

# LARGE JAIL NETWORK BULLETIN

1998

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# Foreword

The *Large Jail Network Bulletin* provides a forum for the exchange of ideas and innovations among administrators of large jail systems. In some instances these ideas can be easily transferred from one jurisdiction to another—that is, they stimulate the development of a slightly different approach to a similar problem or opportunity elsewhere. Both the *Bulletin* and Network meetings reflect the Institute's belief that the nation's large jails collectively have the expertise to meet any challenge a single jurisdiction might face.

The National Institute of Corrections (NIC) neither evaluates nor endorses the material presented in the *Bulletin*; our role is to facilitate a free and open exchange of information. The quality and relevance of the *Bulletin* continues to depend on the willingness of Network member agencies to share new approaches, technologies, and concepts. Similarly, the success of the Network as a whole depends on the involvement of large jail systems' administrators.

Goals of the Network meetings will continue to be as follows:

- To explore issues facing large jail systems from the perspective of those responsible for administering those systems;
- To discuss strategies and resources for dealing successfully with these issues;
- To discuss methods by which NIC could potentially facilitate the development of programs or the transfer of existing technology; and
- To develop and enhance the lines of communication among the administrators of large jail systems.

In this issue we introduce readers to the two new division chiefs at NIC: Virginia Hutchinson, Chief, NIC Jails Division, and Robert Brown, Chief, NIC Academy Division. In addition, we announce three new ways LJN member agencies can obtain and share information. They include the NIC Information Center web site, an updated LJN listserv named the LJN Exchange, and a fax on demand system for ordering documents by telephone.

We welcome our new division chiefs, and we invite LJN Network members to use these new systems and let us know what you think of them.

*Richard Geather*  
*Correctional Program Specialist*  
*NIC Jails Division*

# New NIC Division Chiefs in Profile

**VIRGINIA HUTCHINSON**  
was named Chief of the NIC Jails Division and Bob Brown Chief of the NIC Academy in February 1998. They were interviewed for the LJN Bulletin by Barbara Krauth.

*BK: Ginny, what was your background before you were named the Jails Division Chief?*

*VH: I came to the NIC Jails Division in 1988 on loan from the Larimer County Detention Center in Fort Collins, Colorado, where I was the accreditation and training manager. I had been with the Larimer County Detention Center since 1981. My introduction to jails actually took place in a small Colorado mountain jail in 1978, where I worked for a year.*

At NIC, I have overseen assistance programs in a variety of areas, such as transition to new jails, podular direct-supervision jails, jail staffing, and small jail administration. I was also the technical assistance manager for several years. I remain the contact person for both the Bureau of Indian Affairs and Indian Country jails.

I have a bachelor's degree from Penn State and teaching credentials from the University of Northern Colorado. My areas of study were English and Asian Studies.

*BK: What do you see as the major issues and activities for the NIC Jails Division over next few years?*

*VH: The Jails Division staff are now engaged in the strategic planning process. Based on a variety of information from the field, we have identified numerous issues currently facing jails. Of those, we identified nine as top priority in terms of our services. These issues are in such areas as:*

- Funding for jail operations;
- Inmate population management;
- Facility development;
- Educating local officials about jails;
- Inmate supervision and behavior management; and
- Recruiting, hiring, and retaining staff.

For each issue, we are developing long-term assistance strategies consistent with the mission and goals of the Institute. Strategies include technical assistance, training (both in Longmont and regionally), and information development and dissemination. We are also exploring the use of technology that will allow us to provide services to a broader audience. Implementation of these strategies is dependent, of course, on the Jails Division's resources each year.

*BK: Do you foresee major changes in the general direction or emphasis of Jails Division activities, and more specifically, any changes related to the Large Jail Network?*

*VH: The Jails Division will remain service-oriented and responsive to the needs of jail practitioners. Because our work is based on the issues that challenge the field, our focus will change as the primary issues change. As we flesh out our overall strategic plan, our direction for the next several years will be more clearly defined. We don't, however, anticipate fundamental changes in how we deliver services or in the values on which we base our services. Being responsive to the field is always key for us.*

The Jails Division is committed to the Large Jail Network and its activities—the meetings, the *Bulletin*, the LJN Exchange. We believe that this group of jail administrators collectively has a great deal of expertise on a wide variety of subjects, and we think that facilitating information-sharing among the administrators remains a valuable service. Through technology, we have recently expanded our services to the Large Jail Network, and, as the technologies become more widely used, we will assess their effectiveness to make sure they meet the needs of Network members.

*BK: What do you believe are the most significant problems facing jails today?*

*VH: There are many critical issues facing jails; however, what prevents many of these issues from being effec-*

tively addressed is the lack of understanding on the part of local officials and the public about jails. Local officials—including those who have funding authority—and the public often are poorly educated about the role of the jail in the local criminal justice system and the jail's mission, operations, and resource needs. This lack of information, in turn, means that the jail gets little support and inadequate resources. Until we can take care of this, it is going to be very difficult to solve our other problems. ■

**BOB BROWN TOOK OVER**  
as Chief of the NIC Academy Division  
in February 1998.

*BK: Bob, please share a little about your background before becoming Chief of the Academy.*

*BB: I joined NIC as a Correctional Program Specialist in September 1996. Before joining the Academy I served in a variety of administrative capacities during a 28-year career at the University of Southern California (USC). During the most recent 10 years, I served as an Assistant Athletic Director, Director of Development for the School of Business Administration, and Director of Development for the Institute of Safety and Systems Management.*

*During my first 18 years at USC, I was the Executive Director of the Center for Training and Development, Public Sector Programs, Programs in Corrections, the Correctional Administration Institute, Educational Programs in Corrections, and the Judicial Administration Institute. These programs*

*provided executive, middle management, supervisory, team building, strategic planning, and other training for correctional managers and other public sector staff from several states and federal agencies, including NIC.*

*I earned my Bachelor of Science degree in Criminology in 1968 from California State University, Long Beach, and a Master's degree in Public Administration in 1970 from USC. I have also completed additional graduate course work toward a doctorate.*

*BK: What are the major issues and activities the Academy will focus on over the next few years?*

*BB: NIC has embarked on a strategic planning effort. For the Academy that means supporting various initiatives such as restorative justice, response to youthful violent offenders, small agency initiatives, and dispute resolution/employee relations, to name a few. We will continue to support training activities in evaluation and accountability, training capacity, public and media relations, and community victims.*

*The Academy is striving to integrate the curriculum and modify our programs to make them competency-based. Specifically, the Academy staff is working on the development and application of a core competency framework for its entire leadership and management series. In accomplishing this we will differentiate the levels of management programs from supervision through executive development.*

*BK: What do you anticipate as significant changes in the direction or emphasis of the NIC Academy's activities from those of the past few years?*

*BB: Changes will come as a result of NIC's strategic planning. With that in mind, we anticipate doing more in the area of restorative justice and youthful violent offenders. In addition, our general leadership and management series and our labor/management programs will become more expansive.*

*BK: What are your personal goals as Chief of the Academy?*

*BB: They are:*

- To improve the quality of our training environment;
- To link future training and educational activities to technology while addressing the competencies needed to impact corrections;
- To encourage and improve our internal Academy staff development; and
- To encourage our staff to take a more active role in the classroom and in our educational endeavors.

*BK: What do you see as the most significant problem in the field of corrections today?*

*BB: The greatest challenge for the NIC Academy is to improve the quality of our leaders in corrections who will establish the correctional agenda for the future. ■*

# What Jail Administrators Can Learn from Community Policing

## TWO RECENT INITIATIVES

have revolutionized law enforcement in the United States-community policing, and a demand for increased accountability on the part of administrators. Crime rates are dropping, citizens feel safer, and police officers are excited about their seemingly new "power" over previously overwhelming social problems that breed crime and decimate neighborhoods.

What can local jail administrators learn from these phenomena? In the Broward Sheriff's Office (BSO), the Corrections Accountability Initiative is designed to apply what we have learned from the community policing side of the house to creating a Department of Corrections and Rehabilitation that is ready for the year 2000 and beyond.

**SUCCESSFUL COMMUNITY** policing programs have several common themes:

- Analyzing data to develop operational plans;
- Empowering line staff,

- Identifying issues important to the community;
- Revamping all department functions to support community policing; and
- Making top-level managers accountable.

Although these are seemingly common-sense approaches, the way an agency mixes these elements means the difference between lip service and real results. No longer do police administrators get to shrug their shoulders when responding to the hard questions in their community. We now hold them accountable for the increasing incidence of domestic violence, auto thefts, and daytime residential burglaries. We also expect them to be accountable for sick leave abuse by their staff, their agency's overtime budget, their attendance at community meetings, and for knowing exactly what is going on in the neighborhoods.

