification.

Non-Applicable Standards - Standards that are not relevant to the jail. For example, if a standard applies to housing arrangements for female inmates and the jail only houses male inmates, the standard is not applicable. Written justification must be provided to support the finding of non-applicability and approved by the Jail Oversight Administrator.

Non-Compliance - The term indicating that a jail is not adhering to the requirement(s) of the standard or does not have the necessary documentation to support compliance.

Ohio Jail Advisory Board - A board whose membership is determined by the Director of the Ohio Department of Rehabilitation and Correction under the authority of the Ohio Revised Code. Board members represent professional associations and the Ohio General Assembly; chiefs of police, city, village, or township governing officials; county commissioners; county sheriffs; Ohio judges; county prosecutors; and state legislators. The responsibilities of this board are outlined in Executive Order.

Standards for Jails in Ohio - Enforceable standards established by the Director of the DRC and the Ohio Jail Advisory Board (OJAB) under the authority of the Ohio Revised Code which applies to county jails, municipal jails, regional jails and workhouse facilities. The purpose of the standards is to facilitate the safe, secure, legal, and effective operation of Ohio's local adult jails, in accordance with applicable state and federal laws.

Status Jail: Any jail which did not meet all Essential Jail Standards and/or met less than 90 percent of the Important Jail Standards. The inspected jail did not reach compliance. The inspection tally reflects the jail compliance status.

Variance - The process of receiving the approval of the DRC Deputy Director of Parole and Community Services for an alternative but acceptable method of complying with the intent of a standard would cause unusual, practical difficulties or financial hardship. The alternative practice must not seriously affect the security of the jail, the supervision of the inmates, or the safe operation of the jail. The totality of conditions safeguard the life, safety and health of the inmates and staff. Variances are granted for a specific standard and the jail cannot be exempted from compliance with standards.

II. JAIL INSPECTION PROCESS

A. Annual Jail Inspections

All essential standards will be inspected each year. To ensure all important standards are inspected, the Jail Oversight Administrator shall develop a rotation schedule of inspecting the important standards. The Jail Oversight Administrator will present the yearly schedule to OJAB for comment and approval at the third quarter meeting of the year prior to starting the year's annual jail inspections. The jail inspector will note on the notification of jail inspection letter the number of important standards that will be audited along with the number of important standards that need to be met to gain 90% compliance.

The jail inspector shall schedule annual jail inspections, gather information, and prepare written inspection reports assessing the degree of compliance observed. On-site inspections are preferred and shall be conducted on full service, twelve day and twelve hour jails as agency resources permit. The jail inspector shall facilitate the annual self inspections. The jail inspector shall make every effort toward facilitating a cooperative relationship with the officials responsible for the operation of the local jail. The goal for the agency being inspected is to meet 100% of the essential standards and 90% of the important standards.

1. Pre-Inspection Activities

Individual Standards are grouped by topic into workable inspection units.

- a. Pre-inspection, inspection, and reference materials for each annual inspection year will be developed by the jail inspector to facilitate the inspection process and assist jail officials in preparing for the inspection.
- b. At least one training seminar per year per four geographic regions of the State shall be conducted for local jail officials to explain the inspection process and discuss the Standards selected to be used for the upcoming year's inspections. Training shall also be provided on the appeal and variance processes. The jail inspector shall ensure that all jails conducting self inspections receive specialized training on the self inspection process.
- c. Prior to the beginning of a new calendar year, each jail inspector shall prepare a twelve-month inspection schedule and distribute as appropriate. The jail inspector shall give the facility a 45 day notice of the inspection date.

2. Conducting Annual Inspections

a. Entrance Conference

The purpose of the entrance conference is to communicate the planned activities and schedule for the inspection and the standards to be inspected. The Jail Administrator is responsible for providing all applicable supporting documentation. The Jail Administrator should have a file for each jail standard that contains supporting documentation and/or variance documents that demonstrate compliance. This documentation files will be taken by the Jail Inspector back to his office for further review. The jail inspector may request additional documentation if the jail has not supplied sufficient materials.

b. Standards Compliance Review

- i. The jail inspector shall be responsible for reviewing appropriate documentation to determine compliance on assigned standards, including prior variance approvals, approved appeals and approved discretionary compliance requests.
- ii. The jail inspector shall use interviews and visual observations to help determine standard compliance as deemed necessary.
- iii. The following items are to be in the possession of the jail inspector during the inspection.

- (a) Current inspection checklists;
- (b) Official photo identification;
- (c) Standards, discussion sections, or other reference materials;
and
- (d) A copy of the facility's previous year's annual data items sheet.

- iv. The following equipment should be readily accessible and in proper working condition during the inspection:

- (a) Digital camera and digital storage device.
 1. The faces of inmates shall not be photographed.
 2. Photographs of non-relevant items shall not be taken indiscriminately.

- (b) Light meter.

A light meter shall be used when it is necessary to determine the level of artificial light provided in housing and activity areas and shall be used in accordance with the manufacturers' recommendations and standard requirements.

(c) Tape measure(s) and distance estimator.

(d) Thermometer.

