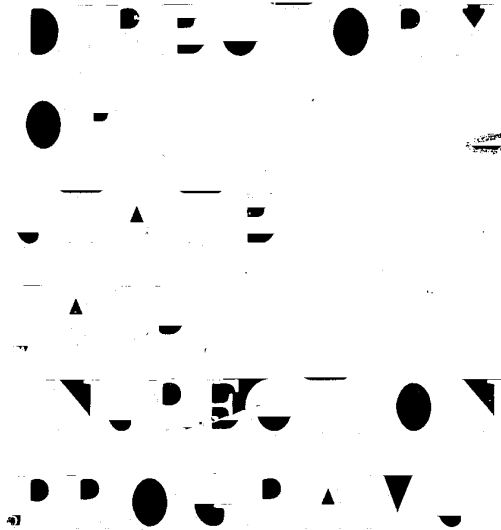


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NATIONAL
SHERIFFS'
ASSOCIATION

57345

V DIRECTORY
OF
STATE JAIL
INSPECTION PROGRAMS

The National Sheriffs' Association
1250 Connecticut Avenue, N.W.
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June 1978

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FOREWORD

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F O R E W O R D

This "Directory of State Jail Inspection Programs" was developed by the National Sheriffs' Association's Jail Operations Project under the auspices of a National Institute of Corrections grant. It is designed as a resource for those criminal justice practitioners and elected officials who are involved with or have an interest in state inspection of local jails. This document contains an overview of the activities of each state in this increasingly important area and a directory of existing jail inspection programs. These materials are intended to facilitate an exchange of ideas and information between states which are operating or developing jail inspection programs.

The National Sheriffs' Association, like the majority of states in practice, strongly supports the concept of state-administered inspections of local jails. NSA recognizes that the jail is an important local institution with the potential to implement the latest correctional precepts which advocate institutions and programs capable of maintaining and supporting positive community ties of the offender. To this end, meaningful state standards and inspection programs can make a significant contribution by helping to ensure the adequacy of jail facilities and programs.

On behalf of the National Sheriffs' Association, I would like to take this opportunity to express my sincere appreciation to the many jail inspectors and other state officials who so diligently and cooperatively complied with the Association's requests for information. Additionally, thanks are also due to the members of the Jail Operations Project's Advisory Board for their careful review and comments on the draft of the publication and to Mr. Nathaniel Caldwell, the NIC project monitor, for his encouragement and support.

Ferris E. Lucas
Executive Director
National Sheriffs' Association

I N T R O D U C T I O N

In 44 of the 50 states, jails are an administrative responsibility of a unit of local government. In roughly 85 percent of these jurisdictions, the sheriff is the official designated to manage the jail. The secure and humane operation of a jail represents one of a sheriff's most important and challenging responsibilities. Because its constituent membership is charged with this duty, the National Sheriff's Association, through its National Institute of Corrections - funded Jail Operations Project, feels a compelling need to compile and disseminate relevant information concerning major, contemporary issues in jail administration.

While many states have moved to adopt meaningful standards and inspection programs, there has been little information of national scope available to date on this important topic of rapidly growing interest and concern. The absence of such material has hindered communication between responsible state officials from different areas of the country and has made it more difficult than need be the case for states considering the adoption of standards and inspection programs to research the issue and to draw upon the experience of others.

To fill this void, the National Sheriffs' Association's Jail Operations Project decided to develop two publications on jail inspection. The first, this "Directory of State Jail Inspection Programs," contains an overview of relevant facts concerning standards and inspection on a state-by-state basis. The publication consists of three parts: (1) a compilation of information about jail inspection programs in each state; (2) a directory of the key official in each state primarily responsible for jail inspection; and, (3) a compendium of enabling legislation for standards and/or inspection programs. A manual containing a model inspection and instructions for its use will follow at a later date.

It is hoped that this directory will serve to facilitate communication between states and program officials and to simplify the requisite research involved for those states currently contemplating the adoption of standards and inspection. It is to be noted that this publication neither attempts nor intends to pass qualitative judgement on existing inspection programs, but merely presents a summary of the existing state-of-the-art.

M E T H O D O L O G Y

To develop the information contained in this publication the National Sheriffs' Association sent survey letters to each state's department or division of corrections and to each legislative reference bureau. The Jail Operations Project then compiled and refined the data received. Information concerning a particular state's inspection program was verified in telephone conversations with a program administrator and/or jail inspector. Information indicating no statewide jail inspection program was double-checked with the appropriate state correctional agency, the state department of health or human resources and against state statutes. Therefore, in every instance, information was obtained directly from the relevant state authorities. Information regarding enabling legislation was verified and updated to include the most recent codification by reference to appropriate sections of each state's code. Project staff made no site visits and, therefore, cannot independently attest to actual practices in the field.