One way to tell that a police department is not serious about community policing initiatives is if it has designated an officer or two on a shift as its "community policing officers." In successful models, *all* officers are

oriented to community officers are expected to figure out what is going on in their communities and to have a stake in prevention, investigation, and community relations.

Commanders are held accountable, and they know that their

bosses will review whether they did or did not follow up on a community issue. They know that their solution to a problem cannot be simply throwing more staff resources at it. ("Our solution, Major, is to add another unit to the area and wait for the burglary call.") Commanders' career advancement will be based on their ability to be responsive to their superiors, the community, and the officers who work for them-and to get results.

All this may be too much for some senior police administrators, whom we raised in the profession with the notion that they are only responsible for responding to crime, not really for preventing it. While they cheerfully take credit when crime goes down, they hand out plenty of blame when crime goes up.

**SO, WHAT CAN LOCAL JAIL** administrators learn from these two initiatives-community policing and accountability? Plenty. If we don't learn from our policing colleagues, we will continue to run departments that make progress at a snail's pace, "solve" the same problem over and over again, get things done in spite of line staff and managers, and continually butt heads with county commissions, city councils, and taxpayers who don't care

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much what happens to the local jail system.

The elements of a successful community policing program relate directly to jails. Jail administrators must take similar steps as their counterparts in law enforcement to improve operations.

Every hour in a local jail brings another crisis. Managers deal with 24 hours of demands that stretch imagination, staff, and patience. The last thing we think we can do is to stop and analyze a problem before we set about solving it. "Solving" it often means just getting through the shift without a repeat of the event-and hoping for a better tomorrow.

Our new approach must be to gather and analyze data about what is happening in the jail before we arrive at the solutions. Although planning and research units are common in police departments, they are rare in jail environments.

Research units may seem extravagant in times when budgets are at issue, but the resources wasted in *not* solving a problem are more than just fiscal resources. The jail administrator who is seen as being able only to put out the fires each day engenders little confidence from line staff. More importantly, this management style is a bad role model for mid- and top-level managers, and, ultimately, it hurts our ability to cope in the future.

Every jail has data to help solve problems. Just as our colleagues in community policing work to identify the *modus operandi* of the residential burglar, the time of day crimes tend to occur, and the address of those recently released from prison, so too do jail administrators have useful data available to them.

We know that the jail environment-as measured by incidents, disciplinary reports, inmate grievances, sick leave use on each shift, and inmate vandalism in housing units-provides the clues we need to solve problems, and for longer than the next 8 hours. We have the data, but we have not often figured out what it is telling us about line staff, supervisors, or inmates.

**STEP 2:** Empowering line staff involves giving them a clear understanding of their role in managing the jail. The limits of their authority and responsibility need to be clearly defined. The barrier to this '90s management approach is supervisors who feel threatened by sharing their power. These same supervisors may be unable to manage staff who are using discretion within parameters to get to measurable objectives. Supervisors need to become the problem analyzers and the option evaluators. They must be able to exhibit new management behaviors while still reaching measurable objectives.

As we cannot simply get all new supervisors on board when we move toward a new management philosophy, we must empower the current supervisors

and managers before empowering the line staff.

**STEP 3:** Who is the "community" in the jail setting? Identify Issues Important to the Community  
The community can be the inmates, the staff, or the taxpayers. In reality, the ways problems are analyzed, plans developed, and successes measured are all in the eyes of the "community."

Community policing programs that are results-oriented solve the problems that are of urgent concern to their constituents-not those that seem important to the police department. What is important to the police department and the community are often polar opposites. Again, communication and analysis are the keys.

How often have we solved a problem, only to find out that the solution was of no interest to anyone but us? For example, we may work to develop inmate rules of conduct designed to reinforce positive inmate behavior, only to find out that the inmates' concern was the consistency with which discipline was being applied. That is, they had no problem-or almost no problem-with the rules themselves. We didn't listen to that community.

We can come up with the same scenarios for solutions to staff concerns. Often, what staff want is to have the elevators work and for someone in administration to "listen" to them. Complex and expensive solu-

tions are not necessary; we just need to do the basic research.

Taxpayers are the least sophisticated segment of this trilogy. Our citizens unfortunately understand so little about what we do that their expectations of us are too low. We can dazzle the taxpayers with our impressive range of inmate programs, our ACA accreditation, our inmate work crews saving money on community projects, or our results-oriented management, and then find that taxpayers only want a low-cost, no-frills jail-with no cable TV. In developing outreach to the community or an effective public education program, listening is essential.

**STEP 4:** Revamp All Department Functions to support Results

Results-oriented management requires a support structure within the department that has, as its only mission, making things happen. This

means that operational functions don't wait for computer equipment, programming and software, staff, or training. The internal bureaucracy that develops and thrives in large agencies often has as its goals its own growth, priorities, and schedules-whether or not these coincide with the department's operational goals.

All administrative functions, including purchasing, payroll, and recruitment, have to be held accountable for holding up progress elsewhere in the department. These administrative functions are often the most difficult to change.

**STEP 5:** Hold Top Managers Accountable

What separates the excellent agencies from those just going through the motions is the degree to which their managers are held accountable. In the frantic world of jail management, follow-up with managers is frequently based on who has the best memory. Often managers have told me that they were waiting to see if I would remember asking them to do a task before actually beginning the task.

The New York City Police Department's model of grilling its precinct chiefs about what goes on in their commands provides one end of the scale of accountability. The jobs of these chiefs often hang in limbo until their next "performance" before the "big bosses." In one sense, this kind of accountability is what we preach in child rearing: set the expectations, and provide frequent feedback. There is nothing like deadlines and consequences to spur managers to a higher level of performance.

**BROWARD COUNTY WILL** launch its Corrections Accountability Initiative (CAI) in the BSO Department of Corrections and Rehabilitation in the coming months. The initiative parallels the POWERTRAC program underway in the BSO Department of Law Enforcement, which is modeled after New York City's COMSTAT approach.

POWERTRAC is monitored by a board that includes the Sheriff, the Chief of Staff, the Inspector General, the Commander of the Department of Law Enforcement, and the four majors

who oversee all operations. The effort is supported by five crime analysts and two lieutenants in charge of managing the process from week to week. All district commanders know they will face the POWERTRAC board every 5 weeks, without fail, No one forgets the issues raised in the previous session, and answers are expected.

As the POWERTRAC program reaches its first birthday, there are patrol zones in which the crime rate has dropped substantially (to nothing in some), the community is involved and thrilled with the new neighborhoods, and some commanders face early retirement.

The CAI approach will initially cause sleepless nights for managers and line staff. The secret of success for top managers, whom the system will hold accountable, is holding their subordinates accountable. This sounds simple, but how can it work in an environment in which we often don't have time for lunch?

Back to the issue of empowering staff and managers: the circle is complete. Line staff and managers will have to help administrators respond to the new results-oriented management requirements. This means they must answer tough questions. The administrator must address these points not only initially, but also every time she/he appears before the "big bosses." No longer acceptable are answers such as, "The purchase order for the new kitchen floor is somewhere in purchasing," or "Training is behind because the academy didn't send me the updated list of who needed

## “TOUGH QUESTIONS” IN ADMINISTRATOR ACCOUNTABILITY-

- **Budget-How** is each facility or operational area meeting its budget for operations, personnel, capital, and overtime?
- **Personnel issues-How** is each facility or operational area managing sick leave, vacancies, employee grievances, relationship with bargaining unit(s), staff disciplinary reports, training hours, staff commendations, outcomes of appealed discipline, staff morale issues. and related matters?
- **Inmate issues-How** is each facility or operational area managing inmate grievances and inmate disciplinary procedures? (For example, how often are reports allowed to expire?) How are they reviewing the numbers in such areas as types of inmate programs, numbers of inmates attending, status of grant-funded programs, use of force reports, and inmate welfare issues?
- **Accreditation/policy compliance-How** is each facility or operational area managing its written directive system, training staff on new or revised procedures, using roll call time, preparing for re-accreditation, documenting files, briefing staff, and cooperating with the central policy planning office?
- **Coordination issues-How** is each jail facility or operational area coordinating with the Department of Law Enforcement, including attending community council meetings? How are areas of mutual concern surfaced and solved, and how are joint or special operations managed?
- **Security issues-How** is each facility or operational area managing special security issues, security inspections, shakedowns, inmate crowding, use of stun guns and shields, and special and/or high-security inmates?
- **Sheriff’s Office** issues-What administrative support does each facility or operational area need from BSO, in areas such as human resources, training, and information services, in order to fulfill its mission?

training,” or “We had a few people on vacation so we decided to close down inmate programs.”

