



Proceedings of the Large Jail Network Meeting: September 2011

Recovering Jails

**Employee Management: Hiring,
Discipline, and Rumor Control**

Technology Updates

Family and Medical Leave Act

Prescription Drug Epidemic

**Legislative and Association
Updates**

Open Forum

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**Proceedings of the Large Jail Network Meeting
Aurora, Colorado
September 19 – 21, 2011**

U.S. Department of Justice
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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>.

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.

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.

CONTENTS

About This Meeting	1
Meeting Highlights.....	2
Recovering the Prince George’s County Jail.....	3
Mary Lou McDonough and Gregory O. Harris, Prince George’s County Correctional Center, Upper Marlboro, Maryland	
Employee Management—Applicants, Discipline, and Rumor Control	6
Part 1. Preventing and Handling Staff Issues	6
Marilyn Chandler Ford, Volusia County Department of Corrections, Daytona Beach, Florida	
Part 2. Steering Through Storms	11
Curtis Flowers, Hillsborough County Sheriff’s Office, Tampa, Florida	
Technology Updates	13
Part 1. Pilot Project: Remote Visitation	13
Debra Campbell, Washoe County Sheriff’s Office, Reno, Nevada	
Part 2. Technology: What Is Out There?	15
Glenn Kurtz, Sedgwick County Sheriff’s Office, Wichita, Kansas	
Dealing with Family and Medical Leave Act Abuses	20
Part 1. Understanding the Family and Medical Leave Act	20
Janet Wilson, Wage and Hour Division, U.S. Department of Labor, Denver, Colorado	
Part 2. Reducing FMLA Abuse	33
Marilyn Chandler Ford, Volusia County Department of Corrections, Daytona Beach, Florida	

The Prescription Drug Epidemic and Jails: Stopping the “Pill Mills”	36
Ed Beckman, Pasco County Sheriff’s Office, Land O’Lakes, Florida	
Legislative and Association Updates.....	40
American Correctional Association News	40
Jeff Washington, American Correctional Association, Alexandria, Virginia	
American Jail Association Training and Certification	41
Kim Moule, San Joaquin County Sheriff’s Office, French Camp, California	
Recap of Attorney General Meeting on PREA Standards.....	41
Mitch Lucas, Charleston County Sheriff’s Office, North Charleston, South Carolina	
Open Forum.....	46
Roving Security Teams.....	46
Prison Legal News and the ACLU	46
Cell Phone Detection Technology.....	47
Inmates Serving Time From Another Jail.....	47
Use of Black Light to Detect Blood	48
Inmate Handbooks.....	48
Managing Inmate Behavior	48
Use of Alcohol On and Off Duty.....	49
Inmate Email.....	49
Staff Time Tracking to Establish Proof of Meal Breaks	50
Refusal to Comply with Strip Searches.....	51
Customer Service Skills for Lobby Staff	51
Restraints, Padded Cells, and Care for Mentally Ill Detainees	52
Emergency Preparedness Agreements	54
Stopping Child Pornography	54
ATM Machines and Inmate Money	55
Religious Accommodation: Kirpan and Burkha.....	55

Calculating Inmate Cost per Day	56
Disallowing Staples in the Jail.....	57
Disabled Veterans as Detention Officers	57
Managing Inmate Property with RFID	57
State Funding Assistance to Jails	57
Staff Interactions with Inmates on Suicide Watch	58
Honor Guard Units.....	58
Accommodations for Pregnant Officers and New Mothers	58
Inmates' Prescription Medications	59
Large Jail Network Business.....	60
NIC Information Center Updates.....	60
Future Meeting Topics	63

APPENDICES

Appendix A. LJN September 2011 Final Meeting Agenda

Appendix B. LJN September 2011 Participant List

Appendix C. Index of Past LJN Meeting Topics

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ABOUT THIS MEETING

The September 2011 Large Jail Network meeting took place at the Doubletree Hotel in Aurora, Colorado. There were 67 detention agency staff in attendance.

The meeting began with an informal dinner on Monday, September 19, with participant and guest introductions. Two days of presentations and discussion followed.

Guests and speakers at the meeting included:

- Janet Wilson, U.S. Department of Labor, Wage and Hour Division, Denver, Colorado;
- Jeff Washington, Deputy Executive Director, American Correctional Association, Alexandria, Virginia; and
- 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.

MEETING HIGHLIGHTS

Improving Jail Operations

- p. 3* Shrinking a top-heavy management structure, ensuring adherence to procedure, and paying attention to what motivates staff have turned around performance at the Prince George's County Correctional Center in Upper Marlboro, Maryland.

Managing Employees

- p. 6* A smoothly running jail depends on a strong professional culture. Agency leaders can foster this culture through good hiring practices, an effective disciplinary system, and clear and consistent communications with managers and employees.
- p. 11* Incidents and investigations don't need to throw an agency off its stride. Jail command staff should share details of incidents and disciplinary actions and make them a tool for managing performance. Transparency prevents rumors from taking hold and improves performance.

Technology

- p. 13* Online visitation is becoming more commonplace and convenient to install and manage, and it does not appear to reduce in-person visitation or inmate telephone calls.
- p. 15* New technology options for jails are surveyed, including tools for detection of contraband cell phones, whole-body imaging, body-mounted cameras to improve incident review, identity-verified collect calling systems, and uses for outdated computers.

Family and Medical Leave Act (FMLA)

- p. 20* The intricacies of the Family and Medical Leave Act can be leveraged to protect agencies as well as employees' jobs. A U.S. Department of Labor speaker and a jail administrator share interpretations and ideas for fair and equitable use of FMLA leave.

The "Pill Mill" Threat to Communities and Jails

- p. 47* Under-regulated sale of pharmaceuticals in Florida has led to uncontrolled purchasing for sale of pills on the street and severe impacts on local jails. A jail director shares what to watch for.

PROGRAM SESSION: RECOVERING JAILS

RECOVERING THE PRINCE GEORGE'S COUNTY JAIL

Presenters: Mary Lou McDonough, Director, and Col. Gregory O. Harris, Deputy Director, Bureau of Operations, Prince George's County Correctional Center, Upper Marlboro, Maryland.

Mary Lou McDonough and Greg Harris described how they led the Prince George's County Department of Corrections through a needed turnaround in management and accountability. McDonough was brought in as interim director of the agency in 2008, after spending 3 years as the Deputy Director for Administration and 25 years in public housing, and was appointed to the permanent position in November 2010.

She had a rocky start.

- The agency had been experiencing more fights, officer attacks, inappropriate releases, sexual misconduct, and cell phone contraband. Four firearms were found to be missing in the armorer's monthly inventory—two of which were later recovered. Problems were being exposed by a *Washington Post* reporter whose series of articles created the perception that the jail was badly managed.
- A suspicious death occurred in 2008, in which a 19-year-old African American was detained on suspicion of killing a white police officer and was found dead in his jail cell the next day. At a press conference the county executive said he wouldn't stand for vigilante justice. A police sergeant heard the medical examiner say the death looked like a homicide, and the story turned into a media storm. All the distrust the community had for police was transferred to detention. Events led to the departure of the former director. The death was later found to be a suicide that was covered up by a corrections officer. In an earlier incident, that officer had left a firearm in a hospital men's room and was fined. The officer did not want another mark on his record, so he removed the sheet from inmate's neck and left him on the floor to be discovered by his partner officer while delivering lunch.