B. Responsibilities of the Jail Inspector

1. Reviewing each audit standard and requesting clarification when necessary.
2. Examining all documentation provided by the jail to verify compliance with standards. The jail inspector shall review self inspection reports for accuracy and completeness, submit a response to the jail acknowledging receipt, and advising the jails of the action plan process to address any reported deficiencies.
3. Maintaining accurate notes to document findings of non-compliance and recommendations.
4. Interviewing jail staff and/or inmates to support compliance with standards.
5. Verbally present findings of compliance, non-compliance and recommendations made at the exit conference.
6. Maintaining confidentiality regarding all program information on the documents provided.
7. Ensuring consistency in the application of the standards.
8. Interview: The jail inspector shall (in as private an area as possible) interview the jail administrator or a designated staff person in accordance with the corresponding section of the inspection checklist. Other staff (e.g. medical, food service, corrections officers) may be interviewed as the jail inspector feels appropriate.
 - a. Every effort is to be made to maintain the accuracy of the information obtained during this interview. If the jail inspector knows the facts to be different from those put forth, then the facts will be represented on the checklist form, and significant differences will be briefly noted in the "comment" section of the inspection form. Otherwise, the jail inspector will accept all statements as factual.
 - b. The jail inspector shall inquire if any improvements have been made since the last inspection. Any improvements in the jail shall be clarified during the interview and recorded in the space provided on the checklist.
 - c. Refrain from conversing at length with inmates.
 - i. Specific questions may be asked of inmates, if the questions are in reference to the pending inspection, e.g., grievance mechanism awareness. Inmates shall be questioned in private and no comment shall be made to the jail staff about the inmate's response. The jail inspector may answer questions about standard requirements, but shall refrain from criticizing or judging the jail administration.

- ii. Inmates with complaints shall be referred to the jail's internal grievance procedure, or instructed to address the complaint to the jail administrator in writing.
 - iii. Information obtained from inmates regarding the conditions and/or operation of the jail may be considered during the inspection only if verified through one of the independent sources included in the inspection checklist.
9. Verify or determine the capacities of housing/holding areas within the jail.
- a. If actual and recommended capacities are already known, then the jail inspector shall visually verify these numbers and record any discrepancies.
 - b. If actual and recommended capacities are unknown, then the jail inspector shall measure the square footage of holding cells, housing cells, dayrooms, and count the number of beds in each housing area, and record this information. Relevant construction criteria will also be taken into account when determining DRC recommended holding and housing capacities. Refer to the appropriate jail classification Construction-Renovation Criteria manual.
 - c. Any changes to the recommended capacity must be referred in writing to and approved by the Jail Oversight Administrator or designee.
10. Make a diligent effort to record any improvements made to the physical jail or operations of the jail since the last annual inspection.

C. Non-compliant Standards

Compliance with all applicable standards designated as essential is required to be a compliant jail. Compliance with 90% of all the important standards is prerequisite to being a compliant jail. Following their receipt of the inspection report the jail is required to respond to each standard found in non-compliance. Further compliance can be achieved with a *plan of action, discretionary compliance request, variance request or an appeal*.

D. Exit Conference

The purpose of the exit conference is to share with the jail administrator the preliminary findings of the jail inspection. Action planning, variance approval, appeals and discretionary compliance requests will be discussed. At the end of the exit conference, the Jail Administrator should be clear on which, if any, standards the jail is in non-compliance.

E. Inspection Report

1. Record Verification

All written information accumulated which is relevant to the annual inspection shall be reviewed by the jail inspector prior to completing the inspection report in order to:

- a. Verify that the information is complete and legible. Complete the record verification sections of the inspection checklist.
- b. Determine if there are any minor areas of non-compliance that the jurisdiction may correct prior to the writing of the inspection report. If so, then the jail inspector will contact the jurisdiction, explain the concerns, and indicate when such changes must be submitted and received by the jail inspector for consideration prior to finalizing the jail inspection report.
- c. All documents collected in the course of the annual inspection shall be maintained according to the DRC Record Retention schedule.

2. Compliance Tally

- a. When the record verification sections of the inspection checklist have been completed, the jail inspector shall review the inspection checklist and the annual data sheet to ensure accuracy and completeness.
- b. The compliance status section of the annual data sheet shall then be completed, indicating which standards the jail is in compliance, and with which standards the jail is in non-compliance.

3. The results of the inspection shall be summarized in written correspondence addressed to the officials responsible for the operation of the jail within thirty (30) calendar days of the inspection. This correspondence shall note:

- a. The statutory authority for the inspection.
- b. The Standards on which the inspection was based.
- c. The identity of the jail being inspected.
- d. The date of the inspection.
- e. Focus and number of the standards inspected.
- f. The components of the inspection (document review, tour and interview).
- g. The hosts for the inspection.
- h. Statement of actual and recommended housing/holding capacities.
- i. Reassessment of previously established recommended or actual housing/holding capacities must be discussed with the Jail Inspector or designee prior to alteration of that number(s).

