



# **Proceedings of the Large Jail Network Meeting: September 2017**

**Session topics:**

**Mental Health Training**

**Criminal Justice Collaboration**

**Officer Wellness**

**Immigration Enforcement**

**Legal Issues**

**NIC Initiatives**

**Association Updates**

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**Proceedings of the Large Jail Network Meeting  
Aurora, Colorado  
September 6–7, 2017**

U.S. Department of Justice  
National Institute of Corrections

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October 4, 2017

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## About the Large Jail Network

The National Institute of Corrections (NIC) established the Large Jail Network (LJN) in 1989 as a connection point for administrators of jails and jail systems housing 1,000 or more inmates. The network was launched with 67 member agencies and convened at its first meeting in 1990. Participants meet twice yearly, in the spring and fall.

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NIC provides a private web site for the LJN, where members can access presentation files from this and earlier LJN meetings as well as share other materials throughout the year. A member forum facilitates a day-to-day dialogue on issues facing large jails and strategies for responding to them. Current and prospective members can access the site at <http://community.nicic.org/forums>.

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### Purpose

The NIC Jails Division networks' mission is to promote and provide a vehicle for the free and open exchange of ideas and information and innovation among network members. In addition, NIC networks reinforce the assumption that knowledge can be transferred from one jurisdiction or agency to another, and this knowledge can serve as a stimulus for the development of effective approaches to address similar problems or opportunities.

Our belief is that, collectively, network members are likely to have developed successful strategies for meeting challenges that arise. As a group, network members are an available resource to each other. The network provides a systematic way for information to be shared, which not only benefits the network member, but also those they serve and represent – the local government, state, community, staff, and inmate.

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### LJN Goals

- To explore issues facing jail systems from the perspective of network members with administrative responsibility.
- To discuss strategies and resources for dealing successfully with these issues.
- To discuss potential methods by which NIC can facilitate the development of programs or the transfer of existing knowledge or technology.
- To develop and improve communication among network members.
- To seek new and creative ways to identify and meet the needs of network members.

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Appendix A. LJN September 2017 Final Meeting Agenda

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## ABOUT THIS MEETING

The September 2017 Large Jail Network meeting took place at the National Institute of Corrections, National Corrections Academy in Aurora, Colorado. Officials from [58 detention agencies attended.

The meeting comprised 2 days of presentations and discussion.

Others at the meeting included:

- Bob Kasabian, Executive Director, American Jail Association
- James Pavletich, CEO, National Commission on Correctional Health Care
- Tracey Titus, Vice President, National Commission on Correctional Health Care
- Larry Amerson, Detention Committee Chair, National Sheriffs' Association
- Carrie L. Hill, Director, National Center for Jail Operations, National Sheriffs' Association
- Tim Woods, Director of Contracts and Grants, National Sheriffs' Association
- Bridget Bayliss-Curren, Director of Training and Accreditation, American Correctional Association
- Mike Miskell, Correctional Health Specialist, American Correctional Association
- Stephen Amos, Chief, NIC Jails Division
- Mike Jackson, Correctional Program Specialist, NIC Jails Division
- Sandy Cathcart, Correctional Program Specialist, NIC Jails Division
- Panda Atkins, Correctional Program Specialist, NIC Jails Division
- Connie Clem, meeting recorder, Clem Information Strategies, Longmont, Colorado.

The agenda for the meeting is provided in Appendix A. A list of LJN members in attendance and meeting guests appears in Appendix B. An index of past topics covered at LJN meetings is provided in Appendix C.

## PROGRAM SESSION: MENTAL HEALTH INMATE MANAGEMENT—TEXAS INITIATIVE

### JAILS AND THE SANDRA BLAND ACT

*Presenter: Dennis D. Wilson, Limestone County Sheriff, Groesbeck, Texas*

Sheriff Dennis Wilson has helped to represent the local corrections viewpoint on many issues with the Texas Sheriffs' Association. The recent Texas legislative session included a focus on law enforcement and mental health, prompted by the death of Sandra Bland in a Texas jail in 2015. Public safety professionals prepared for the legislative session by formulating workable policy that would produce improvements. The legislature passed SB 1849, the Sandra Bland Act.

Wilson said that the jail profession should be united in expressing that it is wrong to put someone in a county jail simply because they suffer from a mental illness. The difficulty is that jails are the only entity in the public safety net that can't say "no" to an admission. Sheriffs and jail professionals should lead the community discussion, develop relationships with elected officials and with local mental health authorities, and share their story personally so that legislatures and other leaders understand the scope of the problem.

Mental illness is typically overlooked by elected county and state officials, especially as a funding priority. In Texas, counties get no reimbursement for forensic beds, and there's no step-down placement capacity for moving them out of jails and into treatment. Compounding the problem, mentally ill inmates typically take seven to 10 times as long to move through the justice system and be released from jail. Corrections deputies in Texas also were receiving inadequate training on recognizing and managing inmates with mental illnesses. The Texas Association of Sheriffs supported an initiative to improve jail officer training, described by the next speaker.

Getting the Bland Act written and passed took persistence. There was resistance from some in the legislature and in the local law enforcement and treatment communities.

Implementation of some of its requirements has depended on relationships between public safety organizations and the state's 39 local mental health authorities (LMHAs), which operate under the Texas Council of Community Centers (TCCC). The alliance with TCCC proved to be essential. Some funding has come via the 1150 waiver, with federal money allocated for work in crisis intervention best practices. The use of federal funding was not popular with all legislators.

Wilson advocates for investing money at the front end of the justice process and addressing all five needs that contribute to returns to jail custody for people with mental illness—housing, employment, medication, transportation, and peer support. He said that jails need to be the loudest voice at the podium when the subject is community mental health. People with mental illnesses are human beings, not criminals. They need help to break the behavior patterns that put them in the justice system.



## HOW TO BE A FORCE MULTIPLIER

*Presenter: Kelly Howell, Assistant Chief, Detention Center, Lubbock County Sheriff's Office, Lubbock, Texas*

Kelly Howell described the collaborative project in Texas that added 24 hours of mental health training to the state's basic jailer academy and created a training program and licensing system for certified mental health CO positions.

In 2016, Howell began serving on the curriculum review committee of the Texas Commission on Law Enforcement (TCOLE). The committee was formed to update the academy training for certifying jail officers. Mental health training was the committee's top priority. Academy training covered 96 hours of class time. Officers needed to complete the training and pass a test within 1 year of being hired.

Howell was present at the LJN meeting in September 2016, where NIC Jails Division Chief Stephen Amos described NIC's focus on crisis intervention training (CIT) and plans to update its CIT curriculum. Howell knew Texas officers were getting only 5 hours of training on suicide prevention and mental health and that the content was primarily law enforcement-based. She recognized an opportunity to do something significant. The seed had been planted.

She found herself asking, what if we create a 24-hour jailer training on mental health status identification, suicide prevention, and de-escalation? What if Texas also adapted NIC's 40-hour CIT program for a specialized jail officer certification sanctioned by TCOLE? What if NIC could assist with training Texas trainers on a statewide level?

### **Phase I: Expanded Jail Mental Health Training**

Early brainstorming and discussions took place with the organizations that would provide project staffing and resources to develop a new 24-hour jail officer mental health training program. They included the Sheriffs' Association of Texas (SAT) and its Jail Advisory Committee, the Texas Jail Association (TJA), the Texas Commission on Jail Standards (TCJS), and the Correctional Management Institute of Texas (CMIT) at Sam Houston State University in Huntsville.

The organizations presented their proposal to TCOLE in October 2016. NIC staff and a representative from the Bureau of Justice Assistance also took part in the meeting. TCOLE agreed to sponsor the project and to provide the necessary resources.

Pre-planning got underway immediately with weekly team conference calls through late 2016. More agencies came on board with support and input, such as the Texas Veterans Commission (TVC), the Texas A&M Engineering Extension Service (TEEXS), and the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA).

The first planning meeting was held in January 2017 in Huntsville. Participating organizations included the Texas core team, other Texas organizations (TCOLE, TEEXS, TVC, the Texas Health and Human Services Commission, Texas Department of Criminal Justice - Texas Correctional Office on Offenders with Medical or Mental Impairments, Sam Houston State University), the Harris and Lubbock

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County Sheriffs' Offices, NIC, SAMHSA, and the U.S. Marshals Service, the American Jail Association, the National Alliance on Mental Illness (NAMI), and detention agencies in Broward County, Florida; Dane County, Wisconsin; Douglas County, Nebraska; Franklin County, Ohio; and Santa Barbara, California.

To gain TCOLE endorsement, the curriculum needed to follow closely defined standards for format and presentation, including measurable learning objectives. The team pulled concepts from the best federal and state resources to create learning objectives. Howell was relieved to find the team would not have to "reinvent the wheel," just retread the tire.

Over the next 4 months, the core committee built a curriculum based on those learning objectives.

- First, the team met for a week in Austin, reviewed available training materials, and as a group revamped the content to replace all 31 units present in the old curriculum.
- The new curriculum then was piloted at four facilities to check for time allowances and obtain student feedback. Students wanted even more time for scenario-based segments.
- The team condensed the material on mental illness and suicidality into four modules to be delivered across 2 days. The final day of training is all scenario-based, teaching participants to apply what they learned.

As of the fall of 2017, the TCOLE core committee is finalizing updates to the licensing course. It will be beta-tested at four of the state's law enforcement academies. The team also will write the test questions for use in the state certification exam.

All of the state's law enforcement training academies will receive the new curriculum ready for incorporating within their training material, with local lesson plans, instructor bios, etc. All academies will be required to train using the new curriculum by September 1, 2018.

## **Phase II: CIT Certification Training**

Meanwhile, a group met in May 2017 to consider whether NIC's 40-hour CIT program could be the basis for new TCOLE-sanctioned training in Texas. A steering committee was formed and traveled to observe the delivery of a CIT program in New Orleans.

The resulting plan is that, by March 2018, a first group of Texas participants will receive CIT training, followed by a second group. Future instructors for the state of Texas will be selected from these cohorts. The instructors will be trained on how to deliver the curriculum as a 40-hour Jail Mental Health Officer (JMHO) certification course in the state of Texas.

The first group of certified instructors will deliver the course in 15 host counties. Each host site will train officers from agencies within their region. Instructors also can travel to those agencies that need the training but don't have budgets for travel. Within a year, 10 trainings will be delivered at a direct cost of about \$20,000.

For sustainability and program fidelity, CMIT will keep the new program operating after its initial implementation. Annual refresher training will be provided at SHSU for the initial instructors. An

application process will be set up to bring in and develop additional JMHO trainers so the training capacity continues to meet agency needs.

## Perceptions and Benefits

Sheriff Wilson noted that passage of the Sandra Bland Act is improving mental health screening at intake and also boosting education for judges. Small to midsize county jails will benefit greatly.

Partnerships have been essential to the development of new training. The most important partner is the Texas Council on Community Centers. Local mental health care providers are needed on the academies' training teams, but initially it was difficult to get a response from agencies in rural areas. Having a state-level representative of the organization on the team was helpful to ensure their participation.

Sheriff Wilson recommended that jail administrators develop positive relationship with their local news media. It's an opportunity to share what they're doing to meet the community's need for mental health services, opioid intervention, and substance abuse treatment. "Selling" what jails do to the media and to state and federal elected representatives will help show the public that agencies care and are trying to make a difference. It takes a team effort with everyone pulling in the same direction.