The board setting ensures accountability throughout the agency. When an issue is reviewed, it is easy to determine when any coordination was requested and the status of the help. The board setting also provides each manager with an opportunity to present new initiatives or programs designed to improve operations, save money, improve staff morale, and/or improve public safety.

The administrator must have a coherent and workable action plan to address all problem areas. The plan must make individuals accountable for completing the tasks, meeting due dates, and achieving measurable outcomes. Elements of the plan may go astray, but the credibility of the plan itself must be sound. As long as the administrator is making progress and not allowing forward movement to be inappropriately sidetracked, the evaluation of his/her work performance will be positive.

**CAI IS INTENDED TO MAKE** the overall department function in a way that makes all employees part of its success. Managers will have a chance to demonstrate that they can analyze data and solve problems rather than just pass problems along, can learn from their subordinates, and can hold department support functions equally accountable for getting their jobs done.

Stay tuned-we’ll see if Broward County can really make this leap into the next century. ■

# Prison Litigation Reform Act Makes Way for Double Bunking

IF YOU BUILD IT, THEY WILL come. The bad guys, that is, not the ballplayers. It's the "Field of Dreams" analogy applied to modern-day large jail management when there are too many crooks and not enough jail beds. Within months of opening a new jail or expanding an existing one, you're dealing with overcrowding and population releases and federal consent decrees and . . . daydreaming about retirement.

You'll have to find your own way to retire, but maybe this article can help with the other issues. The Multnomah County Sheriff's Office in Portland, Oregon, recently went to court and successfully overturned a federal order that placed a population limit on its primary jail. In about 6 months' time, the county was able to terminate the federal order, double-bunk the correctional facility (adding 200 beds), and

lower the daily cost of housing each inmate.

Here's our story, followed by the chronological legal summation.

SINCE BEFORE ITS OPENING in the early 1980s the Multnomah County Detention Center (MCDC) has been subject to ongoing litigation concerning, among other things, the number of inmates it could house. MCDC inherited these problems when it was built to replace another facility that had been sued over conditions. This class action lawsuit became known locally as the Jordan Order—a federal consent decree applying to all current and future inmates at MCDC. Beginning in 1987 and culminating in a Modified Final Order in 1990, the U.S. District Court for the District of Oregon has mandated many of the operating conditions at MCDC,

including maximum inmate population limits.

The impact of the inmate population restriction has been felt throughout the community. Except in the first few months after opening, the jail has been filled to capacity. In fact, each of our five jails, with a total capacity of 1,953, is full. As a result, hundreds of inmates are released every month before they've completed their sentences.

We've given the population release process a formal name—"Matrix Release"—but it's really just a "get out of jail free" card for the inmate. In 1997, we released an average of 530 inmates each month, a number Sheriff Dan Noelle found completely unacceptable. Early releases were creating public distrust in the system and frustration for the arresting officers. Such releases also removed the penalty of incarceration imposed for breaking the law.

THE FEDERAL COURT ORDER was established to protect the county from inmate lawsuits over Constitutional rights. However, since the entry of the Final Modified Order, no inmate had ever brought forth a valid claim that the requirements of the order were being violated. Nor had anyone brought a successful challenge to the conditions of confinement at the county jails in general. Thus, the primary effect of the order was to limit the sheriff's ability to respond to the changing needs of the community.

When Noelle became Sheriff in 1995, it was immediately apparent to him that the jail system was on overload. The

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emergency population release plan was being used almost daily and the detention center was increasingly in gridlock. On occasion, corrections deputies were forced to close the jail's booking counter and lock the reception doors.

Plans to expand one of the county's five jails were in action. However, to achieve the immediate goal of reducing the number of early releases, Noelle would need even more beds than were under construction. Voters had approved a levy giving us money to build a new jail, but that was a few years away. Double-bunking MCDC would give some immediate relief, but the federal court order was blocking our ability to squeeze more inmates into the facility. It would take an act of Congress-literally-to allow more inmates into the jail.

### **COST SAVINGS ACHIEVED THROUGH DOUBLE-BUNKING-**

- The cost of adding beds to MCDC was offset within the first 56 days of full operation.
- Double bunking reduced housing costs by \$15 per inmate per day.
- The sheriff's office was able to increase the jail population by 42 percent while adding only 5 percent more staff.

**ON APRIL 26, 1996,** PRESIDENT Clinton signed the Prison Litigation Reform Act (PLRA). In passing the act, Congress was in effect saying that the federal courts should stop managing local jails. Sheriff Noelle in August 1997 filed a motion to terminate the Jordan Order, arguing that the PLRA mandated that the federal order be lifted. The county also maintained that the jail had been run within the spirit of the order and that it currently met, and would continue to meet, all Constitutional and federal standards.

The court agreed with the county and terminated the order. The sheriff then went before the Board of County Commissioners and received permission to increase the inmate capacity at MCDC from 476 to 676, a self-imposed population cap that would not compromise the jail's safety and security or the Constitutional rights of inmates.

The county immediately began to retrofit 200 general housing rooms in the modular-style corrections facility. In a three-stage process, additional inmates were moved into the jail, and by February 1998 the double-bunked cells were filled.

**THE PROSPECT OF WINNING** our case in court brought attention to the fact that the matrix scoring guideline had not been updated since its development in 1985. Times had changed, and public attitudes about which charges were the most serious had shifted. A new scoring system was designed, in part, to satisfy public opinion about who should be automatically released when the jail is full.

With the federal cap lifted and MCDC no longer under the constraints of the federal consent decree, we understood that the best way to stay out of court was to control the inmate population ourselves. It made political as well as common sense to self-impose a limit on the number of inmates housed in the MCDC.

The new "Capacity Management Action Plan" orders the identification and release of inmates as needed to remain within a maximum MCDC capacity of 676. The plan and accompanying population release scoring process have been formalized as a county ordinance. The plan's main function is to define a release matrix, but it also establishes a population cap. Jail staff believe they can be accountable for this cap without compromising safety and security or the Constitutional rights of inmates.

**BECAUSE OF THE HUGE** number of offenders in the county, adding 200 beds here and there will not end the early release of inmates, but it is a step in the right direction. Double bunking is one of many steps the Multnomah County Sheriff's Office is taking to increase its jail bed capacity. We can only hope that someday the "Field of Dreams" analogy will no longer apply. ■

## SUMMATION OF THE TERMINATION OF THE JORDAN ORDER FROM COUNSEL'S PERSPECTIVE

The population cap set by the Jordan Order made it impossible for the Sheriff to move forward with plans to increase the capacity of MCDC through double bunking. Double bunking was meant to increase the capacity of MCDC, thereby reducing matrix releases, and also decreasing the cost per inmate of running the facility. Therefore, beginning in 1995, the Sheriff began consulting with County Counsel regarding the legal options available to lift or modify the population cap. At that time, the only feasible option was a motion under Federal Rules of Civil Procedure Rule 60(b)(5). Under this option, the Sheriff would have had the burden to establish that a significant change in facts or law warranted the revision of the decree and that the proposed modification of the decree was suitably tailored to those changed circumstances. This option was particularly onerous, given that it entailed potentially lengthy and costly evidentiary hearings regarding past, current, and future jail operations and conditions. The precedent in other jurisdictions for the success of a motion to modify the Order was not encouraging.

In April 1996, President Clinton signed into law the Prison Litigation Reform Act. The PLRA allowed for the immediate termination of any consent decree governing the operations of a correctional facility unless, at the time the consent decree was entered, the judge made specific findings of

current or ongoing Constitutional violations, that the consent decree was necessary to curb these violations, and that the consent decree was narrowly tailored to address the listed violations. There was no question that the Jordan Order did not contain these findings, and that a motion to terminate the Jordan Order under the PLRA would be appropriate.

Of concern in moving to lift the Jordan Order, however, was the fact that it provided the Sheriff and the County immunity from civil liability for early release of inmates under the matrix system. Although double bunking would increase the capacity of MCDC, it would continue to be necessary to matrix prisoners to avoid the conditions of overcrowding that initially led to the Jordan litigation. In 1989, the Oregon Legislature adopted laws (ORS 169.042 to 169.046, county jail population control plans) that gave counties around the state the option of operating their jails under a statutory scheme similar to that under which Multnomah County was operating in light of the Jordan litigation. Specifically, local county commissioners could commission a study from the local district attorney who, working with the local sheriff, county counsel, and the presiding judge of the county, would recommend a maximum population limit at the facility. The county commission, if satisfied, could then issue an order setting the recommended number as the population limit of the facility.