- ii. General housing capacity must also be broken down into number of beds for males, females, juveniles and ‘mixed’ inmate classifications.
 - iii. Include a statement encouraging local officials to maintain inmate populations within the approved level, as appropriate.
- i. Acknowledgement of improvements, if any, in the jail’s operation or physical plant.
 - j. Listing of those standards (by rule number) with which the jail complies.
 - k. Recommendations for those standards with which the jail does not comply.
 - i. List the recommendations by specific standard number in alphanumeric order, noting the pertinent standard to the left of the recommendation.
 - ii. Recommendations are to be stated in a positive manner when possible, illustrating potential remedies for the areas of non-compliance rather than demeaning current conditions or operational practices.
 - iii. Recommendations should be brief and concise and provide an understanding of the non-compliance.
 - iv. If the facility being inspected has a disagreement with the non-compliance findings of the jail inspector, this must be discussed with the Jail Oversight Administrator prior to their inclusion in the annual inspection report.
 - l. Indication that a blank Plan of Action/THF form (DRC7008) is enclosed for each deficiency listed in the recommendations.
4. Quarterly jail inspection summary reports will be provided to OJAB. These summary reports will contain the tally of each jail that was inspected the previous quarter.

F. Post Inspection Activities

Following an annual jail inspection, the jail inspector shall periodically monitor the progress jail officials are making at correcting deficiencies.

- 1. Corrective Plan of Action Process. The Jail Oversight’s policy is to encourage facilities to take all reasonable and necessary measures to come into compliance with any standard that the jail inspector finds the facility is non-compliance with at the time of the inspection. When the non-compliance decision is determined by the jail inspector a plan of action must be developed to correct the deficiencies to achieve compliance.

- a. The corrective plan of action submitted by the jail to address non-compliant standards must be received within 45 days of receipt of the inspection report. The plan of action shall be forwarded to the jail inspector to determine whether it is acceptable. In judging the acceptability of plans of action, the feasibility of plans to achieve compliance will be reviewed by the jail inspector including specific tasks, time frames and resource availability (staff and funding) for implementing the proposed remedies. The jail inspector will either accept or not accept the plan of action with a brief synopsis why. In addition, the jail inspector will look at whether the proposed plan of action is of a repetitive nature, i.e., either it repeats a plan of action previously submitted to the jail inspector albeit with new dates inserted, or it reframes the plan, carrying essentially the same steps for one, two, three or more years. The Jail Oversight Administrator does recognize that not all facilities will be able to comply with all important standards. As a means to avoid the concerns raised by repetitive plans of action, options such as variance and designations of standards is available to agencies. Given the options available, and absent evidence of good faith, efforts and some progress towards compliance pursuant to a plan of action, the Jail Oversight policy is to view such repetitive plans of action as an attempt on the part of the facility to delay or avoid compliance with a standard. This could result in a previously accepted action plan or variance being non-compliant.
 - b. If the corrective plan(s) of action is acceptable, written notification of this will be sent to the jail. A follow-up on-site visit may be necessary to verify plan(s) of action have been implemented and deficiencies corrected.
 - c. If the corrective plan of action is rejected, written notification shall be sent to the jail with the reason for the rejection and the necessary modifications.
 - d. All written notification in response to the corrective plan of action shall be sent to the jail within 30 calendar days of receipt of the plan submitted.
2. The jail inspector must maintain documentation of follow-up activities. During such follow-up, the jail inspector shall offer and provide available technical assistance and resource information that would benefit local officials in their efforts to achieve compliance.
 3. During the next annual inspection, the jail inspector shall verify progress toward compliance and/or implementation of action plans related to non-compliance issues identified during the previous annual inspection.

4. Failure to Return Plan of Action Forms or specify plans for corrective action within the prescribed time period for deficiencies that are not life threatening shall be addressed as defined below:
 - a. When the plan of action forms are 45 calendar days overdue, the jail inspector shall forward a letter to the official responsible for the administration of the jail with a copy to the funding authority (e.g., commissioners, city council) indicating that:
 - i. The compliance forms or plan of action forms are 45 days overdue;
 - ii. The completed plan should be forwarded without delay; and,
 - iii. Local officials may be risking liability by their failure to remedy jail problems.
 - b. If the completed plan of action forms become 90 days overdue, the jail inspector shall take on of the following actions:
 - i. Contact the jail administrator or other county officials to discuss the delinquency of the forms, then document his/her efforts in a memo to file;
 - ii. Send a second letter reiterating the delinquency of the forms, the risk of liability created by their failure to remedy the problems, and the importance of forwarding the forms without delay; or,
 - iii. Contact the official responsible for administration of the jail by telephone and schedule a meeting with him/her, the county commissioner or city council to discuss the reasons for the delay in submitting the completed action plan.
 - c. Jail inspectors shall document annual inspection dates and report dates on their monthly reports.

G. Variances (DRC Policy 107-BAD-05)

1. Variance Request Process. Compliance with all applicable standards designated as essential is a prerequisite to a compliant jail. The OJAB views 100 percent compliance with important standards a goal. It recognizes that when a facility participates in the inspection process, it may not always be possible for the facility to comply immediately, or at all, with all of the applicable standards. While still encouraging progress towards 100 percent compliance with the standards over time, in some cases the non-compliance is due to the facility being unable to achieve compliance for the following reasons:
 - Existing physical plant cannot be modified without substantial expenditures; or
 - Repeated unsuccessful attempts have been made (and can be documented) to obtain funding to achieve compliance.