## Discussion

- A participant asked if the availability of this new training will create liability exposure with regard to what was covered in earlier training. Sheriff Wilson said it will not; the 24-hour training supersedes anything done in the past. It also goes above and beyond what the Bland Act requires. Agency liability will be reduced.
- A participant asked what training content is most important to cover in a shorter block of training, if agencies can't provide 24 or 40 hours of specialized training. Howell said the number-one topic is de-escalation. Agencies can't expect officers to diagnose mental illness, but they can learn to identify a crisis and get the person out of the crisis. Sheriff Wilson said that video evidence demonstrated the need for improved officer training. De-escalation training was discussed with legislators during passage of the Sandra Bland Act.
- A participant recommended that agencies identify COs who do, or will, work consistently in units housing inmates with behavioral issues. These might be officers with a minimum of 1 year on the job and those with excellent people skills. Consistent staffing on the units allows the deputies to get to know the residents and their behavior, which improves their ability to keep situations from escalating.
- Another participant said one agency has so many inmates with mental health issues, the agency is unable to place them in special housing units. Instead, they are dispersed throughout the facility. Acute and chronic cases must be triaged for response, even though the agency's medical contractor is doing an excellent job.
- "Build it and they will come" is a familiar pattern. Agencies may have no end game after they set up new mental health services to respond to the need. It's important to include a process for step-down to general population. One jail added a step-down unit after a

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number of people were cleared for general housing but were not stable enough to stay there. Gang leaders also were preventing some inmates from taking their medications.

- One jail will use inmate wellness money to fund half of a new specialist position to provide aftercare and reentry support for inmates coming out of the jail's mental health unit.
- "Deflection" is a newer concept that relies on law enforcement to identify people with mental illnesses and connect them with services. Jail-based diversion is riskier because once people enter the jail, revolving doors in the courts and human services make it harder to get them out and keep them out. The International Association of Chiefs of Police (IACP) has released a new report explaining deflection. When law enforcement personnel contact case managers or care providers for a stability or medications check, 25% of revolving-door cases can be deflected from readmission to the jail. It also reduces the number of arrests. Jails can sort new arrivals into three groups: 1) deflection processing; 2) sobering space; 3) central processing – the only group that is admitted.
- State NAMI chapters have asked jails about creating a peer mental health crisis training program in jail. A participant said NAMI has left the actual model for such a program completely up to the jail to solve.
- Many homeless people are encountered for nuisance crimes such as loitering. Those who are off their medications or intoxicated can be taken to a hospital. Social workers on impact teams can connect with the family, find the case manager, and know who to call. It's not a panacea for everything, but it takes the pressure off the jail.

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## PROGRAM SESSION: HEROIN EPIDEMIC—M.A.T. MODEL IN FRANKLIN COUNTY, OHIO

### CRIMINAL JUSTICE COLLABORATION IN FRANKLIN COUNTY, OHIO

*Presenter: Geoff Stobart, Franklin County Sheriff's Office, Columbus, Ohio*

In this session, Mike Daniels described how relationships fostered between the jail, the courts, and community service providers have enabled Franklin County to achieve sustainable justice system advances. Mental health services have been a focus for several years.

The newest phase of work is aimed at expanding medication-assisted treatment (MAT) for jail inmates. Rates of opioid abuse and overdose deaths are very high in the state. Franklin County has been offering MAT as a condition of probation through the mental health court. There was interest in expanding its use with jail inmates to help reduce cycling of opioid-abusing people through jail custody.

Franklin County's Criminal Justice Planning Committee (CJPC) has been operating for 10 years. It drives local decisions on policy and funding with the decision-makers at the table. The CJPC, county commissioners, and the sheriff are aligned on issues and needs.

Franklin County was a pilot site for the Stepping Up program for inmates with mental illnesses, an initiative of the Council of State Governments (CSG), before Stepping Up acquired its eventual name. The CSG project began with an analysis of who was cycling through the jail, how many inmates were on psychotropic medications, and other data. The project used "intercept mapping" to identify justice system entry and decision points. It produced recommendations that have been adopted by the criminal justice planning committee.

Intercept mapping divided the public safety/court process into five phases: law enforcement (arrest), pretrial/prearrest, jail and courts, reentry, and community corrections. Each phase involves a different set of policy opportunities and partners who should be at the table to discuss options that affect the jail and who it serves.

For example, at the first intercept point (law enforcement), Franklin County decision-makers systematized the use of alternatives to arrest for mentally ill individuals. At the table were law enforcement, community-based Alcohol, Drug, and Mental Health (ADAMH) providers, the prosecutor and city attorney, and the city council.

This process built the relationship between ADAMH and the jail, which has had important long-term benefits.

- ADAMH funded three mental health social worker positions in the jail. The results of the screening are used by mental health care staff in the jail and by municipal probation staff, who look for cases that can be referred to mental health court. Mental health care

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navigators in the jail can call case workers and re-establish community contact for inmates who were arrested after they stopped taking their medications.

- ADAMH has helped the jail with jail mental health training. It pays for participant workbooks for Mental Health First Aid, an 8-hour course with a public safety module and some scenario-based training. Officers learn to respond to the signs of mental illness and substance abuse. The one-day duration is easier for smaller agencies to accommodate than a full, 40-hour crisis intervention training (CIT) course. All Franklin County jail staff will complete the program by the end of the year.

The jail also was a pilot site for CIT training for corrections. The 40-hour training was developed beginning with a steering committee consisting of public safety, court, addiction treatment, and mental health care system members as well as current facility CIT coordinators. A third to half of officers will receive CIT training and certification.

Local partnerships with ADAMH and others have resulted in an effective local training program that costs the jail nothing except the personnel time.

- Judges from the mental health court are presenters in the CIT training course.
- Specialists from local hospitals train on subjects such as traumatic brain injury.
- A local group provides actors for live training on cross-gender and LGBTI interactions. The actors also take part in a panel discussion after the scenario training. This has opened up the lines of communication with staff and helped improve how staff members interact with non-CIS-gendered people.
- The training includes site visits to Twin Valley Behavioral Healthcare, where staff can see how the forensic restoration process operates. Competency hearings take place there.

It was useful for the jail staff to understand how different communities within the county's demographically diverse population deal with mental illness. For example, some in the Somali population tend to believe mental illness is caused by witchcraft. *Crazy*, a book by Pulitzer award-winning author Pete Early, whose mentally ill son was involved in the justice system, is required pre-reading for staff.

Corrections-focused CIT training has changed the culture in the jail. The agency has seen a significant decrease in use of force and disciplinary incidents involving inmates with mental illnesses.

Franklin County partners also wanted to improve reentry services for women and for people who were frequently admitted to jail. They obtained a justice and mental health collaboration grant to launch Pathways for Healthy Living, which provides wrap-around reentry services to 60 women. The program includes in-jail cognitive behavioral programming delivered by community-based providers, who continue the program after release. Participants receive a Vivitrol injection as they leave the jail. If a participant misses an appointment, her case worker can call a street CIT officer to check on her.

## **MAT Expansion**

ADAMH also helped the county win a \$400,000 grant for expanding its MAT program to reach jail inmates. Jail officials sought to learn more about the MATADOR program in Middlesex County, Massachusetts, and how it could be implemented and managed in a facility with no additional program space.

NIC agreed to assist Franklin County in researching its options. The target goal for the assistance has been for Franklin County to establish a model MAT program that other jails of any size can replicate.

When the members of the CJPC also expressed interest in observing the MATADOR program, Sheriff Peter Koutoujian of Middlesex County was invited to Ohio. In August 2017, Franklin County hosted a 1-day seminar on opioids and MAT. Other large jails in Ohio (who share a common medical services provider) and the state sheriffs' association took part. The National Sheriffs' Association and National Association of Counties also were involved.

Sheriff Koutoujian presented on MAT in the morning. Franklin County's unique approaches to the opioid crisis also were presented. Examples include its HOPE task force and its mobile crisis teams, which place mental health providers and social workers at overdose scenes to establish an immediate connection with community-based treatment.

In the second half of the day, Franklin County CJPC decision-makers hashed out how to make MAT work and be sustainable locally. The visiting counties were allowed to stay and observe while they muddled through the complicated process.

A week later, the Franklin County Sheriff convened a smaller group to begin implementation planning. The rough outline includes setting the program up as a clinic. Use of long-acting injectables is expected to slow the cycling of opioid users through the jail.

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## PROGRAM SESSION: ADDRESSING STAFF WELLNESS

*Presenters: Elias Diggins, Division Chief; Jacob Matthews, Program Coordinator; and Sonya Gillespie-Carter, Commander/Captain, Peer Support Program, Denver Sheriff Department, Denver, Colorado*

Jails Chief Elias Diggins introduced the presenters. They each described an aspect of the early warning system the Denver Sheriff Department uses to assist employees who are in some type of personal or professional difficulty.

### **Denver Sheriff Department Employee Outreach Program**

Jacob Matthews said that the “why” behind an employee outreach program must be to put employee well-being first. When staff members are the priority, and officers understand that this is true, the other goals an agency hopes to achieve will fall into place. Secondary benefits, such as reduced agency liability, will be possible.

Typically, employee outreach is intended to identify potentially problematic employee behavior before it escalates. Denver has created a 360-degree methodology for reaching employees who may need help with personal or professional problems. The aim is to put the Employee Assistance Program (EAP) out of business.

Deputies who are fighting some type of difficulty at work or at home may avoid letting the agency know about the situation. They don’t want “big brother” involved, and they don’t want to feel the crush of judgment when they feel things are getting out of control.

Matthews prefers a lighthouse analogy: if someone is getting close to crashing, his program offers a safe harbor. Denver’s program is successful because it has been transparent with staff and taken the time to build trust. The program is there to intervene with employees so their problems are addressed before they lose the ability to cope and end up looking at discipline or termination via Internal Affairs (IA). Because Matthews’ position is a civilian post within the administrative services division, trust is easier to establish. He has no influence on promotions. However, if a staff member is committing a rule violation or breaking a law, those issues will be relevant in an IA response.

### **Identifying staff**

The outreach program relies on several indicators of possible difficulty.

- Family members and friends are the best source for early warning referrals. The first day of academy training includes time with families to explain the program, the types of changes to watch for, and the confidentiality of the response.



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- Frequent use of force could indicate a staff member is under excessive stress. Denver reviews use of force data monthly and has first-line and second-level supervisors review staff who are in the 90th percentile. The supervisors can recommend that the outreach team should check in with particular officers. This review process is not looking for violations. If a policy violation happens, there's a separate track in the EAP. This program will still provide supportive assistance as well.
- Uses of force outside the jail but in the line of duty can also be an indicator of trouble. Denver observed two incidents of this kind within 90 days of each other.

Forms for the program are all digital. Incidents can be flagged for a supervisor to look at from a wellness perspective. The system also captures data on the supervisor's response and follow-up actions, if any.

Long term, Matthews hopes to add predictive analytics so that a deputy with a high or very high probability of a use of force incident could be identified in advance. Data on unauthorized absences also will be analyzed to flag staff who may need assistance.

In most cases, staff who are approached with an inquiry appreciate being asked if they are dealing with a problem. About 15% of deputies refuse assistance.

All assistance is free. Among the services available is Bash the Badge, a group where staff can talk freely about trauma, post-traumatic stress (PTSD), grief, addiction, and other issues. Help is also available for gambling addictions, domestic violence, home budget stretching, and other needs. The Man Therapy website ([ManTherapy.org](http://ManTherapy.org)) offers resources and humor-tinged videos that can be used as ice-breakers to encourage talking about male stress and depression.

**Benefits**

Benefits of the program can be hard to quantify, because problems that are averted can't be measured. The axiom, "Better to be safe than sorry," holds true. Denver has been able to identify potentially related reductions in employee burnout, turnover, and termination. There has been an increase in public confidence in the agency, some of which can be attributed to policy changes made on the basis of candid answers from staff to the outreach program and the identification of training needs.

An early warning system can prevent the familiar "slow motion train wreck" situation. Perhaps a deputy exhausts his available FMLA leave but still sits at home in the dark for hours, then begins self-medicating with alcohol. He starts taking unauthorized leave, throwing shift staffing into disarray.

The employee outreach office can make recommendations for actions such as shift changes, but they are not binding on operations. This avoids any conflict between command and the counseling side of the agency.