Despite these indicators that all was not well, the correctional center was meeting stringent Maryland state jail standards and was ACA-accredited. An ACA team was invited to do an assessment. On the team were Tim Ryan (Miami-Dade County, Florida), Jim Coleman (Shelby County, Tennessee), and David Parrish (formerly of Hillsborough County, Florida).

The assessment identified several contributing issues:

- There was operational carelessness, a lack of accountability, and staff complacency. Staff relied on the jail's accreditation status as evidence that performance was high. The

appropriate procedures were in place; it was necessary to bring staff around to actually follow these procedural tools by ensuring accountability at all levels from line staff upward.

- The jail had an overload of management positions. Shift commanders were majors, assistant shift commanders were captains, each shift had three lieutenants, sergeants were zone commanders, and corporals and privates worked in the housing units. These staff levels were in place to give officers opportunities for upward mobility, and they were favored by the union. Duties for each level were not clear; shift commanders and assistant shift commanders identified themselves as having the same job responsibilities and pointed to each other as the ones to handle problems. To address the situation, many positions have been eliminated, and work is ongoing to reduce some positions further.
- Senior staff had less experience than they needed to run the facility as well as it should be. The agency provided excellent retirement benefits. Officers could retire after 20 years of service and receive 60% of their salary and often were hired for a second career in the D.C. metro area, or they could receive 80% of salary after 25 years. Officers also could buy themselves out sooner by trading in unused leave time. Batches of experienced staff would retire at the same time. People might reach the rank of captain in 8 years or less. Very little time was spent in grade before promotion.

McDonough discussed eight areas that needed attention to ensure better jail performance.

1. No targets. Goals are fun, create a sense of purpose, and add meaning to even the most repetitive tasks. Without a goal to shoot for, work is just work. Employees give little effort because they have nothing to gain.
2. No sense of mission. People like to feel a part of something bigger. Let employees know what you want the jail to achieve and their role in achieving it. But be careful with praise if it is not deserved. Prince George's was resting on successes it had achieved long ago and didn't now deserve.
3. No clear expectations. While every job should include decision-making latitude, every job also has expectations regarding the way certain situations should be handled. This is particularly true in a jail. Criticize an employee for being late for work today, even though last week no one said a word when he was late, and you've lost the employee. Make it clear what doing a good job means. When standards change, always communicate those changes first. When exceptions are made, explain why this particular situation is different.
4. No input. Everyone wants to be smart. People show they're smart by offering suggestions and ideas. Deny me the opportunity to make suggestions, or shoot my suggestions down without consideration, and I'm just a robot—and robots don't care. Make it easy for employees to present ideas, and when an idea doesn't have merit, take the time to explain why. You can't implement every idea, but you can make employees feel good every time they make a suggestion.
5. No connection. The jail provides the paycheck, but employees work for people. A kind word, a short discussion about family, a brief check-in to see if they need anything—these person-to-person moments are much more important than meetings or formal evaluations. Employees want to be seen as people, not numbers. Numbers don't care. People care—

National Institute of Corrections

especially when you care about them first. Each employee needs to feel connected to the purpose and goal of the organization.

6. No freedom. Best practices are important, but not every task deserves a best practice or micro-managed approach. Autonomy breeds engagement, satisfaction, and innovation. Even public safety and law enforcement positions have room for different approaches or paths. Decide which process battles are worth fighting; otherwise, let employees have some amount of freedom to work the way they work best. This is particularly true in direct supervision jails where the housing unit officers are in charge.
7. No consistency. Most employees can deal with a boss who is demanding and quick to criticize, as long as she treats every employee the same way. While it's okay and in fact necessary to treat individual employees differently, all employees must be treated fairly. Similar achievements should result in similar praise and rewards. Similar offenses should result in similar disciplinary actions. The key to maintaining consistency is to communicate; the more employees understand why a decision was made, the less likely they are to assume favoritism or unfair treatment.
8. No future. Every job should have the potential to lead to something better, either within or outside the jail. Take the time to develop employees for jobs they hope to fill—even if those positions are outside your jail. They will care about the jail because they know you care about it and them. Don't create positions just so you can promote; no one wants or needs to feel superfluous, even if it pays better.

Discussion

Tom Merkel (Hennepin County, Minnesota) asked whether the ACA accreditation process ought to have a way to get into performance issues. McDonough replied that ACA has taken a bit of grief over the Prince George's County example. Jails can meet the standards and still not be doing the things that need to be done. The biggest piece is to hold officers accountable for doing their jobs exactly as defined. To be accredited, jail staff need to document all kinds of things on forms; people who are not adequately supervised can get in the habit of checking off items so things look good on paper.

McDonough and Harris said the county has learned valuable lessons over the past few years. In the case of the suicide, agency leaders realized it had no system to flag high-profile cases and no procedure for placing a high-profile suspect on suicide watch. Now those inmates are automatically placed in the medical unit. The jail also has added 175 cameras to improve monitoring. Expectations have been tightened across the board; for example, staff will wear their vests or pay a \$150 fine. More people were fired from the agency in McDonough's first 6 months than in the prior 6 years.

Greg Harris wrapped up the session by emphasizing the need to hold people accountable. McDonough added that, coming from outside corrections, she has relied on Greg's security knowledge. The two are working as a team to improve the agency's performance. She can't change her past, but she's going to change the future of Prince George's County corrections.

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## PROGRAM SESSION: EMPLOYEE MANAGEMENT— APPLICANTS, DISCIPLINE, AND RUMOR CONTROL

### PART 1. PREVENTING AND HANDLING STAFF ISSUES

*Presenter: Marilyn Chandler Ford, Director, Volusia County Department of Corrections, Daytona Beach, Florida.*

Director Ford opened the session by saying most jail leaders know the principles involved in hiring the right staff members, holding them accountable, and keeping communication channels open for an accurate flow of information. Still, personnel management has its challenges. Jail leaders need to review their own agency and performance and ask themselves if they are really doing the basics in the application process, discipline, and internal communication.

#### **Application Process**

Hiring is the key to agency management because it indirectly affects productivity and budget. High turnover has a financial and organizational impact on jails. Getting the right people starts with applicants and how they are screened and made aware of the jail working environment.

To-do items for jail leaders:

- Check out the hiring process to be sure what you think is happening really is happening. Review the application forms and the questions asked in the initial interview.
- Set a tone of clarity and no surprises.
- Have applicants sign off on a list of mission-essential job requirements up front, to show they understand what the job may entail.
- Explain the jail's work schedule and likely attendance requirements.
- Explain the specific elements of the job: exposure to blood-borne illnesses, duty to intervene, physical fitness requirements, etc.
- Explain the effects of seniority in assignments, scheduling, leave, and advancement.
- Explain the importance of ethics.
- Follow a standard procedure for the application and hiring process, with no preferential hiring or fast-tracking particular candidates. People have long memories. Instead, aim to have the jail perceived as equitable, consistent, and responsible in its hiring practices.