In these instances, if the facility can provide documentation to show that it has taken measures to mitigate the specific negative impact of non-compliance with the intent of the standard, it may apply for a variance of the requirements for developing a plan of action. The variance request must satisfy four requirements:

- One of the two eligible circumstances stated above;
- Documentation regarding mitigation;
- No adverse effect on the public's safety or the life, health, security and safety of staff or inmates;
- No adverse effect on the constitutional operation of the facility.

The burden of proving that a variance is warranted rests with the requesting facility. The granting of a variance does change the conclusion of non-compliance and alters the standards compliance tally. The jail inspector will either accept or not accept the waiver with a brief synopsis why.

- a. Submit a written request to the jail inspector stating:
 - i. Standard for which the variance is requested;
 - ii. Reasons for variance request (i.e., unusual, practical difficulties or financial hardships encountered);
 - iii. How existing practices and documentation meet the intent of the standard or mitigation;
 - iv. Why granting the variance would not adversely affect the security of the jail, the supervision of inmates or the safe, healthful operation of the jail.
 - v. Why there is no adverse effect on the constitutional operation of the jail.
 - b. Enclose supportive documentation as appropriate, e.g., procedures, photographs, reports.
 - c. Contact the jail inspector for assistance in preparing materials as needed.
2. Upon receipt of the variance request, the jail inspector shall visit the jail in question, if necessary, to verify all information contained in the request. The jail inspector shall assess optional ways of complying with the standard that would be acceptable to the Division of Parole and Community Services and the jail and would not require a variance.
 3. The jail inspector shall submit a memo to the appropriate DRC managing director including:
 - a. Verification of information in the application;

- b. Any comments or background data thought to be relevant to the evaluation of the request;
 - c. Options identified and considered;
 - d. All relevant materials and/or documentation;
 - e. Recommendation as to granting or denying the request, the period for which the variance should be granted, and any conditions that should be placed on the variance.
4. The jail inspector shall review all data submitted and shall:
- a. Discuss the variance request with the appropriate DRC managing director to determine:
 - i. If the Department's Legal Section should be consulted; and,
 - ii. If the variance is appropriate and should be granted.
 - b. Prepare a written response to the request for approval of the appropriate DRC managing director as the Director's designee.
 - i. If the variance is granted, the response shall include reason(s) for the decision, any conditions placed on granting the variance, effective date and length of variance, and the renewal procedures as appropriate.
 - ii. If the variance is not granted, the response shall include reason(s) for the decision, notification of the appeal process, and encouragement to comply with the standard in more conventional ways if appropriate.
 - c. Forward the written decision to the requestor with a copy to other appropriate parties.

H. Monitoring Variances

- 1. The jail inspector shall monitor a jail's adherence to variance conditions during appropriate contacts with the jail, e.g., annual inspections, phone calls, other scheduled on-site visits.
 - a. Required monitoring must be documented by memorandum to the jail inspector noting status of variance conditions and making recommendations of future action(s) as appropriate.
 - b. Unscheduled contacts shall only be noted by a "memo to file" unless the jail is not adhering to the variance conditions.
- 2. Variances shall be rescinded when:
 - a. The jurisdiction is not meeting the conditions placed on the variance; or

- b. The time period for the variance has expired and no extension has been requested or granted; or
 - c. The situation has changed and the variance is no longer applicable or required.
3. Variances may be renewed or made permanent as deemed appropriate by the Department of Rehabilitation and Correction.
- a. The jail inspector must verbally remind the jail ninety (90) days prior to the expiration of the variance period. If an extension is not appropriate or desired, the inspector shall notify officials in written correspondence that the variance will expire on the date specified with a copy to the appropriate DRC managing director.
 - b. The jail inspector shall instruct those officials wishing to renew or make the variance permanent to submit a written request to the jail inspector specifying the reasons justifying the change 60 days prior to the expiration of the variance.
 - c. Upon receipt of the request, the jail inspector shall take steps as outlined in this procedure.
 - d. The jail inspector shall process the request.
 - e. Records shall be maintained of variances requested, granted, denied, extended, or rescinded according to the DRC Record Retention Schedule.
 - f. The jail inspector shall record such events as appropriate in the weekly reports.

I. Jail Compliance Appeal Process

Appeals shall be handled in accordance with guidelines set forth by Administrative Regulation 5120. Every standard in the resource manual applied to the jail is found compliant, non-compliant or non-applicable. The jail has the opportunity to appeal any findings of the jail inspector to change the finding of the standards during the inspection. The jail inspector will either accept or not accept the appeal with a brief synopsis why. Only the Jail Oversight Administrator has the authority and discretion to consider appeals by a jail and interpretations relative to the standards.

The jail may provide additional documentation to the jail inspector which he did not review, understanding that the burden of proof that the documentation existed

at the time of the audit is on the jail. The result of a successful appeal is a change in the status of the standard (compliance or applicability) and recalculation of the jail's compliance tally. During the next inspection, the facility is responsible for meeting the terms of the submitted plan of action if it is accepted.