## Denver Sheriff Peer Support Team

*Sonya Gillespie-Carter, Commander/Captain, Peer Support Program*

Sonya Carter described how Denver manages its peer support team, which is considered a component of the holistic wellness approach used by the Denver Sheriff Department.

Peer support is uniquely valuable, because advice and support come from someone who knows what it feels like when a deputy's spouse won't talk with her because she worked 60 hours last week, or how it feels to lose a fellow officer.

Typical issues include critical incidents, career issues, financial stress, and personal loss. All communications are confidential unless a serious rule violation or violation of law has occurred, or if staff members are at risk of harming themselves or others. In the event of a law or rule violation, disclosure is required, and the situation is handled by Internal Affairs.

Peer support team members are volunteers. They complete a written application and an interview. A board decides if they move forward. Those who are selected receive 40 hours of training with psychiatrists. Currently the team includes 21 people. The program matches staff members in need with peers who have had similar work experiences. For instance, a SWAT team member will be connected with a team veteran or the best available person to help them.

The program has connected deputies with wellness activities such as yoga and Alcoholics Anonymous classes especially for law enforcement personnel. Its philosophy is to support the spirit of wellness, recognizing the toll corrections work takes on the body. The program is there to reach deputies before they get to the point of no return.

Elias Diggins wrapped up the session, stating that those who know someone who has taken their own life always ask themselves the question, "Was there something more I could have done?" He encouraged meeting participants to do everything they can to establish supportive programs for their personnel. Agencies do so much to meet inmates' needs—they should do it for staff, too.

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## PROGRAM SESSION: IMMIGRATION SCREENING

### ENFORCEMENT AND REMOVAL OPERATIONS—CRIMINAL ALIEN PROGRAM

*Presenter: Clint Haggard, Detention Deportation Officer, Criminal Alien Program, Immigration and Customs Enforcement, U.S. Department of Homeland Security, Stafford, Virginia*

Clint Haggard leads a new operation within U.S. Immigration and Customs Enforcement (ICE), the Institutional Hearing and Removal Program (IHRP). It manages interactions with local, state, and federal jails toward the processing of criminal alien removals.

IHRP is being used to identify and remove aliens who are being held as inmates in federal, state, and local facilities. It is operating in 16 federal facilities and being expanded to another five. It focuses on convicted inmates with between 6 and 60 months left on their sentence. About 42,000 foreign-born inmates are now in Federal Bureau of Prisons custody, 2.8% of whom are eligible for IHRP. About 20 states are working with IHRP. Some cases require a judge, and others can be resolved by immigration officers.

ICE can conduct hearings prior to a detainee's incarceration or criminal charge. Local officers allocate the charge in an individual case. Hearings typically take place via videoconferencing, which reduces the operational impact on facilities. Attorneys and witnesses also appear via video. Attorneys also can interview the inmates in person in the facility if they prefer.

ICE uses additional methods to identify and remove alien inmates.

- The Rapid REPAT system allows parole-eligible inmates to accept a removal order and be deported in exchange for a reduced sentence.
- The 287-g program continues to operate in 61 agencies in eight states. In this program, detention staff who are trained and authorized to act on behalf of ICE identify aliens in custody, whom ICE may then request to be held for removal.
- Treaty transfers also exist, through which the U.S. State Department processes the removal of offenders to serve their sentences in their home countries.

Haggard stated that only about 3% of removal cases need to be heard by an immigration judge. An alien who has previously been removed and re-crosses the border can be arrested on the spot on an aggravated felony. If that detainee were brought before a judge, it would be contrary to law. A subsequent removal order is an administrative reinstatement of the original judge's order.

Haggard explained some of the legalities on immigration status. The law in this area is intricate and was last modified in 1996. A person's legal status can change from one day to another. For example, a

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person who has very recently entered the U.S. illegally can be charged with a criminal infraction when within 100 miles of the border. A resident without legal status who has been living in the U.S. for some time can be processed only on civil or administrative charges, not criminal charges. Once such an inmate has served a sentence, his civil immigration status means he can no longer be detained.

Haggard said that agencies have asked that detainers be made mandatory across the board, rather than only for specific situations such as weapons charges and unlawful reentry to the U.S. If legislation is passed to that effect, it will be tested in court.

Haggard emphasized that local agencies should be in regular contact with their nearest ICE field office. There are 24 field offices. Field offices in many cases work closely with jails and can be more responsive to questions about procedure than the staff at ICE headquarters.

**Jails and ICE**

Jails in general proactively notify ICE of any inmates who have been identified as aliens, and they notify ICE about the anticipated release of these inmates when possible. ICE can take custody of appropriate inmates when they are released from jail. But it is not always possible for jails to predict court actions, the time needed to clear other holds, and the workflow of release processing. As confirmed in recent court decisions, jails are not permitted to hold inmates, even for only the requested 48 hours, in the absence of a legal warrant.

ICE has been making it standard practice to send detainer requests to jails without providing a warrant signed by a judge. Without a judge's signature, meeting participants pointed out, there is no legal authority for the jail to hold the inmate. Holding the inmate any longer without the appropriate authority exposes the jail to the risk of lawsuit. A 2014 case, *Miranda-Olivares v. Clackamas County*, confirmed that ICE detainers do not constitute probable cause for arrest on a criminal charge; immigration status is a civil rather than a criminal matter.

ICE recently has introduced two administrative warrant forms. A detainer request is filled out by an ICE field agent and must include either ICE form I-200, Administrative Arrest Warrant, or I-205, Administrative Warrant for Deportation. Either form is signed by an authorized ICE immigration agent who is a supervisor of the field agent. Participants in the meeting pointed out that this does not meet the legal standard of a neutral magistrate, the usual standard for the signature on a warrant.

Meanwhile, ICE has identified some agencies as non-compliant for declining to detain inmates per ICE request without a warrant. Such identification can be uncomfortable to the agencies and, as a participant pointed out, unfair given the liability concern. Haggard stated that ICE's criteria to be identified as non-complying are cut and dried, though he has seen examples of agencies being kept from the list. This situation is getting politically charged public attention in connection with so-called "sanctuary cities." ICE considers timeliness of release notifications by jails to be a frequent problem.

**Discussion**

Meeting participants shared their observations and concerns about ICE procedures and the actual and potential impacts of ICE actions on jails.

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- Haggard was asked why ICE is not simply obtaining warrants signed by a judge. Sheriffs need to be protected from indemnity in these situations, and a warrant is the easy and obvious mechanism. Haggard stated that ICE follows a decision that emerged from a case in Chicago, related to probable cause and reasons why the inmate is in jail. ICE considers there is probable cause that the inmates are either removable or can be held on other factors and believes its practices satisfy legal requirements. Haggard also stated that the volume of magistrate paperwork would be excessive and that jails can choose to ignore the detainer request.
- Federal law prohibits a magistrate from signing a warrant based on immigration status alone, because legal status is governed by civil law. A warrant can only be issued in response to a criminal act.
- ICE has not yet filed an amicus brief for any sheriff who has been sued for improperly detaining inmates for ICE. This suggests to sheriffs that their concerns about liability are not heard or appreciated.
- Sheriffs and jail administrators are not afraid to be sued; they recognize that lawsuits are often the way solutions are found. However, the certainty of losing a suit on detainers is a valid concern, as are the costs associated with defense and awards. A participant commented, "I listen to my sheriff addressing this on almost a daily basis. . . . The sheriff is dealing with problems your organization could solve."
- A participant suggested that ICE should distance itself from organizations that are using the term "sanctuary city" and insisting that local law enforcement cooperate with the federal government rather than obstructing the removal of aliens. Haggard replied that the term "sanctuary city" is non-statutory language and not a legal term in federal law. State legislatures have now begun drafting statutes that refer to sanctuary cities.
- Agencies that fail to hold aliens for ICE removal have been placed on a list of non-compliant agencies. Haggard stated that ICE no longer releases that list to the public, but recently it has been released by the Center for Immigration Studies. Haggard said that ICE field office personnel understand the difficulty and know when agencies are making an effort to comply. Field offices can request that detention agencies be kept off the non-compliance list.
- Haggard asked what local ICE field offices say when jail officials raise issues around detainer compliance. Participants replied that the field offices tell them they are the only agency that has a problem complying.
- A Texas detention agency allows ICE personnel to work on-site. Aliens are released once local requirements are satisfied unless there is an ICE detainer request with either a warrant or a form I-200 or I-205. ICE has been picking up inmates for the most part before 48 hours pass, even on weekends. The district attorney has been struggling with the lack of a neutral party authorization, but the agency will accept the 200/205 process and has more than 500 detainees on file.

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- Haggard stated that ICE should be giving jails either an arrest warrant or an actual removal order. If not, jail staff should talk to their closest ICE office so they can give jails the coverage they need.
- To resolve the impasse, Virginia has passed a law that allows corrections agencies to release inmates to ICE up to 5 days before the end of their sentence.
- Another agency was among the first to certify officers under the 287-g program and did so using Justice Assistance Grant funding. There have been no negative impacts. The agency also houses ICE inmates under contract.
- A participant stated that law enforcement agencies need to talk to each other. He said that, instead, the detainer authority issue is tearing apart a system built to protect the nation. Magistrates should be relied upon for that objective look. The administrative method does not sound legal. Haggard stated that the U.S. Congress can decide on the legality. The politics of the situation are in control now, and the detainer system is the official process.
- A participant from Arizona recently co-hosted a press conference along with the regional ICE administrator to explain to residents, the media, and the ACLU the jurisdiction's process for immigration enforcement. During the event, the agency demonstrated scenarios for warrant processing and provided a tour of the facility. Six ICE officers work in the jail facility, and an ICE facility is located nearby. After those most critical of the program were invited inside to hear the jail's side of the story, no further questions have been raised. The participant said the same approach likely would not work as well where the ICE detention facility isn't next door.
- A Florida jail was asked to hold a person who entered the U.S. without the proper paperwork. The jail could not detain the traveler in the absence of a criminal charge. Americans would be incensed if a relative were detained overseas after losing their passport or visa. Normal procedure is to provide a hotel room and an officer to supervise people who arrive lacking documentation.
- A participant said that his agency was active with the 287-g program when those holds were considered lawful, but since the *Clackamas* decision, agencies have no protection. He stated that ICE is fulfilling its lawful duties, and ICE owes it to jails to make their detainers lawful holds via the warrant process so that jails can carry out their lawful duties as well.

**Conclusion**

Haggard commented that the law and processes for immigration detainees are evolving quickly. Complications are best solved at the local level. Jail administrators should talk to ICE field officials in their area and "shake a cage" if needed. ICE field offices are expected to reach out to local jails, and doing so is part of their performance review. Haggard said he would share with ICE that jail administrators at this meeting expressed a high level of concern about liability and a request for coverage so agencies will not be exposed to lawsuits they are likely to lose.

## PROGRAM SESSION: LEGAL UPDATES

### LEGAL ISSUES IN TODAY'S JAILS: AVOIDING CIVIL LIABILITY

*Presenter: Carrie L. Hill, Director, National Center for Jail Operations, National Sheriffs' Association, Alexandria, Virginia*

Attorney Carrie Hill discussed several priority legal issues, primarily immigration enforcement, use of force, civil liability, First Amendment issues, prisoner litigation, and religious observance.

Generally speaking, jails can use the principles in *Turner v. Safley* to be more certain their decisions are legally defensible. The *Florence* decision gives "substantial" discretion and deference to decisions made by corrections officials. *Turner* provides a four-part foundation for agencies to be able to justify their decisions.

- 1) The valid, rational connection between the item under challenge and a legitimate governmental interest—such as safety, security, order, and control.
- 2) The availability of alternate means of exercising the right (and ideally documentation that those means have been identified to the inmate).
- 3) Any effect the accommodation would have on officers, other inmates, and/or the allocation of prison resources.
- 4) Proportionality of the response—are obvious, easy alternatives available to the agency rather than an exaggerated response?