As a part of this order, the county commission, working with the aforementioned group, would also promulgate an "emergency action plan" addressing the steps to be taken in the event the actual facility population approached the maximum set limit. In other words, they would set up a matrix system for the release of inmates. The statutes offered immunity from (state) liability for good faith releases of inmates during these "emergencies" for those facilities opting to follow this statutory scheme. Therefore, prior to petitioning the Federal Court for termination of the Jordan Order, the County needed to put into place a population emergency plan. On August 7, 1997, the Board of County Commissioners adopted a resolution establishing a population cap for MCDC and a population emergency plan (i.e., a matrix system).

Given that the PLRA was new legislation and was already being challenged on constitutional grounds in other jurisdictions, County Counsel and the Sheriff's Office continued the intensive work on a back-up FRCP 60(b)(5) motion to modify the population cap. In addition, County Counsel notified the attorney who had formerly represented the class of plaintiffs in the Jordan litigation, as well as the ACLU and other interested groups, of the Sheriff's intent to move forward to lift the Jordan Order and institute double bunking. We met with those interested parties and invited their input

into the planning process for double bunking.

Finally, on August 12, 1997, County Counsel filed a Motion and Supporting Memorandum to Terminate Order Pursuant to 18 U.S.C. § 3626. The judge held that motion in abeyance and allowed the law firm of Rieke & Savage to substitute as attorneys for the plaintiff class on August 21, 1997. The plaintiffs then filed two motions (Motion to Reopen the Record and Motion to Declare 18 U.S.C. § 3626 Unconstitutional) as well as a Response to our motion on October 14, 1997. Judge James Redden heard oral arguments on all the motions on November 3, 1997. The judge issued an Opinion and Order on November 7, 1997, granting the County's Motion to Terminate and dismissing plaintiffs motions. Judge Redden held that the PLRA was Constitutional and that the Sheriff was thus entitled to have the Jordan Order terminated. Final Judgment in favor of Multnomah County was entered on February 4, 1998.

Plaintiffs appealed the judge's Opinion and Order to the Ninth Circuit Court of Appeals on December 1, 1997. The appeal was stayed pending the disposition of *Taylor v. United States/State of Arizona*, another case involving the PLRA and its Constitutionality. ■

# Nashville SAVE Program Addresses Violent Behavior

LONG BEFORE THE WORLD watched the O.J. trial-which seemed to bring the issue of domestic violence to the forefront-Paul Mulloy, Director of Treatment Programs at the Davidson County Sheriff's Office (DCSO) in Nashville, Tennessee, had begun to make a difference with domestic violence perpetrators in jail.

"In 1993, I started noticing that individuals who were coming through our drug treatment program, New Avenues, also had many domestic violence assault charges. After analyzing offender rap sheets, we decided something should be done. We began structuring a class on issues of violence," Mulloy said. "By 1994, we had our first domestic violence class for individuals who had completed New Avenues and wanted to take control of their anger. That first class had two participants; to my knowledge, those two have never been back in jail."

Four years later the Sheriff's Anti-Violence Effort (SAVE) program graduates 15 to 20 inmates every 6 weeks. Sixty-eight percent of those offenders stay out of jail a year after graduation. In addition, inmates who successfully complete the SAVE

program may qualify for reduced jail time, which saves taxpayers' money.

SAVE's mission is to help inmates become aware, responsible, and accountable for their violence. Participants are aided in learning how to end violent behavior toward others by replacing it with responsible actions based on self-control. All graduates are referred to a community-based domestic violence program for after-care. All victims of SAVE clients are referred to community resources where safety, autonomy, and restoration are promoted.

The program, conducted at the minimum-security Correctional Work Center, is based on power and control issues. SAVE consists of didactic lectures and group sessions. Inmates selected for the program are involved in a rigorous schedule that begins with breakfast at 4:30 a.m. and continues with activities throughout the day until 10:30 p.m. Participants attend closed therapeutic sessions, participate in

housing unit activities, work in the facility kitchen, complete individual assignments, and may attend computer-aided educational training.

"We always keep the groups closed after the session starts. In our substance abuse program we have new people joining group all the time. But when guys start saying, 'Yeah, I beat my wife,' the trust level has to be very high. That would not be possible if new people were coming in every week. If we start with 20 and lose two for some reason, we will only graduate 18," Mulloy said.

**MAKING THE INDIVIDUAL** aware, accountable, and responsible for his behavior is achieved through various methods. Instructors use the power/control wheel and the equality wheel, which are both standards in domestic violence treatment. These tools teach inmates to look at learned violent behaviors and to change those behaviors-how to treat others with respect and, more importantly, how to stop the violence.

Jail officials also use the Violence Interruption Process (VIP). Mulloy and another instructor earned their VIP training certification at Chicago's Cook County Jail.

The VIP program addresses both male and female socialization. It also teaches a learned process as well as a

BY KARLA CROCKER, Public Information Officer, Davidson County Sheriff's Office, Nashville, Tennessee; email [Kcrocker@nashville.org](mailto:Kcrocker@nashville.org). For further information about the SAVE program, please contact Paul Mulloy, Director of Treatment Programs, at (615) 880-3864, ext. 241.

way for participants to begin to recognize their violent actions, immediately stop themselves, and then react differently. Through group sessions, lectures, and role-playing, VIP shows individuals how to deal with their pasts and look to the future.

“So many times you hear these guys say, ‘I promised not to do what my dad did when I was younger. Now look at me; I’m in the same place he was.’ When they become cognizant of this issue, that’s movement for them. Becoming emotional for these participants is difficult because they are used to dealing with emotions on an anger level,” Mulloy added.

According to Mulloy, during therapeutic sessions, he will write ANGER on the chalkboard, then draw a line under that and write what feelings come along with anger. He says no matter what part of the country a man is from, he is generally socialized in the same manner. For men to deal with emotional issues on an anger level is more accepted in today’s society. The men Mulloy deals with on a day-to-day basis have taken that anger to the extreme.

“One thing I believe helps make our program successful is that we have co-facilitators-one man, one woman. A woman can pick up on things that I might not see and vice versa. While teaching the issues of power and control, we role play using control planning where participants talk about what’s going to happen when they get angry again-because that will happen. The program is more about being comfortable with your feelings,

good or bad, and learning not to get drunk, get high, or get violent.”

**INMATES MAY REFER** themselves to SAVE or get recommendations from judges, the district attorney, family, correctional staff, case managers, and community agencies. Because jail officials have found that substance abuse and domestic violence often go hand-in-hand, instructors prefer for inmates to deal with their drug abuse issues through New Avenues before they begin to focus on their violence issues.

According to Mulloy, the perpetrators who come through SAVE were at one time victims themselves. Most indicate that they were victimized by parents, on the streets by other criminals, at school by a bully, by fellow gang members, or by others.

SAVE looks at various types of abuse-physical, psychological, emotional, and sexual. Inmates analyze how their past experiences make them react to certain people, and they think about the different types of abuse they inflict. As facilitators see from participants’ self-assessments, many initially come into sessions believing that physically striking someone constitutes abuse, but emotional abuse is something different.

“Emotional scars tend to run deeper than a bruise that will heal in a few days. That is not to say that hitting is a better form of violence, because we are talking about stopping all violence completely, not slowly tapering off. If you ask a victim what she likes better, a black eye or a broken arm, she’ll

reply, ‘I don’t like either,“ Mulloy said.

Inmates participating in SAVE use the *Men’s Work Workbook* series by Paul Kivel as an educational tool. The series of workbooks asks individuals extremely personal questions about their past violent behavior and tries to address the reasons behind their anger. Daily workbook assignments coincide with lectures and group therapy. Issues addressed in the workbooks include “Growing Up Male-Identifying Violence in My Life,” “Anger, Power, Violence and Drugs-Breaking the Connection,” and “Becoming Whole-Learning New Roles, Making New Choices.”

Each inmate entering SAVE receives information about the course and exactly what will be expected of him. He is required to sign a client contract that explains guidelines that must be followed during the 6-week course and defines the grounds for dismissal.

Some requirements of the SAVE program include remaining totally abstinent from all mood-altering chemicals and from all violent behavior, being honest about matters that relate to them as SAVE clients, being respectful of the rights of both fellow clients and staff, taking an active part in the therapy program, and obeying all rules of the correctional facility.

**LAST SUMMER, MULLOY** attended a focus group in Washington, D.C. The group, assembled by the Center for Effective Public Policy, recognized Davidson County’s SAVE

program as one of few jail-based programs in the country for batterers.

SAVE was supported by a federal grant until last year. Davidson County Sheriff Gayle Ray felt that the program deserved to continue and now includes it in her yearly budget. The DCSO earmarked \$273,985 in the FY 1998 budget to fund both New Avenues and SAVE treatment programs. This figure includes staffing for eight individuals.