More advice:

- Treat the hiring process as a priority. Don't let daily business drive the organization to the point that running a steady hiring process is overlooked.
- Treat each hiring choice as a critical decision. Don't put off a decision and plan on losing any less desirable candidates during the probation period.
- Remember there are no crystal balls. The interview can't tell you everything. A shy candidate may be the best performer, and a charismatic applicant may not. Investigators can be pulled off track by enthusiasm. Past experience is the best indicator of future behavior. Job hopping, supervisor problems, or other questionable behavior are flags. Sometimes the jail will recognize who has issues, but ultimately chance does play a role in some selections.
- Carefully consider any prior criminal history. If the candidate has misdemeanors on his or her record, ask for a written explanation, and also ask about it orally. Be sure what they say matches up with what they write.
- Pay attention to signals such as drug use, bankruptcies, traffic offenses, or failure to pay a student loan. Ask for an explanation in the interview to assess the candidate's credibility and truthfulness. Are they telling you the full story? If they minimize the matter or forget the details, that's additional information for your hiring decision.
- Ask the applicant, "What will your last supervisor tell me?"
- Check their references. One study found that 95% of college graduates will make at least one false statement to get a job.
- In the interview, let the applicant speak so you learn more about them—don't use the time detailing the agency's benefits, the job requirements, etc.
- Use open ended questions: what, how, have you ever, tell me about . . . Ask for specific examples that demonstrate the applicant's behavior and choices.
- Look for congruence between the individual's character and the agency's mission and style. Candidates with military experience often turn out to be a good fit.
- Document all the ways your agency has tried to learn more about an applicant. This reduces exposure to later claims of negligent hiring.

Ultimately, there is no divining rod of truth. The best approach is to go into the hiring process with clarity on what's important to you and your agency. The person's first day and every day until the end of the probation period are extensions of the interview.

## Discussion

- In one agency, applicants complete a required 2-hour tour of the facility. This thins out the applicant pool.
- Mitch Lucas said applicants in Charleston County, South Carolina, are asked to complete a 132-question personal history questionnaire that covers topics including DUIs, shoplifting, and drug use. Some people drop out if they aren't comfortable answering all the questions. A handwriting analyst looks at the writing sample. The questionnaire follows a reading comprehension assessment using the Nelson-Denny Reading Test. The results from the Hilson Background Investigation Inventory show the importance of empathy, ability to deal with conflict, and interpersonal skills. Charleston County doesn't hire for those character traits but does train on them.
- Some jails conduct polygraph testing with applicants, but others consider it too costly for the value.
- On the question of hiring family members, participants cited non-nepotism policies. Some families have a tradition of service in public safety. A participant cited a sheriff's rule that there can be no family members on the command staff of 12.
- A participant observed that many job applicants today want to be leaders, not followers. This creates turnover if advancement opportunities are few or the new hire is too self-directed to accept that he or she has a lot to learn about jails. Everyone can't be a chief. There was discussion on both sides of the issue. One administrator said she reviews what applicants write in an essay about where they want to be in a few years; if they say they want to be the boss, they probably aren't going to be happy. Another participant said he likes applicants with drive and goals—inside the housing unit, the officer is a chief and a leader. He tells new hires, "If you do a good job with this group of 64 inmates, you have a good chance of promotion."
- Few people grow up thinking they want to work in a jail, but they come to the field through necessity or exposure. Participants mentioned the varied backgrounds they've seen in their best recruits: a bartender, an ironworker, truckers, CPAs, clerks in quick-marts, and wait staff. The ability to deal with people with a smile is a great asset.
- Michael Frost (Essex County, Massachusetts) said he automatically wants to hire people like himself, and it's important to recognize these biases and pay attention to generational issues. Applicants need to have the ability to connect and have the heart to do this job or they won't be trainable. In that agency, people are evaluated by their peers as well as their supervisors through daily observations for first year; this empowers other employees to help decide who should stay and who should go.
- Mark Bolton (Louisville, Kentucky) added that jails want to develop people and expect that the cream rises to the top. A good succession planning system takes care of any issues.
- Participants discussed policy on checking online social networking sites. Most agencies that check these accounts do so in the presence of the person who owns the account. Social networking sites can show inconsistencies in applicant's statement that require further



explanation by the applicant. For example, if the application says the candidate rarely uses alcohol and there are photos to the contrary, the candidate should be asked to explain. An online check on TLO.com was also cited as something to review, since it may show potentially problematic online behavior. (See more on page 54.)

- Mike Than (Denver, Colorado), said that ongoing performance can use more scrutiny. It's useful to review who has been terminated or involved in incidents and to look for patterns—what proportion had prior military or law enforcement experience? Don't assume people don't need additional attention once they've been on the staff for a while; people change. Perhaps a psychological assessment is a good idea farther along in people's careers or at promotion points. Participants noted that money issues, stress related to jail incidents, substance abuse, and spouse abuse can stay below the radar, but agencies need to invest time and assistance in their employees. If staff can't pass psychological testing, they won't be terminated, but they'll be placed in a position where they can perform successfully. Jails can offer civilian positions, and employees can choose to take the job or leave the agency.

## Discipline

Employee discipline is about a fair process, consistent penalties, and accurate perceptions. Process involves obtaining information about the conduct and showing how the behavior translates into a policy violation. Leadership needs to be able to hear all sides of the story and to clearly explain why the conduct wasn't appropriate.

- A timely response is critical; a quicker decision is best, otherwise the discipline loses its immediacy and its deterrent effect. A participant said his agency requires a response within 180 days; while appropriate when the issue rises to the level of an Internal Affairs investigation, it may be too slow for most issues, such as excessive absenteeism.
- In one agency, sergeants can suspend officers for up to 3 days; the jail director believes the ability to exercise this type of authority prepares people to be leaders.
- Complete documentation is essential; don't rely on people's memory. Be sure copies are filed, perhaps in more than one location. In some agencies, files are removed when a new sheriff takes office. Violation records are needed to monitor the conduct of individual staff, to establish a precedent for consistency in discipline, and to have a strong position in case of appeal.
- It's also important to document that the agency is monitoring improvement or lack thereof. If an officer has received a letter of reprimand, is he now talking with inmates differently and avoiding profanity?
- Appropriate penalties can be determined through the agency's history of sanctions for consistency with precedent, taking into account any aggravating and mitigating factors. A standardized matrix of disciplinary actions can be used to determine sanctions and also track how often they are used. Employee assistance programs are not used in disciplinary situations.

- Training may or may not be considered a disciplinary or corrective action, depending on the agency. In a situation involving possible use of excessive force, it may be appropriate to give the staff member the benefit of the doubt and send them to training on conflict resolution, diversity, or another relevant topic.

## Perceptions and Rumor Control

Leadership's first tool for controlling perceptions and stopping rumors is to share consistent and appropriate information with supervisors and line staff. Harmony and cohesion enable the agency to operate.

Agency policy can define gossip and rumor-sharing as improper conduct. Regarding operational matters, staff should not make inaccurate, misleading, contradictory, or improper reports or other contributions to the official record. Reports should not be used to mislead.

An alternate way for addressing rumor is to develop a policy specifying that employees shall refrain from acts of insubordination. Policy can state that the agency does not tolerate ridicule of or public criticism toward the agency's orders, procedures, etc., or any other expression that could interfere with the maintenance of discipline or otherwise undermine the effectiveness of the agency. Staff need to understand the difference between what they can say to a spouse in private and what is appropriate to say publicly.

Rumors flourish under particular circumstances:

- A lack of knowledge—staff are uncomfortable with uncertainty.
- A lack of position—staff feel a need for more control or power.
- A lack of enough to do—staff are bored.
- A lack of self—staff with a weak personality need to attract attention.
- A lack of cohesion—staff are adrift in a vague organizational culture.
- A lack of commitment—staff are uncertain how they fit in the organization.

Ford concluded by saying jail leadership can't prevent all rumors. At some point, the best response is to grin and bear it.