For example, in a case involving inmate-to-inmate mail, the U.S. Supreme Court agreed it was not reasonable for officers to read all the potential mail that likely would be generated by inmates; therefore, denying the request was not an exaggerated response.

### **Immigration Enforcement/Secure Communities**

Hill provided information for participants to share with their sheriffs or other authority on the topic of compliance with ICE detainer requests.

Hill noted that jails ask detainees about their citizenship not primarily as an immigration matter but because doing so is required by international law. Jails have a legal obligation to notify the home country when their citizens are detained. Such notification is either mandatory (required by the country of origin) or voluntary on the part of the inmate, depending on the country.

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A detainer is a request by ICE to a jail to hold a non-citizen inmate for up to 48 hours, not including weekends and holidays, after the time the inmate normally would be released on disposition of current charges and a review for any holds from other agencies.

Before February 2017, complying with ICE detainer requests was considered discretionary. A presidential order redefined compliance as mandatory.

The ICE notice of action is completed by an ICE field agent and must be accompanied by either of two warrants: the Administrative Arrest Warrant (I-200) or the Administrative Warrant for Deportation (I-205). The warrants are signed by an ICE supervisor. Normally a warrant must be signed by a neutral magistrate. All courts where cases have been heard have found that the ICE detainer requests are therefore unlawful. Some jurisdictions are outside the geographic areas directly affected by those decisions.

Further, immigration status is a civil matter. Probable cause for an immigration violation is not sufficient for charging a person with a criminal act.

Hill observed that some sheriffs and detention agencies honor ICE detainers and some do not. All sheriffs want to cooperate with the Secure Communities program, but they also need to preserve agency resources and avoid personal liability in the event of a lawsuit. The situation creates a dilemma for detention agencies. For example, ICE placed Hennepin County, Minnesota, on its list of non-compliant agencies over just two individual cases. Hennepin County had been notifying ICE regularly and carefully tracking its notifications and ICE's retrievals of individuals. The censure over only two cases was considered to be unfair.

Hill's work with sheriffs has covered several aspects of the law.

- Refusing to honor ICE detainer requests is a policy issue, not a legal issue nor a constitutional issue.
- Immigration status issues can only be enforced by ICE. There is a narrow exception for 287-g programs, in which detention officers in a participating jail receive special training and represent ICE when performing certain identification and notification tasks.
- Federal judges are prohibited from issuing I-200s or I-205s. Local law enforcement is prohibited from serving these civil ICE warrants.
- Jails do not risk a violation of the Fourth or Fourteenth Amendments simply for notifying ICE that a non-citizen inmate is in the jail.
- What is known from every lawsuit and court case to date is that if an agency holds an inmate beyond the allowable time on an ICE detainer alone, it is potentially liable for a Fourth amendment violation. Local agencies will lose cases even if they understand detainer requests to be mandatory.

Agencies have three options for responding to detainer requests with less exposure to liability.

- 1) Participate in the 287-g program. Many agencies are already participating. Participation resolves the concerns with potential violations of the Fourth and Fourteenth Amendments.



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Other concerns remain, such as accommodating staffing time for the training, having enough 287-g trained staff, and exposure of liability when staff make decisions on probable cause and whether to complete a warrant. Sheriffs may not be comfortable having their officers arguably under ICE orders.

- 2) Allow embedded ICE agents to operate in the jail. This is a clean solution, but ICE lacks the resources to place its personnel in every facility.
- 3) Establish an intergovernmental service agreement between the Department of Homeland Security and the state. Under the terms of such an agreement, ICE can serve a jail with an I-203 order to detain an inmate per 8 USD 110(a)(11)(B). In this framework, the sheriff is not involved in any decision-making. An inmate is administratively transitioned from local custody to ICE custody. This process was approved in June 2017 and has not been in use long enough to become familiar.

Until a case reaches the U.S. Supreme Court, local officials likely will need to make their own decisions on whether to honor detainer requests. In the meantime, some agencies are under pressure from churches and the American Civil Liberties Union. A participant said his home agency may be prevented from continuing to operate under the 287-g program.

**Use of Force**

Correctional personnel sometimes must use physical force to respond to situations in which an inmate is resisting orders or is posing a risk of harm to themselves or others. Officers have a duty to maintain order and control. Incident reports should be clear about the need for action and the actions taken. Reports need to be in a narrative form, not a checklist.

Use of force cases look at the objective reasonableness of the officers' actions based on the facts and knowledge available to the officer. Officers are allowed significant discretion and have qualified immunity based on an assumption of good faith action. Officers are not liable for damages unless they violated a clearly established right.

Agencies should ensure there is no basis for a claim of a pattern of deliberate indifference to unreasonable use of force. Incidents should be an isolated event rather than reflect a custom, policy, or practice. Command staff should carefully review all use of force videos and incident reports.

The legal status of the offender determines which of eight Constitutional factors are relevant in arguing and defending individual cases.

The eight factors are as follows.

1. The degree of threat perceived. This is based on all the factors known to the officer, such as the size of the suspect or inmate, the presence of weapons, the inmate's past behavior, etc.
2. The need for force. Force may be a legitimate option for reasons of safety, security, order, discipline, institutional control, or other legitimate public safety or penological interest. An officer's action is evaluated based on what the officer knew, heard, saw, etc.

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3. The proportionality of the force used. Evaluative factors include the characteristics of the suspect/inmate and his/her actions as well as the officer's knowledge of or expertise in the use of available equipment and materials or other options. Force is allowable only to the extent it is reasonable and necessary to control or subdue an inmate, obtain compliance with a lawful order, etc.
4. Efforts made to temper the severity of a forcible response or to deescalate the situation. Training records on crisis intervention communication skills can be relevant. Video evidence is particularly valuable when it shows the officers' warnings and opportunities given for the inmate to comply with a direct order.
5. The extent of injury to the inmate. Officers' reports should not describe any injuries suffered by the inmate, because that information will be covered authoritatively in the reports of medical personnel.
6. The severity of the security problem posed by the situation.
7. Whether the plaintiff was actively resisting. The video record, if any, may not clearly show actions such as biting, kicking, or reaching for a weapon. Such details should appear in the officers' reports.
8. The legitimate government interest in controlling the inmate.

**Arrestees**

*Graham v. Connor* applies to incidents on the street or as a detainee is placed in the jail's custody. If an incident involves an arrestee interacting with law enforcement personnel, three factors are relevant under the Fourth Amendment:

- 1) The severity of the crime,
- 2) Whether the suspect poses an immediate threat to public safety, and
- 3) Whether the suspect is actively resisting or attempting to evade arrest by flight.

Participants reviewed a video from the *Buckley* case in 2004. A suspect in a traffic stop was seated on the ground behind his car and was crying. He refused several orders to get to his feet. The officer ultimately responded by Tasing him repeatedly as he continued to lie on the ground and sob. The severity of the crime was negligible. The immediacy of the threat was negligible. The inmate was not resisting arrest or posing a flight risk. In fact, the video showed the officer turning his back on the subject precisely because he was not a threat. The court found that the first few uses of the Taser could have been justified, but beyond that its use was not justified.

**Sentenced inmates**

*Whitley v. Albers* (1986) and *Hudson v. McMillian* (1992) apply in cases with convicted inmates. *Albers* changed the legal standard from deliberate indifference to whether force was applied in a good faith effort to maintain or restore discipline or maliciously or sadistically for the purpose of causing

harm. The case involved a hostage situation. *Hudson v. McMillian* involved a cell extraction and established that extent of injury is only one factor in evaluating whether the force used was excessive.

Five factors are examined in incidents involving a convicted inmate:

- 1) Threat perceived by the officer(s)
- 2) Need for use of force
- 3) Amount and proportionality of the force used
- 4) Efforts to temper the use of force
- 5) Extent of injury.

**All other inmates, including pretrial inmates**

*Kingsley v. Hendrickson* (2015) applies to use of force cases involving pretrial inmates. The case was a result of a cell extraction after an inmate refused to remove a sheet of paper from a light fixture.

Eight factors are considered in an incident involving a pretrial detainee.

- 1) Threat perceived by the officer(s)
- 2) Need for use of force
- 3) Amount and proportionality of the force applied
- 4) Efforts to temper the use of force
- 5) Extent of injury
- 6) Severity of security problem
- 7) Whether the inmate was actively resisting
- 8) Legitimate governmental interest.

*Graham v. Connor* and *Bell v. Wolfish* provide guidance on officer actions reasonably related to purposes of safety and security. Actions must be reasonable to the person in the situation, per the *Whitley* and *Graham* decisions. The courts must allow for the fact that deputies have to make decisions quickly.

Substantial deference is granted when a legitimate governmental interest is involved. Then the courts can use the factors in *Hudson v. McMillian* to determine if the use of force was objectively reasonable.

## Recommendations

- Agencies that train on a use of force “continuum” should make clear it is intended only for descriptive purposes, not as a sequence of actions officers must follow in a critical incident.
- Narrative incident reports should respond directly to each of the factors. If necessary, agencies should change their report writing instrument. The instrument can include numbered prompts for each of the factors.
- Because most jails hold inmates with different legal statuses and officers may not know the status of each individual inmate, one report form should be used for all incidents.
- Severity of the perceived threat is the most important factor for officers to document.
- Agencies should train officers thoroughly so that each factor is articulated clearly in their incident reports. They should state exactly what the security problem was. They should be specific about an inmate’s exact actions, not describe the inmate as “combative” or “resisting.” The circumstances of an incident usually begin well before force is needed and should be detailed fully to provide context on the perceived threat. Officers should write about what they knew, experienced, and observed—not about what another staff member was doing unless it was immediate to the reporting officer’s experience.
- If an inmate chooses to decline medical assistance, they should deny it to medical staff, not to the officers present after the incident. Injuries that were not documented by medical personnel are harder to defend later.
- Agencies should have an administrative review process that reinforces the training on report-writing. Supervisors and higher-level administrators should not accept reports that do not provide an adequate justification on each factor.

Bystander liability is receiving new attention. The *Atencio* decision from Arizona is under Supreme Court review. It said that officers who are present during actions that involve unreasonable use of force can be held liable for the actions of their fellow officers rather than being judged on their individual conduct. The *Atencio* case emerged from an incident at booking. A nurse and a mental health professional on duty did not inform the officers of their observation that a detainee might be psychotic and unable to respond to orders. Officers used force to compel compliance with orders, and the inmate died shortly thereafter. The district court ruling established that excessive force had been applied, and it allowed for consideration of whether individual officers had been an “integral participant” in the use of force. An amicus brief to the Supreme Court will argue that the integral participation doctrine improperly holds officials vicariously liable for unforeseeable acts by other defendants, and that this conflicts with existing standards that require individual knowledge of and deliberate indifference to unconstitutional conduct. The case suggests agencies should review their training on the use of “tap-outs” and other signals when a fellow team member may be close to unnecessarily injuring an inmate.

Video evidence ideally is the property of the jail. Any video of a jail’s operations should be the jail’s own so the jail has full control of its release and the jail’s security is not compromised. Agencies can place a sign in the booking area stating that all non-jail officers must turn off their video cameras if present. However, a participant said on multiple occasions, body-worn cameras on arresting officers have provided evidence that was useful to the jail.

A recent *en banc* decision in California prevents the routine use of restraints in the courtroom. The decision applies to all court appearances, whether pretrial or otherwise, with a jury or without. Agencies will need articulate a specific rationale for why restraints are needed, such as flight risk, severity of charges, or risks to individuals in the courtroom.

## Prisoner Litigation

The Prisoner Litigation Reform Act (PLRA) was intended to reduce frivolous inmate lawsuits in federal court by requiring that inmates exhaust the administrative grievance process before they can file suit. Several states have passed state-level equivalents to PLRA, and Hill recommended that more states should do so because it will reduce frivolous inmate lawsuits in state courts.