S U M M A R Y O F F I N D I N G S

Inspection Programs: Thirty-two states presently have jail inspection programs. In six other instances jails are operated directly by the state and, therefore, jail inspection in these areas is mainly an intra-agency administrative function with no specific standards set by state law. An additional twelve states neither operate jails directly nor have standards and/or inspection programs.

For the purposes of this study a state was deemed to have an inspection program if inspection activities were statewide in scope and centrally administered, with inspections being made on a regular basis. Therefore, states which depend on local authorities or local judicial bodies for jail inspection were not considered technically to have jail inspection programs under this definition. Similarly, states which inspected minimally, only in matters of construction or under the aegis of general public health guidelines were not considered to have jail inspection programs.

Inspection Interval: Twenty-two programs require that every jail within the state be inspected a minimum of once per year. Two states inspect every two years; five inspect on a quarterly basis; and three states inspect every six months. Many states noted that "problem" jails receive one or more follow-up visits. Generally inspections were unannounced, although this practice can vary from state to state.

Because of the number of jails in some states, minimum inspection interval requirements are sometimes difficult to fulfill, especially if the program also is charged with inspecting lock-ups. Most inspection programs rely on a small staff to perform this major function, i.e., one to four professionals. Few states have displayed an interest in lessening the burden of constant inspections by implementing some form of a monitored self-certification program for jails in good standing.

Standards: Twenty-eight state programs have jail standards. There exists a general assumption that meaningful jail inspection must be conducted within a framework of clearly defined standards. The few states which have programs but are without operative standards are either in the process of developing or revising standards or are awaiting legislative sanction.

As used in this study, standards related to local detention facilities. Therefore, general health or fire regulations were not considered to be jail inspection standards per se, although in practice they are, of course, useful and certainly preferable to no standards at all. If minimum standards dealt mostly with health and sanitation but were specifically developed for jails, they were considered to be jail standards for the purposes of this study.

Enforcement: Twenty-nine states were acknowledged to have enforcement powers. Within this group, sixteen states indicated that their principal enforcement power was to petition the appropriate court for a closing or restrictive order. Eight states have inspection programs or program agencies which themselves have the power to close jails. A few states utilize a special hearing board for this purpose.

Administering Agency: Twenty-one jail inspection programs are housed in a department or division of corrections. Four programs are based in wholly independent commissions or boards.

Jurisdiction: Fifteen of the thirty-two programs inspect state correctional institutions as well as local jails. Twenty-eight of them also inspect lock-ups. Seven states inspect separate juvenile detention facilities as well. Although a number of states make no specific provisions for inspecting juvenile facilities, it should be noted that this responsibility is often assumed by some other state agency, e.g., the health or welfare department. Virtually every state advocates the principle that juveniles not be detained in jails, but when they are every effort is usually made to separate them from the general population.

Number of Program Staff: The average staff complement of inspection programs nationwide consists of four professional employees. However, many programs operate with just one or two people. New York has the largest number of professional employees with fifteen. "Professional" includes administrative personnel as well as jail inspectors.

Budget: Many programs could not readily state the amount of their budgets--some share money with other agencies; others receive additional funds from federal grants. Of the states reporting a budget, however, the average was \$200,000, with a low of \$10,000 and a high of \$1,400,000.

Training and Technical Assistance: Almost all of the programs offered some kind of technical assistance to the jails they monitored. Apparently, then, they de facto perceive a goal of their services to be to help jails comply with standards as opposed to placing sole emphasis on enforcement. Similarly the programs usually provide training assistance. When they do not, this service is frequently provided by another agency.

Annual Reports. Twenty-two states indicated that they have an annual report available which summarizes program activities.

Conclusion: The scope of this study was not intended to provide a basis upon which to draw qualitative judgements about the adequacy and effectiveness of existing jail inspection efforts. However, it is clear that jail inspection has come of age. Not only do thirty-two states currently have such programs in operation, but several others have indicated that they are in the process of attempting to draft the requisite enabling legislation.

With the establishment of some basic information on the current state-of-the-art, as represented by this publication, further expansion of the knowledge base concerning the multiplicity of issues surrounding jail inspection and an examination of actual operational problems and achievements can and should take place. Much of the impetus for obtaining additional, transferrable information is coming from jail inspection programs themselves and from groups and individuals in the states currently without inspection services. The National Sheriffs' Association's Jail Operations Project, with National Institute of Corrections support, will address at least part of this need in a subsequent publication on the development of a model jail inspection form and to respond to requests to share the information already collected on jail standards and inspection.