1. Primary Appeal

- a. If a jurisdiction is dissatisfied with the recommendations, decisions, or interpretations of a jail inspector concerning standards issues and is unable to resolve the deficiency in question, and wishes to appeal, the jurisdiction may contact the Jail Oversight Administrator in writing.
- b. The appeal must be made to the Jail Oversight Administrator within 90 days of receipt of the jail inspector's written recommendations upon which the appeal is based.
- c. The appeal must be initiated or endorsed by a sheriff, police chief, board of county commissioners, jail administrator, or city council.
- d. The written appeal must include at least the following:
 1. The name of the jail and its classification.
 2. The standard(s) at issue.
 3. Explanation of the disputed issue.
 4. Description of the jail's position and compliance efforts.
- e. The Jail Oversight Administrator, in consultation with the jail inspector, will determine the validity of the appeal and additional action required (e.g., on-site visit, meeting, etc.)
- f. Appeal decisions must be made by the Jail Oversight Administrator with a written response to the jurisdiction within 15 business days of receipt of the appeal request.
 1. The written appeal response must inform the appellant of the next step in the appeal process.
 2. A copy of the written response must be provided to the jail inspector.

2. Secondary Appeal

- a. The jurisdiction may appeal the decision of the Jail Oversight Administrator to the appropriate DRC managing director as the second step of the appeal process.
- b. The appeal must be made in writing to the appropriate DRC managing director for referral to the entire OJAB and outline the following:

1. A contact person and telephone number.
 2. The name of the jail and its classification.
 3. Indication of the specific standard(s) at issue.
 4. Explanation of the disputed issue.
 5. Description of their position on the issue.
 6. Documents, photographs, drawings, etc. that support the jurisdiction's contentions.
- c. The appropriate DRC managing director must complete a cursory review of the secondary appeal to determine if the following has been met before presenting it to the entire OJAB:
1. If there have been efforts to resolve the dispute with the jail inspector and Jail Oversight Administrator.
 2. Whether additional efforts would resolve the issue at this level.
 3. That complete information is provided.
 4. If an emergency OJAB committee review is needed (this may include issues where the expenditure of a large sum of money is being delayed, there is a threat to safety or security, a critical incident may occur).
- d. The appropriate DRC managing director must request a written memo from the jail inspector outlining their position.
- e. The appropriate DRC managing director or designee will coordinate the appeals process, develop correspondence as needed, and maintain pertinent records including:
1. Acknowledgement of receipt of the appeal and request for additional information, if appropriate.
 2. Scheduling of the OJAB review at the next quarterly meeting after receipt of the written appeal.
 3. Notification to the jurisdiction and jail inspector.
 4. Provision of information and copies of materials to the OJAB as appropriate.
 5. Appeal recommendations of the OJAB committee.
 6. Appeal decisions correspondence.

3. Appeal Review Process

- a. At least three members of the OJAB Executive Committee must review appeals on a quarterly basis in conjunction with the regularly scheduled Board meeting unless an emergency review is needed.

1. If the appropriate DRC managing director is of the opinion that an emergency review is required, the appropriate DRC managing director will coordinate with the OJAB Executive Committee to ensure the review is completed in a timely matter.
2. An emergency review must be completed within 15 working days of receipt of the request for appeal review.
- b. Prior to the review meeting, the appropriate DRC managing director will:
 1. Verbally notify the OJAB Executive Committee of the appeals to be reviewed, the name of the jail in question, and any issue(s) of concern.
 2. Provide an information packet to each Board member who will be reviewing the appeal.
- c. If an OJAB member expresses a concern or there is an obvious conflict of interest, another OJAB member will be selected by the appropriate DRC managing director to review the appeal. The following may be considered in determining conflicts of interest:
 1. Member resides in an adjacent jurisdiction.
 2. Member's direct working relationship with the jail inspector involved is perceived as a conflict of interest.
 3. Member expresses a conflict of interest.
- d. The appropriate DRC managing director will notify the jurisdiction and inspector of the date and time of the review, the names of the OJAB Executive committee members who will participate in the appeal review, and request their presence at the appeal review meeting.
- e. The appeal review meeting will be held at the site of the OJAB quarterly meeting and will be presided over by the Chairman of the OJAB Executive Committee or designee.
 1. The appeal review will be informal in nature. Each review panelist should prepare questions beforehand and may take notes.
 2. The appeal review committee may caucus in private as deemed necessary.
 3. The jurisdiction will be permitted to present their appeal and the inspector may respond.
 4. The Chairman of the OJAB Executive Committee or designee will record the recommendations of the panel.Following each appeal review case, the OJAB Executive Committee will make written recommendations to the appropriate DRC managing director of further action that may be taken to resolve the appeal issue.

4. Appeal Resolution

- a. The OJAB will make a recommendation to the appropriate DRC managing director after each appeal has been reviewed.
- b. The appropriate DRC managing director will inform the Jail Oversight Administrator of the final decision of the administrative appeal process.
- c. A formal written response will be prepared by the appropriate DRC managing director to the jurisdiction within one month of the OJAB review. Copies of the written response will be provided to the jail inspector and to each member of the OJAB Executive Committee. The next OJAB meeting will include a review of the appeals reviewed during the previous quarter.
- d. The jail inspector and Jail Oversight Administrator are prohibited from taking retaliatory action relative to an appealing jurisdiction.

5. The requestor may appeal a variance denial or appeal a non-compliance decision by writing directly to the Director of the DRC and/or as provided through Section 119.12 of the Ohio Revised Code. An adverse decision from the Director of the DRC may be appealed in the local common pleas court per Section 119.12.