Hill stated that grievances usually indicate that officers are doing their job. Otherwise, grievances can be a signal of something the agency needs to pay attention to. Any time a jail is sued, the first response is to see if the inmate grieved the issue. Jail administration should welcome grievances because they provide notice of any issues and allows them to be addressed. Grievance forms should be easily accessible on housing unit kiosks, in the medical ward, and elsewhere. Agencies should welcome the knowledge so they can resolve issues at the lowest possible level.

To further reduce suits, agencies also should train staff to have factors from *Turner* in mind when responding to inmate requests. If the request is declined, the response should articulate the rationale and any alternatives available to the inmate, and the response should be documented.

Hill mentioned some specific elements and interpretations related to PLRA.

- In *Ross v. Blake* (2016), the Supreme Court vacated a Fourth Circuit Court of Appeals decision. Inmates only need to exhaust such administrative remedies as are available to and known by the inmate.
- *Albino v. Baca* showed that agencies must ensure inmates are aware of the grievance process.
- In *King v. McCarthy*, transfer of an inmate from jail to prison did not constitute an exhaustion of the grievance process.
- In *Thomas v. Reese*, an inmate in disciplinary segregation who did not have access to the inmate manual did not need to exhaust all otherwise available grievance methods.
- In *Davis v. Hernandez*, an inmate was inappropriately told there were no further avenues for appeal.
- In another case, a grievance was inappropriately termed “exhausted” because the staff failed to respond to it before its expiration.
- In *Woodford v. Ngo*, an inmate missed the filing deadline on a grievance and was then appropriately prevented from filing suit in federal court.
- *Jones v. Bock* established that an inmate does not have to prove they grieved an issue. Agencies should keep a record of all grievances to aid defense attorneys.

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- Inmates who file three frivolous lawsuits can be prevented from filing further suits unless they can show a substantial and immediate risk of harm.
- Consent decrees can limit population, and jails might find that advantageous.

**Parameters for relief:**

- Courts cannot order an action where other, less intrusive relief will correct the violation. No temporary order may be made permanent without trial.
- Injunctive relief can go no further than the constitutional violation. Each item addressed in an order must be, in and of itself, unconstitutional.
- No payment of damages can be ordered in the absence of an actual injury.
- A consent decree can only correct an immediate violation. It can be terminated after 2 years. Agencies can use this aspect of PLRA to remove consent decrees that have been in place for some time.

**Religious Exercise**

Hill reviewed some recent interpretations of religious observance issues in jails and responded to questions from participants.

- In *O'Lone v. Shabazz*, New Jersey inmate workers asked for time for Friday Jumu'ah observance. The denial was upheld; the inmate had other avenues for religious observance, and if the agency had created an all-Muslim work crew, it would set a precedent for special treatment of other groups.
- Inmates have grieved the presence of a Christian cross in a non-denominational chapel. Covering it when not in use for Christian observance is likely adequate.
- Religious volunteers should sign a contract that says they'll comply with all rules and regulations. It should be mandatory for volunteers to report if an inmate mentions a potential threat of current or future harm.
- A jail denied a Christian deacon's request to bring the communion host into the jail in a metal box instead of a clear plastic container. The jail can make a determination here on the basis of safety and security.
- Jails can decide on policies around allowing the use of sacramental wine. For example, policy could allow the introduction of a "non-intoxicating amount of wine" into the facility.
- Faith groups do not have privileged status as bona fide news media for purposes of mail delivery. But an agency could allow this through its policy.
- A request for a confidential session with an ordained person could be allowed, with safety restrictions, if it is defined as a privilege. Personal visits can be visually observed or audibly recorded. Duty to protect requires the jail to monitor visits, even those with attorneys.

## RLUIPA

Jail inmates can sue under the Religious Land Use and Institutionalized Persons Act (RLUIPA) on the basis of policy or practice that appears to support one religion over another. Agencies should make an effort to accommodate religious freedom as much as possible. In any limitation of religious exercise, jails face a three-part test.

- 1) Jails may not impose a substantial burden on an inmate's free exercise of religion, unless:
- 2) There is a compelling governmental rationale, and
- 3) The limitation is the least restrictive means possible.

A compelling governmental interest will always be about safety and security. A jail can cite the need to control weapons, contraband, gang identification, etc. The potential cost of accommodating a request will not be acceptable as the sole factor in declining it.

Jails do not need to be concerned with what inmates believe and whether the faith they profess is legitimate. Inmates may be wrong about whether a given article or action is required by the faith, but if the individual believes it, the agency may want to make the accommodation. Agencies should not hold inmates to perfect adherence to their professed faith. Inmates can be subject to losing these privileges.

Examples of "least restrictive" accommodations:

- Allowing inmates to wear religious clothing or head coverings while in the cell.
- Having bare-headed ID photos of Muslim women taken in a woman-only area, or taking ID photos with the head covering pulled back behind the ears.
- Providing jail-issued head coverings and prayer rugs or a prayer towel.

Agencies cannot require inmates to participate in Alcoholics Anonymous/Narcotics Anonymous, and they should provide a secular alternative, because these programs refer to a "higher power."

Faith representatives cannot demand admittance to the jail to proselytize. Inmates must make a request to talk with a representative of a religious faith

In *Holt v. Hobbes* (2015), an Arkansas inmate won a case before the U.S. Supreme Court after he was not allowed to have a beard, even if kept at 1/4 inch. The agency did not adequately attempt to accommodate the request for a beard. *Knight v. Thompson* established that agencies can't require a haircut if hair length is relevant to religious faith. Length of stay is a factor.

Agencies must provide kosher or halal food for Jewish and Muslim inmates. Officials can require them to sign a contract that sets out expectations. Commissary purchases can be monitored for divergences from religious diets. (Jails also can monitor commissary records for medical reasons under their duty to protect the inmate. For example, diabetic inmates should not be buying sugary foods.)

## PROGRAM SESSION: OPEN FORUM

*Mike Jackson elicited “hot topics” before the LJN meeting via the group’s private forum and facilitated the discussion.*

### **Inmate Art Programs**

Participants described some forms of art and art therapy programs in corrections.

- One agency offers art classes in a therapeutic unit and in juvenile housing. Classes are funded by the community, area foundations, and grants. Several types of music classes are also offered. Adult coloring books are also used in various settings; research has connected their use to a reduction in violence.
- Museums and universities with an art school can be a resource.
- Another facility sells wood-burning projects made by women inmates that feature inspirational sayings.
- Art and play therapy can help move mentally disturbed inmates back into the mainstream population. A state unified corrections system brought in an occupational therapist who has worked successfully with antisocial and paranoid inmates who are uncomfortable in interactions with other people. The therapist relates to these inmates in a nonthreatening way through board games, card games, and working with clay. No single model will work for all people who are placed in restrictive housing.

### **Cell Improvements to Reduce In-Custody Suicide**

A participant asked for suggestions to modify cells built with a gap between bunks and the wall without replacing all the bunks. The suggestion was to bring in welders to mitigate the risk.

### **Preparations for Civil Disturbances**

Public events such as political demonstrations and sports championships can spark high numbers of arrests and a spike in jail usage. Participants discussed ways to anticipate and respond to these incidents.

- Jurisdictions should have a mass arrest protocol in place that identifies how detainees will be transported and where they will be held. One agency updates its policy annually in a tabletop exercise.
- Vehicles can be equipped to prepare warrants on-site as a mobile command center.



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- Incident command may find it helpful to have mobile field access to the National Incident Management System (NIMS).
- Capabilities for decontamination should be considered.
- Planners should consider the need for segregation of members of opposing groups, perhaps at different facilities. MOUs or contracts with other agencies can be prepared in advance.

**Medical Care Vendor RFPs and Selection**

County commissioners or jail officials sometimes are invited to tour medical care facilities operated by vendors that expect to respond to a future RFP. Procurement law may allow personnel to look at facilities ahead of time; for example, jail staff will read the proposals but the county board will decide who wins the contract. Agency staff should be sensitive to a potential appearance of conflict of interest.

A legal team should always contribute to RFP writing. Agencies writing an RFP for medical services should protect the agency by including certain requirements.

- Inmate medical records are the property of the agency, not the contractor. One agency had a dispute after a death in custody concerning ownership of medical records and who could release information to the media. The contract should state that the jail will be the owner of all intellectual property generated during contract performance.
- The provider is responsible for liquidated damages, not nominal liquidated damages, if it is unable to provide agreed-upon staffing levels. Otherwise, the jail may need to move officers around to cover for gaps in medical services staffing. The provider should be responsible for filling its shifts.
- Performance policies should be spelled out. For example, if the number of initial health assessments falls below a threshold, the agency should get some of its money back. Refunds should increase if the provider stays out of compliance.
- Inventory control should be addressed.

**Recruitment and Overtime**

In some agencies, the same deputies repeatedly volunteer for overtime. Their performance may be suffering because they work so many hours.

- Policy can limit the amount of overtime worked to, say, 32 hours in a pay period.
- Another jail limits deputies to three overtime shifts in a single pay period. Voluntary overtime is determined by seniority. Mandatory overtime is the opposite, with the most junior deputies assigned first.
- Agencies can use a recall list for mandatory overtime. Once an officer volunteers for overtime, they go to the bottom of the recall list.

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- In one agency, officers can turn down one invitation to work overtime; if they refuse twice, it's a disciplinary issue and they cannot apply for promotion. This process also improves budgeting. In addition, because clerks handle scheduling, sergeants are back on the units where they should be, talking with staff.
- Agencies can recruit college students as volunteers. One agency typically has about 25 students at a time, and almost 50% of students stay on with the agency after graduating.
- Retired officers can be a resource for shift coverage.
- Shutting down housing units is available as a last resort but can cause bigger problems.

**Restrictive Housing and Tier Time**

Ideas were sought for how to meet the standard of 2 hours per day of out-of-cell time for inmates in restrictive housing.

- Bringing all the restrictive housing inmates out into the recreation yard together is an option, for those inmates who can congregate together peaceably. Most just want to recreate. Incompatible inmates can recreate in smaller pens.
- Inmates can be placed in hand restraints while out in the dayroom.
- It's better to give people 4 hours or more of out-of-cell time whenever possible, even though the stated minimum is 2 hours. Classification is key.
- Inmates can have their out-of-cell and outdoor recreation times at 4:00 a.m., according to the courts, as long as it's on a rotation basis.
- Though technically inmates are out of their cell, ACA's new restrictive housing standards will not support the use of a metal table in the dayroom with cuffing ports and leg irons.

**Inmates and Yoga**

Participants described how their yoga programs for inmates are run.

- Most of the participants who responded said they use live yoga instructors, not recorded videos. Yoga is a good therapeutic model for some inmates.
- One agency offers yoga in a therapeutic pod that also provides cognitive behavioral training. Yoga is considered part of the facility's mental health program capacity. A licensed professional counselor supervises the program, and yoga teachers-in-training volunteer there to earn their certification hours. Opening the therapeutic pod allowed the agency to close its special housing unit for half a year.
- Yoga for Change is a nonprofit that offers programs for inmates.

**National Institute of Corrections**

- Yoga tends to be more popular among women inmates. A Florida participant said it's used in two women's facilities, particularly for pregnant women and those in drug abuse treatment.
- In one agency, inmates are earning their way up to assist as peer yoga teachers.

**Housing to Manage Gang Members**

A questioner asked about other agencies' experiences in minimizing the influence of gangs in secure facilities.

- In one jail, gang leaders are separated and put on track to receive the Thinking for a Change curriculum. Any gang-related violence that occurs brings extra attention, such as more shakedowns.
- Another participant said her agency has a gang intelligence sergeant and holds weekly gang management meetings with the police to learn who the leaders and members are. Members are distributed throughout the facility. Deputies monitor for gang recruiting activity.
- In one agency, gang members had been defying officers because of their strength in numbers. The agency began to separate gang members via classification and a security threat group position. After they were spread throughout the facility, gang members have been quieter and less aggressive.
- Another agency separates the leadership of known gangs and uses a population formulary so no dormitory is controlled by any one gang.
- One county attempted to segregate gang members, but it didn't work well. When members of different gangs were housed together, there were more snitches because the inmates felt more threatened. It helped to undermine the underground economy in the jail.