EXPLANATION OF CHART

The following chart summarizes state jail inspection programs in each of the 50 states. Although every effort was made to keep the chart simple, reference should be made to the following key.

1. Inspection Program. Yes indicates a statewide, centrally administered jail inspection program which inspects jails on a regular basis. A state which has statutory provisions for local health boards, grand juries, judges or other local officials to inspect jails would not qualify as a state with a sufficient, statewide, centrally administered jail inspection program.

2. Inspection Interval. This column notes the minimum interval at which jails are inspected. Many programs indicated that problem jails receive one or more follow-up visits. Some programs which inspect lock-ups also occasionally do not meet the minimum inspection intervals for these smaller institutions.

3. Standards. Yes indicates the state has an adopted set of minimum jail or detention standards against which jails are inspected. An affirmative response does not necessarily mean that the standards are enforceable.

4. Enforcement. Yes indicates a program with enforcement powers. No indicates a program with no enforcement powers. The coded letters following an X indicate the means of enforcement.

a indicates that the program, through the department of corrections or other authority, may petition the appropriate court for a closing or restrictive order.

b indicates that the inspection program or program agency has its own enforcement powers.

c indicates that the enforcement powers rest in the office of the attorney general.

d indicates a lack of specific enforcement provisions or alternatives.

5. Agency administering Jail Inspection Program.

dept -- department of corrections or
corr -- similar agency or division.

dept -- department of health or a
hlth -- similar agency.

dept department of human resources or similar agency,
hum -- except when the program is within a division of
res corrections in the department of human resources.

Ind -- indicates the program is an independent
agency or commission.

6. Jurisdiction By Type of Government. This column indicates the types of institutions the program inspects.

Prisons -- indicates prisons and other similar institutions, usually operated by the state and housing felons and sometimes misdemeanants with longer misdemeanor sentences.

Jails -- indicates jails and other similar institutions usually locally operated and usually housing pretrial detainees and/or sentenced misdemeanants.

Lock-ups -- indicates lock-ups and other similar institutions which detain persons for no more than 48 to 72 hours.

8. Conducts Juvenile Facility Inspections. Yes indicates that the inspection program also inspects juvenile institutions.

9. Number of Professional Program Staff. Indicates the number of professional staff actively inspecting institutions or administering the inspection program.

10. Program Budget. Indicates the approximate annual program budget.

11. Technical Assistance. Indicates the inspection program offers technical assistance.

12. Training Assistance. Indicates the inspection program offers training assistance.

13. Annual Report. Indicates programs which publish annual reports of inspection activities.

STATE	INSPECTION PROGRAM	INSPECTION INTERVAL	STANDARDS	ENFORCEMENT	AGENCY	JURISDICTION -- BY TYPE OF GOVERNMENT	JURISDICTION -- BY TYPE OF INSTITUTION	CONDUCTS JUVENILE FACILITY INSPECTION	NO. OF PROFESSIONAL PROGRAM STAFF	PROGRAM BUDGET	TECHNICAL ASSISTANCE	TRAINING ASSISTANCE	ANNUAL REPORT	NOTES AND COMMENTS
AL	Yes	2 yrs	No	Yes/a	dept corr	State County City	Prisons Jails Lock-ups	No	7	Unavailable	Yes	Yes	Yes	No standards except as in Alabama Code, Title 14
AK	(J A I L S I N A L A S K A R E A D M I N I S T E R E D B Y A S T A T E C O R R E C T I O N A L A G E N C Y)													
AZ	No	NA	No	Yes	dept hum res	State County City	Prisons Jails Lock-ups	Yes	1	NA	NA	NA	NA	The Department of Health Services will sometimes inspect jails as public institutions.
AR	Yes	1 yr	Yes	Yes/a	Ind.	State County City	Prisons Jails Lock-ups	No	3	50,000	Yes	Yes	No	
CA	Yes	2 yrs	Yes	Yes/a	dept hum res	County City	Jails Lock-ups	No	4	280,000	Yes	Yes	Yes	Health Department inspects annually. No legislative enforcement provisions.
CO	No	NA	No	Yes/a	dept hlth	State County City	Prisons Jails Lock-ups	Yes	3	NA	Yes	NA	NA	Inspection in matters of health and sanitation only in jails as public institutions.
CT	(J A I L S I N C O N N E C T I C U T A R E A D M I N I S T E R E D B Y A S T A T E C O R R E C T I O N A L A G E N C Y)													
DE	(J A I L S I N D E L A W A R E A R E A D M I N I S T E R E D B Y A S T A T E C O R R E C T I O N A L A G E N C Y)													
FL	Yes	1 yr	Yes	Yes/a	dept corr	State County City	Prisons Jails Lock-ups	No	12	250,000	Yes	Yes	Yes	
GA	Yes	3 mos	Yes	Yes/d	dept hum res	County City	Jails Lock-ups	See Note	See Note	NA	Yes	Yes	No	Program coordinates inspection by local health specialists. Juvenile facilities inspected on a consultant basis.
HI	(J A I L S I N H A W A I I A R E A D M I N I S T E R E D B Y A S T A T E C O R R E C T I O N A L A G E N C Y)													
ID	No	----	----	----	----	----	----	----	----	----	----	----	----	

