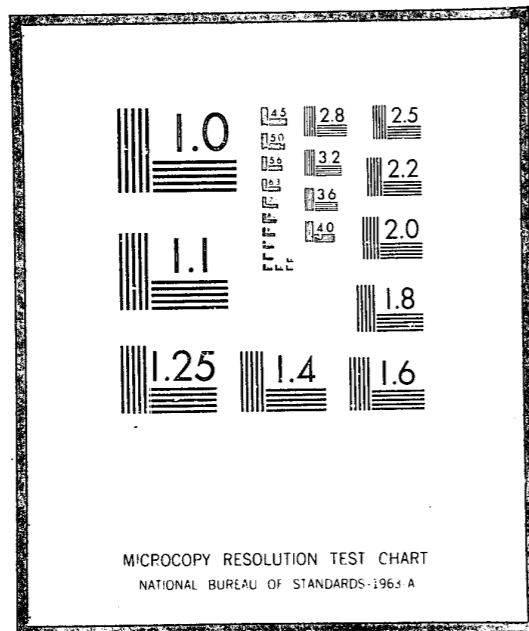


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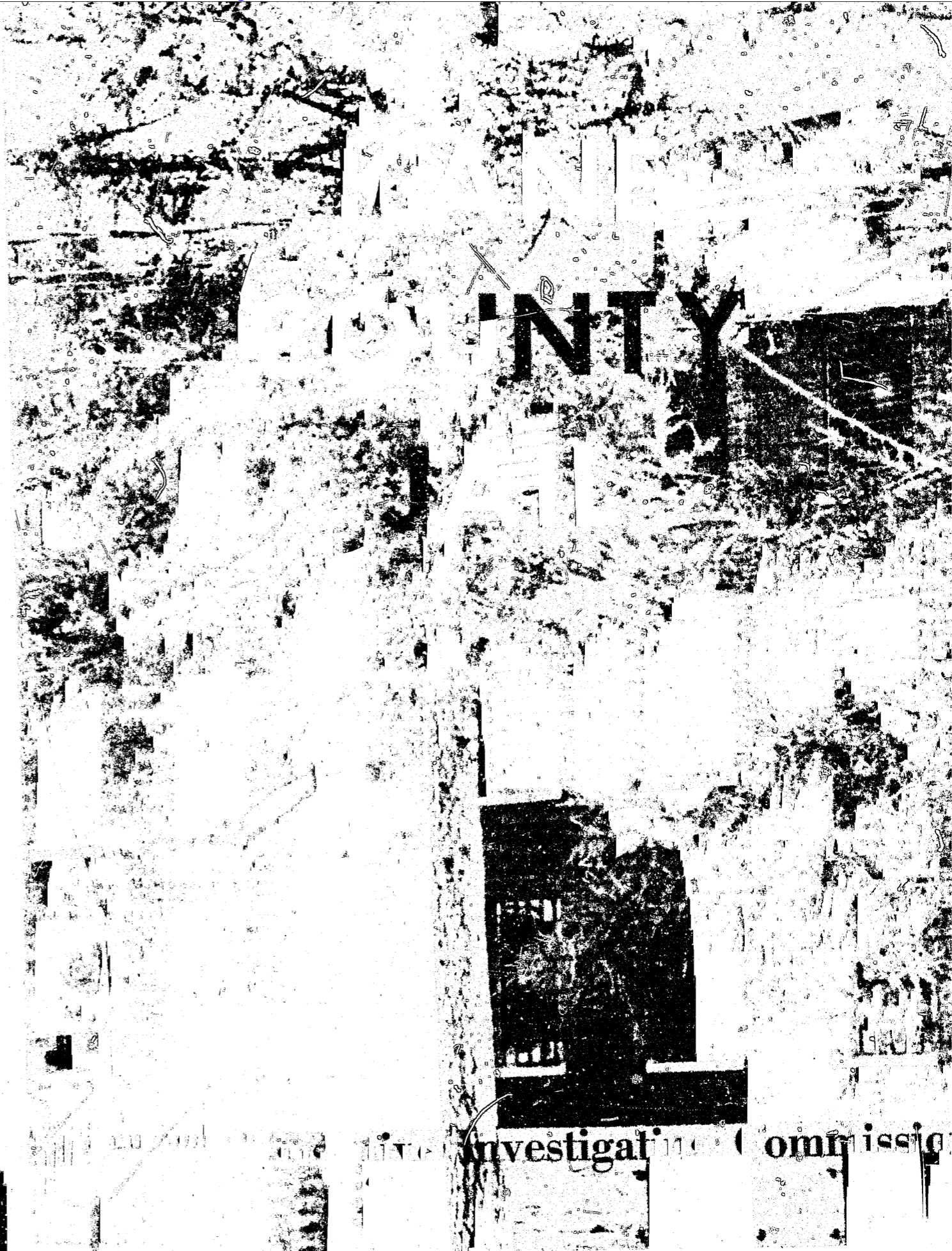


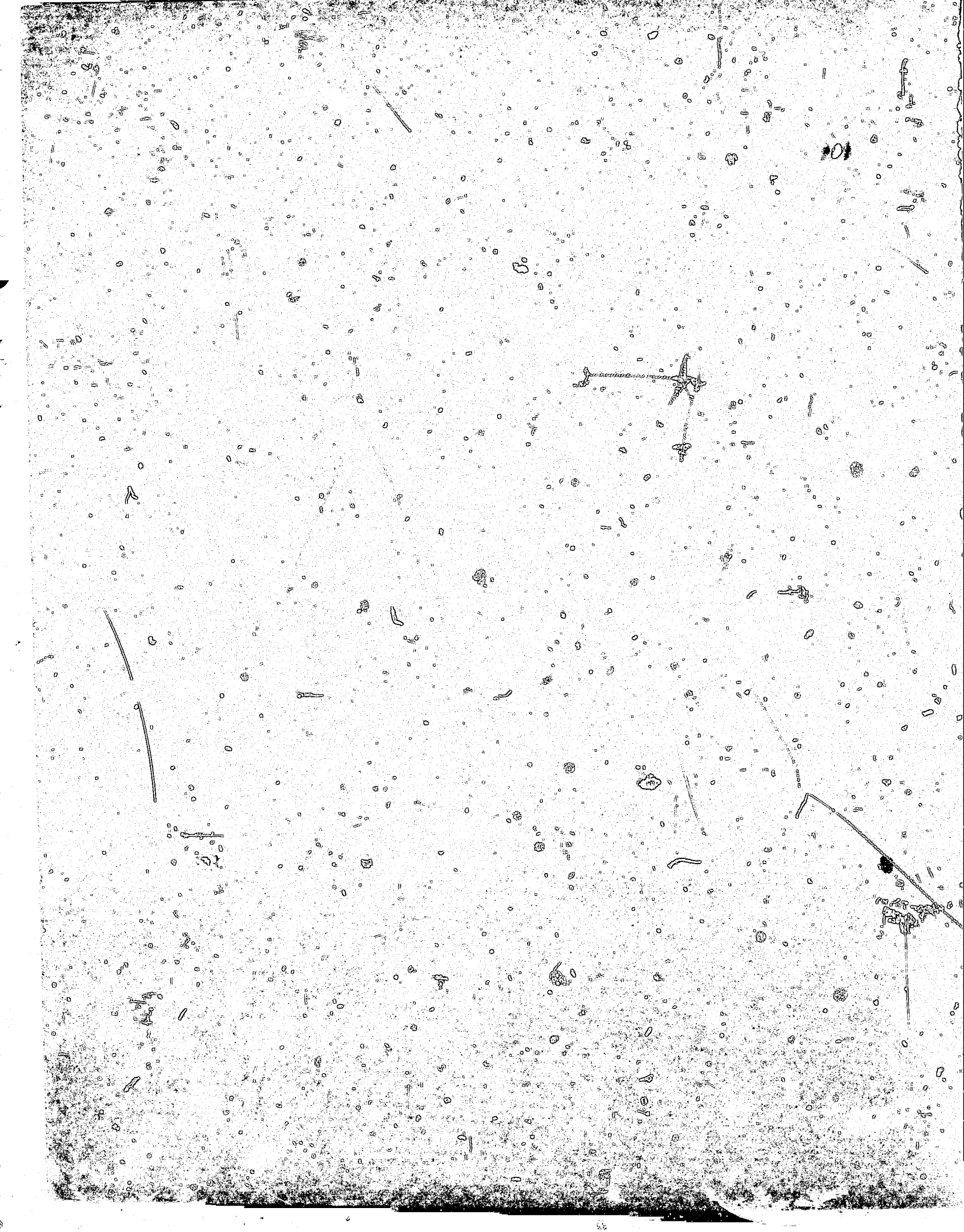
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KANE ^T COUNTY (IL) JAIL

A REPORT TO THE
ILLINOIS GENERAL ASSEMBLY



BY THE
ILLINOIS LEGISLATIVE INVESTIGATING COMMISSION

300 West Washington Street, Chicago, Illinois 60606

Telephone (312) 793-2606

MARCH 1975

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THIS REPORT IS RESPECTFULLY
 SUBMITTED PURSUANT TO HOUSE
 RESOLUTION 1111 ADOPTED BY
 THE ILLINOIS HOUSE OF REPRESENTATIVES ON JULY 1, 1974.

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HOUSE RESOLUTION 1111
Sponsored by Representative
John Jerome "Jack" Hill

On July 1, 1974, the Illinois House of Representatives adopted House Resolution 1111.

"WHEREAS, A Kane County grand jury, on June 25, 1974, strongly criticized what it called the 'filthy, deplorable and unsanitary conditions' at the 82-year-old Kane County Jail at Geneva; and

"WHEREAS, The same 23-member jury called for the retirement of Kane County Sheriff Joseph P. Doring and cited his administrators at the jail for 'incompetence, indifference and irresponsible attitudes'; and

"WHEREAS, The jury asked for Sheriff Doring's resignation because of his health and in light of the fact that he has been absent from his office a great deal during the past year and has refused to delegate his authority to assistants; and

"WHEREAS, The grand jury further urged the elimination of the job of county director of public safety, a position now held by Mr. William Klusak, asserting that Mr. Klusak's office has no authority and 'serves no useful purpose'; and

"WHEREAS, The jury was the second to blast the jail in a year, following a grand jury report in June of 1973, which charged that the jail was 'no more than a cage for human animals and...a disgrace to our community'; and

"WHEREAS, Both grand jury reports raise some very serious charges, which should be thoroughly investigated; be it therefore

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"RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE 78TH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, That this House directs the Illinois Legislative Investigating Commission to make a thorough investigation of conditions at the Kane County Jail and of the personnel charged with operating the facilities; and be it further

"RESOLVED, That the Commission report its finding to the General Assembly on or before October 1, 1974."

On November 20, 1974, the House of Representatives adopted House Resolution 1199 which extended the reporting date from October 1, 1974, to June 30, 1975.

TO: HONORABLE MEMBERS OF THE GENERAL ASSEMBLY

This report represents our findings, conclusions and recommendations pursuant to House Resolution 1111, sponsored by Representative John Jerome "Jack" Hill, and adopted by the Illinois House of Representatives on July 1, 1974.

House Resolution 1111 instructed the Commission to make a thorough investigation of conditions at the Kane County Jail and of the personnel charged with operating the facility. The Resolution noted that two Grand Jury reports within a year had severely criticized the jail, and in the course of our investigation we discovered that previous inspection reports by the Illinois Department of Corrections and the Illinois Department of Public Health were equally critical of conditions at the Kane County Jail. Our investigative approach, therefore, was twofold: to study and to determine the accuracy of these previous Kane County Jail inspection reports; and to interview everyone who might be able to shed some light on how these conditions arose and who was responsible.

At our request, Kane County State's Attorney Gerry L. Dondanville sent us copies of the last 18 Grand Jury reports on Kane County Jail. The oldest of these reports is dated May 5, 1969; the latest is dated September 30, 1974. We also obtained copies of annual inspection reports by the Illinois Department of Corrections, dated: October 30, 1970; October 30, 1971; January 3, 1972; October 16, 1973; and August 9, 1974. The Illinois Department of Public Health also cooperated with us by supplying a copy of their June 14, 1972, Kane County Jail inspection report.

We were unable to interview former Kane County Sheriff Joseph C. Doring because he has been ill and under doctor's care. However, we obtained a copy of

his answer to a petition by the Kane County State's Attorney to compel compliance with the recommendations of the Grand Jury's 1974 report. That petition was later withdrawn on the promise that the Sheriff Doring's office would comply with some of the recommendations.

We interviewed the former Director of Public Safety, William A. Klusak, (since elected sheriff), whose position the Grand Jury said should be abolished unless additional duties were assigned to it. We interviewed the Assistant Warden of Kane County Jail, Daniel F. Smith. We also interviewed 12 Corrections Officers, and two members of the Kane County Board of Supervisors.

A total of 10 inmates of Kane County Jail who were confined there during the period of the Grand Jury's inspection of that institution were interviewed by us. Eight of these inmates were located and interviewed at Menard and Vandalia State Penitentiaries. One of them had since been discharged and was located and interviewed in his local residence. One other was interviewed within the Kane County Jail.

We concede that the Kane County Jail is a limited and outdated facility and that operations should be transferred to the new Kane County Jail as quickly as possible. However, financial difficulties may prevent this transfer of operations for an indefinite period, and even if the new jail should be ready for use immediately, we are ready to conclude that unless there is a complete change of administrative attitude many of the same problems which occurred in the old jail will occur in the new one. For it was nothing less than incompetent and ineffectual administration which resulted in the set of conditions which brought about this investigation.

Executive Director Charles Siragusa visited the jail on August 20, 1974. He examined the jail throughout and talked extensively with staff members and inmates. Commission investigators made numerous other tours of the facility. Many of the individuals with whom we talked tried to impress upon us the relative cleanliness of the jail since the June 24, 1974, Grand Jury report. Some of them even implied that another investigation is now pointless since the jail had been cleaned up, and especially since operations would soon be transferred to the new facility. The Commission believes strongly, however, that an investigation of conditions at the old jail was necessary despite these arguments.

For it is our belief that unless the causes for the deteriorated conditions which arose at the old jail are discovered and rooted out, the identical ills will befall the new one.

The description of the deplorable conditions and the ineffectual jail policies, received from Corrections Officers and inmates, suggest that prior to the June 24, 1974, Grand Jury report, the jail had been virtually running itself, with no administrative guidance. Both officers and inmates told us about dirt and trash accumulated in cell blocks and on the adjacent catwalks, of torn and shredded mattresses, of windows rarely washed, and of dead and dying insects on toilet bowls. This sort of surface unsightliness obviously had been cleaned because of the excessive publicity stirred by the Grand Jury report and also for the benefit of the Commission's investigators, but it was clear that the new paint job was at least partly an attempt to conceal the more profound problems which had been festering at the Kane County Jail for several years.

We determined that inadequate procedures to care for inmate health was one of the most lamentable areas of administrative neglect. The jail had never taken what can seriously be called a medical history of incoming inmates. Neither did jail officials conduct what can be termed a daily sick call. The practice of having inmates scribble their requests for medical service on a scrap of paper, a match book cover, or an empty cigarette package does not constitute a "sick call."

The Commission must also agree with the Grand Jury observation that jail officials did not conduct periodic searches of cell blocks for contraband, weapons, or drugs. At best, such searches were conducted in a haphazard and unsystematic way. Prison security and the safety of inmates also suffered because cell doors were in a state of disrepair, allowing prisoners to sleep at night with open doors. We also discovered that prisoners, especially those confined only on weekends, were occasionally allowed to wear civilian clothes, making it relatively easy for them to smuggle in contraband, weapons, or drugs.

While the Commission is sympathetic to the fact the Kane County Jail is a small and outdated facility, we are convinced that the total absence of any programs for alcoholism, drug abuse, or recreation is a result

of administrative indifference. It is interesting to note that during the last four years the Kane County Sheriff's office returned over \$200,000 in unexpended county funds - money which could have been used for jail maintenance or inmate programs.

The Commission believes that the individual most responsible for the neglect of the jail is Sheriff Joseph C. Doring. Doring, apparently unconcerned and uninterested in the operations of the jail, delegated administrative responsibility to Assistant Warden Daniel F. Smith. In so doing, he made a poor choice, and the final responsibility is Doring's.