J. Discretionary Compliance

Variance requests are made in conjunction with a jail's inability to comply, or where the jail is complying with the intent of the important standard but in a different manner than that prescribed. There are circumstances in which jails choose not to comply with a particular important standard for a variety of reasons. These include the following reasons:

- An unwillingness to request funds from a parent agency or funding source
- A preference to satisfy the standard/expected practice's intent in an alternative fashion
- An objection from a parent agency, higher level government official or funding source to the nature of the standard/expected practice.
- A clear policy in place at a higher level that is contrary to the requirements of the standard/expected practice; or,
- An existing provision in a collective bargaining agreement that makes compliance impossible (without bargaining with the employees' union to effect such a change).

When the jail chooses not to comply with an important standard, it should notify the jail inspector at the entrance conference that it has elected to select the particular standard as a "discretionary compliance." In such instances, the burden is on the jail to meet the following criteria:

1. Provide the rationale for identifying the standard as discretionary (i.e., one of five reasons identified above).

2. Describe the condition generating the request and how non-compliance will not adversely affect the public's safety, or life, health, security and safety of staff or inmates, or the constitutional operation of the jail.
3. The election of discretionary compliance use may be exercised at the jail's discretion. However, the following conditions are applicable whenever the discretion is applied:
 - a. To earn the opportunity to request discretionary compliance a jail must be at or above 93 percent compliance with their important standards. A jail may designate up to two percent of the applicable important standards as discretionary.

Jails may designate a standard as discretionary to the jail inspector, after the jail inspector discussed it with the Jail Oversight Administrator. The jail inspector will either accept or not accept the discretionary compliance request with a brief synopsis why. Once the jail designates a standard as discretionary during one inspection year, it may elect to change to a plan of action or, of course, comply with the standard in the course of subsequent years.

Enforcement Process for Life Safety Concerns in Ohio Jails

The purpose of DRC Policy 107-BAD-02 is to establish a process to: (1) monitor and encourage the efforts of local jail officials to comply with the Standards for Jails in Ohio and (2) more aggressively promote compliance with essential standards.

I. PROCEDURES

A. Detection/Findings of Non-Compliance for Essential Standards through Means Other than Inspections

1. When the jail inspector learns of alleged areas of unknown non-compliance with the Standards for Jails in Ohio during the routine performance of duties other than an annual inspection (e.g. follow-up visits, compliance materials reviews, the receipt of complaints or of reports regarding critical incidents), the jail inspector shall:
 - a. Maintain a written record of the source of the allegation (letter, phone call, etc.) and any subsequent conversations/communication relating to the allegation in the appropriate jail file with a copy forwarded to the Deputy Director of the Division of Parole and Community Services or designee.
 - b. Discuss the allegation with the jail administrator during the next scheduled visit to the jail documenting any additional information obtained, any suggestions made, and/or any actions taken.
2. When conditions found are considered to be an immediate threat to life safety, the jail inspector shall follow procedures established below.

B. Detection/Verification of Life Threatening Conditions

1. Whenever violations are suspected that may be regulated by existing public codes, the jail inspector should contact:
 - a. The appropriate regulatory/enforcement agency and notify them of the current conditions.
 - b. The jail administrator or designee of the concern of a life threatening condition.
2. Upon discovery of life threatening conditions as defined in this procedure, the jail inspector shall consult with the Deputy Director of the Division of Parole and Community Services or designee regarding an appropriate

course of action as soon as practical, but no later than the next working day, and be prepared to:

- a. Specify the actual condition felt to be life threatening and explain why;
- b. Indicate related jail standards and possible public/state codes;
- c. Note when and how the condition was discovered;
- d. Propose possible solutions and remedies that are available; and,
- e. Provide additional information as requested if jail staffing is the issue.

3. The jail inspector shall forward the above information in writing to the Deputy Director of the Division of Parole and Community Services if the matter is to be pursued. The Deputy Director of the Division of Parole and Community Services may:

- a. Refer the matter back to the jail inspector for further action or information;
- b. Request verification of the hazardous condition by having the jail inspector arrange for an individual from the appropriate regulatory/enforcement agency to confirm suspected public code violations that are associated with the condition;
- c. Meet with or contact individuals from the appropriate regulatory/enforcement agency and/or local officials to reach a mutually agreeable plan to correct the condition. If the plan includes conditions that are being addressed by another regulatory/enforcement agency, that agency must be consulted during the process;
- d. Verify the life threatening nature of the condition and inform the Department's Chief Legal Counsel of this matter within five (5) working days of verification of life threatening conditions. Request legal counsel to review and give a preliminary opinion on the merits of the case in consultation with the Attorney General's Office. Instruct the jail inspector to submit written notification of the hazardous condition to responsible officials within five (5) working days, including a request that a plan for promptly remedying the life threatening conditions be submitted within 10 working days. When the condition will likely require funds to accomplish a remedy, a copy of the notification will be provided to officials responsible for funding the jail's operation;