## Discussion

- Participants discussed how well intranet sites or a chief's blog work for information sharing, answering staff questions, and rumor control. Timing issues can make this difficult. A speedy response is expected, but responding too quickly may mean that some staff get the answer before the full chain of command knows it (because of shift schedules), or that an answer is released before everyone in the chain of command has had a chance to weigh in with their views. The goal is to have everyone on the same page instead of directors and sergeants saying different things.

- Mark Adger (Fulton County, Georgia) created work groups to discuss issues related to a separate detention officer career path. Because the ideas and solutions were filtered through the working groups, the process was transparent, staff were involved and their input sought, and there were no surprises.
- Another jail director said he gives staff the message that they can ask him any question. When there is a concern, he wants the answer to come straight from himself so there is no confusion or difference about the message relayed.

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## PART 2. STEERING THROUGH STORMS

*Presenter: Curtis Flowers, Division Commander, Hillsborough County Sheriff's Office, Tampa, Florida.*

Curtis Flowers discussed the importance of reaching staff to manage the agency culture and performance after an incident or a disciplinary event. When leadership can't talk about a matter under investigation, it leaves a void and stories are created. Jail leaders need to consistently scan the internal environment and notice any currents that may be developing.

Hillsborough County faced a media storm in 2008 when a deputy dumped a physically disabled detainee out of his wheelchair. The incident was condemned by the government of China, the agency director was let go, and staff morale was severely shaken. It was later learned that the arresting officer had told the intake officer that the detainee was only pretending not to be able to walk. Though this was an isolated incident, staff became hesitant to touch inmates in wheelchairs.

In another incident, the agency terminated a deputy after he used excessive force on a juvenile detainee. It wasn't the force per se that caused his termination, but his lack of honesty in describing the incident. Nevertheless, the termination made other deputies hesitant about using force.

Once the culture has been affected by an incident, it can be difficult to reset staff behavior back to normal. Just sending out directives does not work. What does work is sharing the actual details of the incident as a springboard for training.

- If an officer is terminated for excessive force after he "snaps" on hearing his deputies verbally abused by a detainee, telling that story will help prepare staff to control their behavior in a similar situation. Command staff can use the video and reports as training tools. They can explain how the agency responded by placing the officer in custody and calling in the state's attorney to prosecute the officer.

- If an officer is terminated for failing to tell the truth about how his own inappropriate conduct provoked an inmate to assault him, the agency can show staff how the video record captured the real story. They can explain how the investigation process gave the officer several chances to tell the full story, but he didn't.

If staff don't get the facts, they will assume whatever they want to assume. It's up to jail leadership to fill in the blanks so people can't create their own stories. In-service training can be the best tool for clarifying these situations and using them for education.

### Discussion

- Mitch Lucas (Charleston County, South Carolina) commented that "sunshine laws" sometimes result in the release of information from internal affairs investigations while the investigations are still under way. Darren Long said that Travis County handled a serious incident involving sexual misconduct and civil rights violations by preparing a press release that was shared internally before the information landed in newspapers. People appreciated this approach.
- Patrick Tighe said that St. Lucie County, Florida, holds monthly meetings for citizens concerned about sheriff's office issues.
- Time frames for investigations and hearings are a barrier. Agencies may not be able to comment on a case for 4 months or more, even if there is internal consensus that a case should be prosecuted.
- Another training technique is to put the "audience" or management trainees in the position of top jail leadership. A training scenario can have a person play the role of the sheriff or jail chief who is being interviewed by the media or an independent review commission. What are the best answers to tough questions about your ability to run the jail? Mitch Lucas said this teaches staff, "Don't let an inmate take your career away from you." The exercise helps people understand what information to give, and not to give, to the media. Lucas said in a real situation, it needs to be the sheriff or jail director's face on the TV and in the interviews; a write-up in a newsletter is not enough to show real concern for staff and agency wellbeing.

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## PROGRAM SESSION: TECHNOLOGY UPDATES

### PART 1. PILOT PROJECT: REMOTE VISITATION

*Presenter: Debra Campbell, Detention Operations Manager, Washoe County Sheriff's Office, Reno, Nevada.*

To meet a goal of reducing foot traffic in the lobby, Washoe County recently agreed to be an early adopter of a remote, online system for inmate visitation called IWebVisit. The overall experience has been good, and growth and fine-tuning of the system's capabilities are still under way. After starting with six stations, the jail has expanded to 12 stations.

Set-up costs were about \$97,000 for wiring, monitors, and installation. The agency is now on its fourth iteration of its procedures for online visitation. At current per-visit rates for families and attorneys, the system is not generating money, but costs are being covered. Once the equipment costs have been met, the system will generate revenue.

Attorneys, families, and friends who want to use the system create an account on the company's website. Account information includes their email address, physical address, payment method, etc. The party requesting the visit can make an appointment online up until midnight the day beforehand by logging in at [http://www.iwebvisit.com/app/facility\\_choose.php](http://www.iwebvisit.com/app/facility_choose.php). Officers check the inmate's schedule to ensure the inmate will be in the facility and not on a work crew, in court, or being processed for release. If the inmate will not be available, the visit is canceled and payment is refunded.

On the housing unit, inmates are directed to the appropriate stations in their housing unit to take part in the scheduled visit. They can check the schedule in the morning to see if they have any scheduled visits.

Benefits to the agency include:

- It reduces staff time needed for in-person visitation and movement within the facility.
- The jail collects a fee, similar to an access charge for telephone use.
- The jail staff don't touch the system. If a unit is broken, the vendor handles the repair.
- It provides an incentive for good behavior. Inmates can have up to three visits per day.
- Washoe County can record the visits for review or use in investigations. Web visits can be monitored live or from the recording. Recordings are downloaded to CD for agency records. Session recordings are stored on the "cloud"—the agency never has been unable to access a recording it wants to review.

Benefits to visitors include:

- Less noise.
- Less need to travel.
- No need to bring children to the jail. The whole family can be on the call at the same time. (The county's social services department also wants to begin using this type of system for family visits.)
- Scheduling is easy from a desktop computer, mobile phone, or tablet device. Scheduling works so smoothly, the jail may begin offering a scheduling system for in-facility visits.

Cons:

- Though the vendor is customer-oriented, they sometimes wanted to move ahead on new features faster than the jail staff, who wanted to phase in changes more slowly.
- The vendor sometimes will come up with a new idea or feature that goes online within just a few days, before all the jail's management and officers can be informed.
- The vendor has full access to the system, which means they can move visits to a different station in the facility if all the stations in one housing unit have full schedules. The vendor thinks this helps the jail, because they don't understand the complexity of moving inmates around the facility.

The system is very popular with families, and some visit more than once per day. One-third of jail visits now happen online. Usage has grown from 80 visits in the first month to 1,089 in August 2011. The system also has helped in situations in which on-site visits would not have been possible. For example, an inmate's mother in Illinois was able to schedule online visits around her chemotherapy.

The agency has had three incidents in which visits were terminated because of sexual behavior. Usually, people stop any inappropriate behavior when reminded that they're being videotaped. Inmates can lose online visiting privileges.

The agency is not losing telephone revenues; in fact, commissions on phone calls have increased. Face-to-face visits actually have increased because the jail no longer has to turn people away.

Confidentiality is not a concern. Attorney visits take place in a separate room. Private attorneys pay about \$25 for a monthly contract or a per-visit fee. Washoe County agencies can use the system at no charge. Attorneys sometimes don't show up for scheduled visits; visit scheduling has a 15-minute gap between visits to allow for flexibility.

The agency has had no difficulty with approval of visitors or victim contact prohibited by court. Visitors' registration information provides a checkpoint.