Assistant Warden Smith was not sufficiently qualified for his position. This might not have been such a severe handicap had Smith been a conscientious and concerned administrator. But Smith seems to have hoped that the jail would simply run itself.

Incumbent Sheriff Klusak, the former Director of Public Safety, must also share some of the responsibility for the deterioration of Kane County Jail. Particularly during the year that former Sheriff Doring was substantially absent from work due to illness, Klusak as the former number two man in the Sheriff's Department, could have taken it upon himself to improve conditions at the jail. That he finally did institute many reforms is commendable, but since he waited until after the June 24, 1974, Grand Jury report and at a time when he was a candidate for Sheriff, Klusak's motives are held suspect in the eyes of many people, including members of the prison staff, as well as this Commission.

One of the lamentable facts about this whole case is that until publicity was created by the June 24, 1974, Grand Jury report, Kane County Jail administrators paid virtually no attention to recommendations and criticisms made by previous Grand Juries and other inspection teams.

We recommend that the Kane County Board of Supervisors should, if necessary, adopt an ordinance to create the position of Director of Corrections, and promptly appoint an experienced and qualified person. Until such time as a new Director of Corrections is appointed, we urge strict adherence by Corrections Officers and those responsible for the administration of the jail, to the General Orders promulgated in July, 1974.

A Corrections Advisory Committee should be authorized and appointed as soon as possible by the Kane County Board of Supervisors. The Committee should be composed of representatives of the Correctional Officers staff, and should be consulted by the Sheriff's office on all matters relating to the correctional staff.

The Sheriff's Department should offer increased opportunities for the Corrections Officers to further their education, and provide work performance incentives. The Kane County Board of Supervisors should authorize an increase in the salaries of Corrections Officers to put them on a par with Sheriff's Deputies.

The recreation and training programs for the inmates of Kane County Jail should be instituted immediately, without waiting for the completion of the new jail.

Cell doors and locking devices should be repaired to allow cell doors to be closed between the time of lights out and rising time in the morning. Inmates should be given all their lawful rights and privileges, consistent with human dignity, including but not limited to clean, sanitary, healthful and safe conditions.

We urge the Kane County Board of Supervisors to allot sufficient funds for the adoption of the medical program for the jail as proposed by the Fox Valley Family Physicians S. C.

The Kane County States Attorney should continue his determination to compel full compliance by the Sheriff and all other responsible persons, by court action if necessary, with the recommendations of the Grand Jury. We urge the Kane County Board of Supervisors to allot sufficient funds to complete and occupy the new jail facility, and promptly abandon its present, outdated and dilapidated facility.

Finally, we recommend that Sheriff Klusak give prompt, high priority to the effective administration of the Kane County Jail to prevent a recurrence of the bad conditions which resulted in a series of continuous and justifiably critical Kane County Grand Jury inspection reports.

Respectfully submitted,

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Rep. Joseph G. Sevcik

Senate Members:

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Howard R. Mohr
Don A. Moore
John B. Roe
Frank D. Savickas
Hudson R. Sours*
Jack E. Walker*

House Members:

Horace L. Calvo
Peter P. Peters
George H. Ryan, Sr.
W. Timothy Simms
James C. Taylor

*Resigned on December 5, 1974.

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Executive Director

Charles Siragusa

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Chapter 1

INTRODUCTION

The Kane County Jail is located in Geneva, Illinois, a small, idyllic town about an hour west of Chicago, just off the Illinois Tollway, where the land starts to slope, and farms and heavily-wooded forests replace the monotony of sleek new subdivisions and shopping-centers. The jail itself sits like a stump in downtown Geneva - a squat, three-story masonry structure built around 85 years ago.

It is not a pleasant building to look at, but we are not concerned about the outside. We are concerned about the inside, which on a particularly warm October afternoon in 1974 smells of fresh new paint and fresh new policies. Commission investigators Thomas Costello and Charles Wilson are being taken on a tour of the facility by several jail officials, who are as polite as if they were in church. Could this be the same jail which an Illinois Department of Corrections report said allowed prisoners to exist under conditions "contrary to all good jail operations" and which described the jail administration as being uncooperative with the inspection?

It is indeed the same jail and what has changed things is the June 24, 1974, Grand Jury report. This Grand Jury described the Kane County Jail as a "rat-hole which is unfit for human habitation," and after the newspaper headlines and editorials had digested the contents of that report, officials at the Kane County Jail found themselves, in an election year, confronting yet another investigation: this one by the Illinois Legislative Investigating Commission. On July 1, 1974, Representative John Jerome "Jack" Hill sponsored House Resolution 1111 directing this Commission to "make a thorough investigation of conditions at the Kane County Jail and of the personnel charged with operating the facilities."

The inspection tour continues. Although Kane County Jail can contain up to 136 inmates, on this particular day it holds only 32 - slightly below its daily average for the past several years. Prisoners are usually housed in a county jail for only a short time - anywhere from a few weeks to a few months - before being released on bond. Many of them end up serving extended sentences

at one of the Illinois State Penitentiaries - in Vandalia, Menard, or Joliet. A quick check of the inmate identification board at the main desk shows that this day the jail contains inmates charged with everything from murder to contempt, from rape to drunken-driving.

Former Kane County Sheriff Joseph C. Doring is home sick. Assistant Warden Daniel F. Smith is on vacation. Former Director of Public Safety William A. Klusak meets us briefly upon arrival, and explains how he acquired the funds to have the jail painted. He complains about hassles with the County Board over appropriations. Then he bids us have a good tour and departs.

Three Corrections Officers - jail officials charged with the care and custody of prisoners - show us the jail. In the past such officers were little more than keepers of keys and bodies - zoo attendants. But the current emphasis on human, individual rights requires that these officers be trained to recognize prisoners' legal, ethical, and emotional needs.

Up a narrow staircase in tandem to cell block 2-South. This cell block is an enclosed bullpen with eight separate cells. Each cell is the size of a walk-in closet, has four bunks, and if necessary cell block 2-South can contain up to 32 prisoners. Today there are about a half-dozen but it is difficult to tell. We parade around the outside of the cell block on what is called the catwalk. The catwalk is as narrow as a ladder and requires single-file formation. A steel mesh screen surrounds the entire cell block. It used to be yellow and littered with cigarette butts, gum, wads of paper. It was recently scrubbed and painted black to improve visibility but visibility is still difficult. A few voices can be heard inside. Occasionally the form of a dark face appears suddenly, pressed against the screen, enough to startle the observers. We move on quietly, taking notes, grimacing at the stark porcelain urinals which inmates must use without privacy, in full view of passing guards and investigators. We leave cell block 2-South and move on to cell block 2-North.

The six or seven prisoners in cell block 2-North have just finished lunch. Food trays are scattered about. They are engaged in a lively game of cards, and for a few minutes they pay no attention when we enter

the cell block. A deserted chess board sits at another table, the pieces lined up neatly on their ranks and files. "Who plays?" an investigator asks, pointing to the board. A lanky blond inmate detaches himself from the card game and walks over to where we are standing. "We all do," he answers. "Nothing like chess to make four hours seem like two." The investigator nods, and we move out back into the hallway.

We pass two maximum security cells. One for men, one for women. Sullen faces stare through the small square of windows. In one cell a 16-year old youth sits on the floor amid a debris of toilet articles, wads of paper, and magazines. He is told by the guard to clean up the cell at once or lose his commissary rights.

"Are you guys doing another investigation of this hole?" the youth asks the investigators.

"Yes, how did you know?"

"Cause you all look alike, man. You all look alike."

We move on, past several more cells. There are requests to use the telephone ("It's been three days since I heard from my lawyer, man"), there are complaints about the food ("This stuff ain't fit for a dog, man"), and there are taunting remarks ("Aren't you going to come in here and see the rat-hole I'm in?"). One inmate holding a cup of coffee draws his arm back menacingly, as if he is going to hurl the contents through the mesh screen. Then he laughs loudly.

After about an hour the tour is over. We thank the officers for their cooperation. A guard unlocks the main door, and we walk outside. The sun seems to shine brighter than when we went in, and the clean Geneva air is like a reward. A few miles away, the new Kane County Jail is in the final stages of construction. There is no question but that the old jail has undergone a facelifting in the past few months, but being confined in it, even for an hour, is a mildly suffocating experience. In the meantime, we must try to determine how conditions deteriorated so badly that a facelifting was necessary just months before the jail was supposed to be abandoned.

Chapter 2

PREVIOUS INVESTIGATIONS OF KANE COUNTY JAIL

A. Introduction

Illinois Law requires that all jails be periodically inspected by the County Grand Jury. The law authorizes the circuit courts of each county to see to it that a Grand Jury consisting of not less than three members visit the jail once each term and write a report of its findings. The report shall include an examination of the condition of the jail and the treatment of the prisoners.

In the event that the Grand Jury's report reveals neglect of duty on the part of the jail warden, the circuit courts "may make all proper orders in the premises against the warden of the jail, and enforce same by process of law" (Ch. 75, Sec. 28, Illinois Revised Statutes).

In an effort to get a perspective on the history of conditions at the Kane County Jail, this Commission requested Kane County State's Attorney Gerry L. Dondanville to forward copies of previous Grand Jury reports. Subsequently, Dondanville sent this Commission a total of 17 consecutive reports, from May 5, 1969, up to and including the controversial June 24, 1974 report.

B. Grand Jury Reports, 1969-1970

The first five Grand Jury inspection reports of the Kane County Jail, from May 5, 1969 to September 14, 1970, are virtually rubber-stamp approvals of the jail's condition and the treatment of the prisoners. The wording of each is identical:

"And this Grand Jury further respectfully report up to your Honor that in accordance with the Statute, we have visited the Kane County Jail; and upon examination thereof, we find the same to be in sanitary condition, that we have also made inquiry in regard to the treatment of the prisoners therein confined, and we find that they are provided with clean and wholesome food and proper bedding in sufficient quantities, and that they are kindly treated by the Sheriff and his assistants and are furnished with proper medical aid."

The actual conditions of the jail during this period, as we will show later, were such that these reports dating from May 5, 1969 to September 14, 1970, lack any credibility whatsoever.

C. Grand Jury Reports, 1971-1973

The seven Grand Jury reports from January 4, 1971 to January 3, 1973, constituted the first critical inspections; in this regard they differed radically from the earlier reports. These reports stressed the inadequacy of the outdated facility, declared the jail to be in "deplorable condition," and cited numerous specific faults: narrow stairways and hallways which make emergency evacuation difficult; no sprinkler system; inoperative cell-block monitoring systems; poor ventilation; infrequent patrol of cell-blocks; no exercise facilities; no program for inmates' general welfare; no on-premise medical facilities; and antiquated kitchen area.

It should be noted that while these reports were specific and far superior to the vague approval expressed by the earlier Grand Jury reports, criticism was essentially restricted to the inadequacies of the jail itself. No criticism was made of prison personnel or administration.

D. Grand Jury Report, May 29, 1973

The May 29, 1973 Grand Jury report was even more critical and specific. In addition to agreeing with the inspection reports mentioned above, the Grand Jury drew the following conclusions:

1. The Kane County Jail structure was totally inadequate;
2. The Sheriff of Kane County had inadequate personnel and funds to effectuate even the most basic supervisory, maintenance, disciplinary, and sanitary reforms which are demanded;
3. The new Kane County corrections facility would not be completed for at least one year and a half;
4. The expense of extensively modifying the existing physical plant was not justified -

especially if there is no concurrent provision for a greatly enlarged, professionally-trained, and salaried jail staff; and

5. Both the County Board of Kane County and the Sheriff of Kane County had been aware of the existing problems and had worked diligently to correct them - oftentimes, however, at cross purposes and with little cooperation, coordination or communication.

Although the report hinted that the jail had administrative as well as physical facility problems, it stopped short of indicting any individuals.

"Hindsight being much simpler than foresight," the report said, "it would be an easy matter to collectively point our finger and cast the blame upon one official or another...We do not presume to question the qualifications of those personnel engaged now..."

The Commission should point out that the May 29, 1973 Grand Jury based its observations and conclusions on a much wider range of testimony than did the previous Grand Juries. It subpoenaed Donald E. Scheib, Chairman of the Kane County Board on Corrections and Rehabilitation Committee to give testimony. Testimony was also received from Sheriff Joseph C. Doring. In addition, this May, 1973 Grand Jury studied two other important written reports on the Kane County Jail: the Illinois Department of Corrections reports from 1970-1974; and the Illinois Department of Public Health Inspection Report, dated June 14, 1972.

Commission investigators closely examined both of these inspection reports, and it will be instructive to summarize their findings before moving on to the highly controversial Grand Jury report of June 24, 1974.

E. The Illinois Department of Corrections, Bureau of Detention Facilities and Jail Standards: Annual Reports

1. 1970 Inspection Report

Recall the easy, uncritical approval of the September 14, 1970 Grand Jury report which could find no fault with "sanitary conditions," the "wholesome food and proper bedding," and the "kindly" treatment of inmates by the prison administration.

Only six weeks later on October 30, 1970, the Illinois Department of Corrections released an inspection report of the jail, and one is hard-pressed to believe that their report described the same facility.

"I was not impressed with the cleanliness of this facility," the inspector reported. "The administration must stand accountable for this situation..." The report criticized poor jail security which forced prisoners to exist under conditions "contrary to all good jail operations," and it concluded: "The administration of this facility displays no interest in cooperating with the inspection...We need a definite change of administrative attitude toward the management of this jail."

The writer of that report, Detention Supervisor Fred L. Finkbeiner, was accompanied on his inspection tour by the Assistant Warden, Daniel F. Smith.

2. 1971-1974 Inspection Tours

The four inspection tours conducted by the Department of Corrections from 1971-1974 were only slightly less unfavorable than their 1970 report. The October 30, 1971 report criticized the jail administration for not instituting previous inspection recommendations, such as improving toilet facilities, keeping inmates in locked cells at night, conducting entrance physical examinations and correctional services. Actually, the list of recommendations made in the August 9, 1974 report best summarized the reiterated criticism of each inspection, and they are well worth listing here in full:

- a. A Work Release Program should be utilized;
- b. The salaries of Corrections Officers should be equal to those of the road deputies;
- c. A signed receipt should be issued to residents for their personal property;
- d. If the wire mesh is not removed it should be painted black to improve visibility;

- e. Lighting should be installed in the day rooms and cells;
- f. Cell and day room sizes should conform to State standards of 500 cubic feet of air space per resident;
- g. Adequate ventilation should be provided for the detention areas;
- h. Many areas should be painted including toilets and showers;
- i. All locking devices should be repaired;
- j. All unoccupied cells should be kept locked;
- k. All residents should be locked in their cells between the designated time of lights out and a rising time in the morning;
- l. All cells should be single occupancy;
- n. All cells should be equipped with a toilet, washbasin, and bubbler;
- o. All residents should be required to shower upon admittance;
- p. All residents assisting in the preparation and serving of food should have a prior examination by a physician;
- q. The daily menu should include at least two milk items, two or more meat items, four or more vegetable or fruit items and four or more servings of bread or cereal;
- r. Residents should be supervised when apportioning food;
- s. A three compartment sink or mechanical dishwasher should be installed for the proper sterilization of cooking and eating utensils;

- t. Food should be covered when placed on the dumb-waiter;
- u. Closer supervision and inspection should be given to cleaning details to make certain the facility is properly cleaned;
- v. Females should not be left to supervise male residents;
- w. A fire alarm should be installed;
- x. Fire escapes from the detention area above the first floor should be installed;
- y. All fire hoses must be inspected immediately and then on an annual basis;
- z. First aid classroom training should be provided;
- aa. All available community resources should be utilized to expand programs for residents;
- bb. Visiting should not be limited to family only;
- cc. Visiting should not be limited to only Saturday and Sunday; and
- dd. Sick call should be by written request with the resident retaining a copy of the request.

This list was distributed on August 9, 1974, and since that time few of these recommendations have been implemented, except for: 1) improving of inmates' diet; 2) painting of cell blocks; and 3) painting of the wire mesh with black paint to increase visibility into the cell block areas; 4) expansion of visiting hours; j) improved cleanliness within the cell blocks.