- e. Decide not to proceed further if, in the judgment of the Deputy Director of the Division of Parole and Community Services, an occurrence of death is highly improbable under the circumstances, such that the risk is not substantial or immediate;
 - f. Request the Director of the DRC to proceed with the initiation of formal enforcement.
4. If the jail inspector requests further information or action from any person, it should be provided as quickly as possible. Any such additional information obtained should be furnished to the Deputy Director of the Division of Parole and Community Services as soon as it is acquired. At any time that the Deputy Director of the Division of Parole and Community Services determines that a verifiable life threatening condition exists, notification to the Director of the DRC shall occur within five (5) working days and formal enforcement action may commence.
 5. Upon receipt of an action plan, or notification that the life threatening condition was remedied from the jail administrator, the jail inspector shall review the submitted plan and:
 - a. Discuss its adequacy with the Deputy Director of the Division of Parole and Community Services;
 - b. Schedule a meeting with local officials if directed by the Deputy Director of the Division of Parole and Community Services.
 6. If the requested corrective plan is not received within ten working days, the inspector shall proceed to meet with the Deputy Director of the Division of Parole and Community Services for further guidance.
 7. If the Deputy Director of the Division of Parole and Community Services concur that a suitable plan for corrective action has been provided within the prescribed ten days, the jail inspector shall be instructed to proceed in accordance with Section (VI) (C) (5) above in lieu of further enforcement proceedings.

C. Initiation of Formal Enforcement Action

1. Upon identification of an enforcement issue by the jail inspector, the Division Deputy Director or designee shall immediately notify the Director and the Chief Legal Counsel of the DRC, that formal enforcement action may be necessary, the jurisdiction involved, and the reason(s) for the action. When the conditions are considered to be an immediate threat to life safety, this notice shall occur within five (5) working days of the identification of these conditions by the jail inspector.

2. At any time during the initiation and pursuit of formal enforcement proceedings, the Deputy Director of the Division of Parole and Community Services may, upon the recommendation of the jail inspector, approve a plan of remedy to be executed by the jurisdiction in question in lieu of further enforcement proceedings. In such event, the Division Deputy Director shall so notify the Director.
- D. Documentation shall be maintained as outlined in this policy and significant activities shall be reported in the jail inspector's weekly report.

DRC Oversight of Ohio Jail Operations

DRC policy 107-BAD-06 provides jail inspectors with direction in reviewing local jail complaints and critical incidents which occur in Ohio jails.

It is the policy of the DRC to strive to identify life threatening conditions in local jails for the purpose of bringing about the prompt resolution of such conditions. In this effort, the jail inspector shall review critical incidents occurring in jails and review complaints regarding violations of the Standards for Jails in Ohio received from inmates confined in Ohio's local adult detention facilities, their families, friends, or other interested parties, to determine the existences of standard violations which constitute enforceable conditions. In the absence of these conditions, the incident or complaint shall be documented and followed-up on as outlined in the procedures. The DRC's involvement is limited to violations of the Standards for Jails in Ohio and is not to determine criminal misconduct or negligence.

I. PROCEDURES

A. Inspector Received Jail Complaints

1. DRC staff receiving a verbal complaint shall:
 - a. If the complaint expresses concerns which are outside the scope of the DRC's authority (not standards violations), refer the complainant to the appropriate agency or jail administration; or
 - b. If the complaint expresses concerns which are standards violations, request a written complaint be sent to the appropriate jail inspector; or
 - c. If the complaint expresses concerns which are of an emergency or serious nature e.g. lack of medical care for serious medical problem or injury, inmate assaults, etc., contact the jail administrator and/or visit the jail and enter complaint information in the Jail Tracking Database documenting the contact.
 - d. Follow-up with the complainant via phone if directed by the supervisor or if requested by the person making the complaint stating that the complaint:
 - i. Has been referred to the jail administrator; or
 - ii. Will be reviewed
 - e. Conduct a review of the complaint as outlined in section C. of this procedure.

2. Upon receipt of a written complaint, the jail inspector shall:
 - a. Enter the complaint information in the Jail Tracking Database;
 - b. If the complaint expresses concerns that are outside the scope of the DRC's authority (not minimum standards violations), direct the complainant in written correspondence to the appropriate agencies;
 - c. If the complaint expresses concerns which are of an emergency or serious nature e.g. lack of medical care for serious medical problems or injury, inmate assaults, etc., staff shall promptly contact the jail administrator and/or visit the jail;
 - d. If review of the written complaint does not suggest the existence of enforceable conditions and the complainant does not request anonymity, refer a copy of the written complaint to the appropriate jail administrator accompanied by a cover letter, requesting that the jail administrator review the complaint and take appropriate action as necessary. Copy the cover letter to the sheriff or chief of police;
 - e. When the complainant requests anonymity, provide a summary of the complaint;
 - f. Print complaint report from the database and send to the supervisor advising whether the complaint will be reviewed or referred to the jail administrator and the basis for the course of action selected. Attach copies of pertinent documents;
 - g. Within 30 calendar days send correspondence to the complainant, as appropriate, confirming receipt of the complaint, expressing appreciation for their interest and inform them that the complaint:
 - i. Has been referred to the jail administrator; or
 - ii. Will be reviewed; or
 - iii. Is outside the scope of the DRC's authority and has been referred to the appropriate agency;
 - h. Review the complaint in accordance with Section B of this procedure.

