



Department of
Rehabilitation & Correction

John R. Kasich, Governor
Gary C. Mohr, Director

03/27/2018

Sheriff Toby Spencer
Darke County Correctional Facility
5185 County-Home Road
Greenville, OH 45331

RE: 2017 Annual Jail Inspection

Dear Sheriff Toby Spencer:

In accordance with Section 5120.10 of the Ohio Revised Code and Executive Order 92-03 of the Department of Rehabilitation and Correction, the Darke County Correctional Facility, a full service jail, was inspected on 11/07/2017. The inspection was restricted to assessing compliance with a group of standards, selected from the Standards for Jails in Ohio promulgated by the Department of Rehabilitation and Correction. The group of standards being inspected focused on Reception & Release, Classification, Security, Housing, Sanitation and Environmental Conditions, Communication, Visitation, Medical and Mental Health Services, Food Service, Recreation and Programming, Inmate Discipline, Administrative Segregation, Grievance, Staffing, and Staff Training. The inspection consisted of this Inspector receiving and/or reviewing requested documentation and/or materials, touring selected areas of the jail, and having discussions with various jail staff.

The total actual general housing capacity for the Darke County Correctional Facility is 36. On the date of the jail inspection, there were 37 inmates incarcerated in the Darke County Correctional Facility. The Ohio Department of Rehabilitation and Correction recommended housing capacity for the jail is 36, which is based upon total available living space and other requirements. Officials should maintain prisoner counts within the Department's recommended capacity figure.

The Darke County Correctional Facility (Full Service Jail) is in compliance with 91 standards, 41 "Essential", and 50 "Important".

5120:1-8-01 (A)(1); -01 (A)(3); -01 (A)(4); -01 (A)(7); -01 (A)(9); -01 (A)(12); -02 (B)(1); -02 (B)(4); -02 (D); -03 (A)(1); -03 (A)(3); -03 (A)(4); -03 (A)(5); -03 (A)(7); -03 (B)(2); -03 (B)(4); -03 (B)(6); -03 (B)(8); -03 (B)(10)(a); -03 (B)(10)(b); -03 (B)(10)(d); -03 (B)(11)(c); -03 (B)(12); -03 (B)(15); -03 (B)(16); -03 (B)(17); -04 (D); -04 (E); -04 (F); -04 (H); -04 (J); -04 (K); -05 (A); -05 (B); -05 (C); -05 (E); -05 (G)(1); -05 (G)(2); -05 (H)(3); -05 (I); -05 (J); -05 (K); -05 (L); -05 (M); -05 (N); -05 (O); -05 (P); -05 (Q); -06 (B); -06 (C); -06 (G); -07 (A); -07 (D); -07 (E); -07 (H); -07 (I); -09 (A); -09 (C); -09 (E); -09 (F); -09 (G); -09 (H); -09 (J); -09 (K); -09 (M); -09 (Q); -09 (V); -09 (W); -09 (X); -10 (A); -10 (B); -10 (C); -10 (E); -10 (F); -10 (G)(1); -10 (G)(2); -11 (A); -11 (B); -11 (E); -12 (B); -12 (C); -12 (F); -12 (G); -12 (H); -15 (B); -16 (A); -17 (D); -17 (E); -17 (F); -17 (G); -18 (E);

The Darke County Correctional Facility did not comply with 23 standards, 11 "Essential", and 12 "Important". This letter is intended to serve as a basis for developing plans of action for bringing the facility into compliance with the deficiencies noted during the inspection.

5120:1-8-02 (B) (2) (Important) Each full service jail shall have written policies and procedures, and practices which evidence, compliance with the following standards: Violent and non-violent inmates are not placed in the same cell or

unsupervised areas together.

Comments: On the day of the inspection the female housing had both violent and non violent housed together. Jail officials need to maintain separation between violent and non-violent inmates so they are not placed in the same cell or unsupervised areas together.

5120:1-8-03 (A) Each full service jail shall maintain the following minimum standards in regard to security of the jail. (6) (Essential) A two-way communications system between central control, staffed posts and inmate occupied areas.

Comments: On the date of the inspection the jail did two way communication in the housing cells. Jail officer should work on getting two way communication in all prisoner occupied areas.