F. Illinois Department of Public Health Inspection Report, June 14, 1972

This report pointed out numerous deficiencies at the Kane County Jail in the areas of public health. It said that the kitchen and laundry had no vacuum breakers

on machinery. Shower knobs were missing. Hazardous water collected in pools on the floor. Food trays on dumb-waiters were uncovered. The walk-in cooler temperature was 58 degrees, which is 13 degrees above permissible standards for perishables, and the unit had no thermometer. The kitchen sink had no compartment for sanitation. Garbage cans were uncovered. Insects were found everywhere. Ventilation was poor.

The report also criticized the lack of health examinations for food service personnel, and recommended annual examinations.

G. The Controversial June 24, 1974 Grand Jury Report

1. Introduction

"Whereas, a Kane County Grand Jury, on June 25 (sic), 1974, strongly criticized what it called the 'filthy, deplorable and unsanitary conditions' at the 82 year old Kane County Jail at Geneva..." Thus said the opening words of House Resolution 1111 in response to a report which touched off dramatic news stories and editorials, charges and counter-charges, and which led to this Commission's investigation.

The intense reaction to this Grand Jury report was not without foundation. For although some of the previous reports had made specific criticisms of the Kane County facility, this report made sweeping indictments of the jail's administration, demanded that ailing Sheriff Joseph C. Doring resign, and suggested the abolition of the position of Director of Public Safety. And the report did not consist simply of general denunciation or lambast. The jury had done its work and studied its subject thoroughly, using far more sources of information than any previous inspectors of the jail had done.

First, the Grand Jury conducted three separate tours of the jail during its term of service, with each visit lasting about one and one-half hours. In special sessions, the Grand Jury subpoenaed and heard the testimony of former Sheriff Doring, former Public safety Director Klusak, Assistant Warden Smith, County Board member Donald Scheib, two Corrections Officers, and two inmates. Fred L. Finkbeiner, Detention Supervisor for the Bureau of Detention Facilities and Jail Standards, Illinois Department of Corrections, also voluntarily

testified. The Grand Jury also studied the Department of Corrections reports discussed above, as well as the reports made by the four previous Kane County Grand Juries. Therefore, many of its criticisms of the physical plant, the food, medical services, security, and discipline problems were identical to those made in previous reports.

2. Highlights of the June 24, 1974 Grand Jury Report

- a. Neither the Sheriff of Kane County, (Doring), the Director of Public Safety, (Klusak), nor the Assistant Warden of the Jail (Smith), have any comprehension of the need for inmate programs, and in fact apparently do not care.
- b. Administration in Sheriff Doring's Office was virtually non-existent.
- c. Sheriff Doring refused to delegate authority. Owing to his illness, he has been absent for over a year. He should resign.
- d. Director of Public Safety Klusak, appointed by the Sheriff, is supposed to be number two man in the office but he actually has no authority. Unless the position is given some responsibility, it should be abolished.
- e. The Assistant Warden of Kane County Jail (Smith) has not been able to implement an effective jail program nor keep the building in a clean and sanitary condition; nor does he recognize the need for either.
- f. The report cited three "apparent" statutory violations with regard to medical services and the unkempt appearance of both the jail and the inmates.
- g. A qualified Director of Corrections should be immediately hired to administer the Kane County Jail.

- h. A chain of command should be immediately established within the Sheriff's office as it affects jail administration.
- i. The report noted that despite the critical comments contained in past Grand Jury reports, very little has been done to implement recommendations which have been made. The report charged that jail officials have merely paid "lip service" to such recommendations.
- j. It is of paramount importance, the report concluded, that those responsible for running the jail realize that the job "is more demanding in terms of time, personnel, personal resources and imagination than that of running an animal shelter."

Because the June 24, 1974, Grand Jury report will be referred to repeatedly in the following pages of this report, it is reproduced in its entirety in Appendix A.

Chapter 3

THE COMMISSION'S INVESTIGATION

A. Introduction

In this chapter we present the bulk of the Commission's investigative work - the details of extensive interviews with individuals who should be in positions to know the conditions at Kane County Jail. In each case, we attempted to learn from these individuals the extent to which the June 24, 1974, Grand Jury report represented an accurate description of conditions at the jail and whether these individuals agreed with the Grand Jury's findings and recommendations.

First we present the results of our interviews with the Kane County Jail Corrections Officers. These Corrections Officers, sometimes simply called jailers, sometimes called guards, provided startling testimony based on the kind of immediate and direct experience which only daily contact with the jail could provide. They are identified as follows:

1) James S. Stachura was appointed on January 21, 1974. He studied criminal justice at the University of Illinois and is a career-oriented Corrections Officer.

2) Barbara J. Ellison was appointed on January 28, 1974. She is a high school graduate and has had one week's correctional training sponsored by the Illinois Department of Corrections.

3) Robert J. Cannon was appointed on January 23, 1973. He is a shift supervisor and has an Associate Degree in law enforcement.

4) Eugene F. Heppler was appointed on December 1, 1973. He received a one-week training course offered by the Illinois Department of Corrections.

5) Daniel S. Campagna was appointed on January 21, 1974. He resigned his position on August 10, 1974, and is returning to Missouri State University to earn his M.S. in Criminal Justice. He attended the one-week training course sponsored by the Illinois Department of Corrections.

6) Gregory L. Kuhs was appointed on August 1, 1969. He received the one-week training course offered by the Illinois Department of Corrections.

7) Maribeth N. Kane was appointed on June 1, 1974. Prior to becoming a Corrections Officer, she had worked as a communications officer in the Sheriff's office since March, 1973. She also took the one-week training course offered by the Illinois Department of Corrections.

8) Dale O. McKiben was appointed on March 12, 1971. He also took the one-week training course offered by the Illinois Department of Corrections.

9) John G. Hudell, Jeffrey A. Ross, Kary D. Roe, and Richard Roethel were all hired on July 1, 1974. Hudell described his job as temporary. Ross and Roe both have their B.S. Degree in Law Enforcement Administration from Western Illinois University. Roethel has no previous experience. None of these recently hired Corrections Officers have yet taken the one-week training course offered by the Illinois Department of Corrections.

Following our interviews of these Corrections Officers we conducted some highly enlightening interviews with Kane County Jail inmates. Most of these inmates are currently serving sentences in other Illinois State prisons, and their experiences provide a basis for comparing Kane County Jail with other prisons they have known. Also, all of them were chosen because they were incarcerated at Kane County Jail during the period that the June 24, 1974, Grand Jury was conducting its investigation. Naturally, an individual contained within a facility against his will may not present the most objective testimony. However, we attempted to examine this testimony judiciously, and to eliminate opinions which seemed to spring purely from general resentment at being incarcerated.

The prisoners we interviewed are identified as follows:

1) Terry J. Degree, confined at Kane County Jail on four separate occasions, beginning in 1969, also spent time at the Illinois State Penitentiaries in Pontiac and Vandalia. He was interviewed in the Kane County Jail.

2) Thomas J. Roop, confined at Kane County Jail for almost one year from June 29, 1973 to June 6, 1974, was interviewed at the Menard State Penitentiary.

3) Thomas E. Joupperi, confined at Kane County Jail between June 29, 1973 and March 4, 1974, was interviewed at the Menard State Penitentiary.

4) James C. Ortiz, confined at Kane County Jail from June 17, 1974, to July 25, 1974, was interviewed at the Vandalia State Penitentiary.

5) Squire Logan II, confined at Kane County Jail from January 9, 1974 to February 6, 1974, was interviewed at the Vandalia State Prison.

6) Damian J. Runde, confined at Kane County Jail on two separate occasions, from December 26, 1972, to February 9, 1973, and from January 11, 1974 to March 29, 1974, was interviewed at the Vandalia State Prison.

7) William D. Webb, confined at Kane County Jail from February 13, 1974 to April 5, 1974, was interviewed at the Menard State Penitentiary.

8) Charles Davis, confined at the Kane County Jail from March 23, 1974 to July 23, 1974, was interviewed at the Menard State Penitentiary.

9) Ricky Caudill, confined at the Kane County Jail from January 18, 1973 to April 8, 1974, was interviewed at the Menard State Penitentiary.

10) Bernard T. Hochbrueckner was confined at Kane County Jail from January 19, 1974 to March 21, 1974. A condition of his release was that he spend 40 additional weekends at Kane County Jail. He was interviewed on the telephone.

The combined testimony of the Corrections Officers and inmates provided a frame of reference with which to consider the testimony of Kane County Jail's key administrators: former Sheriff Joseph C. Doring; former Director of Public Safety William A. Klusak; and Assistant Warden Daniel F. Smith. Because of Doring's ill-health, he was unavailable for a personal interview. Therefore, we had to rely on his formal response to the Complaint filed against him in the Circuit Court of Kane County.

Klusak was interviewed on several occasions and conducted jail inspection tours for Commission investigators. Smith was interviewed briefly at his office, and later, pursuant to a subpoena, he appeared in the Commission's office to answer charges made by the Grand Jury reports. We conclude this chapter with a summary of comments made to us by Donald E. Scheib, Kane County Board member and Chairman of the Board's Corrections and Rehabilitation Committee.

Many of those interviewed put a great deal of emphasis on the difference between conditions at the jail before and after the June 24, 1974, Grand Jury report. Although we gave some attention to this distinction, we focused our report on the conditions at the jail prior to that report. Of course, we applaud any and all improvements which occurred as a result of the Grand Jury report; but the Commission was primarily concerned with the extent to which the Grand Jury report accurately portrayed conditions at the jail, and who was responsible for those conditions.

B. Corrections Officers

1. Building and Equipment

Almost every Corrections Officer questioned by our investigators agreed without reservation with the Grand Jury criticism of the Kane County Jail building and equipment. James S. Stachura said he repeatedly observed garbage cluttered in the wire mesh screen, and that the catwalk, where the guards walk in order to patrol the cell block area, was often strewn with scraps of paper and cigarette butts.

Barbara J. Ellison seconded Stachura's description of the wire mesh screen. She, too, said that dirt and trash accumulated within the cell blocks and on the adjacent catwalks. She said the mattresses were cut, torn and often shredded.

Robert J. Cannon agreed with the observations of Stachura and Ellison. He was particularly critical of the windows, which he said are washed only about once a year, and then only from the outside. He said county building and grounds personnel merely hosed the windows from ground level.

Daniel S. Campagna cited the filthy wire mesh screen as one of his main complaints. He said that, especially at night when the cell block lights were extinguished, it was almost impossible for a Corrections Officer to see through into the cell block. Campagna said that ventilation within the cell blocks - a frequent criticism of Grand Jury reports - had been slightly improved by the installation of fans, but that these fans were under-powered and the cluttered wire mesh screen acted to obstruct any cross-ventilation. None of the Corrections Officers interviewed were particularly critical of the kitchen, although several of them agreed that some dirt and grease accumulated on the overhead pipes and ceiling.

2. Food, Medical, Health and Safety

Generally, the Corrections Officers agreed with the Grand Jury report that the menus are adequate. They also agreed, however, with the report's indictment of medical services at the jail. James S. Stachura explained that prior to July 2, 1974, no formal inmate medical request system existed at Kane County Jail. No medical sick call was administered and the medical care itself was of poor quality. Stachura said that the informal medical procedure consisted of having the inmates write their individual medical complaint on any available piece of paper - paper scraps, match books, cigarette packages - and passing it on to a guard who would in turn attach the request to a clipboard located at the booking desk. From that point it was up to Assistant Warden Daniel F. Smith to fulfill the inmate's request. Some of the officers said that if the complaint was not of an emergency nature, it might sometimes take up to a week before the inmate saw a physician. Many inmates who were in need of medication for severe colds or influenza went untreated, Stachura said. He added that the new medical procedures instituted since July 2, 1974, have considerably reduced the time lapse between an inmate's request and his medical treatment. A permanent record now includes the time between receipt of the complaint by a Corrections Officer, receipt by Assistant Warden Smith, and the disposition of medical aid.

Barbara J. Ellison agreed with Stachura's remarks. She said she had almost never seen Smith observe an inmate's condition after a request for medical help. She did, however, say that she had often seen Benedict A. Beilman, who functions as an assistant to Smith, check on the condition of ailing inmates. Daniel Campagna did not seem to think that medical care was quite as bad as

stated by the Grand Jury report. However, he agreed with Ellison that while he had occasionally seen Beilman visit a prisoner after a medical request slip had been received, he had never seen Smith do so.

Gregory L. Kuhs agreed wholeheartedly with the Grand Jury charge that no medical history of an inmate was taken upon admission. Kuhs said that he had often recommended to Smith that this be done but that Smith never responded. Kuhs said that after a time he realized that it was useless to make such suggestions.

Eugene Heppler said that the greatest problem regarding medical care results from the fact that Assistant Warden Smith must approve all medical requests from inmates before they are permitted to see a physician. Smith is rarely seen at the jail on weekends, Heppler said. If an inmate took ill after 4:00 p.m. on a Friday afternoon he would have to wait until Monday morning for a medical appointment to be made. The exception to this rule, Heppler said, would be in the case of a severe medical emergency.

With regard to the Grand Jury criticism that jail officials made no periodic searches of cell block areas for contraband, weapons or drugs, the corrections staff was again unanimous in agreeing that prior to July 2, 1974, no such periodic searches were made. Two of the female Corrections Officers were particularly critical of the inadequacy of female strip-search procedures. Barbara J. Ellison said that the strip-search of women is of a cursory nature. Maribeth Kane said that it would be relatively easy for a female to smuggle contraband, especially drugs, into the facility. She regretted the fact that she had received no self-defense training prior to working within a prison containing primarily men.

3. Programs and Discipline

All of the Corrections Officers concurred with the Grand Jury finding that the Kane County Jail has virtually no programs to accomplish anything. James S. Stachura said that the jail has no recreational or educational programs, and no programs for alcoholic detoxification or drug treatment. Stachura conceded that the lack of recreational programs was due to limitations imposed by lack of space, but he said the absence of other programs was the result of indifference on the part of the jail administration. Most of the officers said that

the jail functioned solely as a detention or holding area, and that the idea of any rehabilitative or self-improvement programs was beyond the comprehension of the jail administration, who Stachura described as "long-time law enforcement people who have no conception of the needs of the inmates."

4. Staff and Administration

a. Introduction

The Correction Staff's general agreement with most of the Grand Jury criticisms discussed above implied a criticism of the jail administration. But since almost every Corrections Officer reserved his most damning comments to condemn the inadequacies of the administration rather than the inadequacies of the jail itself, it is worth discussing some of their testimony individually.

b. James S. Stachura

Correctional Officer Stachura generally agreed with the indictments made of the Kane County Jail administration by the Grand Jury report. Stachura said that since his starting date on January 21, 1974, he had never observed former Sheriff Doring within the jail, and had not noted the regular presence of William Klusak, former Director of Public Safety and now Sheriff, until the June 24, 1974, Grand Jury report. Since that report, both Klusak and Assistant Warden Daniel Smith have been more conscientious. Klusak even called an emergency meeting of the corrections staff on the 4th of July for the purpose of airing grievances and outlining new duties. But Stachura feared, he said, that once publicity resulting from the Grand Jury and the Illinois Legislative Commission investigations dies down that the same administrative problems will carry over into the new jail.

Stachura was in total agreement with the Grand Jury report statement that virtually no chain of command existed for Corrections Officers prior to June, 1974. Communication between the Corrections Officers and the Sheriff's department stopped with Assistant Warden Daniel F. Smith. In a letter to this Commission, Stachura recommended the creation of a Corrections Advisory Committee composed of an adequate number of officers who could make initial contact with the jail administration and the Sheriff on all matters concerned

with the corrections staff. Stachura said that this committee could and should be approached by the Sheriff's Department on questions and opinions regarding all corrections procedures and policies. Stachura said that there had been a general disregard for the welfare of the corrections staff which had caused a morale problem, and a good deal of friction between the patrol and corrections divisions. He pointed out, for instance, that while the Sheriff's Department had made an effort to provide further training for the officers in the patrol division, no such concern had been shown for the corrections division.

