

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT: Bureau of Adult Detention Oversight of Jail Operations	PAGE <u>1</u> OF <u>8</u> NUMBER: 107-BAD-06
RULE/CODE REFERENCE: ORC 5120.10; A.R. 5120:1-7-01; 02; 04	SUPERSEDES: 107-BAD-06 dated 06/19/15
RELATED ACA STANDARDS:	EFFECTIVE DATE: July 13, 2016
	APPROVED: 

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to provide Ohio Department of Rehabilitation and Correction (DRC)/Bureau of Adult Detention (BAD) staff responsible for jail oversight with direction in reviewing local jail complaints and critical incidents which occur in Ohio jails.

III. APPLICABILITY

This policy applies to Ohio Department of Rehabilitation and Correction (DRC)/Bureau of Adult Detention (BAD) staff responsible for jail oversight.

IV. DEFINITIONS

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

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 a prisoner 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 prisoner)
3. Escapes
4. Taking hostage(s)
5. Riot

6. Disorder
7. Sexual misconduct/assault (perpetrated by prisoner or perpetrated by staff)
8. Serious assaults (prisoner on staff; prisoner on prisoner; or staff on prisoner) in which serious injury to a prisoner(s)/staff occurs requiring immediate medical attention, 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 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, etc.)

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

Jail - A local confinement facility and operation recognized by the Bureau of Adult Detention as either a Temporary Holding Facility (THF), 12-Hour Jail (12H), 12-Day Jail (12D), Minimum Security Jail (MSJ), or Full-Service Jail (FSJ) classification. The classification of jails is established in OAC 5120:1-7-02 (A).

Jail Inspector - A Bureau of Adult Detention employee responsible for the day to day bureau operations as they relate to the jails in the State of Ohio, including conducting jail inspections pursuant to ORC 5120.10.

Jail Tracking Database - A database maintained by the Bureau of Adult Detention that contains various jail information including but not limited to: annual inspection data; annual survey data; 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 shall be considered life threatening when so defined by a certified fire inspector.

Major Classifications of Prisoners - The major classification of prisoners for the purpose of enforcement are male and female, and adult and juvenile. Separation requirements are outlined in DRC policy 107-BAD-02, Enforcement Process for Life Safety Concerns in Ohio Jails.

Minimum Standards for Jails in Ohio - Enforceable standards established by the Director of the Ohio Department of Rehabilitation and Correction, in consultation with the Bureau of Adult Detention, 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. Also referred to as "Standards for Jails in Ohio".

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.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (DRC) to strive to identify life threatening conditions and/or inadequate prisoner separation in local jails for the purpose of bringing about the prompt resolution of such conditions. In this effort, the Bureau of Adult Detention shall review critical incidents occurring in jails and review complaints regarding violations of the Minimum Standards for Jails in Ohio received from prisoners 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 Minimum Standards for Jails in Ohio and is not to determine criminal misconduct or negligence.

VI. PROCEDURES

A. Inspector Received Jail Complaints

1. Bureau staff receiving a verbal complaint shall:
 - a. If the complaint expresses concerns which are outside the scope of the DRC's authority (not minimum standards violations), refer the complainant to the appropriate agency or jail administration or;
 - b. If the complaint expresses concerns which are violations of the minimum standards, 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 jail administrator; or
 - ii. Will be reviewed
 - e. Conduct a review of the complaint as outlined in sections VI.B and/or VI.C of this procedure.
2. Upon receipt of a written complaint, the Jail Inspector or other designated bureau staff 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; or
- 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 thirty (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 VI.B of this procedure.

B. Review of the Jail Complaint

1. Upon the determination that a review of a complaint is warranted staff 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 jail administrator 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 and/or separation inadequacies. 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.
- i. Submit the complaint report from the jail tracking database to the supervisor indicating the findings and reasons for concluding the review and any further information as deemed appropriate. Attach copies of all pertinent documents.
- j. Report complaints in the weekly report.

C. Notification of Critical Jail Incidents

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 or other designated Bureau staff 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 minimum standards violations), do not appear to involve life threatening and/or separation issues, or do not fall into the category of a reportable critical incident the Jail Inspector or other designated Bureau staff:
 - 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 supervisor.
 - b. May send written correspondence to the jail administrator indicating the DRC's concerns about any noted violations of the minimum 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 or inadequate separation, the Jail Inspector or other designated Bureau staff:
 - 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;
 - d. Major fires (results in injury, significant movement/evacuation of prisoners, or significant property loss);
 - e. Sexual Misconduct/Assault (to include sexual harassment or abuse, whether prisoner on prisoner, or staff on prisoner);
 - f. Other incidents may include but not be limited to the following: outbreak of contagious disease, serious prisoner assaults, riots, hostages, disorder, and 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 the DRC's review is limited to non-compliance with the Minimum 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,
 - ii. Copy of jail logs for a period of twenty-four (24) hours before the incident and twenty-four (24) hours after,
 - iii. Information as to the number of like incidents in the last twelve (12) months.
 - d. Request the information be forwarded to the jail 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 supervisor 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 minimum standards which have been violated appear to constitute either life threatening or prisoner separation concerns; and
 - f. The need to visit the jail to further assess the separation or life threatening concerns.
6. The jail inspector shall also review the jail's files 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. Post Review Action for Incidents

1. If the review indicates there are no violations of the minimum standards which reflect life threatening conditions or inadequate separation, then the jail inspector shall file the information gathered. The jail inspector shall formulate a brief statement of his/her findings to the supervisor, attaching copies of pertinent documents and a recommendation not to proceed with enforcement (inspectors may use a copy of the critical incident report from the jail tracking database). A copy of the written statement shall be sent to the jail administrator.
2. If the review indicates violations of the minimum standards which may constitute life threatening conditions or inadequate separation, then the jail inspector shall proceed with the procedure outlined in DRC policy 107-BAD-02, Enforcement Process for Life Safety Concerns in Ohio Jails.
3. If the review indicates violations of the minimum standards which do not constitute life threatening conditions or inadequate separation, the jail inspector shall send written correspondence to the jail administrator. The correspondence shall outline the standard violations and indicate the decision not to proceed with enforcement. A copy of this letter shall be filed in the regional jail file and noted in the jail tracking database.

F. Documentation of a Reportable Critical Incident

1. The jail inspector shall document the occurrence of the incident in the appropriate 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 weekly 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 the Bureau of Adult Detention during the calendar year shall be followed-up on by the jail inspector or other bureau staff as designated by the administrator. The jail inspector or other Bureau staff as designated by the administrator shall follow the process outlined above and record the critical incident information in the jail tracking database and the monthly report.