## PART 2. TECHNOLOGY: WHAT IS OUT THERE?

*Presenter: Glenn Kurtz, Detention Bureau Commander, Sedgwick County Sheriff's Office, Wichita, Kansas.*

Glenn Kurtz said he enjoys pushing the limits of his IT department through his enthusiasm for new technologies. In this session he shared what he's recently learned about developments in the areas of cell phone detection, inmate collect call systems, body cameras, uses for old computers, and whole body imaging.

### Cell Phone Detection

The main options in jail contraband cell phone detection currently are hand-held sensors, sensors implanted in the jail facility, and trained dogs.

- Hand-held sensors find phones by detecting activity on the phone's radio frequency. Each brand of cell phone uses a different wavelength, so devices need to cover all bandwidths. Telephones need to be turned on to be detected. Officers can walk around building with the unit. A participant said that the Wolfhound™ model is too large to be carried around the facility without inmates noticing.
- Fixed sensors operate from units or antennas placed around the facility. Concrete and steel facility construction gives the sensors a limited range. Systems are expensive to install, with a base unit cost of \$400,000. Multiple buildings can connect up to the main system. The sensors detect telephone signals when the phones are turned on. They boost the signal on a given frequency so that when inmates turn on the cell phone, its signal goes to the strongest antenna. The system captures the card ID, telephone number, service provider, and date and time.
  - Kim Spadaro (Broward County, Florida) commented that jails still must depend on the service provider to cooperate in providing information.
  - Mitch Lucas (Charleston County, South Carolina) noted that jails are legally prevented from jamming cell phone transmissions because jamming technology can't be effectively limited to space within the jail perimeter, though a test in the District of Columbia was successful. Jamming also takes out communication systems for emergency responders if they enter the area, affecting public safety. Congressional legislation to permit jamming was introduced but not passed last session. Glenn Kurtz said that with the recent re-banding of the signal spectrum, it seems odd that jamming can't be limited to commercial cell phone bands.
  - Tim Ryan (Miami-Dade County, Florida) raised the question of why jails don't simply sell cell phones to inmates, impose a per-minute fee, and give them a room to make calls. The calls could be recorded and reviewed. This could be a better alternative than fighting phones and terminating staff who introduce them into the facility. Kurtz

said the telephone companies would need to accommodate collect cell phone calls. Phones that can accept up to 5 pre-programmed numbers would be a good option.

- Trained canines find cell phones by detecting the odor of the battery. Costs are from free to \$10,000 per fully trained dog and trained handler. Dogs currently are the most effective option. The phone doesn't have to be turned on to be detected. On the other hand, other devices (such as MP3 players) may have a similar odor, and dogs may signal on a person who had a phone in his or her pocket earlier in day. The handlers and the dogs need to stay current on their training. The California state corrections agency has 29 dogs and has found more than 1,200 phones in 2011 to date.
  - Mark Adger (Fulton County, Georgia) said that dogs have found phones in places where the jail staff didn't think to look, such as in the plumbing.
  - David Simons (Hampton Roads Regional Jail, Virginia) pointed out that dogs should not be used around inmates under custody for immigration issues.

## Discussion

- Participants agreed that cell phone contraband is fundamentally a staff accountability issue. Jail leaders need flexibility to deal with situations such as an officer who accidentally brings in a cell phone —the sheriff would not be pleased if the staff member were charged with a felony.
- Work release poses the biggest problem. Even when returning inmates are screened in their underwear, it's difficult to find all the cell phones.
- Phones also turn up in the booking area. Mitch Lucas (Charleston County, South Carolina) said it's important to remove the battery when phones are put in an inmate's property. If the battery is left in, there are ways to use the phone remotely even if it's turned off. For example, it may be possible to wipe the telephone numbers from the phone's memory before they can be used in a disciplinary or criminal investigation.

## Inmate Collect Call Systems

Inmate telephone service providers allow calls to be recorded, with branding at the beginning of the call and a warning in the middle to remind callers the conversation is being recorded. Kurtz has found this a very useful tool for investigating crimes and gathering intelligence. Attorney calls are not recorded, but attorneys still will be meeting with the sheriff to discuss concerns.

Security, call control, and identification can be handled in several ways.

- PIN numbers are effective until inmates begin swapping numbers. Common sources for PIN numbers are the inmate's fingerprint number or booking number.
- Biometric systems confirm the inmate's identity through fingerprints or voice recognition. The FBI's vast prints database makes this a good solution. Michele Robinette (Tulsa County, Oklahoma) said fingerprint data were exceeding the capacity of the jail



management system, so the agency is doing an upgrade. Kurtz said scratches on the screen can interfere with a positive ID, and systems for comparing prints can be slow.

- Voice recognition is a newer option that involves software only and can use the same telephones. Inmates must read a statement into the system to establish an identity for the first call. The system can be adjusted for sensitivity; if a pod has too much background noise, voice recognition may not work. If recognition settings are set too low, anyone can use the phone; if too high, the inmate may not be able to use the phone. Differences in intoxicated and sober voices, or having a cold, can prevent calls from being made.

## Body Cameras

Sedgwick County has used hand-held videocameras since the 1990s and now equips sergeants on response teams with a body camera. The cameras are lightweight, can be clipped onto the officer's clothing or cap or glasses, are easy to turn on, and are always available to record. Costs are low to purchase the cameras, about \$450 for the camera plus the file storage software. They can be used in addition to handheld cameras for another viewpoint that improves incident review and may stop unfounded citizen complaints. One Sedgwick County officer was exonerated on an accusation of inappropriate conduct because the body camera recording demonstrated his innocence.

The county has five cameras that are handed off shift to shift. The most important operational issue is who has control of the computer where files are downloaded. Agencies need to be ready to prove the recordings are secure and have not been tampered with. In Sedgwick County, recordings are downloaded in the sergeant's office for review. The VIEVU technology allows only system administrators to delete files.

The Taser company has a body camera product that allows staff to preview files and delete them before download. The units have the file storage worn close to the body; Glenn's officers found them more cumbersome to wear. Taser also is releasing a new TaserCam® unit with a camera that automatically records events when the Taser® is fired. An issue is that staff tend to drop the unit after firing, so the camera is less likely to record useful images after that point.

Kurtz commented that the body cameras are a good tool, because handheld units are never where you need them. Use of force has stayed about the same since the introduction of body cameras. The agency is processing an incident now that would be cleared up already if the officer had had his body camera on; the wall cameras just show people's backs.

The remaining issue is getting staff accustomed to turning on their cameras sooner in a potential incident, such as when moving an uncooperative inmate. The idea is to record the lead-up to the incident, not just the physical intervention. Mitch Lucas said all the members of Charleston County's extraction teams are wearing a camera, which gives the agency more angles for incident review. Kurtz agreed that when the agency has at least two different views, it's remarkable how much more information will be recorded visually and in the audio.

## 101 Uses for Old Computers

When Sedgwick County buys 50 or 60 new computers for the sheriff's department, the agency finds itself with plenty of "junkers" for repurposing. Sedgwick County installs the Zywall 2 Plus firewall at a cost of \$125 to \$135, which allows IT staff to lock down the system down to only pre-approved internet or intranet locations. When computers are wiped and equipped with firewalls, inmates can use them for several purposes.