Stachura also generally agreed with the Grand Jury conclusion that former Sheriff Joseph C. Doring, former Director of Public Safety William A. Klusak, and Assistant Warden Daniel F. Smith have not been able to implement an effective jail program.

c. Barbara J. Ellison

Regarding the Grand Jury finding that the Kane County Jail is understaffed, Barbara J. Ellison said that on many shifts, including the midnight to 8:00 a.m. shift, she had often worked with only two officers on duty instead of the recommended four. She added that there had been a major problem acquiring janitorial help and that this accounted in large part for the lack of maintenance within the jail.

Ellison agreed with the Grand Jury conclusion that the position of Director of Public Safety has been an office without useful purpose as far as the administration of the jail was concerned. She stated that Director Klusak's input into the jail had not been visible until the June 24, 1974, Grand Jury report was made public. She confirmed that on the 4th of July, 1974, Klusak called an emergency meeting of all Corrections Officers in order to air grievances. She said Klusak informed them of the pending investigation by the Illinois Legislative Investigating Commission and that officers should make a special effort to ensure that the jail was in clean condition. According to Ellison, Klusak told the Corrections Officers that they should immediately clean up any dirt or trash, and that they should not wait for a janitor to make his rounds. When several officers protested that cleanup was not part of their job responsibility, Klusak told them: "If you don't like it, resignations are being accepted at the Sheriff's office across the street."

Overall, Ellison was extremely critical of administrative attitude in the jail prior to release of the Grand Jury report; this attitude, she said, was one of general indifference to the health and well-being of the inmates.

d. Daniel S. Campagna

Corrections Officer Daniel S. Campagna said that he fully agreed with the conclusions reached by the Grand Jury regarding the poor administration of the jail by the Sheriff, the Director of Public Safety, and the Warden. Campagna further agreed with the report's statement that no adequate staff training program exists for Corrections Officers. The one-week correctional course offered by the State of Illinois Department of Corrections, he said, is inadequate. He also concurred with the report's finding that the Kane County Jail had no adequate provision for promotion or evaluation for existing jail personnel, and that there were no existing standards of performance.

e. Eugene F. Heppler

Eugene F. Heppler described morale to be extremely poor among Corrections Officers due to the indifferent administrative attitude. Heppler was particularly critical of Assistant Warden Smith, who he described as incompetent and unconcerned about the welfare of the inmates. He said Smith was totally unresponsive to any suggestions for improvement or development of programs or policies. He also said that on numerous occasions he had observed Smith sleeping at his desk.

f. Other Corrections Officers

Most of the other Corrections Officers agreed substantially with those officers discussed above. Robert J. Cannon, Gregory L. Kuhs, Dale O. McKiben, and Maribeth N. Kane all generally concurred with the Grand Jury criticism of the Kane County Jail administration. It is worth noting, however, that those Corrections Officers who were hired after the release of the June 24, 1974, Grand Jury report were in disagreement with its findings. John G. Hudell, for instance, who was hired on July 1, 1974, said that he had frequently seen Klusak within the jail, and he believed Smith to be conscientious and concerned for the welfare of inmates. Likewise, Jeffrey A. Ross, Kary D. Roe, and Richard Roethel, all

hired on July 1, 1974, disagreed with the Grand Jury finding that neither former Sheriff Doring nor the former Director of Public Safety Klusak, nor Assistant Warden Smith recognized a need for jail programs or for cleanliness. The testimony of these new Corrections Officers makes it clear that a great deal of cleanup activity and policy change had taken place shortly after the release of the June 24, 1974, Grand Jury report.

C. Inmates

1. General Conditions

Terry J. Degree has been sentenced to serve time at Kane County Jail on four separate occasions. He has also been confined at the St. Charles Boy's School, the Illinois State Penitentiary in Pontiac, and the Illinois State Penitentiary in Vandalia. He told our investigator that he has considerable "expertise" on jails for someone only 22 years old. He said that the Kane County Jail is dirty, has poor food, a poorly stocked commissary, and slow medical treatment. He said that the Kane County Jail was one of the worst in which he has ever served time.

Based on interviews with numerous former inmates of Kane County Jail, it is clear that DeGree is not alone in his opinion. Thomas E. Joupperi, a former inmate now serving time at the Menard State Penitentiary, complained about the dirty and unsanitary conditions at Kane County Jail. He said that upon intake he was given a badly deteriorated mattress and a tattered blanket. He said that on many occasions he observed insects and accumulated filth on the toilet bowls. He complained about the lack of ventilation, which resulted in cell blocks being extremely warm during the summer, and it was so cold during the winter that he could see his breath.

Former inmate Thomas J. Roop said that his own cell-block was relatively clean, but the cleanliness, he emphasized, was due to an effort on the part of the inmates rather than on jail officials or jail policy. He said that inmates often had difficulty obtaining cleaning materials in order to disinfect their sink and toilet fixtures. Complaining to the guards, Roop said, was useless because Assistant Warden Smith would not authorize the purchase of such materials. This complaint was seconded by former inmate Charles Davis, who said that Smith was reluctant to purchase anything which was for inmate use.

2. Medical Treatment

Inmates were almost unanimous in their criticism of the medical care afforded them at Kane County Jail. Damian J. Runde, who was incarcerated at Kane County Jail on four separate occasions going back to December, 1972, said that he entered the jail the first time with what he believed to be a case of frostbite. He said he repeatedly submitted medical requests to see a physician but that these requests were denied. He said that his father finally contacted Judge Peterson, who presides in the Circuit Court in Kane County. Peterson in turn notified Assistant Warden Smith that Runde should see a physician immediately. Five days later, a physician diagnosed Runde's condition as frostbite, for which he prescribed an ointment to relieve the pain.

Former Kane County Jail inmate William D. Webb told our investigators that he entered Kane County Jail on February 13, 1974, knowing that he had venereal disease. Thirteen days elapsed before Webb received any medication. Thomas E. Joupperi said that during the fall of 1973, a scalp infection of epidemic proportions spread through the cell blocks. Shortly afterwards jail officials began furnishing medicated shampoo to all inmates. Joupperi also said that during his nine-month stay at the jail he lost about 40 pounds, and another former inmate, James C. Ortiz, said that the poor quality of the food caused him to lose about 25 pounds. Since Kane County Jail does not give even a cursory physical examination to inmates, however, it is impossible to determine if these claims are accurate.

3. Security and Safety

Inmates generally agreed that Kane County Jail provides insufficient safety and security for two reasons: inadequate staff size and relaxed jail policies. Former inmate Thomas J. Roop stated that prior to January of 1974, the catwalk surrounding the cell blocks was often patrolled only once during an eight-hour shift. He said that the jail was often staffed by only one or two officers on evening and midnight shifts prior to January, 1974. He said that the extreme difficulty of getting a Corrections Officer into the cell block area during those shifts resulted in numerous assaults and homosexual attacks. The Commission would point out that the Illinois Department of Corrections' report criticized the jail administration for allowing jail doors to remain open all night. These doors have been in a

state of disrepair for a long time, and this problem may provide a partial explanation for one reported homosexual attack which occurred on August 1, 1974.

Many of the inmates questioned said that they had rarely observed cell blocks searched for weapons or other contraband. Thomas J. Roop claimed that in November of 1973 a 25 caliber automatic was found in a cell block area, although this claim has never been substantiated; he also said that during the year he was there several hacksaw blades had been discovered in the cell blocks. None of the inmates knew of any wholesale drug abuse, but several of them discussed the relative ease with which drugs could be smuggled into the jail. Inmates James C. Ortiz, Squire Logan II, and Charles Davis all said that "weekenders" - individuals who serve only weekend sentences - are often permitted to wear streetclothes, and most of the drugs, as well as other contraband, are smuggled in by them. Jail policy forbids any prisoner from wearing streetclothes, but one former inmate, Ricky Caudill, said that he was allowed to wear his street clothes for about three days before he received a uniform.

One other former inmate of Kane County Jail claimed that while he did not know of any drug use or of drugs being smuggled into the jail, he was aware of considerable medication abuse. Inmate Bernard T. Hochbrueckner said that many of the pain reliever drugs were hoarded by inmates and then taken in multiple doses in order to obtain a "high." Hochbrueckner attributed this practice to the fact that guards often do not watch to see if a prisoner is actually taking his medication.

D. Former Sheriff Joseph C. Doring

1. Introduction

Joseph C. Doring was elected as Sheriff of Kane County in November, 1970. Thus, Doring was the warden of Kane County Jail when the first critical Grand Jury report was released on January 1, 1971, and he was still the warden when the June 24, 1974, Grand Jury report was released.

On July 10, 1974, a Complaint was filed against Doring in the Circuit Court of Kane County. The Complaint was signed by Gerry L. Dondanville, Kane County State's Attorney, who under Chapter 14, Section 5 (1), Illinois Revised Statutes, has a duty to "commence and prosecute" such actions. The Complaint gave Doring until August 15, 1974, to respond to the charges and

recommendations made by the June 24, 1974, Grand Jury report. The Complaint also said that State's Attorney Dondanville "believes that the observations reported by said Grand Jury are true, and that the implementation of the recommendations of the said Grand Jury are necessary in order to guarantee the humane treatment of prisoners in the Kane County Jail."

Because of Doring's ill-health, Commission investigators were unable to interview him. Although our interviews with employees in the Sheriff's office resulted in several contradictions, we could deduce Doring's attendance record with considerable accuracy. It would appear that he first became ill during the summer of 1973, at which time he generally went to his office on a half-day basis. But it was not until after November of 1973 that Doring failed to go to work on a regular basis. During that winter, he was hospitalized for two and one-half months with acute emphysema. In the spring of 1974, Doring appeared at his office only occasionally for short periods of time. He was last seen at his office in early June, 1974.

Sheriff Doring, represented by Special State's Attorney Lambert M. Ochsenschlager, responded to the Circuit Court complaint on August 8, 1974. This "Answer" considers each and every charge and recommendation made by the June 24, 1974, Grand Jury report, and since we were unable to conduct a personal interview with Doring, his response to the complaint is worth summarizing. (The June 24, 1974, Grand Jury report, reproduced in Appendix A, may provide a useful reference for following Doring's answers.)

2. Response to the Grand Jury's General Observations

Concerning the Grand Jury's observations of the Kane County Jail building and equipment, Doring stated that while he took "every possible measure to attempt to keep the jail in a clean and habitable condition," his efforts were in vain due to the fact that the jail is obsolete and antiquated. Regarding the Grand Jury's thirteen observations concerning food, medical, health, and safety, Doring denied that any of these were inadequate due to his own misfeasance. Similarly, while he did not deny the Grand Jury's criticisms of jail programs, discipline, staff, and finance, he simply said that none of these were insufficient due to any fault of his own.

3. Statutory Violations

The Grand Jury report cited three "apparent" statutory violations regarding medical aid to prisoners, jail cleanliness, and cleanliness of inmates. In a single sentence, Doring denied each of these allegations.

4. Grand Jury Recommendations

a. Refuses to Resign

The Grand Jury's first recommendation was that Sheriff Doring should resign owing to his ill-health. Doring's response was that he had no intention of resigning, that a Grand Jury has no authority to ask for his resignation, and that he would continue to serve as Sheriff of Kane County for the remainder of his term, unless denied that right by death or due process of law.

b. Director of Public Safety

The Grand Jury also recommended that unless specific duties and responsibilities are assigned to the Director of Public Safety, this position should be abolished. Doring responded that the duties of that position are spelled out in Section 4 of Ordinance No. 3, which was adopted on September 28, 1970, by the Board of Supervisors of Kane County (see Appendix B).

c. Director of Corrections

Doring denied that his office has the authority to hire a Director of Corrections, as the Grand Jury recommended.

d. Chain of Command

With regard to the Grand Jury's suggestion that a chain of command be established within the Sheriff's office, Doring said that a printed booklet entitled "Responsibility of Command" is and has been in full force during the entire term of his administration.

5. Other Recommendations

a. Steel Mesh Screen

Doring listed several reasons why he would refuse to comply with the Grand Jury recommendation that the steel mesh screen be removed within 30 days. He said

it would cost \$2,600 to accomplish this, an unnecessary waste of the taxpayers' money. He further said that to remove this screen would create a very hazardous situation for jail personnel as well as for other inmates.

b. Scrubbing, Cleaning, Disinfecting

Doring said that there was no need to comply with this recommendation, since the jail is adequately scrubbed, cleaned, and disinfected "on a regular basis" by a private organization which specializes in that work. He did not say what constitutes "on a regular basis."

c. Ventilation

With regard to the recommendation that window fans be installed in cell block areas to improve ventilation, Doring said that such fans had been ordered prior to the Grand Jury report, and that these fans have been installed and are in working order. He did not point out that previous Grand Juries had also criticized the poor ventilation in the cell block areas.

d. Torn Mattresses

As with the fans, Doring said that new mattresses had been ordered prior to the Grand Jury report, and that these mattresses would have been in use now even had there been no Grand Jury criticism with regard to them.

e. Medical History

The Grand Jury recommended that medical intake histories be taken for every incoming inmate, and that such procedures be formally initiated within seven days. Doring stated that such a procedure had been in effect for a number of years, and that he was prepared to show the orders and forms connected with this procedure.

f. Daily Sick Call

Again, Doring said that a daily sick call "has always been in effect," and that there was no justification for the Grand Jury recommendation that such a procedure be established within 15 days. Doring said that he was prepared to produce doctor and dentist bills as evidence to support his claim. But it does not necessarily follow that doctor and dentist bills attest to the existence of a formal sick call.

g. Physical Examinations

Doring said the recommendation that all employees and inmates handling food be given physical examinations is not legitimate. He said he is prepared to produce a letter from the State Department of Health showing that such examinations are not required or necessary.

h. Cell Block Inspections

In response to the recommendation that cell blocks be periodically inspected for contraband, weapons and drugs, Doring said again that this procedure has always been in effect. He also said, however, that at his direction an updating of this policy was put into effect on July 2, 1974.

i. Inmate Hygienic Inspection

Doring said the recommendation that inmates be inspected for personal hygiene was already practiced. He said that each day inmates are asked if they have any physical ailments. He said inmates are at liberty to request medical attention at any time; and he again cited the large number of prisoners who receive medical attention. None of these answers, however, constitutes a response to the Grand Jury recommendation.

j. Soaps, Towels, Sundries

Doring said the recommendation concerning availability of soap, shampoo, deodorant, and a daily change of towels for inmates is both impractical and unnecessary. He said that shampoos and soaps have always been available at the commissary for purchase at the inmate's expense. As for clean towels, he said the guidelines of the Illinois County Jail Standards had been followed in the past. This guideline recommends one towel change and one linen change per week. However, since July 1, 1974, clean towels are now issued daily.

6. Inmate Incentive Programs

a. Recreation Room

Doring stated that he unequivocally refused to follow the Grand Jury directive that one cell block be set aside for use as a recreation room. To do so, he said, would improperly limit the department's ability to segregate inmates according to offenses, ages, and sex, and would prevent proper regulations by the department.

Doring said the recommendation that pool tables be installed in the recreation room for the benefit of inmates could only have been made by persons lacking in knowledge of what is proper operation of a correctional institution. He said that the billiard cues, and the hard, heavy billiard balls could almost certainly be used as weapons in the hands of untested inmates.

Doring said that while television facilities would be installed in the new jail, he considered it both dangerous and a waste of the taxpayers' money to follow the recommendation that television sets be placed in the old facility.

b. Books

The Grand Jury report directed Doring to contact the State Library System to work out a book rental agreement within 30 days. Doring stated that this directive is improper, unlawful and impractical. He said that investigation of such service had been made in the past and found not to be available. He said that the Sheriff's department contacted the Elgin Public Library on July 18, 1974, which referred it to the DuPage Library System, which told the Sheriff's office that nothing was available at present. Doring said that such a service can be had, but that it will not be possible to acquire it until the new jail is ready.

c. Increase Visiting Time

The suggestion that visiting time be increased and that a recreation room should be set aside at least for one hour each day for visiting is, Doring stated, as impractical a suggestion as the Grand Jury could have made. Doring cited County Jail Standards which calls for a physical barrier between the inmate and the visitors to prevent contraband from entering the jail. Doring also cited the wave of prison revolts across the country accompanied by the holding of hostages.

7. Staff Development and Training

The essence of Doring's response to this recommendation is that all of the Corrections Officers (except for those hired in July, 1974) have attended 40 hours of training conducted by the Illinois Department of Corrections at the County's expense. He said that the Office of the Sheriff of Kane County has from two to three officers away at school each day of the year. He cited the

large number of college graduates on his staff and said that these are individuals who appreciate the benefit of education and pursue it both voluntarily and with the encouragement of the department.