5120:1-8-03 (B) Each full service jail shall have written policies and procedures, and practices which evidence, that the following minimum standards are maintained. (5) (Essential) The maintenance by staff of a log to record routine information, emergency situations and unusual incidents.

Comments: On the day of the inspection documentation provided did not meet the intent of this standard. Jail officials should make sure officers are maintaining a log of all routine information, emergency situation, and unusual incidents. 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.

5120:1-8-03 (B) Each full service jail shall have written policies and procedures, and practices which evidence, that the following minimum standards are maintained. (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.

Comments: On the date of the inspection documentation provide was over the 60 minute checks per standard. Jail officials should make sure all personal observation checks are conducted every sixty minutes on an irregular schedule.

5120:1-8-03 (B) Each full service jail shall have written policies and procedures, and practices which evidence, that the following minimum standards are maintained. (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. The use of physical restraints shall be reviewed for policy compliance by the jail administrator or designee.

Comments: On the day of the inspection documentation provided did not verify that physical restraints shall be personally checked by staff every ten minutes. Jail officials should provided documentation that physical restraints are being personally checked by staff every ten minutes.

5120:1-8-03 (B) Each full service jail shall have written policies and procedures, and practices which evidence, that the following minimum standards are maintained. (10) In regard to the use of force:

(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.

Comments: On the day of the inspection no documentation was provided as verification that staff is trained on use of force or 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. Jail officials should provide training records as verification. Furthermore Jail officials need to come

up with a way of verifying that both staff and inmate medical needs are being address after a use of force.

5120:1-8-03 (B) (11) Procedures guide searches of jails and inmates to control contraband.

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

Comments: On the day of the inspection documentation provided did not show verification with the standard. Jail officials should provide documentation that these inspection are being completed monthly. (form J-59)

5120:1-8-04 (A) (4) 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: Dayspace: (Important) Thirty-five square feet per number of occupants occupying the dayspace at one time. Minimum size of one hundred five square feet.

Comments: On the day of the inspection a 6 bed unit had 10 inmates housed in it, putting this out of compliance with Thirty five square feet per number of occupants occupying the day space at one time. Jail officials should maintain housing units at approved BRC.

5120:1-8-04 (B) (Important)) Seating shall be provided in holding areas, holding cells, housing cells, dormitories, dayrooms and eating areas for each inmate.

Comments: On the day of the inspection seating was not provided to inmates in housing cells. Jail officials should provide seating in all housing cells. This is defined as actual searing designed for this purpose and does not include the floor or other areas not specifically designed for searing.

5120:1-8-04 (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.

Comments: On the day of the inspection no documentation was downloaded from qualified source shall showing compliance to this standard. Jail officials should provided documentation from a qualified source showing the required air circulation.

5120:1-8-04 (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 five to one hundred twenty degrees Farenheit.

Comments: On the day of the inspection water temperatures were over the one twenty degrees Fahrenheit (124.7). Jail officials should maintain water temperatures between one hundred five to one hundred twenty degrees Fahrenheit.

5120:1-8-09 (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.

Comments: On the day of the inspection documentation provided does not meet the requirements of this standard. Jail officials should provided documentation showing compliance with this standard.

5120:1-8-09 (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.

Comments: On the day of the inspection documentation provided did not show laboratory and/or diagnostic tests to detect tuberculosis and other suspected communicable diseases. Jail officials should provide documentation showing compliance with all aspects of this standard.

5120:1-8-09 (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 must 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.

Comments: On the day of the inspection the policy provided does not meet the standard. Jail officials should review and update the policy so it is in compliance with the standard.

5120:1-8-09 (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 shall develop written policy and procedure.

Comments: On the day of the inspection it was not clear how this policy collaborates with the Health Department. Jail officials should provide documentation showing how the policy collaborates with the Health Department.

5120:1-8-09 (U) (Essential) Continuing education for health trained personnel. All qualified health care professionals participate annually in continuing education appropriate for their position.

Comments: On the day of the inspection documentation was not in compliance with the standard. Jail officials should make sure qualified health care professionals complete the continuing education.

5120:1-8-10 (D) (Important) Records of food items served at meals shall be maintained pursuant to the jail's record retention schedule.