- Inmates answer incoming telephone calls and respond to basic questions by using the sheriff's website and public inmate information database. There have been no complaints from the public or attorneys. The inmates identify themselves as, "This is trusty Johnson." A deputy provides backup for callers with more in-depth questions that require access to the full jail management system or other information.
- Inmates can search for jobs. One workstation is in the main jail facility, and another is in work release. Most job applications are submitted online, so this capability helps inmates find work. Inmates can use the system as they get close to release. Responses from potential employers go to a generic email address.
- Inmates can take care of in-jail business via email instead of completing paper request forms. Each housing unit has a computer for this purpose, located at the officer station. A paper form is still used for grievances. The system is based on a maintenance tracking/help desk system, and it tracks requests and staff responses. Messages are routed to the appropriate person, such as the sergeant. Administrators can review each inmate's requests by sorting on the booking number. Vendors are offering this functionality via kiosk, but the Sedgwick County sheriff is requiring an internal solution. Costs were about \$13,000 to develop the system. It also tracks medical use and vendor transactions. The detailed records have reduced surprises at deposition; attorneys are no longer able to produce copies of request forms the jail has lost or misplaced.
- Inmates can conduct legal research. The law library has three computers with online access to services such as Westlaw or LexisNexis.

## Whole Body Imaging

Concern over changing law on inmate strip searches led Sedgwick County to investigate options for body scanning technology.

- Millimeter wave systems use radio frequency waves to create a 3-D image. Two antennas rotate around the body, and the reflection is used to create the image in less than a minute. The images resemble people in space suits and show objects that are present between the person's clothing and skin. System costs are in the area of \$150,000 to \$190,000.
- Backscatter X-ray systems use low-dose waves and were designed for airports, where they often scan hundreds of people per day. Sedgwick County selected this technology. (See information at <http://bit.ly/BackscatterSedgwick>.) System costs were about \$100,000, and it was installed in half a day. Maintenance costs of \$10,000 per year include a state-required test on radiation levels. The expected life span for the system is 7 to 10 years.

The resulting image shows what's between the inmate's clothing and skin; it is less hard and alien looking than images from the millimeter wave system. The system is not as good at detecting paper, such as money in a pocket. Inmates are scanned in a hallway outside booking. Shoes must be removed because the machine's imaging doesn't reach to shoe level. The officer can adjust the image contrast as needed on a monitor that's protected by a curtain for privacy. When the officer is done with the review, the image is discarded. The newest versions of airport scanners display the human shape in a way that doesn't allow the viewer to distinguish males from females.

- Full X-ray systems are new on the market. The resulting images show much more detail, including bones and anything concealed inside the body. It's not clear whether paper will show up. Price quotes have ranged from \$200,000 to \$575,000. Kim Spadaro (Broward County, Florida) said the radiation dosage is low, and that the exposure from 365 images would be equivalent to a chest X-ray. Ed Beckman (Pasco County, Florida) said that Collier County, Florida, was the first in the state to purchase a full X-ray system. The county needed to obtain a waiver from the state department of health because it would be used for purposes other than medical care.
- Thermo-conductive infrared systems see objects in clothing and cost around \$40,000. Units are lightweight, and portable units are available. The image quality is between that of millimeter wave and backscatter X-ray systems.

## Discussion

- Curtis Flowers (Hillsborough County, Florida) asked how Sedgwick County has been able to use the backscatter system with misdemeanants, since they can't be strip searched per Kansas law. Kurtz said there have been no questions or complaints. The imaging system is much less intrusive than a physical strip search. The county attorney was skeptical at first but became convinced. Corrections legal advisor Bill Collins found no problem with the system as it is being used in Sedgwick County. It's difficult to find cause for concern when the Transportation Safety Authority is using the same technology with the free public, and agency practice covers privacy of the image, who sees it, storage, radiation exposure, etc.
- Kurtz said the main issue is staff training: officers need to slow down and take a good look. It's important that officer look for anything, not just the obvious weapons and metal objects. When the system first came online, staff recorded everything they found or didn't find. No drugs or weapons have been found in the jail since the system was brought online.
- Tom Merkel asked what happens if a deputy sees a handgun on an inmate being scanned. Kurtz said the inmate is still handcuffed during the scan, so the weapon can be removed safely.

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## PROGRAM SESSION: DEALING WITH FAMILY MEDICAL LEAVE ACT ABUSES

### PART 1. UNDERSTANDING THE FAMILY MEDICAL LEAVE ACT

*Presenter: Janet Wilson, Assistant Director, Denver office, Wage and Hour Division, U.S. Department of Labor.*

In this session, Janet Wilson reviewed the broad provisions of the Family and Medical Leave Act of 1993 (FMLA), provided some interpretive guidance, and answered questions about specific situations that have been encountered by jail managers. FMLA is intended to preserve the jobs of qualifying staff who are facing a health issue or are helping a family member who is doing so.

FMLA provides up to 12 weeks of unpaid leave in a calendar year for an eligible worker's own or family members' health conditions. If the worker or family member is a military service member, 26 weeks are available. To be eligible, the person must work for a covered employer and must have worked 1,250 hours in the year leading up to the request for FMLA leave. Compliance is a shared responsibility between the employer and the employee.

Local offices of the Wage and Hour Division (WHD) provide assistance to employers and conduct investigations; their aim is to be sure the law is being followed correctly. This gives agencies protection from abuses. Compliance with the Family Medical Leave Act (FMLA) has gotten more complicated over time with new requirements for armed services members and airline personnel.

Agencies that need assistance with complex situations can collect the relevant information and dates and call a WHD office. Staff there will walk agencies through the process of establishing eligibility timelines, etc.

#### **FMLA's Purpose**

The FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to:

- Twelve workweeks of leave in a 12-month period for:
  - the birth of a child and to care for the newborn child within one year of birth;
  - the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
  - to care for the employee's spouse, child, or parent who has a serious health condition;
  - a serious health condition that makes the employee unable to perform the essential functions of his or her job;

any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or

- Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness who is the spouse, son, daughter, parent, or next of kin to the employee (military caregiver leave).

## Provisions and Applications of FMLA

### Employer Coverage

FMLA applies to all:

public agencies, including State, local and Federal employers, and local education agencies (schools); and,

private sector employers who employ 50 or more employees for at least 20 workweeks in the current or preceding calendar year - including joint employers and successors of covered employers.

### Employee Eligibility

To be eligible for FMLA leave, an employee must work for a covered employer and:

have worked for that employer for at least 12 months; and

have worked at least 1,250 hours during the 12 months prior to the start of the FMLA leave; and,

work at a location where at least 50 employees are employed at the location or within 75 miles of the location.

Several states and other jurisdictions also have family or medical leave laws. If both the Federal law and a state law apply to an employer's operations, an employee is entitled to the most generous benefit provided under either law.

The Wage and Hour Division does not enforce state regulations.

There is no pregnancy exception to the rule that employees must have worked at least 1,250 hours within the last 12 months.

### Leave Entitlement

A covered employer must grant an eligible employee up to a total of 12 workweeks of unpaid leave in a 12 month period for one or more of the following reasons:

for the birth of a son or daughter, and to care for the newborn child;

for the placement with the employee of a child for adoption or foster care, and to care for the newly placed child;

to care for an immediate family member (spouse, child, or parent — but not a parent "in-law") with a serious health condition; and

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when the employee is unable to work because of a serious health condition.

Leave to care for a newborn child or for a newly placed child must conclude within 12 months after the birth or placement. (See CFR Section 825.201.) FMLA leave may be taken for morning sickness. Any time taken counts toward the total of 12 weeks of available unpaid leave.

This rule does not provide FMLA leave to care for siblings or a same-sex partner.