8. Conclusion

Although he instituted several of the Grand Jury recommendations, it is clear that Doring regarded himself and his office as faultless with regard to administration of the Kane County Jail. Any problems which the jail may have had he blamed either on the obsolescence of the facility itself, or on inadequate funds with which to improve conditions. Several of his answers tend, as pointed out, to evade the questions. Above all, his responses failed to explain why there was such a marked improvement in the appearance of the jail after the June 24, 1974, Grand Jury report.

The petition filed against Joseph Doring was later withdrawn on the promise that the Sheriff's office would comply with some of the recommendations made by the Grand Jury.

E. Former Director of Public Safety William A. Klusak

1. Introduction

William A. Klusak had been the Kane County Director of Public Safety since late 1970, the year when the position was created by the Kane County Board. Klusak functioned as the Chief Deputy Sheriff and Administrative Assistant to Sheriff Doring. As such, he was the number two man in the Kane County Sheriff's office.

In November, 1974, Klusak became the newly-elected Republican Sheriff of Kane County, after he defeated the Kane County Republican party candidate in the primary election. He took office in January, 1975. Particularly since Joseph Doring was ill and away from his office for the better part of a year, Klusak's position as Director of Public Safety was, theoretically at least, one of central importance. In the Sheriff's absence, Klusak should have been responsible for either implementing jail policies, or carrying out such policies as directed to him by Doring.

Prior to assuming the position of Director of Public Safety, Klusak was a police officer with the Oak Brook, Illinois police department for 11 years. He has a Bachelor's Degree in political science from St. Louis University,

and an Associate Degree in Law Enforcement from Triton College. Currently, Klusak is enrolled in a Master's program in Public Service Administration at the Governor's State University. Klusak was selected out of 57 applicants for the position of Director of Public Safety.

2. Klusak Defends His Position

One of the most controversial recommendations in the June 24, 1974, Grand Jury report was that the position of Director of Public Safety should be abolished unless specific duties and responsibilities were assigned. And in a related criticism, the report charged that former Sheriff Doring had refused to delegate authority. In several interviews, Klusak responded to these charges at considerable length.

Klusak believed, first of all, that the highly unfavorable Grand Jury report was a consequence of the political climate in Kane County. Klusak said that initially Sheriff Doring was unhappy about the County Board's creation of the Director of Public Safety position, and that for the last three years there had been considerable friction between Doring and himself. Klusak said that Doring resented his attempts to professionalize the Sheriff's office. He said Doring felt that he was trying to usurp Doring's authority as Sheriff.

Klusak denied, however, that Doring refused to delegate authority to him, particularly during the period when Sheriff Doring was ill. He said that the initial differences between Doring and himself had been subsequently resolved, that he has been in daily contact with Doring, and that Doring had supported his campaign for Sheriff. Klusak believed that "certain individuals" who wanted a regular Republican County Committee candidate, not him, elected as the next Republican Sheriff, were responsible for influencing the Grand Jury report. It is widely known that one of the individuals Klusak was referring to is Republican State's Attorney Gerry L. Dondanville.

In an effort to discount the Grand Jury allegation that his former position as Director of Public Safety was one without purpose or authority, Klusak cited the two Kane County ordinances which created and defined the duties and responsibilities of that position. Kane County Public Ordinance No. 3, passed on September 28, 1970, states the duties of the Director of Public Safety as follows:

"The Director of Public Safety shall be directly responsible to the Sheriff. As the immediate subordinate of the Sheriff, he shall be responsible for the design, arrangement and inspection of the various line and staff units of the department to assure that they are achieving the desired objectives; coordination of the department's personnel with the Kane County Merit Commission, including the development of criteria concerning recruitment, selection, promotion, and disciplinary actions; supervision of the various departmental training programs; supervision of planning by the department designed to improve policing in Kane County; development and review of the managerial and operational procedures of the department; insuring the adequacy of the records and their operation; analyzing and interpreting crime statistics and using them appropriately; and any other management activity which he is directed by the Sheriff to perform."

Kane County Ordinance No. 8, passed on April 11, 1972, amended the earlier ordinance to give the position full law enforcement powers. Both of these ordinances are reproduced in Appendix B.

Klusak stated his belief that the Grand Jury was unaware of these county ordinances, and he was critical of the jury for not taking the time to look at them. He also said that if the jury had taken the time to study his performance as Director of Public Safety, it would not have raised the questions it did.

In order to further support his contention that the Director of Public Safety is a position with duties and responsibilities, Klusak discussed at length some of his accomplishments since assuming office. Personnel improvements included: employment of women in radio communications; employment of women as telephone operators under a federally-funded work program; employment of women as clerk/typists to prepare officers' reports; employment of female Corrections Officers. Klusak said that he convinced the County Merit Commission to eliminate height, weight and eyesight requirements in the Sheriff's office. He said he increased supervisory positions by adding four additional sergeants and by reorganizing the department into separate divisions.

Klusak said that he was actively involved in attempting to modernize the training program of the Sheriff Department's personnel. He said that prior to his involvement in the Sheriff's office there had been no formal training program required of any Deputy Sheriffs or Corrections Officers. The current six-week mandatory training program for road deputies in conjunction with the University of Illinois had been instituted, Klusak said, since he became Director of Public Safety.

In addition, Klusak said that he is responsible for instituting the program wherein all Corrections Officers must have a minimum of 40 hours credit with the Illinois Department School on Corrections. He said he had also been instrumental in sending officers to schools and seminars pertaining to riot control, driving school, breathalyzer tests, supervision, narcotics, community relations, crime scene investigations, and firearms.

Klusak said that when he initially joined the department there was no effective recordkeeping system. As such, he worked to design a system of reporting complaints, re-design complaint forms, institute a new filing system, and adopt new accident forms.

Klusak cited the procurement of new equipment as another of his accomplishments. Since he became Director of Public Safety, the department has acquired new federally-funded radio-communications equipment, new electric typewriters, video and breathalyzer equipment, and a new transport van.

He was also instrumental, he said, in the development of a public relations policy, formation of a bicycle safety program, adoption of vacation house checks, and in the rewriting of the department's rules and regulations. He was also responsible for the adoption of one-man patrol cars in lieu of two-man units.

Finally, on August 2, 1974, shortly after the controversial Grand Jury report, Klusak issued a set of General Orders to all Corrections Officers. These orders were formulated by him to provide direction and instruction for the officers on such matters as the purpose of the Kane County Jail Instruction Manual, visiting hours for inmates, inmate sick call procedures, prisoner receipt forms, definitions of contraband, compilation of inmate medical/body sheets, and daily cell inspection.

In summary, Klusak said, he felt that he had made significant contributions to the Kane County Sheriff's Office and that his record in office, as well as his reputation with members of the department, supported this contention.

3. Building and Equipment

Klusak said that he frequently visits the jail and that he has never observed it to be in the "filthy and deplorable" condition as charged by the June 24, 1974, Grand Jury report. He admitted, however, that as a result of the new General Orders and of the July 4, 1974, meeting with the Corrections Officers, the jail is cleaner than it had even been before. Regarding the Grand Jury criticism that jail officials conducted no daily inspection of cleaning within the cell block area, Klusak stated that the guards provided the inmates with buckets and mops with which they were to clean their cells to the satisfaction of the guards. If this were not done, then privileges such as cigarettes, commissary items, and/or visiting rights would be restricted or revoked. This policy, Klusak said, has kept the cell blocks relatively clean. Concerning the Grand Jury charge that the cell blocks lacked adequate ventilation, Klusak said that after he was subpoenaed to appear at the Grand Jury to give testimony on the condition of the jail, he went to the County Board, and requested some additional \$500 for the purchase and installation of fans. These fans, he said, were installed prior to release of the Grand Jury report.

4. Medical Service

a. No Medical Intake History

The June 24, 1974, Grand Jury criticized jail policy which neglected to take medical histories of incoming inmates. Klusak stated that this charge was inaccurate, and that about a year and one-half ago a policy was initiated whereby an inmate's medical history was to be taken on prescribed forms. These forms, which Klusak showed our investigators, request information concerning any health problem, such as diabetes, epileptic seizures, alcoholic problems, and drug addiction. However, after release of the Grand Jury report on June 24, 1974, Klusak issued General Order #74-04, dated July 2, 1974, subject: inmate medical history. The order states that "although we have had a written medical procedure report for some-time, this order is issued to clarify the purpose and

intent of the report." However, no such written medical history reports could be produced, and it is the firm conclusion of our investigators that no formal or informal medical questionnaire is currently, nor has ever been, completed on inmates.

The only medical intake record that Kane County Jail maintains is a "medical/body sheet," the purpose of which is to provide a description of the inmates' scars, tatoos, and other physical features for identification purposes. But this form is not being used for medical health information. According to the General Order, the reverse side of the medical/body sheet is supposed to be used for "additional remarks," pertaining to the inmates' medical history, but those sheets studied by our investigators revealed that they were seldom used to record any medical history.

An examination of the files of the 33 inmates incarcerated between July and August of 1974 showed that only 28 had medical intake sheets. No explanation could be offered as to why there were no such sheets for the other five inmates. Twenty of these files had absolutely no medical notations on the reverse side. Eight of the medical/body sheets showed brief notations indicating "no communicable diseases," "no medical problems," "subject is not under doctor's care."

b. No Daily Sick Call

Klusak claimed that the Grand Jury observation that no daily sick call is administered at Kane County Jail was also inaccurate. He said it has been the policy of the jail to conduct a daily sick call between 8:00 a.m. and noon, at which time the guards enter the cell block areas and distribute medical request slips to the inmates. He further explained that while this policy was informal, he wrote a memo to Assistant Warden Daniel Smith, on July 2, 1974, which directed that a daily sick call be administered which accomplished three things: the performance of a head count; the distribution of medical request slips; and inspection of the cell block and each inmate for sanitary and hygienic purposes. Klusak said that while this written policy was implemented after the Grand Jury had made its recommendations, it should not be construed that the absence of a formal policy precluded inmates from receiving medical attention.

c. Medical Services Contract

While Klusak admitted that the Grand Jury was correct in its observation that Kane County Jail has no contract with local physicians and dentists, he insisted that the absence of such a contract has never precluded an inmate from receiving medical care. He said that there are three doctors in the area who handle all medical services for the inmates, and that the reliability of their services precluded the necessity for such contract.

Apparently, however, something changed Klusak's mind regarding a medical services contract. On December 16, 1974, Klusak sent to the Commission's office a copy of a medical services contract proposal from Fox Valley Family Physicians, S.C. The proposal includes a study of the medical problems at the jail. It was prepared at Klusak's request and with the approval of the Kane County Board of Supervisors. The study found numerous deficiencies in medical care and services at the jail and it proposed to provide medical care at the rate of \$12,480 for one year, payable in monthly installments of \$1,040. The contract is still pending, however, because the County Board does not yet have the necessary funds to appropriate.

The Fox Valley Family Physicians study proposal is a most interesting document. Its diagnosis of the deficiencies in medical care at the jail are exact and specific; its description of the medical care which these physicians propose to offer seems excellent and serves to underline just how inadequate such care had been in the past. We are, therefore, including sections of this Fox Valley Family Physicians document in Appendix C.

5. Health and Safety

Regarding the Grand Jury observation that no periodic search of the cell block areas were conducted for contraband, weapons, or drugs, Klusak said that prior to the Grand Jury's finding there was no express written policy on this matter. On July 2, 1974, Klusak issued a General Order which detailed the way these searches should be conducted, and ordered that they be conducted every week.

The Grand Jury was also concerned with other aspects of inmate health. It cited the inadequate toilet articles available to inmates, such as soap, shampoo, deodorants, and the infrequent distribution of towels. Klusak stated that toiletries have always been available at the

commissary, but that these must be purchased at the inmates' expense. Fresh towels, he said, had been distributed once a week prior to the Grand Jury report; now they are being distributed daily. Klusak added that he thought the towel recommendation ridiculous, and that even in his own home towels are not changed daily.

6. No Inmate Incentive Programs

Klusak generally agreed with the Grand Jury charge that the Kane County Jail had virtually no programs to accomplish anything, but he blamed this deficiency on the outdated facility. But the Grand Jury's charge that the jail officials have no comprehension of the need for inmate programs is, Klusak said, grossly unfair. Such programs are now in the process of being formulated for implementation in the new jail.

7. Unexpended Financial Resources

The Grand Jury also said that neither the Sheriff nor his staff attempted to fully utilize the financial resources which they had available. Commission investigators interviewed Kane County Board member David L. Pierce who said that the Sheriff's office had returned over \$200,000 of unexpended county funds during the past four years. Pierce was of the opinion that much of this money could have been used for jail maintenance and the creation of inmate programs. But Klusak, asked to respond to this allegation, simply stated that unexpended money does not constitute misuse of financial resources.

The Commission obtained from the Kane County Auditor the complete breakdown of appropriations, expenditures, and unexpended funds for the Sheriff's office for the years 1969 to 1973. These tables are presented in Appendix D.

8. Conclusion

It seems clear that prior to the June 24, 1974, Grand Jury report, Klusak showed no more concern for the jail than did Sheriff Doring. Perhaps as the Grand Jury said, Doring delegated little authority to him. However, particularly since Doring was absent from work for the better part of a year, Klusak, as number "2" man in the Sheriff's office, could have taken it upon himself to initiate some improvement in the jail. That he finally did so after

the June 24, 1974, Grand Jury report is commendable. He has cleaned up and painted the jail, instituted some long overdue reforms, and was instrumental in attempting to negotiate an excellent medical services contract.

F. Assistant Warden Daniel F. Smith

1. Introduction

Daniel F. Smith was the Assistant Warden of Kane County Jail during the entire four years that Joseph Doring was Sheriff and William Klusak was Director of Public Safety. Prior to that, Smith acted as Warden for former Kane County Sheriff Harry Booth, being appointed to that position by Booth in August, 1966. As such, Smith can be expected to possess an intimate knowledge of conditions at the jail over the years. He was questioned by Commission investigators on several occasions in an effort to elicit from him a description of conditions at Kane County Jail both before and after the June 24, 1974, Grand Jury reports. We tried to learn from him the extent to which he or others are responsible for these conditions.

Smith's position-title seems to vary. He claimed that he is the Assistant Warden of Kane County Jail, but he is often referred to by associates as the Warden. In fact, the June 24, 1974, Grand Jury report mistakenly called him the Warden. At other times, associates refer to him as the Chief Jailer or the Deputy Warden. In this report, we will consistently refer to his position-title of Assistant Warden.

Actually, when Smith was first hired in 1966, former Sheriff Harry Booth assigned him to the position of Warden. However, about a year after his appointment, a County Merit Commission was created which changed Smith's title from Warden to Assistant Warden. Smith said he was unable to determine the reason for this action, but it did not involve any change in salary or duties. Smith said that both the Merit Commission and the Kane County Committee on Corrections and Rehabilitation had always been unjustly critical of the jail and its administration. The reason, Smith said, that the jail had never been able to live up to their standards and expectations is that the County Board rarely appropriated sufficient funds for maintenance and staffing.

In addition, Smith admitted that relations between himself and Donald E. Scheib, Kane County Board member

and Chairman of the Committee on Corrections and Rehabilitation, have never been cordial. Smith described his side of a popular incident which occurred between Scheib and him. In an interview in the Elgin Courier, Scheib had been severely critical of the jail and all of the jailers. About a week after this article appeared, Scheib paid a visit to the jail, accompanied by a women's group which wanted to take a tour of the facility. Smith met them at the door and said to Scheib: "If I were you, I'd be afraid to show my face around here." Smith told our investigators that he was simply referring to the fact that Scheib could hardly expect a gracious reception from any of the jailers after his newspaper attack. Scheib, however, interpreted the remark as a personal threat, as he stated in later interviews with the press and with our own investigators.