STATE	INSPECTION PROGRAM	INSPECTION INTERVAL	STANDARDS	ENFORCEMENT	AGENCY	JURISDICTION -- BY TYPE OF GOVERNMENT	JURISDICTION -- BY TYPE OF INSTITUTION	CONDUCTS JUVENILE FACILITY INSPECTION	NO. OF PROFESSIONAL PROGRAM STAFF	PROGRAM BUDGET	TECHNICAL ASSISTANCE	TRAINING ASSISTANCE	ANNUAL REPORT	NOTES AND COMMENTS
MO	No	----	----	----	----	----	----	----	----	----	----	----	----	
MT	Yes	1 yr	Yes	No	dept hlth	State County City	Prisons Jails Lock-ups	No	1	Unknown	Yes	No	No	
NE	Yes	1 yr	See Note	Yes/a	dept corr	State County City	Prisons Jails Lock-ups	No	4	Unknown	Yes	Yes	Yes	AG ruled legislation too vague to support promulgated standards
NV	No	----	----	----	----	----	----	----	----	----	----	----	----	Jail inspection primarily by local boards of health
NH	No	----	----	----	----	----	----	----	----	----	----	----	----	
NJ	Yes	1 yr	Yes	No	dept corr	County City	Jails Lock-ups	No	1	Unknown	Yes	No	No	Training by separate corrections division.
NM	No	----	----	----	----	----	----	----	----	----	----	----	----	The Department of Corrections does inspect juveniel institutions.
NY	Yes	3 mos	Yes	Yes/a	Ind.	State County City	Prisons Jails Lock-ups	No	15	1.4 million	Yes	Yes	Yes	Program operates in the Commission of Corrections, not the Dept. of Corrections.
NC	Yes	6 mos	Yes	Yes/b	dept hum res	County City	Jails Lock-ups	No	7	Unknown	Yes	Yes	No	
ND	Yes	1 yr	Yes	No	See Direc- tory	County City	Jails Lock-ups	No	1	10,000	Yes	Yes	Yes	Real authority lies in six separate judicial district rules.
OH	Yes	1 yr	Yes	Yes/a	dept corr	County City	Jails Lock-ups Workhouses	No	5	200,000	Yes	Yes	Yes	
OK	Yes	1 yr	Yes	Yes/b	See Direc- tory	City County	Jails Lock-ups	Yes	4	200,000	Yes	Yes	No	

STATE	INSPECTION PROGRAM	INSPECTION INTERVAL	STANDARDS	ENFORCEMENT	AGENCY	JURISDICTION -- BY TYPE OF GOVERNMENT	JURISDICTION -- BY TYPE OF INSTITUTION	CONDUCTS JUVENILE FACILITY INSPECTION	NO. OF PROFESSIONAL PROGRAM STAFF	PROGRAM BUDGET	TECHNICAL ASSISTANCE	TRAINING ASSISTANCE	ANNUAL REPORT	NOTES AND COMMENTS
WI	Yes	1 yr	Yes	Yes/b	dept corr	County City	Jails Lock-ups	No	5	Unknown	Yes	Yes	Yes	
WY	No	---	---	---	---	---	---	---	---	---	---	---	---	
DC	(THE DISTRICT OF COLUMBIA OPERATES A CENTRALLY ADMINISTERED JAIL SYSTEM)													
PR	(PUERTO RICO OPERATES A CENTRALLY ADMINISTERED JAIL SYSTEM)													

JAIL INSPECTION OFFICIALS AND AGENCIES

ALABAMA

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Director, Investigations and Inspections Division
Board of Corrections
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(State Jail System)

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Department of Health and Social Services
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ARIZONA

(No Program)

ARKANSAS

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CALIFORNIA

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COLORADO
(No Program)