Spouses employed by the same employer may be limited to a combined total of 12 workweeks of family leave for the following reasons:

birth and care of a child;

for the placement of a child for adoption or foster care, and to care for the newly placed child; and,

to care for an employee's parent who has a serious health condition.

**Definitions:**

A serious health condition includes items treated via overnight stay in a hospital, hospice, or residential medical facility, or any related incapacity or subsequent treatment. Emergency room events are not qualifying.

"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or

a period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; or

any period of incapacity due to pregnancy, or for prenatal care; or

any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or

a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.); or,

any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

Chronic conditions are those that require periodic health care provider (HCP) office visits at least twice per year. Phone calls to check in with the provider are not sufficient.

Conditions that exist over an extended period of time may involve episodic rather than continuing periods of incapacity. The physician decides if the incapacity meets the criteria.

Incapacity may be due to pregnancy or prenatal care. This does not give staff complete leeway to schedule appointments during their normal work hours if this can be avoided. If a staff member has Wednesdays off, she should try to see her doctor on that day.

Rules for parents who share the same employer depend on their marital status and living arrangements. If the parents are married, they are eligible for a total of 12 weeks for both of them. If the parents are not married and are not living together, each parent is eligible for 12 weeks of leave.

Parents can take FMLA leave beginning before the child is born, on the day the child is born, or any time after the child is born. The 12 weeks are available any time within the 12 months after the birth date. Parents can take the time in increments rather than a single block.

### **Qualifying exigency / military service members**

FMLA also covers exigencies arising from military duty. These rules formerly applied only to people on reserve status, but now they also cover those on active duty. FMLA leave can be used to address any family issue that arises when a service member is called to duty. Examples include making living, school, and child care arrangements for children, preparing a will, and attending pre- and post-deployment ceremonies.

Covered service members can take up to 26 weeks of FMLA leave for a need incurred in the line of active duty that rendered the member medically unfit for duty. Leave-eligible employees include the spouse, son, daughter, or parent; they are eligible for 26 weeks of leave. If no close family members are available, the next of kin are eligible (a blood relative with legal custody, siblings, grandparents, aunts and uncles, or first cousins).

### **Intermittent/Reduced Schedule Leave**

The FMLA permits employees to take leave on an intermittent basis or to work a reduced schedule under certain circumstances. (CFR Section 203)

Intermittent/reduced schedule leave may be taken when medically necessary to care for a seriously ill family member, or because of the employee's serious health condition.

Intermittent/reduced schedule leave may be taken to care for a newborn or newly placed adopted or foster care child only with the employer's approval.

Only the amount of leave actually taken while on intermittent/reduced schedule leave may be charged as FMLA leave. Employees may not be required to take more FMLA leave than necessary to address the circumstances that cause the need for leave. Employers may account for FMLA leave in the shortest period of time that their payroll systems use, provided it is one hour or less. (See CFR Section 825-205.)

Employees needing intermittent/reduced schedule leave for foreseeable medical treatment must work with their employers to schedule the leave so as not to unduly disrupt the employer's operations, subject to the approval of the employee's health care provider. In such cases, the employer may transfer the employee temporarily to an alternative job with equivalent pay and benefits that accommodates recurring periods of leave better than the employee's regular job.

Special rules may apply. For example, in a workplace with “clean rooms,” all shifts come in and out at the same time. The employer can charge staff members for a full 8 hours of leave because there is no flexibility in when to report for work.

Employers only need to allow FMLA leave for times the staff member would otherwise actually be working. If an employee is on the midnight shift and has a daytime doctor appointment, the hours are not FMLA-eligible. Similarly, FMLA leave is not used for days on which the employee would not normally be scheduled to work.

FMLA leave can be used for planned medical treatment if the health care provider is not available at a non-work time. Employers can require staff to schedule elective surgery when it won't disrupt known workplace events, such as an annual inventory.

A person on intermittent leave can be transferred to an alternative position if the work outages are too disruptive to operations. The new position must have the same pay, benefits, and hours. When the disability is over, the employee is returned to his or her usual position.

### **Substitution of Paid Leave**

Employees may choose to use, or employers may require the employee to use, accrued paid leave to cover some or all of the FMLA leave taken. Employees may choose, or employers may require, the substitution of accrued paid vacation or personal leave for any of the situations covered by FMLA. The substitution of accrued sick or family leave is limited by the employer's policies governing the use of such leave.

This provision can be used to prevent situations when an employee wants to take 12 weeks of unpaid FMLA leave followed by 3 weeks of paid vacation time.

Time taken away from work on workers compensation can be counted against available FMLA leave time.

Comp time used can be counted against the FMLA entitlement.

### **Health Care Provider**

Health care providers who may provide certification of a serious health condition include:

- doctors of medicine or osteopathy authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices;

- podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice under State law;

- nurse practitioners, nurse-midwives, and clinical social workers authorized to practice under State law and performing within the scope of their practice as defined under State law;

- Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts;



any health care provider recognized by the employer or the employer's group health plan's benefits manager; and,

a health care provider listed above who practices in a country other than the United States and who is authorized to practice under the laws of that country.

### **Medical Certification**

An employer may require that the need for leave for a serious health condition of the employee or the employee's immediate family member be supported by a certification issued by a health care provider. The employer must allow the employee at least 15 calendar days to obtain the medical certification.

An employer may, at its own expense, require the employee to obtain a second medical certification from a health care provider. The employer may choose the health care provider for the second opinion, except that in most cases the employer may not regularly contract with or otherwise regularly use the services of the health care provider. If the opinions of the employee's and the employer's designated health care providers differ, the employer may require the employee to obtain certification from a third health care provider, again at the employer's expense. This third opinion shall be final and binding. The third health care provider must be approved jointly by the employer and the employee. (See "Certification of Health Care Provider"—optional form WH-380.)

Certification for military service exigencies is established via form WH-385. It may involve care providers within the Department of Defense, the Veterans Administration, or TRICARE, the health care program serving service members, retirees, and their families.

Staff who have been out on FMLA leave are subject to the same fitness for duty requirements as apply to other similar positions.

During an approved period of leave, the employer cannot request re-evaluation and recertification that the employee needs to be out on leave. If the leave was approved for 6 weeks, the employer cannot ask for a new opinion at 4 weeks.

If it is determined that the employee can no longer perform the main duties of his or her position, the employee's leave is no longer FMLA-eligible.

### **Maintenance of Health Benefits**

A covered employer is required to maintain group health insurance coverage, including family coverage, for an employee on FMLA leave on the same terms as if the employee continued to work.

Where appropriate, arrangements will need to be made for employees taking unpaid FMLA leave to pay their share of health insurance premiums. For example, if the group health plan involves co-payments by the employer and the employee, an employee on unpaid FMLA leave must make arrangements to pay his or her normal portion of the insurance premiums to maintain insurance coverage, as must the employer. Such payments may be made under any arrangement voluntarily agreed to by the employer and employee.

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An employer's obligation to maintain health benefits under FMLA stops if and when an employee informs the employer of an intent not to return to work at the end of the leave period, or if the employee fails to return to work when the FMLA leave entitlement is exhausted. The employer's obligation also stops if the employee's premium payment is more than 30 days late and the employer has given the employee written notice at least 15 days in advance advising that coverage will cease if payment is not received.

In some circumstances, the employer may recover premiums it paid to maintain health insurance coverage for an employee who fails to return to work from FMLA leave.

Group health plan benefits must be maintained throughout the leave period. The same terms and conditions must apply when they come back to work as if they had not been on leave. The employee must pay his/her share of the premium. If the employee chooses not to come back to work, the employer can write to request payment for premiums, but if the employee is unable to return to work, the employer cannot ask for a reimbursement of the premium.