2. Building and Equipment

Smith denied that the jail had ever been as "filthy and deplorable" as charged by the July 24, 1974, Kane County Grand Jury, but he admitted that since the Grand Jury's report came out, the condition of the jail had improved considerably in appearance. Asked by our investigators if this fact in itself did not constitute evidence of past neglect, Smith had two explanations: one, the County Board often failed in the past to appropriate sufficient funds for adequate staff and maintenance; two, his "orders" that the jail should be kept clean were often ignored by his staff or the inmates.

For instance, regarding the Grand Jury observation that jail officials conducted no daily inspection of cleaning of cell block areas, Smith insisted that his "orders" were that such inspections be carried out daily. He said that every day buckets and mops were placed in the cell block areas, but if the prisoners did not use them, he could not force them to. His only recourse, he said, was to cancel commissary privileges.

3. Medical Services

Unlike Joseph Doring and William Klusak, Smith admitted to the Grand Jury charge that jail officials took no medical histories of incoming inmates. He said that if prisoners "looked healthy," then they were admitted. He agreed that compared to medical intake procedures at other county jails, this was a very loose admission standard, but he blamed it on lack of adequate personnel.

Smith also admitted to the Grand Jury charge that no daily sick call was administered. Smith said that prisoners sent notes to the Corrections Officers if they felt sick, and that these notes were then sent to him. Although there were no "sick calls" as such, Smith believes that the procedures employed by the jail were satisfactory, and that no prisoner in serious need of medical treatment was ever denied that need.

4. Cell Block Searches

Smith denied the Grand Jury observation that no periodic searches were made of cell blocks for contraband, weapons, and drugs. But when asked how often such searches were conducted, Smith was vague. "More than once a month," he said. He agreed that, ideally, such searches should take place every day in order to ensure maximum security, but he said that his staff is inadequate for that.

Commission investigators were told by several inmates that "weekenders" - prisoners who are required to spend only weekends at the jail - are frequently allowed to wear civilian clothes. These inmates told our investigators that "weekenders" can easily smuggle almost anything, but particularly drugs, into the cell blocks. Asked about this, Smith said that his "orders" are that no inmate may wear civilian clothes, but that since he is not at the jail all the time on weekends, it is possible that his orders are not carried out. Asked if he did not think it was his responsibility to make sure that his orders are carried out, Smith said he was uncertain as to how to do so.

Smith was also asked about the Illinois Department of Corrections' recommendation that all inmates should be locked in their cells overnight for reasons of security and safety. Smith said that this was impossible, since many of the cell doors were in a state of disrepair. Inmates, he said, jammed the doors by inserting paper and other materials along the sliding runners. He said that to close the doors could be hazardous because if there was a fire some inmates might be locked in their cells. Asked if any consideration had ever been given to repairing these doors, Smith said, "No."

5. Bookkeeping System

When an inmate is booked into Kane County Jail, all money which he has on him is taken and stored in an inmate cash receipt envelope, which is in turn stored in a light

metal filing cabinet. If an inmate enters with more than \$10, any amount over this figure is placed in an additional envelope and then put in a bail bond box. Smith explained that in the event an inmate wishes to purchase some commissary goods, he must complete a commissary request slip or "draw slip." This slip is given to a Corrections Officer who deposits it in the inmate's envelope and withdraws the desired amount of cash. No general ledger is kept. A Commission investigator asked Smith to pull several inmate commissary envelopes in order to conduct a spot audit. Smith did so and numerous discrepancies were discovered. Four inmate property files were overdrawn by amounts of \$13.35, \$4.52, \$11.01, and \$1.30. A count of monies in the bail bond box showed that the bond funds were \$10 greater than the amount recorded.

Smith stated that he recognized the inadequacy of the present bookkeeping system, and he blamed William Klusak for failure to purchase a simple ledger. Smith said that he does not have the authority to purchase such a ledger.

6. Self-evaluation

Our interviews with the Kane County Jail Corrections Officers revealed an almost absolute agreement that Smith is an incompetent and ineffectual jail administrator. Asked to respond to this torrent of criticism, Smith replied that he was well-aware that the corrections staff "hates my guts." Smith insisted, however, that the reason for this excessive hatred was that he gave strict orders for work to be carried out, and that the staff resented being asked to work so hard. He characterized himself as the forceful and hard-working administrator whose "orders" were often ignored or abused by a staff which was itself largely incompetent and ineffectual. Smith's frequent reference to and reliance upon his "orders" as a means of defending his administration of the jail led our investigators to conduct a search for such documents. However, no one connected with the Sheriff's office has been able to find them.

7. Conclusion

Smith's frequent lack of response to questions ("I don't know") suggests strongly that he has no real ideas about how a corrections institution should function, and we do not believe that he is qualified for the position which he holds. He should not be in a position

of leadership or decision-making. While he is cognizant of many of the inadequacies of Kane County Jail, he refuses to accept the blame for any of the problems. His statement that inadequate funds were the cause for problems of staffing and maintenance is contradicted by the fact that the Sheriff's office returned \$200,000 in unexpended county funds during the last four years.

G. Donald E. Scheib

1. Background

Donald Scheib is a Kane County Board member and has been Chairman of the Committee on Corrections and Rehabilitation since its creation in 1972. The function of this committee is to act on matters pertaining to the Kane County Jail, such as approving the budget, and recommending programs and policies to improve jail conditions.

2. Attitude Toward Jail Administration

Interviewed by Commission investigators, Scheib stated that he is in complete agreement with the findings of the June 24, 1974, Grand Jury report. He said that Sheriff Joseph Doring was concerned exclusively with "law enforcement," and that he was ignorant of practices related to corrections. He said that Doring was of the school of thought that jails were simply places of containment. Scheib was severely critical of Daniel Smith. He said that Smith was hired for the job simply because of his "political clout" with Sheriff Doring and that the position of Assistant Warden had long been a patronage job filled by retired law enforcement officers from that area. He admitted that he has repeatedly had differences of opinion with Smith and that there had been ill-feeling between the two for several years. As an example of the unresponsiveness of Doring and Smith to any suggestions for improving the jail, Scheib said the Committee on Corrections and Rehabilitation had offered to give two television sets to the jail, but that the offer was refused for the reason that they could not be securely housed. He said that the committee had also obtained several hundred books for use within the jail, but that the Sheriff's office and the Assistant Warden had simply not responded to the offer.

Scheib said that his last visit to the jail was in January, 1973, at which time occurred the incident between him and Smith which we discussed earlier. Scheib said that while he had heard that conditions at the jail

have improved considerably since the June 24, 1974, Grand Jury report, he attributed these improvements to William Klusak's desire to create an attractive political platform in his campaign to become Sheriff. Scheib said that had it not been for the Grand Jury report he doubted that Klusak would have taken any action toward the jail.

3. The New Jail

The new Kane County Jail, constructed at a cost of around \$4.5 million, was scheduled for completion on January 1, 1975. Although construction has proceeded on schedule, Scheib said that a shortage of funds will probably make it impossible to transfer operations from the old jail until "hopefully April or May." Scheib said that the Kane County Board had been studying the possibility of obtaining some kind of a grant which would allow the new facility to be furnished. As yet, no such grant has been found. In addition, the Board was continuing its search for "a trained professional" to fill the position of Director of Corrections.

Chapter 4

CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

1. While conceding that the Kane County Jail is a limited and outdated facility, this Commission concludes that incompetent and ineffectual administration brought about the conditions which resulted in this investigation.

2. There is no single deficiency which accounts for the pitiful condition of Kane County Jail. Rather, the jail, as described by the June 24, 1974, Grand Jury report, is the accumulation of years of administrative neglect.

3. The individual most responsible for this neglect was former Sheriff Joseph C. Doring. Doring, apparently unconcerned and uninterested in the operations of the jail, delegated administrative responsibility to Assistant Warden Daniel F. Smith. In so doing, he made a poor choice, and the final responsibility for the jail's deterioration is Doring's.

4. Assistant Warden Daniel F. Smith was not sufficiently qualified for his position. This would not have been such a severe handicap had Smith been a conscientious and concerned administrator. Instead, Smith seems to have hoped that the jail would simply run itself.

5. Former Director of Public Safety William A. Klusak, and the incumbent sheriff, must also share some of the responsibility for the deterioration of Kane County Jail. Particularly during the year that Doring was substantially absent from work due to illness, Klusak, as number two man in the Sheriff's office, could have taken it upon himself to improve conditions at the jail. That he finally did so after the June 24, 1974, Grand Jury report is commendable, although the fact that he was at that time a candidate for public office cannot help but taint his motives.

6. Insufficient funds was not a cause for the deteriorating conditions at Kane County Jail. During the last four years the Sheriff's office returned over

\$200,000 of unexpended county funds - money which could have been used for jail maintenance or inmate programs.

7. While the Commission is sympathetic to the fact that Kane County Jail is an outdated and small facility, we are convinced that the total absence of any programs for alcoholism, drug abuse and recreation is a result of administrative indifference.

8. Inadequate procedures to care for inmate health is one of the most lamentable areas of administrative neglect. The jail has never taken what can seriously be called a medical history of incoming inmates. We must conclude that Sheriff Doring in his response to the Circuit Court Complaint, and William Klusak in his testimony with our Commission investigator, were not telling the truth about this matter.

9. Neither have jail officials conducted what can be termed a daily sick call. The practice of having inmates scribble on any available scrap of paper a request for medical service does not constitute a daily sick call.

10. The Commission must agree with the Grand Jury observation that jail officials did not conduct periodic searches of cell blocks for contraband, weapons or drugs. At best, such searches were conducted in a haphazard and unsystematic way.

11. The practice of allowing inmates to sleep in unlocked cells is highly dangerous and contrary to all sound jail policy.

12. The morale of the Kane County Jail Corrections Officers is very low due to lack of communication with the Sheriff's Department and the feeling that they are not treated as equals with the patrol division.

13. The current training program for Corrections Officers - a five-day crash course - is inadequate. While an effort has been made by the Sheriff's office to provide for further training for the patrol division, no such opportunity has been provided for the Corrections Officers.

14. Until the publicity created by the June 24, 1974, Grand Jury report, the Kane County Jail administrators paid virtually no attention to recommendations

made by previous Grand Juries and by the Illinois Department of Corrections.

15. The June 24, 1974, Grand Jury report was generally a useful and accurate report based on a careful investigation of the Kane County Jail.

16. Since it appears that it may be some time before the new Kane County Jail is completed and occupied, the present jail facilities should be maintained and administered much more effectively.

17. In view of the historical indifference by the Kane County Sheriff's office to the administration of the county jail, it would appear that continued vigilance will be required with regard to all aspects of administration, even after the completion of the new jail.

18. We applaud the action of the Kane County Board of Supervisors when, on October 8, 1974, it adopted a resolution to abolish the position of Director of Public Safety, effective December 2, 1974, and to create the new position of Director of Operations and Director of Administration within the Sheriff's office.

B. Recommendations

1. The Kane County Board of Supervisors should, if necessary, adopt an ordinance to create the position of Director of Corrections, and promptly appoint an experienced and qualified person.

2. Until such time as a new Director of Corrections is appointed, we urge strict adherence by correctional officers and those responsible for the administration of the jail, to the General Orders promulgated in July, 1974.

3. A Corrections Advisory Committee should be authorized and appointed as soon as possible by the Kane County Board of Supervisors. The Committee should be composed of representatives of the Corrections Officers staff, and should be consulted by the Sheriff's office on all matters relating to the correctional staff.

4. The Sheriff's Department should offer increased opportunities for the Corrections Officers to further their education, and provide work performance incentives.

5. The Kane County Board of Supervisors should authorize an increase in the salaries of Corrections Officers to put them on a par with Sheriff's Deputies.

6. Recreation and training programs for the inmates of Kane County jail should be instituted immediately, without waiting for the completion of the new jail.

7. Cell doors and locking devices should be repaired to allow cell doors to be closed between the time of lights out and rising time in the morning.

8. Inmates should be given all their lawful rights and privileges, consistent with human dignity, including but not limited to clean, sanitary, healthful and safe conditions.

9. We urge the Kane County Board of Supervisors to allot sufficient funds for the adoption of the medical program for the jail as proposed by the Fox Valley Family Physicians S.C.

10. The Kane County States Attorney should continue his determination to compel full compliance by the Sheriff and all other responsible persons, by court action if necessary, with the recommendations of the Grand Jury.

11. We urge the Kane County Board of Supervisors to allot sufficient funds to complete and occupy the new jail facility, and promptly abandon its present, outdated and dilapidated facility.

12. Finally, we recommend that Sheriff Klusak give prompt, high priority to the effective administration of the Kane County Jail to prevent a recurrence of the bad conditions which resulted in a series of continuous and justifiably critical Kane County Grand Jury inspection reports.

Appendix A

REPORT OF THE KANE COUNTY GRAND JURY
JUNE 24, 1974

TO: Hon. John A. Krause, Chief Judge, Sixteenth
Judicial Circuit

RE: THE CONDITION OF THE KANE COUNTY JAIL AND THE
TREATMENT OF THE PRISONERS THEREIN.

I. THE KANE COUNTY JAIL IS IN A FILTHY DEPLORABLE, UN-
SANITARY CONDITION, NOT ONLY BECAUSE OF ITS OLD AGE,
BUT ALSO BECAUSE OF THE INDIFFERENT, IRRESPONSIBLE,
INCOMPETENT ATTITUDE OF ITS ADMINISTRATION HEADS.

II. PERTINENT STATUTORY AUTHORITY.

A. Section 26, Chapter 75, Illinois Revised Statutes.

It shall be the duty of the grand jury, or a committee of not less than three of its members, at each term, except in the county of Cook, and in that county as often as every other term, to visit the jail and examine its condition and the treatment of the prisoners, and make report thereof to the court and particularly whether any of the provisions of this act have been violated or neglected and the causes of such violation or neglect.

B. Section 27, Chapter 74, Illinois Revised Statutes.

The circuit courts of the respective counties shall see that the grand jury performs the duty imposed upon it by the preceding section, and said report being made, a copy thereof shall be transmitted by the clerk of the court to the county clerk, who shall lay the same before the county board at its next meeting.

C. Section 28, Chapter 75, Illinois Revised Statutes.

It shall also be the duty of the circuit court of each county to inquire into the condition of the jail and the treatment of the prisoners, and to see that all prisoners, civil and criminal, are humanely treated, and that the warden of the

jail does not neglect any of his duties under this act, and such court may make all proper orders in the premises against the warden of the jail, and enforce the same by the process of the court.

D. Section 14, Chapter 125, Illinois Revised Statutes.

Sheriff custodian of court house and jail. He shall have the custody and care of the court house and jail of his county, except as is otherwise provided.

E. Section 13, Chapter 125, Illinois Revised Statutes.

The sheriff shall be liable for any neglect or omission of the duties of his office, when occasioned by a deputy, in the same manner as for his own personal neglect or omission.

F. Section 12, Chapter 125, Illinois Revised Statutes.

Deputy sheriffs, duly appointed and qualified, may perform any and all the duties of the sheriff, in the name of the sheriff, and the acts of such deputies shall be held to be acts of the sheriff.

III. SOURCES OF INFORMATION

A. Personal observation by the membership of the Kane County Grand Jury, consisting of three separate visits to the Kane County Jail facility, each lasting approximately one and one half hours and all of the said visits having occurred during the term of service of this Grand Jury.

B. Approximately twelve hours of testimony taken in special Grand Jury sessions during the term of this Grand Jury, and consisting of the testimony of the following persons:

1. Sheriff Joseph Doring, subpoenaed.
2. Director of Public Safety, William Klusak, subpoenaed.
3. Jail Warden, Daniel Smith, subpoenaed.
4. Correctional Officer, Daniel Campagna, subpoenaed.
5. Correctional Officer, Eugene Heppler, subpoenaed.

6. Inmate, Felix Benson, subpoenaed.
7. Inmate, Landy Watkins, subpoenaed.
8. Illinois Department of Corrections staff member, Fred Finkbeiner, voluntary.
9. County Board Member, Donald Scheib, subpoenaed.

C. Existing reports and memorandum thereof prepared by the State of Illinois Department of Corrections (Bureau of Detention standards) as follows: October 30, 1970; October 30, 1971; January 3, 1972; October 20, 1972, and October 16, 1973.

D. Reports previously made by the last four Kane County Grand Juries.

IV. DESCRIPTION OF EXISTING FACILITY.

The Kane County Jail is a three-story masonry building constructed approximately eighty-five (85) years ago. It is equipped to house a capacity of 136 inmates, but for the past several years has been running on a daily average population of between 35 and 40 inmates.