Important points are to identify gang members early, monitor gang activity in the jail, and ensure that crimes in the jail are prosecuted.

**Mental Health Care for Veterans**

Mental health support for inmates who are veterans poses some challenges as it pertains to daily release schedules and the liaison with community mental health providers. Once veterans are incarcerated, they lose their support systems and eligibility for services. Those who need community mental health support the most are particularly at risk.

- Battle Buddies is a program for enlisted service members and officers in jail or prison.
- One jail has two local nonprofits that monitor the jail's mental health population to identify veterans and provide pre-release case coverage and pickup at release.

**National Institute of Corrections**

- Discharge planning for veterans is part of another jail's medical care contract. The jail also has an AmeriCorps worker who enrolls or re-enrolls Medicaid-eligible inmates, including veterans, for services before they are released.
- VetStart is a grant-funded program that connects with a Texas jail via the local mental health authority and fills a gap. The jail provides access to its mental health unit. Case workers provide therapy and transition planning help. A participant commented that the U.S. military is good at recruiting in rural America but is not as good at providing services to veterans in those locations.
- Jails located in states that suspend benefits can share inmate lists so benefits can be reinstated the day inmates are released.
- Benefit specialists positions can be up to 50% federally funded.
- The jail in Orange County, Florida, has an extraordinary program with veterans on its staff. The program in Middlesex County, Massachusetts, was also mentioned favorably.
- Agencies that aren't in contact with the Veterans Administration already should bring them into their facilities. Close coordination on cases makes a difference. If an inmate is released at 10:00 a.m. and has a therapy appointment scheduled for 11:00, he can be driven to the appointment.
- It's useful to keep a running list of which inmates have had military service experience, keep data on veterans, and give outreach organizations some office space if possible.
- NIC's Justice Involved Veterans Network will soon release an updated list of specialized jail programs and services for veteran inmates. Information about the network is available on the NIC website at <https://info.nicic.gov/jiv/>.

**Alternative Shifts**

Participants discussed the pros and cons of 8-hour and 12-hour shifts. Some agencies have tried both shift patterns and found neither solves all problems.

- The 12-hour shift schedule tends to appeal to and work best for newer staff. Deputies like having every other weekend off. Overall, effects on retention aren't clear.
- Sticking with a 40-hour work week is beneficial, even if this is awkward with staff having 12-hour shifts plus a 4-hour shift.
- Officers in direct supervision facilities have said it is difficult to work a 12-hour shift with the high level of interaction. Inmates have less time to "work on" officers in 8-hour shifts.
- One agency opened its largest building on 12-hour shifts, which was working until the agency hit a population cap. Then the jail switched to 8-hour shifts and experienced a jump in sick leave and overtime use.

**National Institute of Corrections**

- An agency is offering both 8- and 12-hour shifts. The shifts for the 8s and 12s are staggered. Using both shift schedules is responsive to what different staff members prefer.
- Sleep debt studies suggest that 12-hour shifts are detrimental to the officers' physical well-being, particularly if the agency is not limiting staff in volunteering for overtime. Agencies must watch for staff performance effects.
- Multiple schedule options can help a facility job work for staff. Calculating net annual work hours is the most accurate way to determine if more positions are needed.
- Jail cultures are changing. It's more common now for officers to take their full 8 weeks of paternity leave. Agencies should be aware of issues, conduct culture assessments, and listen to what they hear. Deputies can be frustrated when their leave isn't approved for the days they want it. Parents have trouble finding day care if they have a long commute on top of a long shift.
- Another jail is experimenting with 4-hour shift blocks, using a scheduling team to work out the details. Hours can be adjusted so millennial staff can have longer weekends, which they value. The officers on the 8-hour and 12-hour shifts can cover for each other, and peers know if an officer is calling in sick but actually out playing.
- An agency found that going to 12s works if supervisors also work those shifts and have buy-in. It was recommended that agencies should go to 12s only if staff ask for it.
- There may be other ways to accommodate special needs. Some counties will allow two deputies to switch their work days if both of their supervisors sign off on it.
- A participant stated that one agency lost two deputies to car accidents because they were exhausted from working 12-hour shifts. In his experience, 12-hour shifts work for a short while, but then the situation deteriorates. The agency experienced a jump in the use of sick leave and FMLA leave. He recommended using other tools, such as master rosters and priority postings. Not all tasks need to be done during peak work hours. Combining duties also can be effective, with an officer's shift split into two assignments.

**Canine Detection of Contraband**

A questioner asked whether the use of canine units to control contraband is working well for any LJN agencies.

- Canines have been successful as a threat deterrent and very useful in shakedowns for contraband detection. Agencies can benefit from using dogs with each type of training. However, dogs trained for outdoor security can have trouble adapting to the internal jail environment.
- Canines at one jail detected four major finds in the outer perimeter and in intake in the last 6 months.

**National Institute of Corrections**

- Another agency contracts with a provider for quarterly canine visits. The last visit had major hits on contraband marijuana and cell phones. There were also hits on the new tablet devices available to inmates.
- A participant described acquiring dogs from shelters and getting them trained at no cost.
- In another location, the canine teams assist on tracking with the road patrol. This is a huge perk for the handlers and a morale boost for all staff.
- Airport security can be invited to use the jail to practice their dogs. These dogs are not trained to signal for cell phones but can detect other contraband.

**Background Checks for Medical Providers**

A questioner asked what other jails consider a good balance between an in-depth or a cursory look into contractors' medical care hires. With wait times of from weeks to months to complete a full background check, the process can push good applicants elsewhere where they can find work sooner.

- The National Commission on Correctional Health Care has standards that define the expectations for background checks on health care staff.
- Jails can use a national provider databank to ensure providers are licensed and the license hasn't been suspended. No one wants to hire someone who stole drugs at another facility.
- PREA requires background checks for anyone with potential access to inmates.
- The basic minimum check might look at NCIC and the licensure status.

**COs equipped with NARCAN**

NARCAN is a nasal spray form of naloxone, used in emergencies to treat opioid overdose.

- A participant said NARCAN is carried by COs, but only where there is a high likelihood of need. It is also available to nursing staff.
- In another system, staff have been trained to administer NARCAN and have saved lives. The agency is training inmates to administer NARCAN and equipping them with a NARCAN kit at release so they can use it in the community.

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## PROFESSIONAL ASSOCIATION UPDATES

### National Sheriffs' Association

*Larry Amerson, Chair, Detention Committee, National Sheriffs' Association*

Larry Amerson, a past president of the National Sheriffs' Association (NSA) and retired sheriff of Calhoun County, Texas, spoke on behalf of the organization. Amerson is the current chair of the detention committee at NSA. He invited all meeting participants, especially the sheriffs in the group, to join the committee.

Amerson spoke from experience and the knowledge that jail issues often have been overlooked. Sheriffs have the opportunity to make a difference through political channels and by improving funding for jails. Large Jail Network agencies represent high-population areas and should have the ear of elected representatives. FirstNet came into being because law enforcement got together and walked the halls in Congress. NSA's congressional affairs committee is effective in representing sheriffs' interests on Capitol Hill. In today's political climate, a concerted effort can lead to change, particularly in the areas of mental illness and opioid abuse.

Amerson introduced Carrie Hill, who was recently appointed as director of NSA's Center of Jail Operations. Hill followed up on Amerson's comments, stating that NSA has been advocating for more resources and training for jails with the U.S. Deputy Attorney General and Attorney General. To be supported fully, model programs such as MAT for opioid abuse need to be scalable so they're available to smaller jails with 250 beds and fewer.

Hill noted that in addition to having supporters in the legislatures, jails need a voice before the Supreme Court. About 70% of a sheriff's liability exposure comes from jails. Hill has recently contributed to an NSA amicus brief on a use of force lawsuit involving integral liability of those present when another officer uses excessive force.

Hill mentioned the development of "talking points" for sheriffs about jail issues. Jail leaders should be involved and share their expertise with sheriffs. Some issues are controversial, such as sanctuary for undocumented immigrants.

NSA will be adding caselaw information to its website and is launching a series of employment law webinars. A training event on legal issues will be developed in collaboration with the American Jail Association. Technical assistance also is available.

Hill wants to hear from jail leaders about what NSA can do for them around legal issues, such as educating vendors so jails can get the technology they need for better incident reports. She invited meeting participants to call her for navigational assistance if an agency has a legal case of concern or a situation that might be sensitive.

NSA Director of Grants and Contracts, Tim Woods, also greeted the group. Woods has been with NSA for 20 years. He invited participants to submit workshop proposals for NSA's conferences. Magazine articles are always appreciated and another way to share expertise.

## **National Commission on Correctional Health Care**

*Presenter: James Pavletich, CEO, NCCHC*

Jim Pavletich, the new CEO of the commission as of August 2017, shared news from NCCHC. NCCHC is updating its jail health care standards for a planned spring 2018 release. They will debut in an 8-hour session at the commission's national conference in Chicago this November. The conference's keynote speaker is Nneka Jones, director of the Cook County Jail in Chicago, Illinois, who is a clinical psychologist.

NCCHC has standards on mental health and opioid treatment that are available for reference. It is working on new accreditation management software and an accreditation portal.

NCCHC has partnered with the National Alliance on Mental Illness on training on mental health issues in jail. They delivered an all-day session on how to prepare for the certification test that produced a 100% pass rate.

The commission recently conducted a suicide prevention summit in Chicago. It also ran a pilot project on reducing arrests of mentally ill persons.

## **American Jail Association**

*Presenter: Robert Kasabian, Executive Director, AJA*

Bob Kasabian noted that AJA has been working with jail administrators and staff for 36 years and is delivering on its mission in several ways. Its magazine has won the APEX Award for the fifth year in a row. Its 2017 conference had record-breaking attendance and exhibits. It has certified almost 1,000 jail officers, jail managers, and jail trainers. Its national jail leadership academy has graduated its 1,000th student.

AJA has also deployed a number of regional jail academies to bring training closer to the agencies that need it. States that would like to partner with AJA are invited to contact Kasabian. AJA uses webinars to deliver short training programs to a national audience. All webinars are archived for on-demand viewing via AJA's learning management system. A webinar this week will cover administration of NARCAN.

AJA also represents jail interests by educating legislators and regulatory agencies on issues of concern.

- H.R. 1886 and S. 573 in the Senate are a bipartisan measure to create a national criminal justice commission.



**National Institute of Corrections**

- S. 1593, the Pretrial Integrity and Safety Act of 2017, examines the use of money bail. Similar legislation passed by the state of New Jersey was a bellwether.
- S. 1524, the Dignity for Incarcerated Women Act of 2017, concerns trauma-informed and gender-responsive management in corrections as well as access to breast pumps, free menstrual care products, etc. Cory Booker and Elizabeth Warren are two of the bill's sponsors. It has bipartisan support and is now with the Senate Judiciary Committee. Kasabian commented that jails should have been doing these things already; getting ahead of these issues now will be more agreeable than being told what to do if a law is passed.
- The interest from the Federal Communication Commission on inmate telephone rates is not over. Commissioner Mignon Cliburn is committed to bringing relief "from the greatest form of regulatory injustice she's seen in her years of service."

**American Correctional Association**

*Presenter: Bridget Bayliss-Curren, Director of Training and Accreditation, American Correctional Association*

Restrictive housing is a major focus for ACA this year. Two LJN facilities represented at the meeting were pilot sites for new ACA standards. Management options for seriously mentally ill inmates are still being refined, in particular the definition of "seriously mentally ill." The current standard language says these inmates cannot be housed in restrictive housing for an extended period. After the standards are approved, ACA will take restrictive housing training on the road for detention and prisons and invite area agencies to attend. Training will cover not just expected practices and how to meet them, but also alternatives.