B. Review of the Jail Complaint

1. Upon the determination that a review of a complaint is warranted a jail inspector shall:
 - a. Initiate a review of the complaint;

- b. Examine jail files, or Jail Tracking Database, to determine the previous status of pertinent and related issues;
- c. Contact the administrator of the jail to:
 - i. Notify them of the intent to review the complaint;
 - ii. Discuss the allegation(s) contained in the complaint;
 - iii. Determine what action was taken to resolve the matter, or whether additional information is available from the administrator to clarify/dispute the allegations;
 - iv. Request written verification/documentation relative to the issue of concern; and,
 - v. If necessary, schedule an on-site visit at the jail to further review the matter.
- d. Examine collected materials/information and observations;
- e. Proceed to the enforcement process in DRC Policy 107-BAD-02, Enforcement Process for Life Safety Concerns in Ohio Jails, for further action at the point in the review when it is determined there are life threatening conditions. If enforcement conditions are identified this shall be noted in the Jail Tracking Database;
- f. Conclude the review if the alleged issue(s) are determined to be unsubstantiated;
- g. Forward correspondence to the jail administrator advising that the review has been concluded and indicating the rationale for the DRC's initiation and subsequent termination of the review;
- h. Submit the complaint report from the Jail Tracking Database to the Jail Oversight Administrator indicating the findings and reasons for concluding the review and any further information as deemed appropriate. Attach copies of all pertinent documents;
- i. Report complaints in the monthly report.

C. Notification of a Reportable Critical Jail Incident

- 1. Critical incidents may be reported in a number of ways which may include: direct notification by the jail; newspaper article; concerned citizen; or any other form of communication.
- 2. The jail inspector must determine whether a reported incident in a jail is considered a reportable critical incident.

3. If the facts provided or learned indicate concerns that are outside the scope of the DRC's authority (criminal activities or not standards violations), do not appear to involve life threatening issues, or do not fall into the category of a reportable critical incident the jail inspector:
 - a. Shall document the basic facts of the incident in a memo to the file and indicate the decision not to review the incident. A copy of the memo, jail correspondence and any source documents e.g., newspaper article should be sent to the Jail Oversight Administrator with a copy to the Jail Administrator;
 - b. May send written correspondence to the jail administrator indicating the DRC's concerns about any noted violations of the standards and that no formal review will be conducted. Any additional follow-up or discussions with the jail in reference to this incident would be considered technical assistance.
4. To determine whether or not the incident falls within the parameters of life threatening, the jail inspector:
 - a. May contact the jail administrator to:
 - i. Confirm the occurrence of the incident
 - ii. Solicit the information needed to make the determination whether or not to further review the incident;
 - b. Must document any telephone call in the Jail Tracking Database if a reportable critical incident.

D. Review of a Reportable Critical Incident

1. The following incidents are considered reportable critical incidents:
 - a. Completed suicide;
 - b. Other deaths;
 - c. Escapes from secured perimeter;
 - d. Major fires (results in injury, significant movement/evacuation of inmates, or significant property loss);
 - e. Substantiated Sexual Misconduct/Sexual Assault while in custody (inmate on inmate, or staff on inmate);

- f. Other incidents may include but not be limited to the following: outbreak of contagious disease, serious inmate assaults, riots, hostages, disorder, weapons inside the perimeter.
2. If the incident is considered a reportable critical incident then the jail inspector shall contact the jail administrator by telephone and:
 - a. Inform the jail administrator of the need to review the incident;
 - b. Clarify that the DRC's review is limited to non-compliance with the Standards for Jails in Ohio;
 - c. Request information necessary to adequately review the incident including, but not limited to:
 - i. Copy of incident reports relating to the incident and any jail required after action review,
 - ii. Copy of Jail logs for a period of 24 hours before the incident and 24 hours after,
 - iii. Information as to the number of like incidents in the last 12 months;
 - d. Request that the requested information be forwarded to the inspector within ten (10) working days.
3. The verbal request shall be documented in written correspondence to the jail administrator and the jail tracking database.
4. If the requested information is not received by the date specified or the information is inadequate, the jail inspector shall confer with the Jail Oversight Administrator to determine further actions.
5. Upon receipt of the requested materials, the jail inspector shall review the received materials to determine the following:
 - a. The type of incident, e.g., suicide, riot, etc;
 - b. The date of occurrence;
 - c. The method of accomplishment, e.g., hanging, deadly weapon, fists, etc;
 - d. Number of individuals involved;
 - e. Whether the standards which have been violated appear to constitute life threatening concerns; and

- f. The need to visit the jail to further assess the life threatening concerns.
6. The jail inspector shall also review the jail's files maintained at their office to determine the frequency of similar occurrences in the past and other pertinent information. The jail inspector may also review the Jail Tracking Database in regards to complaints and other critical incidents for the jail.

E. Documentation of a Reportable Critical Incident

1. The jail inspector shall document the occurrence of the incident in the appropriate confidential jail file by the inclusion of memos, letters, and other received materials required by this procedure.
2. The jail inspector shall record the incident in the monthly report.
3. Staff shall record the reportable critical incidents in the Jail Tracking Database if they are reported during annual inspections, annual survey data collection, self-reported by the jail, or any other way.
4. All critical incidents reported on the Annual Survey that were not initially reported to DRC during the calendar year shall be followed-up on by the jail inspector. The jail inspector shall follow the process outlined above and record the critical incident information in the Jail Tracking Database and the monthly report.