Most inmates are housed in the Kane County Jail for a relatively short period of time before release on bond. Inmate population consists not only of persons charged with felony violations, but also traffic and misdemeanor charges. Frequently inmates are housed in the Kane County Jail owing to the violation of a court order in a divorce or other civil case.

V. OBSERVATIONS:

A. Building and Equipment.

1. Cell block areas (The Grand Jury was refused permission to examine the interior of the cell blocks).

- a. Windows filthy and unclean.
- b. Walls, ceilings, floors filthy and unclean.
- c. Wire mesh surrounding cell blocks dirty, some having dried sputum; some mesh so filthy as to virtually eliminate visibility; some areas having dried toilet paper stuck to mesh.

- d. Trash and clutter on wire mesh, hallways, floors.
 - e. Mattresses in poor shape.
2. Kitchen. Working areas and floor appear to be clean, but overhead pipes and ceiling are dirty.
- B. Food, Medical, Health and Safety.
- 1. Menus are adequate.
 - 2. No medical history taken upon intake.
 - 3. No daily sick call administered.
 - 4. Employees and inmates handling food are not medically examined.
 - 5. No medical services are contracted for.
 - 6. No effective way for prisoners to report medical needs to jail personnel.
 - 7. Erratic response to requests for medical attention by inmates.
 - 8. No periodic searches of cell-block areas for contraband, weapons or drugs.
 - 9. No daily inspection of inmates' personal cleanliness.
 - 10. Inadequate toilet articles available to inmates, including soap, shampoo and deodorant.
 - 11. Clean towels should be replaced once a day instead of once a week.
 - 12. No fans available to circulate air in cell blocks.
 - 13. No daily inspection of cleaning of cell block areas.
- C. Program and Discipline.
- 1. It is striking to note that the Kane County Jail has virtually no programs to accomplish anything.

2. It is also striking to note that neither the Sheriff of Kane County, the Director of Public Safety, nor the Warden of the Jail have any comprehension of the need for any inmate programs, and in fact, apparently do not care.

3. There are no recreational facilities available.

4. Inmate incentives are non-existent.

D. Staff and Finances

1. Understaffed, owing to inability to fill available positions.

2. Administration in the Sheriff's Office is virtually non-existent.

a. Owing to illness, the Sheriff has been absent from office a great deal over the past year.

b. The Sheriff has refused to delegate authority.

c. The Director of Public Safety, appointed by the Sheriff, on paper, is to be the number "2" man in the office; but actually has no authority now, nor has he ever since the office was created. As such, the position serves no useful purpose and is a waste of the taxpayers money.

d. The Warden of the Kane County Jail has not been able to implement an effective jail program nor keep the building in a clean and sanitary condition; nor does he recognize a need for either. (Neither the Sheriff nor the Director of Public Safety recognize such needs either.)

e. Neither the Sheriff nor his staff attempt to fully utilize the financial resources available from Kane County.

f. No adequate staff training program for correctional officers.

- g. Virtually no chain of command for correctional officers.
- h. No adequate provision for promotion or evaluation of existing jail personnel.
- i. No existing standards of performance of jail personnel.

VI. STATUTORY VIOLATIONS.

- A. The Warden of the Kane County Jail is not taking adequate steps to provide necessary medical aid to all prisoners under his charge, an apparent violation of Section 19, Chapter 75, Illinois Revised Statutes.
- B. The Superintendent of the Kane County Jail is not taking such steps as may be necessary to keep the jail in as cleanly and healthful condition as may be, an apparent violation of Section 20, Chapter 75, Illinois Revised Statutes.
- C. The Warden of the Kane County Jail is violating his duty to see that strict attention is constantly paid to the personal cleanliness of all prisoners confined in the jail, a violation of Section 22, Chapter 75, Illinois Revised Statutes.

VII. RECOMMENDATIONS.

- A. Owing to the Sheriff's ill health, he should resign immediately.
- B. Unless specific duties and responsibilities are assigned, the position known as Director of Public Safety should be abolished.
- C. A qualified Director of Corrections should be immediately hired to administer the Kane County Jail.
- D. A chain of command should be immediately established within the Sheriff's Office as it affects jail administration.
- E. That the State's Attorney of Kane County, upon filing of this report, immediately apply to the Chief Judge for the entry and issuance of a Court Order directing the then-serving Sheriff of Kane County, Illinois, to accomplish the following within the periods of time specified.

- 1. Removal of steel mesh surrounding all cell block areas within thirty (30) days.
- 2. A thorough scrubbing, cleaning, and disinfecting of all interior areas of the Kane County Jail within thirty (30) days.
- 3. Installation of window fans to improve cell block ventilation, the same to be accomplished within fifteen (15) days.
- 4. Immediate replacement or repair of torn mattresses.
- 5. That a written intake medical history be taken for every incoming inmate, such procedure to be formally initiated within seven (7) days.
- 6. Establishment within fifteen (15) days of a daily sick call procedure for inmates.
- 7. A physical examination procedure for all employees and inmates handling food, the same to be implemented within fifteen (15) days.
- 8. Contracting for medical services (physicians, nurses, dentists, etc.) within thirty (30) days.
- 9. Establishment of uniform procedure for inmates to utilize in reporting immediate medical needs, the same to be implemented within thirty (30) days, including safeguards to guarantee a prompt response time by jail administration.
- 10. Establishment within fifteen (15) days of a system to periodically inspect cell blocks for contraband, weapons, and drugs.
- 11. Establishment within fifteen (15) days of a daily personal inspection of all inmates for personal hygiene.
- 12. Establishment within fifteen (15) days of a system to make adequate soap, shampoo and deodorant available to inmates on a daily basis, as well as daily changes of towels for inmates.

13. Establishment within fifteen (15) days of routine, daily cell block inspections for cleanliness, as well as a system for daily cleaning.

14. A key problem in the jail is one of the Correctional Officer not having any tools in order to provide an incentive for the residents. We are therefore insisting that a program be implemented that will provide the resident with these incentives. In order that this goal be accomplished, we recommend that a written program plan be developed that can be started in the old jail facility and moved over and expanded in the new one. The plan should indicate that this begin within thirty (30) days at the old jail. The plan should include but not be limited to such programs as the following:

a. Develop a written set of rules and regulations for both staff and resident within thirty (30) days.

(1) Staff: Some examples of what should be included are:

(a) What to do during intake.

(b) What to do in case of emergencies.

(c) What to do when resident becomes ill.

(d) Who to report any unusual incident, etc.

(2) Resident:

(a) Include visiting privilege.

(b) Mail (Outgoing and incoming.)

(c) Procedures - What is contraband, etc.

(d) What is expected of resident.

b. Recreation Program. Develop a written plan for recreational program within thirty (30) days, that can begin at the old jail and later be moved to the new jail.

(1) Utilize one of the cell blocks within thirty (30) days and install recreational equipment (such as television set, weights, pool table and other game tables.)

(2) Contact the State Library System to work out book rental agreement within thirty (30) days.

(3) Screen already available books for immediate use.

c. Increase visiting time. The recreation room could be set aside at least for one hour each day for visiting.

d. Develop a plan for Staff Development and training. Staff could utilize such resources as Community Colleges, Department of Corrections; contract training to provide incentive plans for staff to attend college, etc. (By utilizing current correctional officer staff as a planning body, a great deal of staff development could automatically take place.)

e. Assign a staff person and provide him/her with the time and consultation necessary to begin a Volunteer Program, College Internship, etc.

15. Develop a functional organizational chart for all jail personnel within thirty (30) days.

16. That subsequent Grand Juries in Kane County continue this investigation, particularly as to the implementation of the recommendations herein contained.

VIII. CONCLUSION.

According to Illinois Statutes, the Grand Jury has the responsibility to act in a "watchdog" capacity by

investigating the County Jail, the treatment of prisoners therein as well as determining whether or not there are any statutory violations. After concluding our investigation, it is our responsibility to make written report to the Court.

In this latter regard, this Grand Jury is fulfilling its responsibility as other Kane County Grand Juries have in the past.

It is particularly noteworthy that despite the critical comments contained in past Grand Jury reports, very little has been done to implement recommendations which have been made.

It is the feeling of this Grand Jury that those responsible for the conditions in the Kane County Jail have merely payed "lip service" to recommendations of previous Grand Juries, and any improvements that have resulted have merely been tokens.

Of paramount importance is a recognition, not only by Grand Juries, but also by those responsible for the administration of the Kane County Jail, that the job of running a jail is more demanding in terms of time, personnel, personal resources and imagination than that of running an animal shelter.

Recommendations of previous Grand Juries have not been followed and the jail has continued to deteriorate not only in terms of its physical condition, but also in its continued lack of any constructive programs to insure that inmates are treated as human beings.

This Kane County Grand Jury agrees with one of the witnesses who testified before them who described the jail as a "Rat hole which is unfit for human habitation."

This Grand Jury has spent considerable time and exerted considerable energy in this investigation, not only in performing their duty, but also in the belief that it is imperative to immediately institute needed changes. The time for relying on bureaucratic red tape, for making lame excuses, and blaming other persons, is past.

To accomplish the goals which we have set forth, we are directing the State's Attorney of Kane County to immediately seek the entry of a Court Order directing the implementation of our recommendations.

Adopted unanimously by the Kane County Grand Jury and filed in open Court June 24, 1974.

Appendix B

KANE COUNTY ORDINANCES CREATING
THE POSITION OF DIRECTOR OF PUBLIC SAFETY

ORDINANCE NO.3

AN ORDINANCE CREATING THE POSITION OF DIRECTOR OF PUBLIC SAFETY IN THE SHERIFF'S DEPARTMENT: PROVIDING FOR HIS QUALIFICATIONS: SELECTION PROCEDURES AND RELATED MATTERS.

BE IT ORDAINED by the Board of Supervisors of Kane County, Illinois:

SECTION 1. Position of Director of Public Safety Established.

There is hereby established within the Kane County Sheriff's Department the position of Director of Public Safety who shall be the immediate subordinate of the Kane County Sheriff.

SECTION 2. Director of Public Safety a Civilian Position.

The Director of Public Safety shall not be commissioned as a deputy, nor have any official law enforcement powers. He shall be considered a civilian employee of the Sheriff.

SECTION 3. Qualifications.

The Director of Public Safety shall be chosen solely on the basis of his educational training, experience, and administrative and executive qualifications. Prior to his appointment, he shall have completed at least a baccalaureate degree from an accredited college in police administration, management, law, or other field related to the duties specified in Section 4. Experience in the law enforcement field, while desirable, is not required. At the time of appointment, the Director shall not be subjected to the normal physical, residency, nor driver's license requirements that might be established for deputies.

Section 4. Duties.

The Director of Public Safety shall be directly responsible to the Sheriff. As the immediate subordinate of the Sheriff, he shall be responsible for the design, arrangement and inspection of the various line and staff units of the department to assure that they are achieving the desired objectives; coordination of the department's personnel with the Kane County Merit Commission, including the development of criteria concerning recruitment, selection, promotion, and disciplinary actions; supervision of the various departmental training programs; supervision of planning by the department designed to improve policing in Kane County; development and review of the managerial and operational procedures of the department; insuring the adequacy of the records and their operation; analyzing and interpreting crime statistics and using them appropriately; and any other management activity which he is directed by the Sheriff to perform.

Section 5. Recruitment, Selection and Appointment.

Initially, and hereafter, when a vacancy occurs in the position of Director of Public Safety, the Merit Commission shall prepare appropriate advertisements indicating the vacancy, qualifications, duties and other pertinent data and have it published nationally in various police trade journals and other appropriate media for a period of time deemed appropriate by the Commission. The Commission shall screen the various applicants and select those best qualified to appear locally for an oral interview, at County expense. Upon completion of the screening process, the Commission shall certify to the Sheriff the names of those candidates it determines to be qualified for the position. If the Commission desires it may delegate the screening process to professional organizations or individuals who perform such services after providing such organizations or individuals with appropriate standards and criteria. The Sheriff shall make the appointment from the list of names the Commission certifies as qualified.

SECTION 6. Director of Public Safety Serves at Pleasure of Sheriff.

Because of the intimate relationship between the Sheriff and the Director of Public Safety, the Director is not subject to receiving tenure in his position. The Sheriff can remove the Director from his position, without cause, after giving him thirty (30) days written notice; subject, however, to the provisions of the contract which may exist between the Sheriff and the Director of Public Safety.

SECTION 7. Compensation.

The Director of Public Safety shall be compensated at a rate appropriate for professional administrators in organizations of the size, complexity and with the responsibility of the Kane County Sheriff's Department. His salary shall be reviewed annually to determine appropriate adjustments. He shall receive expenses for moving from his place of residency to Kane County. He shall be entitled to all fringe benefits now received, and those hereafter received by other civilian Kane County employees.

Passed this 28th day of September, 1970.

Clerk, Board of Supervisors
Kane County, Illinois

Chairman, Board of
Supervisors
Kane County, Illinois

ORDINANCE NO. 8

AN ORDINANCE AMENDING

"AN ORDINANCE CREATING THE POSITION OF DIRECTOR OF PUBLIC SAFETY IN THE SHERIFF'S DEPARTMENT: PROVIDING FOR HIS QUALIFICATIONS: SELECTION PROCEDURES AND RELATED MATTERS."

Be It Ordained by the Board of Supervisors of Kane County:

Section 1. That Section 2 of "An Ordinance Creating The Position Of Director of Public Safety In The Sheriff's Department: Providing For His Qualifications: Selection Procedures and Related Matters" adopted on the 28th day of September, 1970 be and hereby is amended to read as follows:

"Section 2. Law Enforcement Powers.

The Director of Public Safety upon satisfying residence requirements fixed by statute shall be appointed a Deputy Sheriff and shall thereupon possess all law enforcement powers and authority provided by law. The appointment and service of the Director of Public Safety as a Deputy Sheriff pursuant hereto shall not be within the jurisdiction of the Sheriff's office Merit Commission."

Section 2. That the last sentence of Section 7 of said Ordinance is hereby amended to read as follows:

"He shall be entitled to all fringe benefits now received, and those hereafter received by other Kane County employees."

Section 3. This ordinance shall become effective upon its passage by the Board of Supervisors.

Passed this 11th day of April, 1972.

Clerk, Board of Supervisors
Kane County, Illinois

Chairman, Board of
Supervisors
Kane County, Illinois

Appendix C

PROPOSAL BY FOX VALLEY FAMILY PHYSICIANS, S.C.
TO PROVIDE MEDICAL CARE ON CONTRACTUAL BASIS

Fox Valley Family Physicians, S.C. proposes to provide medical care to the Kane County Correctional Facility, for a term of one year, for the sum of \$12,480.00 to be paid monthly in twelve equal installments of \$1,040.00.

In consideration of this sum Fox Valley Family Physicians, S.C., will provide the following:

1. A registered nurse who will be on duty at the facility four hours daily, five days per week.
2. Full supervision of the nurses work. Her duties will be as outlined in Section III of the study submitted to the Kane County Department of Corrections.
3. Twenty four hour on call availability of a licensed physician.
4. A facility (doctor's office or hospital) where inmate-residents can be examined by a licensed physician on a twenty-four hour basis.
5. Physician care of all hospitalized inmate-residents.

Hospital care and physicians office care will be charged, as previously, on a fee for service basis. We feel that costs previously experienced in the doctor's office will be reduced, through proper screening by the nurse at the facility.

Either Fox Valley Family Physicians, S.C., or the County, through the correctional facility, may cancel

the contract with sixty days written notice. At the end of each year the contract will be submitted for renewal.

Fox Valley Family Physicians, S.C.

By: /S/ R. F. Barnes, M. D.
/S/ R. M. Temple, M. D.

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- IX. MEDICATIONS REQUIRED FOR MEDICAL UNIT*
- X. HOSPITALIZED MEDICAL CARE*

PRESENT PROBLEMS

The present status of medical care and medical supervision of the prisoners in the Kane County Jail is, in our opinion, inadequate. It is hampered by difficulties in the areas of physical facilities, equipment, staffing, record keeping, close physician supervision, and dietetics.

Our experience and study has revealed the following deficiencies:

* Not included in this appendix.