“Rehabilitation is an important component of incarceration, especially with our convicted misdemeanants who are serving 11 months, 29 days or less. We have an opportunity to turn them around before they become serious criminals,” Ray said. “The majority of our programmatic resources go toward this population because they have a good chance of getting a job, becoming stable, and becoming productive, taxpaying citizens if they can rid themselves of the propensity to take drugs or become violent.”

Ray understands that not all jail managers have the resources to employ an extensive staff for a program such as SAVE, but she does offer some alternatives.

“Any sheriff or jail administrator interested in starting a program similar to SAVE should start out small if the resources aren’t immediately available. Our program started out small, and then we applied for and received a federal grant. Because of SAVE’s years of success, our local government was willing to pick up the cost after our grant ran out,” Ray said. “It also might be possible to set up a volunteer

program using community treatment professionals who would be willing to donate their time.”

Ray has emphasized treatment programs because solid research shows they work. The National Treatment Improvement Evaluation Study evaluated 4,411 individuals who participated in federal treatment programs. Before treatment, almost half of the respondents reported “beating someone up.” Following treatment, that number declined to 11 percent—a 78 percent decrease.

“I recently participated in a local crime commission whose mandate was to discover ways to lower the levels of violent crime. When we looked at Nashville’s homicide statistics for 1997, the first cause was drug activity, and the second cause was domestic violence—even though our police department has a nationally recognized domestic violence unit and we have an extremely efficient system for delivering orders of protection,” Ray added.

“These statistics are more than enough reason for us to continue our battle against domestic violence and drug abuse. Through the jail, we are doing our part to attack this problem.” ■

# Voice Verification: A Jail Diversion Alternative

IN INMATE POPULATION terms, jail administrators are the keepers of the bathtub—we must make sure the tub doesn't overflow, without our having any control over the faucet or the drain plug. This responsibility puts us in a position that requires creativity in jail population management.

Jail populations are managed in three ways:

- 1) We build more beds to accommodate growing populations;
- 2) We do programming in the hope of helping inmates learn how not to come back to jail; and
- 3) We divert potential bed occupants from our jail through pretrial services and diversion programs.

A few years ago, the Dane County Sheriff's Office was facing the common challenge of too few beds and too many prisoners. At issue was how to reduce our growing population while maintaining the efficiency of jail operations and ensuring public safety.

The Sheriff's Telephone Alternative Release program (STAR) has proven a valuable solution. STAR uses SpeakerID™, a voice verification monitoring system that allows law

enforcement, correctional agencies, and the criminal justice system to monitor low-risk offenders under probation or house arrest. This completely automated system randomly calls offenders at their authorized locations and, with accuracy, matches their voices to a recorded voice template. SpeakerID is a trademark of Ameritech Corp.

Ameritech asked the Dane County jail system in 1994 to be one of the first facilities to implement the SpeakerID technology. We started the program off modestly, with 8 to 12 offenders, to evaluate how well it worked. The initial participants had a 100 percent success rate. The pilot also showed that the voice verification system was easy for our officers to set up.

The STAR program has developed into a viable alternative to housing offenders, and the county now has two full-time officers assigned to the program. Mobile capabilities enable the officers to set up and track offenders from a vehicle and a laptop computer. These officers monitor the population equivalent of a direct super-

vision housing unit. If the offenders were in a direct supervision housing unit, however, it would take six staff to supervise them 24 hours a day, 7 days a week. Only one-third the staff are needed to oversee SpeakerID with the system online 24 hours a day, 7 days a week. The cost savings to the agency are significant.

There are no installation or hardware expenses with SpeakerID. In addition to the laptop computer, the computer hardware used in the program is located in the county's minimum security facility. The only costs to the agency are the phone line connections for modem capabilities and the actual verification calls.

WITH VOICE VERIFICATION, Dane County has the benefit of complete accuracy in data collection. The voices of offenders sentenced to house arrest are digitally recorded, creating a "voice template." By matching the voice of the person at the authorized location to the template, SpeakerID confirms that the offender is where he or she is supposed to be.

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The technology uses a complex mathematical formula to digitize the offenders' responses and compare them to their voice templates. It ensures a 97 percent accuracy in voice verification. The technology is accurate enough to differentiate between twins or siblings and to correctly identify people with colds.

Most calls are verified on the first try. If Speaker-ID does not get an answer or a match on the first call, it will wait a short while and call back. After a maximum of four unsuccessful attempts, the system automatically notifies the Sheriff's Office of a violation. The office will then either send a deputy from the Jail Division or ask someone from a nearby precinct to drive to the authorized location to check on the offender.

The system has made it possible to do long-range monitoring, with the assistance of local law enforcement agencies, even when a notice of violation occurs. This has saved the agency the cost of housing and/or guarding special offenders who, because of medical conditions or other factors, are not candidates for regular housing situations.

STAR also gives the Sheriff's Office the flexibility to permit an offender who is involved in jail-based programming to earn his/her way to a house arrest situation. If they can prove they can follow the same jail rules outside the jail, offenders can work their way into the STAR program. SpeakerID gives them the option of maintaining a little more control of their lives by being in the community.

**THE STATUTORY AUTHORITY** in Wisconsin to place offenders into a monitoring program rests with the sheriff, once a person has been sentenced to jail. This has two main benefits:

- It saves time and costs in not having to return an offender to court for assignment to the program; and
- It keeps the offender under the custody of the sheriff, whatever an offender's outcome in the program.

The sheriff's authority is a powerful tool in encouraging compliance with the program, because offenders who violate the program are moved right back into another level of secure custody without having to go back to the court.

It is the jail's obligation to put offenders with the highest potential for success in the STAR program. A good classification system helps to determine likely success. An offender's behavior while in jail, combined with the offense history, determines his/her eligibility for placement in the program. The offense committed must fit within the program's guidelines. Obviously, we do not want to put offenders into the community who pose a threat to public safety.

#### **THE DANE COUNTY**

Sheriff's Office plans to expand its use of voice verification in the future, in part by introducing SpeakerID/Minimum Supervision Reporting (MST). In this program, offenders call in to the system from authorized loca-

tions rather than the voice verification system calling them.

Voice verification through the Speaker ID system has helped Dane County better manage its jail population. It is also valuable for future planning and restructuring of the jail system. As jail space continues to be a scarce resource, voice verification can provide a good alternative that still ensures offenders' behavior is monitored. ■

# NIC Extends Outreach and Access with Technology

## LARGE JAIL NETWORK

members now have three new ways to obtain and share information using technologies based at the NIC Information Center. The three mechanisms include an Information Center web site, an updated LJN listserv, and a fax on demand system for ordering documents by telephone.

Together, these systems represent NIC's commitment to increasing agencies' access to current, relevant information that can help improve agency performance and advance correctional practice. Each system is new in 1998 and still has room for further development. We encourage LJN members to use each of these systems and let us know what you think, particularly if there are ways we can make them more useful.

## THE NEW WEB SITE FOR

the NIC Information Center was launched in April 1998. The site primarily offers access to NIC reports and publications, which will increasingly be available in portable document format (PDF) for viewing on-screen or for printing. A link for downloading Adobe Acrobat software to read PDF files is provided on the site.

Examples of material available from the site include:

- NIC publications, such as the new title, *Objective Jail Classification Systems: A Guide for Jail Administrators*;
- NIC Information Center research, such as the *1996 Directory of Podular Direct Supervision Jails* and the 1997 report, *Fees Paid by Jail Inmates*; and
- Back issues of the *Large Jail Network Bulletin* from 1994 to the present.

The web site also provides links to other web-based sources of information. Additional pages describe Information Center research assistance services, the planned fee-for-service program, and special library collections such as the Correctional Training Network.

Visitors can search a database of materials produced by NIC or with NIC

funding and can order materials via email from the web site. All web services are available at no charge. Web browsers can reach the NIC Information Center home page at <http://www.nicic.org>.

LJN EXCHANGE, THE EMAIL listserv of the Large Jail Network, is now administered by the NIC Information Center in cooperation with the Jails Division. This private Internet mailing list is limited in membership to the sheriffs and designated jail administrators in each LJN agency. Members can access listserv email either from the Information Center web site or through their standard email interfaces.

The LJN Exchange will continue to provide a forum for the exchange of information and views on matters affecting jail administration. Participants can send one email message and have it received by all the members of the list. Those who would like to respond to a message can either respond to the entire listserv membership or address a single, separate reply to the original sender.