CONNECTICUT
(State Jail System)

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DELAWARE
(State Jail System)

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Department of Corrections
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Corrections Division
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IDAHO

(No Program)

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MISSISSIPPI

(No Program)

MISSOURI

(No Program)

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(No Program)

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NORTH CAROLINA

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(State Jail System)

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(No Regular Inspection)

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UTAH

(No Program)

VERMONT

(State Jail System)

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VIRGINIA

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Virginia Department of Corrections
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WASHINGTON

Floyd E. Powell
Director, Washington State Jail Commission
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Olympia, Washington 98504
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WEST VIRGINIA

(No Program)

WISCONSIN

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Division of Corrections
Department of Health and Social Services
Green Bay District Office
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Green Bay, Wisconsin 54303
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WYOMING

(No Program)

DISTRICT OF COLUMBIA

(Centrally Administered Jail System)

PUERTO RICO

(Centrally Administered Jail System)

ENABLING LEGISLATION

ALABAMA ALA. CODE tit. 14, §§14-1-1 et al.

ALASKA (State Jail System)

ARIZONA (No Program)

ARKANSAS ARK. STAT. ANN. §§46-1201 to 46-1209

CALIFORNIA CAL. PENAL CODE §6025 and §6030

COLORADO (No Program)

CONNECTICUT (State Jail System)

DELAWARE (State Jail System)

FLORIDA FLA. STAT. ANN. §§944.31 et al., and §951.23

GEORGIA GA. CODE ANN. §77-801 et al.

HAWAII (State Jail System)

IDAHO (No Program)

ILLINOIS ILL. REV. STAT. ch. 38, §1003-15-1 and §1003-15-2

INDIANA IND. CODE ANN. §11-5-3-1 et al. (Burns)

IOWA IOWA CODE ANN. §356.43 (West)

KANSAS KAN. STAT. §75-5228

KENTUCKY (No Enabling Legislation for the Operating Program)

LOUISIANA LA. REV. STAT. §40-5 and §15-751

MAINE ME. REV. STAT. tit. 34, §3

MARYLAND MD. CODE ANN. art. 27, §704

MASSACHUSETTS MASS. ANN. LAWS ch 127, §§1A and 1B

MICHIGAN MICH. COMP. LAWS ANN. §791.262

MINNESOTA MINN. STAT. ANN. §241.021 (West)

MISSISSIPPI (No Program)

<u>MISSOURI</u>	(No Program)
<u>MONTANA</u>	MONT. REV. CODES ANN. titl 69, ch. 41
<u>NEBRASKA</u>	L.B. 212, Session 1977-1978
<u>NEVADA</u>	(No Program)
<u>NEW HAMPSHIRE</u>	(No Program)
<u>NEW JERSEY</u>	N.J. STAT. ANN. §30:1-15, and §30:1A-1 et al.
<u>NEW MEXICO</u>	(No Program)
<u>NEW YORK</u>	N.Y. CORRECTION LAW art 3, §§40 to 52.
<u>NORTH CAROLINA</u>	N.C. GEN. STAT. §§108-79 to 108-81 and §§153A-216 to 153A-228
<u>NORTH DAKOTA</u>	N.D. Cent. CODE §12-61-05
<u>OHIO</u>	OHIO REV. CODE ANN. §5120.10 (Also see Exec Order 005-Dept. of Rehabilitation and Correction)
<u>OKLAHOMA</u>	OKLA. STATS. ANN. tit. 74, §192 et al. (West)
<u>OREGON</u>	OR. REV. STAT. ch. 169
<u>PENNSYLVANIA</u>	PA. STAT. ANN. tit. 61, §460.3 (Purdon)
<u>RHODE ISLAND</u>	(State Jail System)
<u>SOUTH CAROLINA</u>	S.C. CODE §§24-9-10 to 24-9-30
<u>SOUTH DAKOTA</u>	(No Program)
<u>TENNESSEE</u>	TENN. CODE ANN. tit. 41, §1144
<u>TEXAS</u>	TEX. REV. CIV. STAT. ANN. art. 5115.1 et al. (Vernon)
<u>UTAH</u>	(No Program)
<u>VERMONT</u>	(State Jail System)
<u>VIRGINIA</u>	VA. CODE §53-19.34 and §53-128.11
<u>WASHINGTON</u>	WASH. REV. CODE ANN. §36.63A
<u>WEST VIRGINIA</u>	(No Program)
<u>WISCONSIN</u>	WIS. STAT. ANN. §§46.16 and 46.17 (West)
<u>WYOMING</u>	(No Program)

END