Comments: On the day of the inspection no retention scheduled was provided for examination for compliance. Jail officials should provide the departmental records retention or food service retention files for examination as variation for this standard.

5120:1-8-15 (D) (Important) Within twenty-four 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 seventy-two hours for determination of continued confinement.

Comments: On the day of the inspection no aggravated segregation examples were provided as verification. Jail officials should provided documentation showing compliance with the standard.

5120:1-8-15 (E) (Important) Inmates held in administrative segregation for thirty consecutive days shall receive an administrative review by the jail administrator or designee. Subsequent reviews shall be conducted every thirty days. Reviews shall be documented.

Comments: On the day of the inspection no documentation was provided showing reviews are being documented. Jail officials should document thirty day reviews and provided documentation as verification per standard.

5120:1-8-18 (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 twenty-four 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."

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

Comments: On the day of the inspection no documentation was provided showing CPR or Standards for Jails in Ohio was being addressed during the 1st year of assessment. Jail officials should make sure all jail staff is being trained in CPR and Standards for Jails in Ohio during the first year of assignment.

5120:1-8-18 (B) (Important) Correctional officers shall receive training as follows:

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

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

(3) Eight hours of-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.

Comments: On the day of the inspection no documentation was provided showing training consistent with Chapter 109-2-9 of the Administrative Code. Jail officials should provided documentation showing completion of training consistent with 109-2-9 of the Administrative Code.

5120:1-8-18 (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.

(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.

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

Comments: On the day of the inspection no documentation was provided showing training in legal aspects of jail management, managerial principles, labor relations and records/information management. Jail officials should provided documentation showing completion of training in legal aspects of jail management, managerial principles, labor relations and records/information management for supervisors.

5120:1-8-18 (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.

Comments: On the day of the inspection no documentation provided covered occasional contact employees. Jail officials should provided documentation as verification that occasional contact employees are trained in pertinent agency policies.

Plan of action forms are enclosed. Completed form(s) and/or corrective materials addressing the noted deficiencies must be completed and submitted through the Ohio Jail Management System (OHJMS) at www.OHJMS.Intelligrants.com within 45 days of receipt of this correspondence. Please feel free to contact the Bureau if you need assistance or clarification in this effort. The Bureau remains available to discuss the aspects of this report or to provide reference materials or assistance as desired.

Sincerely,



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Department of
Rehabilitation & Correction

John R. Kasich, Governor
Gary C. Mohr, Director

July 27, 2018

Sheriff Toby Spencer
Darke County Correctional Facility
5185 County-Home Road
Greenville, Ohio 45331

RE: 2017 – Annual Jail Inspection

Dear Sheriff Spencer,

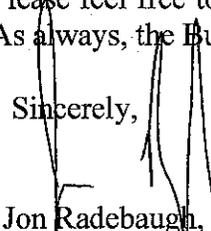
The Bureau of Adult Detention has received the plans of action and corrective material you submitted through the Ohio Jail Management System (OHJMS) in response to the annual inspection of the Darke County Correctional Facility on November 7, 2017. We appreciate your efforts in attempting to maintain compliance with the Standards for Jails in Ohio.

I have reviewed the provided material. The documentation will increase the level of compliance for the Darke County Correctional Facility on Jail Standards: 5120: 1-8-03(B)(11)(b)(Essential); -04(B)(Important); -09(B)(Essential); -09(D)(Essential) and -09(N)(Essential).

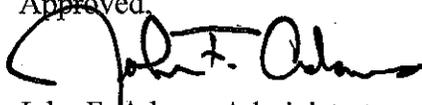
Plans of action submitted for the remaining deficiencies noted on the inspection report appear to identify the proposed means for bringing the jail back into compliance with these standards. We encourage you to implement these changes as soon as possible. The Darke County Correctional Facility will remain a *Status Jail* until the next inspection or until the remaining corrective action has been completed.

Please feel free to contact me if you have questions or concerns relating to this correspondence. As always, the Bureau remains available to provide technical assistance upon request.

Sincerely,


Jon Radebaugh, Assistant Administrator
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Approved,


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cc: Capt. Ted Bruner, Jail Administrator
Darke County Commissioners
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