The new system will also provide additional features to improve member access and information sharing:

- Messages will be stored in an archive searchable from the web site interface, and accessible only by approved LJN Exchange list members. Both new and long-term listserv members will be able to

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review discussions that have already taken place on topics of interest. However, the archive will include only those messages posted after the transition to the new system in June 1998, not messages posted while the listserv was hosted by the Department of Justice.

- Archived messages can be viewed in various ways, e.g., in “threaded” discussion order for browsing in the same sequence as messages were originally exchanged.
- The system also enables participants to modify some aspects of how they receive listserv email. For example, a member could direct the system to batch his or her daily LJN email rather than sending it as individual messages. This feature can be useful when a listserv generates a lot of email and a participant would like to streamline his or her email reading.

Detailed guidelines for using the system are being provided to LJN members in paper copy and emailed to listserv participants. The guidelines will also be available from the Information Center web site.

The LJN Exchange now has 65 members at 47 agencies that operate jails and among NIC staff. While some agencies have two or more list participants, several jails and jail systems are not yet represented. If this is the case in your agency, we invite you to join the Exchange soon. LJN members can join via the Information Center web site’s “NetConnections” section, which provides a link for entering the listserv at <http://www.nicic.org/lists.htm>. Or,

## TO ACCESS NIC INFORMATION-

- Visit the NIC Information Center home page at <http://www.nicic.org>.
- Send email to the LJN Exchange at the address, [ljn@www.nicic.org](mailto:ljn@www.nicic.org).
- Join the LJN Exchange by sending email to [request-ljn@www.nicic.org](mailto:request-ljn@www.nicic.org). Include the word “subscribe” in the body of the message.
- Call the fax on demand system at (303) 678-9049.

members can send an email message to [request-ljn@www.nicic.org](mailto:request-ljn@www.nicic.org) with “subscribe” in the body of the message.

NIC will be using the exchange to send announcements, publications, meeting agendas, etc., and to post questions for member response. Listserv participants can use the exchange to ask questions of their own, and get the answers they need more quickly than through other channels.

As more LJN members participate, you will help shape the evolution of the listserv and make it a vital networking tool. To send a message to the LJN Exchange, address your message to [ljn@www.nicic.org](mailto:ljn@www.nicic.org).

A FAX ON DEMAND SYSTEM has also been made available for correctional agencies and staff, particularly those who lack access to the

World Wide Web. Users can call into a menu system and select items to be faxed directly to them. Selections are identified by an S-digit number.

For start-up, the system has been configured to provide a few key items, such as the NIC Service Plan for Fiscal Year 1999, NIC’s *Annotated Bibliography on Offender Job Training and Placement*; and the reports, *Fees Paid by Jail Inmates: Findings from the Nation’s Largest Jails*, and *Privatization and Contracting in Corrections: Results of an NIC Survey*.

Users can select item 00000001 to receive a list of titles currently on the system, or can view the list from the Information Center web site. NIC’s fax on demand system can be reached by dialing (303) 678-9049.

NIC and Information Center staff are eager to help agencies exchange information through these technologies. We hope LJN members will find them a valuable new tool and will not hesitate to share your ideas for taking advantage of the opportunities they offer. ■

# Boulder County Program Promotes “Productive Day”

IN 1996 BOULDER COUNTY Sheriff George Epp asked me to explore ways to decrease the amount of jail inmates' idle time. He set a goal of 8 hours of productive activity-including work, education, or treatment-for every inmate, every day.

With resources from an NIC technical assistance program, three members of the Boulder County Jail staff toured three jails during the week of March 10, 1997, to get new ideas about jail and inmate management. These three jails, in Hennepin County, Minnesota; Sonoma County, California; and Jefferson County, Texas, have developed several new programs in inmate industry, programming, and education.

After the trip, the sheriff directed jail administrators to explore the feasibility of implementing some of the ideas gained from the visits to other facilities. At a 2-day, off-site jail planning session, the jail management team looked at some contemporary concepts of inmate and jail management and determined that it was feasible to implement them in Boulder County.

In July 1997, the jail began to put into place some of the provisions of the Productive Day program. Four companies in the community participated in piloting the new program. Through the steadfast efforts of a citizen volunteer, the jail was able to identify several local companies that were willing to test the use of inmates as workers.

Inmates from three modules volunteered to be assigned to work teams. Each team was taught the job to be done and then began their tasks. In cooperation with the company, we worked out some of the inevitable problems.

In April 1997, Sheriff Epp had asked the Boulder Board of County Commissioners to pass County Resolution 97-38, which dictates the disbursement of monies earned by inmate labor. As of August 1997, we were billing the companies for the work being performed by inmates. We are now working out details regarding inmates' payments of restitution and child support before we begin to pay inmates

for their labor. Each day we learn something new about the overall operation. Staff have been instrumental in finding ways to make this program successful.

**UNDER THE PHILOSOPHY** of Productive Day in the Boulder County Jail, all inmates coming into the facility must earn their privileges. Until classified, new intake inmates are locked down and do not have access to TVs, commissary, telephones, or visitation. Jail staff conduct a needs assessment for each new inmate during the initial 2-week period as part of the classification process. Intake officers meet individually or in groups with new inmates to help them make the transition to jail life.

Following the needs assessment, the inmate must work in some productive job and also may choose to attend education or other programs. In the evening, the inmate may watch TV, have a visit with a friend or loved one, or attend recreation.

In this environment, each inmate in Building A has the opportunity to earn one contact visit every 2 weeks if he/she remains free from all disciplinary action. Visits with inmates in other buildings are secure visits. Recreation is an alternative to either type of visit.

If an inmate violates a jail rule, she/he is subject to being regressed and to losing earned good time. A regression results in the inmate being housed in

BY CAPTAIN CHARLES PRINGLE, Boulder County Sheriff's Department, Boulder, Colorado. For more information about the Productive Day Program, contact Sheriff George Epp, (303) 441-1609, or Captain Charles Pringle, (303) 441-3634.

the intake module until she/he sends a request to be considered for movement back into the Productive Day Program and agrees to work, attend programming, and/or go to classes as directed by jail staff.

A CORNERSTONE OF THE Productive Day Program is officer involvement. We have committed and

dedicated officers who make this concept work. We have seen it work in other facilities, although Boulder County is the first in Colorado to try the program.

Since its inception at the Jefferson County Correctional Facility in Beaumont, Texas, Productive Day has become well known in surrounding

areas in that state. Media coverage of the many projects in which Productive Day members have been involved has helped to generate extensive interest in the effort. A recent news piece filed by an NBC affiliate ran on several news-casts.

Productive Day is one of the most timely, innovative, and positive concepts ever developed for incarcerated adults who wish to make a change in their lives. The program is designed to be entirely self-supporting. Our goal is to introduce additional work programs in the jail so that inmates in every module will have an opportunity to work. We are examining a number of alternatives that would involve contracting with the private sector and result in revenue for the jail.

The Boulder County Board of County Commissioners passed a resolution to direct how money from inmate labor is to be spent. The first priority for inmate-generated funds is toward restitution and reparations owed by the inmate, followed by support of the inmate's dependents. The resolution permits the sheriff to pay the inmate up to \$1 per day. Additional funds generated will go to offset the inmate's cost of care.

We believe that it is important for inmates to provide some restoration to society for their offenses and that restoration helps inmates reintegrate into society. It also builds a sense of pride and accomplishment in the inmates.

THE PRODUCTIVE DAY program is voluntary; it is available to all inmates confined at the Boulder

### GOALS OF PRODUCTIVE DAY-

- Reduce inmate idleness
- Provide 8 hours of structured activity for each inmate, each day
- Instill a work ethic in each inmate
- Create and maintain a safe and clean jail environment
- Provide for restitution and fines to be paid by inmate labor
- Provide educational opportunities for each inmate
- Provide treatment through programming opportunities for each inmate
- Reduce the impact of incarceration costs on taxpayers
- Provide for child and family support to be paid by each inmate
- Reduce jail tension by keeping inmates occupied
- Improve inmates' self esteem by increasing self-worth through labor
- Give added responsibilities to inmates
- Teach inmates to take pride in their work and to respect authority
- Give inmates something to look forward to daily
- Help inmates' families to become self-sufficient and reduce dependency on governmental support
- Help the inmate to feel worthy of his/her family and remove some of the guilt associated with being incarcerated

County Jail. As its name implies, Productive Day requires having a positive attitude and being productive with one's time. Productive Day incorporates good work habits, academic achievement, coping skills, anger management, and money management in one program. While they are incarcerated, inmates will be required to work in some productive capacity and will have the opportunity to take that skill into their private lives when they are released from jail. Full-time officers enforce strict codes of conduct, hygiene, and dress, and the use of an in-house chain of command. ■

## EXAMPLES OF WORK OPPORTUNITIES-

The Boulder County Jail has established relationships with several local companies to provide inmate labor at competitive rates. The inmate labor force bids competitively with temporary labor (day laborers) for work that can be performed inside the jail. Decisions about the type of work being performed and the time allocated to perform it are made on a case-by-case basis by jail administrative staff.