1. Inadequate medical screening of prisoners on admission. Communicable diseases and potential health problems are not identified.

2. No health records maintained at the jail.

3. Poor follow-up on illnesses incurred before or after incarceration. Only follow-up is by prisoner complaints to lay persons, i.e., jail personnel, who are not trained to evaluate the significances of those complaints.

4. No medical professional available on premises to evaluate the prisoners medical history, or symptoms.

5. No professional supervision of medication dispensing to prisoners.

6. Inadequate records kept regarding medication usage.

7. There is expensive over utilization of physicians services as a result of inadequate on-site professional supervision and selection of those in need of personal care by the physician.

8. Officers are called from other duties to transport prisoners to doctors office too frequently, because of inadequate on site professional supervision.

9. No professional supervision of prisoner dietetics and food purchasing.

10. Special diets are unavailable for prisoners with conditions such as diabetes, ulcers, etc.

11. Current diet of prisoners is not satisfactory with respect to proper nutrition. This is true in spite of relatively high costs of food purchases.

The expanded correctional facility, now under construction, offers an opportunity to change the present procedures and improve the medical care provided to the residents.

INTRODUCTION TO STUDY

This study was prepared at the request of the administration of the Kane County Correctional Facility and with the approval of the Kane County Board of Supervisors.

It covers the present deficiencies in the medical care and nutrition provided to inmates of the Kane County Jail.

The study contains recommendations regarding the establishment of better medical care, and suggests improvements in inmate nutrition.

This study was designed to assist the Kane County Jail Facility in meeting the most current health standards of the Illinois Department of Corrections.*

REGISTERED NURSE RESPONSIBILITIES

REQUIREMENTS:

The nurse working in the facility must be licensed by the State of Illinois as a Registered Nurse. Experience, maturity, good judgement, and an ability to work independently are important prerequisites of this job.

HOURS IN ATTENDANCE:

Initially the facility should be adequately covered by a part-time nurse working mornings, about four hours daily. Monday thru Friday. She would be off work all major holidays. As jail population grows and experience develops, this may require a full-time nurse, i.e., 40 hours per week. It is doubtful that twenty-four nurse service would ever be required even with the total jail population projected at 104.

* Illinois County Jail Standards: State of Illinois Department of Corrections, Section XIV, March, 1972.

NURSE DUTIES:

1. New Admissions: Each new admission to the facility should be interviewed by the nurse to record all facts regarding state of health, illnesses, medications, habits, allergies, etc. Significant health conditions involving inmates, i.e., diabetes, epilepsy, ulcers, alcoholic, drug user, etc., shall be communicated to supervisory personnel on all shifts. A duplicate copy shall be sent to the facility administrator.

A male physical examination should record the following:

1. General appraisal
2. Blood Pressure
3. Pulse, Temperature
4. Height and Weight
5. Urine for sugar, albumin and blood
6. CBC
7. Serology

A female physical examination should record all the above plus:

1. Vaginal speculum examination
2. Endocervical culture for gonorrhea

NURSE'S DUTIES (CONTINUED)

2. Record Keeping: The nurse shall be in charge of all medical records. They shall be locked in a file cabinet in the medical department. Records for each inmate should be kept in an individual file for that resident, and shall include:

1. Admission history and examination
2. All laboratory tests
3. Record of each sick call, physician, or hospital visit. (Progress Note Sheets)
4. Medication Record
5. Physician's Order Sheet

When a resident is brought to the hospital, or doctor's office, his file shall accompany him.

3. Sick Call: The nurse, shall conduct daily sick call. It should be the duty of jail personnel to supply daily, to the nurse, upon her arrival, a list of those who will report that day for sick call. Male and female sick call will be held separately and one of the jail personnel of the same sex as the inmate shall be present during the nurses examination and evaluation. The nurse is expected to see all individuals who feel that they need medical attention. She may treat minor complaints within the limits of her training and the medications stocked. (See medications for Medical Unit). She will contact the supervising physicians, by phone, regarding the more complex symptoms and cases. She will arrange resident visits to the physicians office when necessary.
4. Drug Dispensing: In addition to supervising the dispensing and administration of stocked proprietary medication, it will also be the nurses responsibility to supervise the administration of all medications prescribed by the physician. All drug administrations must be recorded in the inmates chart. When the nurse is off duty, she must provide medication records to the jail personnel showing inmate's name and dosage schedule required. When the nurse is off duty, one jailer on each shift must be responsible for dispensing medications and for

charting the same. His action must be recorded and initialed on the medication sheet.

5. Ordering of Supplies: The nurse shall be in charge of ordering medical supplies and proprietary medications. Recommendations are supplied in this report, and the nurse shall be allowed to order only from these lists. Deviations from these lists shall be approved by the physician supervisors. Additional equipment purchases should be approved first by physician supervisors, with final approval by the County Corrections Director.
6. Teaching or Student Responsibility: Should local nursing programs be interested in using the facility to instruct their students in institutional nursing and if approved by the County Corrections Director, the nurse should be expected to cooperate in such a program.

PHYSICIAN RESPONSIBILITIES

In institutions the size of the Kane County Correctional Facility, the most practical and efficient method of giving medical care to residents is to provide daily on site coverage by a registered nurse, rather than the more expensive coverage of a resident physician, or daily sick call visits by a licensed physician. This must be augmented by the following:

1. Direct supervision of the registered nurse by a physician.
2. Twenty-four hour on call availability by a physician.
3. Physician should provide a facility (office or hospital) where inmate-residents can be examined on a twenty-four hour basis.
4. Physician must provide medical care to all inmate-residents requiring hospitalization.

In order for the physician to maintain adequate and

proper responsibility for and supervision of the on-site nurse, we feel it is essential that the nurse be an employee of the physician, and not of the County or correctional institution.

It should be noted that on-site nurse coverage can be expected, through screening, to decrease the volume of physician examinations. This then will facilitate savings not only in "medical costs", but in personnel and transportation costs as well. However, as the population of the correctional facility increases, the medical costs should be expected to rise also.

DIETARY REQUIREMENTS

A proper nutritional general diet should be provided to all resident-inmates daily. This diet should be prescribed and supervised by a Registered Dietitian.

Special diets, when indicated medically, should also be available and provided.

Supervision of the above, as well as food purchasing and menu planning should be the responsibility of a Registered Dietitian. It should also be her responsibility to oversee proper sanitation procedures in food handling.

The dietitian should be an employee of the County or Correctional Facility, but should be encouraged to communicate freely and cooperate fully with the physician in charge of medical care at the correctional institution.

It is of extreme importance for the facility to contact soon with a dietitian to insure proper planning of the kitchen and food service.

On going dietetic supervision could adequately be provided by using the part time services of a dietitian.

Appendix D

UNEXPENDED FUNDS KANE COUNTY SHERIFF'S DEPARTMENT 1969-1973

1969	\$ 7,323.24
1970	68,038.79
1971	55,650.00
1972	61,071.00
1973	<u>69,868.00</u>
TOTAL	\$261,951.30

Year Ended November 30, 1969

	<u>APPROPRIATIONS</u>	<u>EXPENDITURES</u>	<u>UNEXPENDED</u>
Sheriff			
Personal services:			
Regular	\$602,705.00	\$601,032.43	\$1,672.67
Part-time	5,700.00	5,616.00	84.00
Per diem	33,480.00	33,386.00	94.00
	<u>\$641,885.00</u>	<u>\$640,034.43</u>	<u>\$1,850.57</u>
Contractual services:			
Conferences and staff training	\$ 5,000.00	\$ 3,121.59	\$1,878.41
Transporting prisoners	4,490.00	4,488.16	1.84
Investigations	1,000.00	199.65	800.35
Insurance	250.00	-	250.00
Light, power, gas and water	250.00	179.97	70.03
Maintenance service - radio equipment	3,525.00	3,520.50	4.50
Medical, dentistry and hospital	4,000.00	3,503.25	496.75
Uniform allowance and equipment	14,200.00	14,174.14	25.86
	<u>\$ 32,715.00</u>	<u>\$ 29,187.26</u>	<u>\$3,527.74</u>
Commodities:			
Office supplies	\$ 3,800.00	\$ 3,791.91	\$ 8.09
Postage	1,175.00	1,173.63	1.37
Supplies - jail	8,085.00	8,081.33	3.67
Repairs and maintenance - patrol cars	37,685.00	37,684.46	.54
Food - prisoners	27,000.00	26,652.07	347.93
Drugs and medical supplies	1,065.00	1,062.22	2.78
Dog expense	900.00	346.89	553.11
	<u>\$ 79,710.00</u>	<u>\$ 78,792.51</u>	<u>\$ 917.49</u>
Travel and meetings	\$ 300.00	\$ -	\$ 300.00
Capital outlay:			
Office equipment	\$ 1,055.00	\$ 1,052.35	\$ 2.65
Automotive equipment	28,000.00	27,628.21	371.79
Furniture and fixtures	400.00	250.00	150.00
Machinery and equipment	2,000.00	1,797.00	203.00
	<u>\$ 31,455.00</u>	<u>\$ 30,727.56</u>	<u>\$ 727.44</u>
TOTAL	<u>\$786,065.00</u>	<u>\$778,741.76</u>	<u>\$7,323.24</u>

Year Ended November 30, 1970

	<u>APPROPRIATIONS</u>	<u>EXPENDITURES</u>	<u>UNEXPENDED</u>
SHERIFF			
Personal services			
Regular	\$741,827.00	\$724,852.27	\$16,974.73
Part-time	7,000.00	4,662.00	2,338.00
Per diem	51,060.00	39,292.00	11,768.00
Contractual services			
Conferences and staff training	3,000.00	2,609.50	390.50
Transporting prisoners	5,000.00	2,784.65	2,215.35
Investigations	1,000.00	317.48	682.52
Special studies	10,000.00	10,000.00	-
Insurance	250.00	50.00	200.00
Light, power, gas and water	250.00	141.86	108.14
Maintenance service, radio equipment	4,500.00	3,023.40	1,476.60
Medical, dentistry and hospital	5,000.00	3,432.53	1,567.47
Uniform allowance and equipment	16,000.00	15,214.71	785.29
Other, abandoned autos	1,000.00	176.00	824.00
Commodities			
Office supplies	\$ 3,450.00	\$ 1,795.46	\$ 1,654.54
Postage	1,200.00	1,062.05	137.95
Supplies, jail	8,000.00	7,327.72	672.28
Repairs and maintenance, patrol cars	43,460.00	43,452.05	7.95
Food, prisoners	30,000.00	26,236.92	3,763.08
Drugs and medical supplies	1,200.00	986.53	213.47
Dog expense	900.00	78.00	822.00
Travel and meetings	50.00	-	50.00
Capital outlay			
Office equipment	1,000.00	472.00	528.00
Automotive equipment	36,000.00	15,536.00	20,464.00
Furniture and fixtures	1,875.00	1,870.45	4.55
Machinery and equipment	2,000.00	1,609.63	390.37
TOTAL SHERIFF	<u>\$975,022.00</u>	<u>\$906,983.21</u>	<u>\$68,038.79</u>

Year Ended November 30, 1971

	<u>APPROPRIATIONS</u>	<u>EXPENDITURES</u>	<u>UNEXPENDED</u>
SHERIFF			
Personal services			
Regular	\$796,850.00	\$785,954.00	\$10,896.00
Part-time	10,000.00	7,340.08	2,659.92
Per diem	69,220.00	51,782.00	7,438.00
Contractual services	5,850.00	5,844.64	5.36
Staff training	5,000.00	1,492.97	3,507.03
Transporting prisoners	1,000.00	59.84	940.16
Investigations	-	-	-
Special studies	100.00	-	-
Insurance	320.00	317.44	2.56
Light, power, gas and water	8,250.00	8,245.56	4.44
Maintenance, radio equipment	5,340.00	5,338.90	1.10
Medical, dentistry and hospital	18,000.00	15,607.39	2,392.61
Uniform and equipment allowance	200.00	-	-
Abandoned cars			
Commodities	3,740.00	3,731.06	8.94
Office supplies	1,400.00	211.64	188.36
Postage	8,000.00	6,332.05	1,667.95
Supplies, jail	53,325.00	53,315.83	10.83
Repairs and maintenance,			
patrol cars	30,000.00	18,374.12	11,625.88
Food, prisoners	1,200.00	917.38	282.62
Drug and medical supplies	500.00	-	-
Dog expense	395.00	393.98	1.02
Travel and meetings			
Capital outlay			
Office equipment	2,155.00	2,154.91	.09
Patrol cars	75,015.00	75,012.20	2.80
Furniture and fixtures	2,500.00	287.95	2,212.05
Machinery and equipment	15,220.00	15,215.79	4.21
Total Sheriff	<u>\$1,113,580.00</u>	<u>\$1,057,929.73</u>	<u>\$55,650.00</u>

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Year Ended November 30, 1972

	<u>APPROPRIATIONS</u>	<u>EXPENDITURES</u>	<u>UNEXPENDED</u>
SHERIFF			
Personal services			
Regular	\$ 819,960.00	\$ 809,724.00	\$10,236.00
Per diem	63,360.00	58,298.00	5,062.00
Overtime	10,000.00	3,204.00	6,796.00
Sick leave	13,145.00	5,277.00	7,868.00
Contractual services			
Staff training	10,000.00	6,090.00	3,910.00
Transporting prisoners	2,500.00	4,685.00	(2,185.00)
Investigations	800.00	94.00	706.00
Insurance	100.00	-	
Light, power, gas and water	500.00	252.00	248.00
Radio maintenance	8,100.00	4,254.00	3,846.00
Medical, dentistry and hospital	4,000.00	2,834.00	1,166.00
Equipment rental	2,600.00	2,678.00	(78.00)
Uniform and equipment allowance	17,000.00	14,616.00	2,384.00
Commodities			
Office supplies	1,500.00	1,423.00	77.00
Supplies	6,500.00	5,004.00	1,496.00
Repairs and maintenance, patrol cars	64,400.00	62,174.00	2,226.00
Food, prisoners	24,000.00	15,949.00	8,051.00
Drugs and medical supplies	1,200.00	1,030.00	170.00
Travel and meetings	400.00	317.00	83.00
Capital outlay			
Office equipment	800.00	383.00	417.00
Automotive equipment	38,000.00	31,508.00	6,492.00
Furniture and fixtures	1,000.00	-	
Machinery and equipment	1,000.00	-	
TOTAL SHERIFF	<u>\$1,090,865.00</u>	<u>\$1,029,794.00</u>	<u>\$61,071.00</u>

Year Ended November 30, 1973

	<u>APPROPRIATIONS</u>	<u>EXPENDITURES</u>	<u>UNEXPENDED</u>
SHERIFF			
Personal services			
Regular	\$ 928,144.00	\$ 875,049.00	\$ 53,095.00
Per diem	68,040.00	68,443.00	(403.00)
Overtime	10,000.00	6,920.00	3,080.00
Other	8,000.00	7,141.00	859.00
Contractual services			
Staff training	10,000.00	3,584.00	6,416.00
Transporting prisoners	5,000.00	5,460.00	(460.00)
Investigations	800.00	369.00	431.00
Light, power, gas and water	500.00	248.00	252.00
Radio maintenance	8,000.00	8,687.00	(687.00)
Medical, dentistry and hospital	4,000.00	4,660.00	(660.00)
Equipment rental	4,000.00	3,583.00	417.00
Uniform and equipment allowance	17,000.00	17,473.00	(473.00)
Commodities			
Office supplies	1,000.00	925.00	75.00
Supplies	6,000.00	7,078.00	(1,078.00)
Repairs and maintenance, patrol cars	64,000.00	62,749.00	2,251.00
Food, prisoners	20,000.00	20,544.00	(544.00)
Drugs and medical supplies	1,200.00	1,149.00	51.00
Travel and meetings	400.00	189.00	211.00
Capital outlay			
Office equipment	800.00	1,099.00	(299.00.)
Automotive equipment	38,000.00	31,458.00	6,542.00
Furniture and fixtures	1,000.00	208.00	792.00
Machinery and equipment	1,000.00	-	
TOTAL SHERIFF	<u>\$1,196,884.00</u>	<u>\$1,127,016.00</u>	<u>\$69,868.00</u>

END