ACA's detention facility accreditation process has outcomes attached that agencies can adopt as performance measures. ACA will offer a workshop on how to not just define outcome measures but how to use them as leverage.

Bayliss said that information from a plenary session on opiate use at the August conference will be placed on the ACA website for free; hepatitis C training is also available. ACA also is offering Hep C training for doctors and nurses in Kansas City, Denver, Washington, D.C., and Baton Rouge.

Mike Miskell added that a resolution on the use of medication-assisted treatment (MAT) to treat opioid use disorders was passed at the ACA conference this summer. ACA is sending the resolution to the White House's Christie Commission and members of congress for use in formulating new policy. ACA is partnering with the American Society of Addiction Medicine in this area.

ACA offers several certifications related to correctional behavioral health. Staff can be certified without the ACA training, or take the ACA training without certification as their aim. Each program is based on 40 hours of training. Staff can take "cherry pick" particular training segments according to current needs and interests.

## NIC AND LARGE JAIL NETWORK NEWS

### NIC INITIATIVES AND OUTREACH

NIC Jails Division Chief Steve Amos engaged meeting participants in a discussion of how NIC can maximize its effectiveness and impact in addressing the needs of the corrections field. NIC is a small agency with limited resources and a budget that has remained essentially unchanged for 20 years. To do more, NIC has been finding ways to be a “force multiplier” and to share important, innovative ideas and knowledge. An example is in NIC’s “centers of innovation” approach, in which Large Jail Network agencies, among others, can share expertise with smaller agencies within their communities, states, and regions across the nation.

Amos described two topics on which NIC has been making a difference.

- **Medication Assisted Treatment (MAT)** for confronting opioid and other substance abuse problems. NIC supported pilot projects involving MAT with various medications. The site in Middlesex County, Massachusetts, has received visits from other jurisdictions seeking to emulate its success. NIC will soon release a new publication on promising practices using MAT.
- **Crisis Intervention Training (CIT)**. NIC developed a 40-hour CIT training program for corrections that is strongly scenario-based. Rather than allocating \$40K to train 30 to 40 correctional staff, NIC will offer this program in a train-the-trainer format and provide master certification for trainers who can customize the content to local factors. The National Commission on Correctional Health Care (NCCHC) and U.S. Department of Justice reviewed the training. The goal is to have CIT-qualified trainers in every jurisdiction who can return to NIC for master-level refresher training as best practices continue to evolve.

To inform its strategic priorities, NIC relies on sources such as this LJN meeting involving agency leadership. Meetings can take place at NIC’s Academy or at sites elsewhere across the U.S., which could attract more and/or different participants and allow observation of operations in other agencies.

Review of consent decrees can uncover agency needs. Of the 32 U.S. correctional jurisdictions now operating under a consent decree or other court oversight, 29 are jails.

NIC TA requests are another indicator of where agencies are experiencing challenges. The NIC Jails Division received 110 TA requests in FY2017, not all of which could be filled.

Subjects on NIC’s priority list or mentioned by participants in this session include the following.

- Mental health care/behavioral health
- Jail utilization studies
- Staffing

- Grievance processes
- Staff wellness
- ICE detainees
- Legal oversight, litigation, and civil rights
- Reentry and medications oversight
- Restoration to competency
- Restrictive housing

A participant spoke about agencies' need for support with facility design and changing how deputies think about their jobs. She encouraged NIC to also find ways to assist smaller and medium-sized jails, perhaps by coming to them.

### **Federal Partners**

The discussion moved to ways NIC can pursue more cross-agency dialogue with federal entities. By helping state and local corrections agency voices be heard at the federal level, NIC can support the most effective investment of federal dollars.

- NIC can invite the incoming director of the Federal Bureau of Prisons (BOP), Mark Inch, to attend a future LJN meeting.
- Staff from the Bureau of Justice Statistics can be invited to an LJN meeting to hear from practitioners on the types of data they would find helpful and in what formats. Participants said that comparative data and information on trending issues, such as mental health, would be more valuable than routine demographic and population data. Basic information would also be useful, such as how many jails are operating in the U.S. and how many are run by sheriffs, counties, and municipalities. Short reports on what's working (or not) are more applicable than 200-page research studies. Funding solicitations go primarily to the university community, without the funding agencies asking practitioners what they need to have addressed.
- Opportunities to interact with Bureau of Justice Assistance (BJA) leadership at an LJN meeting also would be welcome. The director of the National Institute of Justice (NIJ) spoke at the LJN meeting in September 2016. The Office of Justice Programs (OJP) is another place to engage.
- The prior LJN meeting was held at FBI training facility in Quantico and focused on counterterrorism collaborations.
- NIC also can fund travel for speakers from the Substance Abuse and Mental Health Services Administration (SAMHSA) to help them fulfill their outreach mission in the corrections space in subjects such as opioid addiction treatment.

## National Reach

NIC also can leverage alliances with and among the field's professional associations to create a stronger, more unified voice for corrections.

A participant commented that different organizations are speaking the same language in the area of mental health and jails, for example, but they all have a different "flavor." Jail administrators hear about CIT, Mental Health First Aid, and ACA's behavioral health certification; how does a field agency decide which path to take? It would be clearer for his staff if NIC and other organizations all would endorse high-value programs as a type of national standard.

Sheriff Amerson, representing the National Sheriffs' Association, stated that NSA aims to raise awareness of jails and improve the recognition given to jail innovators. He invited participants to get in touch with NSA directly or through NIC. He added that the corrections profession is a powerful force to be reckoned with collectively. He suggested that NIC and the corrections professional organizations should communicate to policymakers in writing, on letterhead that includes all the organizations' logos. By speaking as one on an issue, their endorsement might accomplish more than their individual approaches. This approach was very successful in Texas.

Bob Kasabian of AJA said that he has discussed research concerns with BJS and will represent jails at an upcoming meeting. BJS data has a lot of consumers. The needs of jail administrators haven't been heard, and some data have not been offered in a useable form. BJS depends on agencies to respond to its surveys, so the resulting reports should be useful to the agencies that are the sources of the information.

Sandy Cathcart from the NIC Jails Division said that agencies must express their needs repeatedly for themes to be heard as requests come from different agencies. It's important to share what areas are of interest and need inquiry.

Steve Amos mentioned the National Sheriffs' Institute training, offered jointly by NIC and NSA. The NSI program can be used to emphasize the importance of getting engaged in the LJN and other professional groups.

The International Association of Chiefs of Police (IACP) has been a source of funding on civil rights and racial factors in public safety. The outcomes and benefits of this project should be shared widely.

Participants offered thoughts on ways to support NIC itself. An AJA officer has asked elected representatives in D.C. to increase NIC's budget and would like NSA, NCCHC, and ACA to join in making that request. With the growth in prison and jail populations across the nation over past decades, it doesn't make sense for NIC's budget to have been flat. Other participants have made the same case with top officials in the U.S. Department of Justice. They emphasize that in spite of its low budget, NIC has a remarkable impact.

NIC also can send staff to attend state and local association meetings. Amos invited participants to reach out if agencies in their state or locality would benefit from hearing from NIC directly.

## LARGE JAIL NETWORK BUSINESS

LJN coordinator Mike Jackson announces group meetings and registration deadlines via the LJN forum, a web-based communication system with an email option. Participants can use the forum between network meetings to ask questions and share expertise.

Each participating LJN agency can have up to three participants in the forum. Agencies should contact Mike Jackson to sign up for access to the forum.

### Topics of Concern to Members

The next meeting of the Large Jail Network will take place at NIC's National Corrections Academy facilities in Aurora, Colorado, on March 26-27 in Aurora, Colorado. The network's advisory panel will confirm the meeting agenda and ask network members to suggest presenters at a later stage in planning.

During the introductions session of this meeting, participants were asked to offer comments on their most pressing problem that NIC can help with. The common themes that emerged were as follows.

- Staffing, overtime, recruitment, retention (23 mentions)
- Mental health care (19 mentions, plus 5 specific to co-occurring disorders)
- Opioid response (11 mentions)
- Community partners, collaborations, justice system support (11 mentions)
- Crowding (10 mentions)
- County issues, legislatures, and funding (7 mentions).

In a wrap-up session at the end of this meeting, participants identified several potential topics for the agenda of the upcoming meeting.

- Measuring success with jail-based mental health programs
- Leveraging statistics
- Inmate behavior management, including in special housing
- Mental Health First Aid
- Retention strategies and staff turnover
- Restrictive housing
- Return to competency contracts with state hospitals
- Gender-responsive and trauma-informed jail practices
- Natural disasters: lessons learned
- Personnel management related to LGBTI employees

- Priority posting/master roster management
- Grant research/writing
- Administrative segregation
- HIPAA law enforcement exemptions in the jails: covered and non-covered entities
- Employee conduct, discipline, and termination
- Recognition of the jail's role in solving social problems; jail branding and reputation; "from dumping grounds to solutions"
- Detoxification/treatment for substance abuse: internal programs plus reentry.

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**Appendix A**

**Large Jail Network  
September 2017 Final Meeting Agenda**

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## LARGE JAIL NETWORK MEETING

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September 6–7, 2017

National Corrections Academy

Aurora, CO

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### Agenda

**Wednesday, September 6**

**Day One – Federal Partnerships and Association Updates**

8:00 a.m.	Introduction and Overview	Mike Jackson Correctional Program Specialist, NIC
8:30 a.m.	Opening Comments	Jim Cosby Director, NIC
9:00 a.m.	Mental Health Inmate Management – Texas Initiative	Dennis Wilson Limestone Co, TX Kim Howell Lubbock Co, TX
11:00 a.m.	Heroin Epidemic – MAT Model in Franklin Co. OH	Geoff Stobart Franklin Co, OH
12:00 noon	LUNCH	
1:00 p.m.	Association Updates	ACA, AJA, NSA, NCCHC
2:15 p.m.	Peer Support	Elias Diggins Jacob Matthews Sonya Gillespie-Carter Denver SO, CO
4:00 p.m.	Hot Topics	Mike Jackson NIC
5:00 p.m.	ADJOURN	



**Thursday, September 7**

**Day Two – Topical Presentations**

8:00 a.m.	NIC Initiatives and Outreach	Stephen Amos NIC
9:00 a.m.	Immigration Screening	Clint Haggard DDO Criminal Alien Program
10:30 a.m.	Legal Updates	Carrie Hill National Sheriffs' Assn.
12:00 noon	LUNCH	
1:00 p.m.	Legal Updates (continued)	Carrie Hill NSA
4:30 p.m.	Future Meeting Topics	Mike Jackson NIC
5:00	ADJOURN	