Types of work undertaken by inmates include:

- Assisting a local plastic injection molding firm in repairing injected plastic parts that were improperly molded. Inmates worked to complete the piecework necessary to meet the standards set by the company.
- Folding and assembling fabricated cardboard display cases for a local greeting card company. The cardboard materials were brought to the jail, and inmates assembled them in a prescribed manner to create display boxes for the company's greeting cards.
- Assembling intricate machined pieces for a local high-tech plumbing firm for a controlled atmosphere manufacturing plant. Each finished piece consists of many other, more intricate parts, including rubber gaskets, O-rings, and washers. Inmates were trained to assemble each piece, place it in a plastic bag, and seal and label the bag.
- Tying fishing flies. A local company supplied the raw materials and an instructor. Inmates tied fishing flies and were paid a piece rate for acceptable pieces.

# Criminal and Illegal Alien Screening: in a Detention Setting

IN NOVEMBER 1996, WITH the cooperation and efforts of California Congressman Elton Gallegly, the Ventura County Sheriff's Department began a pilot program that placed a U.S. Immigration and Naturalization Service (INS) agent in our pretrial detention facility. Our goal was to identify criminal illegal aliens prior to their arraignment in court and before they could be released back into our communities.

The program has proven to be extremely effective in assisting with the early detection and deportation of criminal aliens. INS agents have interviewed 2,252 inmates since the program began and have placed holds on more than 1,288 inmates-criminal aliens who otherwise would have been released after their cases were adjudicated. These figures represent approximately 4 percent of the 30,000 arrestees received into our jail system each year.

The pilot was so successful that the program has now become permanent. As a result of 1997 legislation, the program will be expanded in the next four years to at least 100 counties nationwide. Ventura County and

Anaheim, California, the original sites of the pilot study, will be included in the permanent program.

## TO TRULY UNDERSTAND

the benefits of the pilot program, it is important to note the types of persons it identified. The criminals whom the INS agents determined to be illegal aliens included drug dealers, gang members involved in drive-by shootings, rapists, and murderers. Many of them have had a long history of criminal activity.

- A serial rapist who had been eluding law enforcement for several weeks was determined to be an illegal alien when he was finally arrested. This criminal alien had been in our custody several months prior to his arrest for rape, but at that time, there was no INS agent to identify and deport him. Had he been identified earlier, he would not have been able to rape several women in our county.

- A local restaurant owner was murdered at her place of business by a criminal alien simply because she asked him to leave the establishment. Her attacker, who was not legally in this country, has since been convicted and is awaiting sentencing. Before the pilot program existed, he had been arrested on two occasions for assault with a deadly weapon. If he had been interviewed and identified as a criminal alien during one of his previous arrests, he would have been deported, averting a tragic crime.

- Only days before I testified before Congress in May 1997 about the effectiveness of the program, two of our deputies were shot by an illegal alien while conducting what had seemed to be a routine traffic stop. One deputy was hit with three rounds, and if he had not been wearing his body armor he almost certainly would have been killed. The criminal alien responsible for this violent act is in custody and will be deported after the case is adjudicated and his sentence is served.
- As I draft this article, we are investigating the shooting death of a pregnant 15-year-old girl, whose boyfriend is suspected in the killing. INS has placed a hold on him, and he remains in custody pending further proceedings.

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These stories and the cases discussed in the accompanying profiles provide only a few examples of the criminal aliens who have been found in our county jail since the program began. The number of criminal aliens identified is significant in itself, but the number of their victims is greater.

#### **BECAUSE OF THE SUCCESS**

of the pilot program in the Ventura County Jail and in a similar setting in Anaheim, the U.S. Congress signed H.R. 1493 into law on December 9, 1997. H.R. 1493 expands the program to include 100 county and local jails nationwide. Over the next several years, the INS will be increasing its staff to implement this program completely by the year 2002, as part of the \$84 million program.

The new law also provides something the pilot program did not: 24-hour INS staff coverage. One of the problems recognized in the pilot phase was that many criminal illegal aliens were arrested and released while the INS agents were off duty. Agents had been present at the jail during business hours only, several days each week, to interview suspected illegal aliens who had been arrested and booked since their last visit. More complete coverage was needed during nights and weekends.

Fortunately, the new program provides for INS agents to staff jails around the clock. This improvement will ensure that all criminal aliens are identified and deported before their release. Some of those who are arrested and identified as illegal aliens will be deported immediately. This procedure alone will remove many

criminals from our communities and save taxpayers the costs of incarceration.

The permanent program requires that the INS screen for criminal and illegal aliens prior to their arraignment, to prevent the release of those individuals back into communities. The law also requires at least one full-time INS agent to be posted in the jail. Agents will conduct initial interviews of suspected criminal aliens and do computerized verifications of alien resident status.

The U.S. Attorney General's office is currently developing the specific criteria that will be used to determine which counties are eligible to apply for the remainder of the 100 jails destined to be staffed by INS agents. Eligibility for the program will be based on population statistics and concentrations of suspected criminal aliens. ■

#### **ATTEMPTED MURDER AND KIDNAPPING-**

"Avitan" was arrested on charges of attempted murder, kidnapping, and assault with a deadly weapon stemming from a suspected narcotics transaction. The INS has placed a hold on him, and he remains in custody awaiting court proceedings.

#### **SALE OF NARCOTICS-**

"Solorio" was arrested in February 1996 for possession of narcotics for sale. His criminal record dates back to 1969. He had been arrested previously for narcotics sales, alien smuggling, welfare fraud, and possession of stolen property. He had been arrested seven times by our agency alone. He was released to the INS for deportation 10 days after the pilot program began.

#### **DRIVE-BY SHOOTING-**

"Alfonso," a known gang member, was arrested in September 1996 for attempted murder in a drive-by shooting in Thousand Oaks. He had been arrested 16 times by our agency since 1994-for burglary, grand theft, trespassing, armed robbery, and other violations. He had used more than 35 aliases. The suspect was interviewed 13 days after the commencement of the pilot program, and a hold was placed on him. Criminal proceedings are under way.

# Success in Selection: Maricopa County's Detention Officer Hiring Procedures

**MORE INMATES . . . LESS** money . . . and fewer and fewer staff to meet the demand. These truths could probably be stated in more dramatic ways, but no matter how they are expressed, the reality is the same: those responsible for operating the nation's jails are at a competitive disadvantage when it comes to attracting and keeping quality employees. For as we recognize, no one grows up saying, "I want to work in a jail." Even more importantly, not just anybody can.

Therein lies the crux of the issue. Hiring individuals is not enough. Numbers aren't the only concern. To avoid litigation, reduce liability, and manage risk, there must be a focus on quality. But what is quality? How do you find quality officers? How do you avoid hiring a problem employee while meeting the demand for staff? In other words, how do you achieve the goal of hiring responsible adults in a responsible way?

While the perfect answer may not exist, much is known about the process of officer selection that is helpful in achieving this goal. It starts with choosing the right individuals to become a part of the selection process,

and it ends with giving them the right tools and support to get the job done.

**THE OLD SAYING**, "GARBAGE in, garbage out," helps to illustrate the importance of putting into the process of selection what you want to get out of it. If you want to hire responsible adults who are committed to the organization and who are fit for the job, you must put the same kind of individuals into the decision-making process and make them a part of your personnel staff. If your focus is on attracting a diverse group of applicants to the job based on challenge, opportunity, and professionalism, the people they see first should reflect the same qualities.

Staff involved in personnel hiring should represent the best in terms of appearance, attitude, and approach. Too often, agencies assign to the background and selection team individuals who otherwise could no longer

perform detention work or who are on their way out.

People are generally drawn to those who think and act as they do. Therefore, if you want to attract the best and choose the best, it only makes sense to have those involved in the selection process be a diverse group of individuals who think, act, and are the best.

## CALIFORNIA ATTORNEY

and lecturer Gordon Graham preaches, "If it is predictable, it is preventable." In the context of personnel selection, this has clear implications. If an individual has a history of irresponsible behavior or poor judgment, meets the profile of one unsuited for detention work, or is physically or mentally unable to do the job, there should be no surprise if a problem arises if all or part of that information is ignored and the person is hired to do the work of a detention officer.

The problem is how to get to the information that makes possible an informed choice. In the Maricopa County Sheriff's Office, that information is obtained through a formal system consisting of several phases.

<b>PHASE 1.</b>	On a weekly basis,
<b>Candidate Orientation</b>	potential candidates are invited to participate in an orientation process located at a site with ample parking and easy

*BY MARY ELLEN SHEPPARD, Personnel Services Commander, Maricopa County Sheriff's Office, Phoenix, Arizona. For more information on any of the phases referenced, studies completed, or the process as a whole, please contact the author at (602) 256-1814.*

**CRITERIA FOR INITIAL ELIGIBILITY FOR DETENTION WORK-**

- Drug Use-Meets Arizona POST Standards.
- Criminal History-No felonies (automatic disqualification); no misdemeanors within last 3 years.
- Employment-No pattern of disciplinary problems.
- Traffic-No DUI within last 3 years; no pattern of violations.
- Psychological-Psychologically suited for detention work.
- Polygraph-No inconsistencies/no deception.
- Medical-Able to perform essential functions with or without reasonable accommodation.

- Finances;
- Criminal history;
- Illegal substance use (within ADA limitations);
- Ability to follow instructions;
- Written and verbal skills; and
- Job fit.

References are checked, and candidates who are within acceptable standards are given a conditional offer of employment.

access. At the orientation, a background investigation supervisor discusses the job in terms of real life and real issues. Candidates are encouraged to ask questions, and every effort is made to make the job real to them.

Following the job overview, the supervisor discusses selection criteria and the selection process. Using the standards set for correctional officers by the Arizona Peace Officer Standards and Training Board (the governing body for peace officer certification in Arizona) as a baseline, applicants are advised of automatic disqualifiers and general circumstances that would lead to their not being selected (box).

After this information is shared with potential applicants, there is a break in the orientation to give individuals an opportunity to leave discreetly. Those who stay complete a background questionnaire and job application form.

Both completed forms are reviewed by an investigator before the candidate

leaves the orientation. If the information reflects that the minimum qualifications have been met, the candidate is scheduled for a background interview-generally held within 2 to 5 days-and the formal selection process begins.

The process recognizes that applicants generally want immediate feedback and lets them know right away where they stand. It also emphasizes the fact that expediency in selection is valued.

**PHASE 2:** A trained and highly skilled background investigator conducts the candidate's background interview. The investigator reviews the questionnaire completed at the orientation session and does a formal interview focused on the following factors:

- Social history;
- Employment;
- Education:

**PHASE 3:** Using a computerized Polygraph system, professional Examination polygraphers complete a polygraph examination of each applicant who has been given a conditional offer of employment. The information contained in the background questionnaire and the background interview report are assessed for accuracy. A report is generated, citing any new information obtained and whether the applicant had responses indicative of deception.

**PHASE 4:** To begin this critical Psychological phase, information Assessment collected thus far on the applicant is forwarded to the staff psychologist and his team for review. Each candidate then undergoes multiple examinations: the written Clinical Assessment Questionnaire (CAQ), assessing emotional stability through 16 personality factors; the Rorschach ink blot test; the B-Pad (Behavioral Personnel Assessment Device); and a clinical interview focused on anger management, chemical usage, psychological history,

problem solving skills, ethical alertness, vocational responsibility, and non-prejudicial thinking.

The results of these tests are scored and rated on a scale of one to five, one being the best. A report is generated to explain the rating and to identify the candidate's strengths and weaknesses.

**PHASE 5:** Assuming successful completion of each of the prior phases, the candidate is sent for a medical evaluation to

confirm that he/she is able to perform the essential functions of the job with or without reasonable accommodation.

#### **EACH INDIVIDUAL PHASE**

of the process is considered to be part of a whole. This ensures that no single factor precludes an individual from employment, unless that factor is essential to meet standards; it ensures an applicant's integrity throughout the process; and it ensures that relevant behavioral factors are not considered in a vacuum.

The phases are not viewed in the context of pass/fail. Instead, they are viewed with an emphasis on integrity, consistency, and anger control, and on ensuring against biases and prejudicial thinking. When a standard is not achieved, the circumstances are evaluated and all other relevant factors are taken into consideration, and a possible override is explored.

Individuals who survive this scrutiny are then hired, oriented, and sent to academy training. Following their successful completion of the academy

program, new officers are assigned a Field Training Officer and continue through the balance of a 12-month probationary period that is designed to ensure they are right for the job.

#### **RESULTS OF THE HIRING**

process were analyzed by the Psychological Services Unit and via statistics collected by the Maricopa County Human Resources Department and the Maricopa County Sheriff's Office.

Finding include:

- Among candidates hired, 90 percent successfully completed the 7-week training academy.
- The mean score of academy graduates was 90 percent.
- Of those who completed the academy program, 85 percent completed their initial, 6-month probationary period with satisfactory performance ratings or better.
- The psychological screening process is not biased against applicants based upon age, gender, or race/ethnicity.
- The average time from registration of a candidate's application to his/her start date has dropped from 56.37 days to 31.49 days.
- The attrition rate for the Sheriff's Office as a whole has remained relatively constant.
- The hiring process has done a statistically valid job of selecting the right

candidates for detention officer positions, and in a timely manner.

- More often than not, when the process has failed, a red flag signaling a potential problem was there.

Further analysis is needed on pre-employment testing, physical agility testing, standards validation, and the role of supervision in retention. Ongoing evaluation of the standards, the process, the participants, and the employees is essential.

#### **THE PROCESS WORKS.**

Responsible adults are being hired in a responsible way. However, more staff are needed, and much more still needs to be done.

If we intend to hold rigidly to our current standards of quality, we must attract more potential candidates. If we choose to maintain high professional standards, we must break free from traditional 40-hour work weeks, traditional full-time employees, and traditional recruitment schemes. The next step must be toward part-time work, flexible hours, and temporary employees.

We must also develop a marketing strategy that focuses on detention as the quality profession it is and on the exciting career opportunity it can be for responsible, working adults. ■

# Recommended Reading

*How are We Doing? Assessing Jail Work and Industry Programs.* Rod Miller, Tom Quirk, and Mike Murphy. Washington Grove, Maryland: Bureau of Justice Assistance Jail Work and Industries Center, 1997.18 pp. NIC-014016.

The authors discuss the implementation of several steps that can be used to evaluate a jail industry program. Steps include articulating program objectives, using objectives to identify outcomes, determining what to measure, determining how to measure, preparing a report, and communicating your results to others.

*Jail Policies and Procedures: How to Write Them.* Marty Drapkin and Richard G. Kiekbusch. 1997.28 pp. NIC-013874.

This handout from a workshop session stresses the importance of good policies and procedures and provides detailed instructions for writing them. Includes samples.

**\*\*Objective Jail Classification Systems: A Guide for Jail Administrators.** James Austin, Ph.D. Washington, D.C.: National Institute of Corrections, 1998. 72 pp. NIC-014373.

Describes objective jail classification (OJC) as a tool for assessing every jail inmate's custody and program needs. Discusses key components of an OJC system; outlines implementation, monitoring, and evaluation of OJC systems; and presents policy implications and recommendations.

**"The Orange County, Florida, Jail Educational and Vocational Programs."** Peter Finn. *NIJ Program Focus*, December 1997.15 pp. NIC-serial628.

The Orange County Jail offers five types of programs tailored to short jail stays: basic education, vocational training, life skills development, women's psychoeducational support group, and substance abuse education based on the moral reconnection therapy model. Job assistance is also available, and inmates are offered incentives for participation.

**\*\*A Review of the Jail Function within State Unified Corrections Systems.** Barbara Krauth. Longmont, Colorado: National Institute of Corrections Information Center, 1997.20 pp.

State unified corrections systems feature integration of the prison and jail functions. This document describes the provision of jail services in the six states that have such a system. The author examines commonalities and differences in the ways the systems operate and provides a profile of the corrections system and jail functions in each of these states.

*What County Commissioners Can Do About Overcrowding in Their Jails.* Kenneth Ricci, ca. 1995. 3 pp. NIC-014395.

Beginning with a new question, "How small can our new jail be and still perform its proper function?", Ricci encourages commissioners to take a leadership role in determining the need for a new jail. Factors to be taken into consideration include the nature of the jail population; the roles played by legislation, law enforcement, the courts, and probation in determining jail populations; and existing or potential program alternatives to jail time.

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Single copies of these documents may be requested by contacting the NIC Information Center at (800) 877-1461. Or, send your request to 1860 Industrial Circle, Suite A, Longmont, Colorado, 80501; email asknicic@nicic.org. \*\*Asterisked items can be viewed in full-text PDF format from the Information Center web site at <http://www.nicic.org>.