**Appendix B**

**Large Jail Network  
September 2017 Participant List**

<b>Agency/Organization</b>	<b>First Name</b>	<b>Last Name</b>	<b>Job Title</b>
Jefferson Co Sheriff's Office	David	Agee	Captain
National Sheriffs' Association	Larry	Amerson	Detention Committee Chairman
Dane County Sheriff's Office	Richelle	Anhalt	Captain/Jail Administrator
American Correctional Association	Bridget	Bayliss	Director
Charleston County Sheriff's Office	Willis	Beatty	Chief Deputy Jail Administrator
Seminole County Sheriff's Office	Laura	Bedard	Chief
St. Louis County Jail	Herb	Bernsen	Director
Knox County Sheriff's Office	Brian	Bivens	Assistant Chief
Marion County Sheriff's Office	Clint	Bowen	Major/Bureau Chief
Essex County Sheriff's Department	Kevin	Coppinger	Sheriff
Brazos County Sheriff's Office	Wayne	Dicky	Jail Administrator
San Bernardino County Sheriff's Department	Shannon	Dicus	Assistant Sheriff
Sedgwick County Sheriff's Office	Brenda	Dietzman	Undersheriff
Denver Sheriff Department	Elias	Diggins	Division Chief
Worcester County Sheriff's Dept.	Lewis	Evangelidis	Sheriff
Denver Sheriff Department	Patrick	Firman	Sheriff
Chatham County Sheriff's Office	Todd	Freeseemann	Policy Director
Essex County Sheriff's Department	William	Gerke	Superintendent
Montgomery County Correctional Facility	Robert	Green	Director
Washoe County Sheriff's Office	Tom	Green	Chief Deputy
Riverside County Sheriff	Jerry	Gutierrez	Assistant Sheriff
Pinellas County Sheriff's Office	Paul	Halle	Chief Deputy
King County	William	Hayes	Director
Pinal County Sheriff's Office	Matthew	Hedrick	Jail Chief
Maricopa County Sheriff's Office	Ben	Henry	Chief Deputy
Dallas County Sheriff's Office	Jesse	Herrera	Chief Deputy
National Sheriff's Assn.	Carrie	Hill	Legal Counsel
Bexar County Sheriff's Office	Bobby	Hogeland	Asst. Chief Deputy
Lubbock County Sheriff's Office Detention Center	Kim	Howell	Assistant Chief
Shelby County DOC	Michael	Howse	Deputy Administrator
Pasco Sheriff's Office	Stacey	Jenkins	Court Services Captain
Los Angeles Sheriff's Dept.	Stephen	Johnson	Chief
American Jail Assn.	John	Johnson	President
American Jail Assn.	Robert	Kasabian	Executive Director
Richland County	Shane	Kitchen	Assistant Director
Maricopa County Sheriff's Office	Brian	Lee	Deputy Chief
Milwaukee House of Corrections	Ron	Malone	Warden
Orleans Parish Sheriff's Office	Gary	Maynard	Director

<b>Agency/Organization</b>	<b>First Name</b>	<b>Last Name</b>	<b>Job Title</b>
Prince George's County	Mary Lou	McDonough	Director
American Correctional Association	Michael	Miskell	Correctional Health Specialist
Jacksonville SO	Tammy	Morris	Director
Tulsa County Sheriff's Office	David	Parker	Jail Administrator
Travis County Sheriff's Office	Shane	Poole	Major
Travis County Sheriff's Office	Wes	Priddy	Major
Jefferson Co SO	Robert	Reardon	Director
Lubbock County Sheriff's Office	Kelly	Rowe	Sheriff
Sedgwick County Sheriff's Office	Jared	Schechter	Captain
Lubbock County Sheriff's Office Detention Center	Cody	Scott	Chief Deputy
Bell County Sheriff's Department	Byron	Shelton	Lieutenant
Multnomah Co. SO	Mike	Shults	Chief Deputy
Palm Beach County Sheriff's Office	Alfonso	Starling	Captain
Franklin County Sheriff's Office	Geoff	Stobart	Chief Deputy
Greenville County Detention Center	Marshall	Stowers	Captain
Las Vegas Metropolitan Police Department/Detentions Services Division	Richard	Suey	Deputy Chief
Kent County Sheriff Department	Klint	Thorne	Captain
National Commission on Correctional Health Care	Tracey	Titus	Vice President
Henrico County Sheriff's Office	Michael	Wade	Sheriff
Rhode Island Department of Corrections	Ashbel	Wall	Director
Baltimore County Department of Corrections	Gail	Watts	Deputy Director
Davidson County Sheriff's Office	Tony	Wilkes	Chief of Corrections
Limestone County Sheriff's Office	Dennis	Wilson	Sheriff
New River Valley Regional Jail	Greg	Winston	Superintendent
National Sheriffs' Association	Timothy	Woods	Director of Grants & Contracts
Caddo Parish Sheriff's Office	Robert	Wyche	Commander

## **Appendix C**

### **Index of Past LJN Meeting Topics**

**LARGE JAIL NETWORK MEETING TOPICS  
JUNE 1990 – SEPTEMBER 2017**

<b>1990</b>	June	System Approaches to Jail Crowding and Population Management
<b>1991</b>	January	Crowding Strategies and the Impact of Court Decisions
	July	Managing Jail Litigation Linking Jail and Community Programs
<b>1992</b>	January	Fair Labor Standards Act Writing and Negotiating Contracts
	July	Americans With Disabilities Act
<b>1993</b>	January	Blood-Borne and Airborne Pathogens Health Care Costs in Jails
	July	Privatization Programs for Women Offenders
<b>1994</b>	January	Public Policy and Intergovernmental Dimensions of the Role of Jails, Professional Associations in Corrections: Their Influence on National Perspectives of the Role of Jails
	July	Using Data and the Resources of the Bureau of Justice Statistics Developing Resources to Provide Inmate Programs
<b>1995</b>	January	Gangs, Jails and Criminal Justice
	July	Trends in Employee Relations Sexual Harassment
<b>1996</b>	January	The Dilemma of In-Custody Deaths The Crime Bill and Its Impact on Jails
	July	Juveniles in Adult Jails
<b>1997</b>	January	Meeting the Competition of Privatization
	July	21st Century Technology and its Application to Local Jail Information and Operational Needs.
<b>1998</b>	January	The Future of Our Workforce: Pre-employment Testing, Recruiting, Hiring, Training and Evaluating 'New Age' Employees {Generation X} Legal Issues Update — Update of PLRA {Prison Litigation Reform Act}
	July	Taking A Proactive Approach to the Prevention of Employee Lawsuits.
<b>1999</b>	January	Post-Traumatic Stress Syndrome and Critical Incidents: Preparation, Response, and Review Legal Issues Update
	July	Improving Opportunities for Successful Recruitment, Selection, and Retention of Staff.

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<b>2000</b>	January	Criminal Justice System Coordination and Cooperation: How the Jail Benefits and the System Is Improved. Legal Issues Update.
	July	Exploring Issues and Strategies for Marketing, Funding, and Auditing Large Jail Systems.
<b>2001</b>	January	The Use of Data for Planning, Decision Making, and Measuring Outcomes.
	July	Understanding and Using the Data & Resources of the Bureau of Justice Statistics Staff Issues in Large Jails: Staff Utilization, Relationships, Conduct & Misconduct
<b>2002</b>	January	The Future of Jails, Corrections and Criminal Justice Legal Issues Update
	July	Inmate Medical Care Cost Containment Succession Planning for Future Jail Leaders
<b>2003</b>	January	Addressing the Future of Jail Legislation, Resources and Improving Funding Legislation, Resources and Funding: A Perspective from our Professional Associations The Role and Use of Professional Standards and Internal Affairs Large Jail Network Listserv and Web Technology Legal Issues Update - Health Insurance Portability and Accountability Act of 1996 (HIPAA), Admission Screening
	July	Defining the Future & Exploring Organizational Strategies Impact of Jail Population Changes on Jail Management Jail Standards & Accreditation Use of Technology for Jail Administration & Operation
<b>2004</b>	February	Emergency Preparedness: Planning and Implementation Contagious Disease Identification and Prevention Legal Issues Update - Inmate Medical Confidentiality, Involuntary Mental Health Treatment, Contract Provider Litigation, Arrestee Clothing Searches
	July	Effectively Managing Inmate Gangs in Jails Identifying Problems/Managing Inmate Mental Health
<b>2005</b>	January	Preparing Leaders in Corrections for the Future – NIC's Core Competency Project Training as a Strategic Management Tool Inmate Mental Health: Legal Issues, Management, Diversion Justice and the Revolving Door and Corrections Into the Next Decade

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	July	Examining Federal and Local Benefits for Jail Detainees Ethics in the Administration of the Jail Human Resource Issues: Employee Recognition, Attendance, Restricted Duty
<b>2006</b>	January	Implementing PREA: The BJS Report Statistical Analysis: Crowding, Life Safety, Managing Staff Succession Planning The Question of TASERS Legal Issues Update
	July	Diagnosing, Analyzing and Improving the Jails Organizational Culture Planning for Catastrophes and Other Crises Prison Rape Elimination Act (PREA) and Jails Criminal Registration Unit: Hillsborough County, FL
<b>2007</b>	January	15th Anniversary Meeting Large Jail Systems Assessment Research Project Changing Organizational Culture Improving Collaboration Between Jails and Mental Health Systems Legal Issues Update
	September	Jail Inmate Re-Entry Programs: Public, Private, Non-Profit Involvement Jail Inmate Re-Entry Issues on a County Level Responding to Women Offenders in Large Jails Excited Delirium: A Problem to be Eliminated or Managed Recruiting, Hiring and Retention of Staff
<b>2008</b>	March	Immigration and Customs Enforcement 287(g) Program Contract Services Media Relations Workforce Development Legal Issues Update
	September	Faith Based Programs Human Resource Management Emerging Technologies Proactive Discipline
<b>2009</b>	March	Illegal Alien Programs Transgender, Lesbian, Gay, and Intersex Inmates Proactive Discipline Part 2 PREA Update Legal Issues Update



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	September	<p>PREA Commission Presentation          Legislative Updates          Successful Pre-Trial and Criminal Justice System Collaborations          USDOJ - ADA, CRIPA, LEP Presentation          Middle Management Training Programs</p>
<b>2010</b>	March	<p>The Trend of Medical Issues in the Future          Creating a Culture of Leadership          Creating Efficiencies in the Booking Area          R.I.S.E. Program (Henrico County, VA)          Coping Skills with and for Staff in Fiscally Tight Times          Legal Updates with Bill Collins</p>
	September	<p>ACA Core Jail Standards          Comstat Approaches to Accountability and Leadership          Battling Complacency in Line Staff and 1st Line Supervisors          Return to Work/Terminating the Legitimately Ill Employee          Addressing Staff Inmate Fraternization</p>
<b>2011</b>	March	<p>Legal Updates          Jail Suicide Update          PREA          Effective Use of Data with Policy Makers</p>
	September	<p>Recovering Jails          Staff Issues – Applicants, Discipline and Rumor Control          Technology Updates          Dealing with FMLA Abuses          Prescription Drug Epidemic and the Impact on Jails</p>
<b>2012</b>	March	<p>Legal Issues Update          Technology Update          Inmate Behavior Management          Regulatory Investigations Affecting Jails</p>
	September	<p>Media Relations          Civilianization and Use of Volunteers          Outsourcing: Pro and Con          Mental Health Care in Jails          Reentry from Jail</p>
<b>2013</b>	March	No meeting
	September	<p>Affordable Care Act          From Corrections Fatigue to Fulfillment          PREA Resource Center          Legal Issues Update</p>

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<b>2014</b>	March	Intelligence Led Policing and Jails Segregation of Inmates for Medical and Mental Health Care Facility Culture and Misconduct Crisis Intervention Training Counterfeiting and Jails Staff Wellness
	September	Legal Issues Update Domestic Threats: Domestic Terrorists and Sovereign Citizens PREA: Audit Lessons Affordable Care Act / Medicaid Mental Health Care Models Jail Leader Longevity in Office
<b>2015</b>	March	Veterans—Courts, Housing, and Programs Restrictive Housing: Step-Down Measures Re-Entry Programs and Partnerships with the Community Data—What to Capture and How to Use It Workforce Diversity
	September	Reduction of Arrests/Incarceration of the Mentally Ill Planning and Implementing Effective Mental Health Services in Jails High Liability Inmates Professional Certification Legal Updates
<b>2016</b>	March	Shaping the Message to Legislators/Decision-Makers Restrictive Housing Standards Staff Wellness Role of the Public Information Officer Introducing New NIC Executive Staff
	September	Stepping Up Initiative Medication-Assisted Treatment Jail-Based Mental Health Restoration NIC Behavioral Health Initiative NIC/NIJ Research Partnership Use of Force Correctional Law Update Human Trafficking Awareness
<b>2017</b>	March	Counterterrorism Collaborations
	September	Mental Health Training Criminal Justice Collaboration Officer Wellness Immigration Enforcement Legal Issues