**Other Benefits**

Other benefits, including cash payments chosen by the employee instead of group health insurance coverage, need not be maintained during periods of unpaid FMLA leave.

Certain types of earned benefits, such as seniority or paid leave, need not continue to accrue during periods of unpaid FMLA leave provided that such benefits do not accrue for employees on other types of unpaid leave. For other benefits, such as elected life insurance coverage, the employer and the employee may make arrangements to continue benefits during periods of unpaid FMLA leave. An employer may elect to continue such benefits to ensure that the employee will be eligible to be restored to the same benefits upon returning to work. At the conclusion of the leave, the employer may recover only the employee's share of premiums it paid to maintain other "non-health" benefits during unpaid FMLA leave.

Continuation of any other benefits, such as life insurance, goes by normal policy on unpaid leave.

**Job Restoration**

Upon return from FMLA leave, an employee must be restored to his or her original job, or to an equivalent job, which means virtually identical to the original job in terms of pay, benefits, and other employment terms and conditions.

In addition, an employee's use of FMLA leave cannot result in the loss of any employment benefit that the employee earned or was entitled to before using (but not necessarily during) FMLA leave.

The same or equivalent job also should be at the same location and level of responsibility, though it is understood that the employee may not get his or her specific assignments back.

Employers should keep clear records of the dates and hours when FMLA leave has been taken, and retain copies of all notices, emails, documents on benefits/policies, premium payments, and any disputes. The purpose is to show the agency is acting in good faith to follow FMLA rules or doing its best to comply.

### **“Key” Employee Exception**

Under limited circumstances where restoration to employment will cause “substantial and grievous economic injury” to its operations, an employer may refuse to reinstate certain highly-paid, salaried “key” employees. In order to do so, the employer must notify the employee in writing of his/her status as a key employee (as defined by FMLA), the reasons for denying job restoration, and provide the employee a reasonable opportunity to return to work after so notifying the employee.

## **Responsibilities Under FMLA**

### **Employee Responsibilities**

Eligible employees seeking to use FMLA leave may be required to provide:

30-day advance notice of the need to take FMLA leave when the need is foreseeable;

notice “as soon as practicable” when the need to take FMLA leave is not foreseeable (“as soon as practicable” generally means at least verbal notice to the employer within one or two business days of learning of the need to take FMLA leave);

sufficient information for the employer to understand that the employee needs leave for FMLA-qualifying reasons (the employee need not mention FMLA when requesting leave to meet this requirement, but may only explain why the leave is needed); and,

where the employer was not made aware that an employee was absent for FMLA reasons and the employee wants the leave counted as FMLA leave, timely notice (generally within two business days of returning to work) that leave was taken for an FMLA-qualifying reason.

Employers can require employees to provide certification to support the need for leave, to provide periodic status reports, and to provide fitness for duty certification. The employee must respond to the employer’s requests for info.

Once certified, employees must tell the employer when an outage is FMLA-related. Employees must consult with the employer when scheduling planned medical treatment. If agency policy says the agency requires 2 hours of notice before an outage and the employee doesn’t follow that rule, the agency does not have to give them FMLA leave for the missed time.

Medical certification should be obtained within 15 days. Two available forms are the optional WH-380-E and 380-F. If the initial certification documents do not provide enough information, the employee has another 7 days to cure any deficiency.

Annual certification may be required. If so, this is a new certification, not a re-certification.

Once an employee’s leave is certified, the related medical information is no longer covered by HIPAA privacy rules; it has become part of the employee’s personnel file. The health care provider can withhold details of the condition, and the employer cannot ask exactly what is going on; the provider’s certification is sufficient as-is.

If an employee’s provider won’t give them a certification for FMLA leave, the employer has no obligation to give the employee FMLA leave or to help employees find a provider who will certify them.

## Employer Requirements

Covered employers must take the following steps to provide information to employees about FMLA:

- post a notice approved by the Secretary of Labor (WH Publication 1420) explaining rights and responsibilities under FMLA;

- include information about employee rights and obligations under FMLA in employee handbooks or other written material, including Collective Bargaining Agreements (CBAs); or

- if handbooks or other written material do not exist, provide general written guidance about employee rights and obligations under FMLA whenever an employee requests leave (a copy of Fact Sheet No. 28 will fulfill this requirement); and

- provide a written notice designating the leave as FMLA leave and detailing specific expectations and obligations of an employee who is exercising his/her FMLA entitlements. The employer may use the "Employer Response to Employee Request for Family or Medical Leave" (optional form WH-381) to meet this requirement. This employer notice should be provided to the employee within one or two business days after receiving the employee's notice of need for leave and include the following:

  - that the leave will be counted against the employee's annual FMLA leave entitlement;

  - any requirements for the employee to furnish medical certification and the consequences of failing to do so;

  - the employee's right to elect to use accrued paid leave for unpaid FMLA leave and whether the employer will require the use of paid leave, and the conditions related to using paid leave;

  - any requirement for the employee to make co-premium payments for maintaining group health insurance and the arrangement for making such payments;

  - any requirement to present a fitness-for-duty certification before being restored to his/her job;

  - rights to job restoration upon return from leave;

  - employee's potential liability for reimbursement of health insurance premiums paid by the employer during the leave if the employee fails to return to work after taking FMLA leave; and

  - whether the employee qualifies as a "key" employee and the circumstances under which the employee may not be restored to his or her job following leave.

Notice of FMLA qualifying situations can be shared in the employee handbook, on staff intranets, and via a required poster as well as through other methods.

If an employee gives the agency information that it recognizes as an FMLA-qualifying situation, the employer must inform the employee of his or her eligibility for FMLA. The employee must give the employer sufficient information to make the determination. The employer's notice to the employee must be provided within 5 days of the onset of the qualifying situation. If the staff member is not eligible, the reasons why must be provided in the same 5-day period. Notification can be through Form WH-381; oral notification also is appropriate. The employee's direct supervisor has a duty to inform the HR department so it can take over the process.

Along with this notification, the employer gives the employee a notice of their rights and responsibilities.

Employees cannot decline FMLA unpaid medical leave if the situation is qualifying.

The employer's notification must convey that the leave may be FMLA-eligible, what the 12-month period of leave entitlement is and how it was calculated, what the requirements for certification are, what the agency's leave substitution requirement and policies are, what arrangements are in place for health insurance premium payments (and if employee will need to pay), whether key employee status applies, provisions for job restoration and for maintenance of benefit rights, and requirements for fitness for duty before returning to work. Typically the notice will include an indication of the amount of approved FMLA leave time, based on information from the health care provider, if the time needed can be predicted.

Employers should be able to answer questions from employees about how much FMLA leave time they have available.

Employers can take the initiative in establishing FMLA status, as in these examples.

- The first time an employee leaves work suffering from a migraine, the outage may not be FMLA-qualifying. If the migraines recur, providing FMLA notification protects the employer.
- If an employee contracts hepatitis while on vacation, the employer can put the employee on FMLA status as of the first day of the work outage.
- If an employee is in an accident and stays in a coma, the employer can initiate FMLA leave status without being able to communicate with employee.

### **Unlawful Acts**

FMLA makes it unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided by this law. It is also unlawful for an employer to discharge or discriminate against any individual for opposing any practice, or because of involvement in any proceeding, related to FMLA.

Employers cannot use the taking of FMLA leave as a negative factor in employment actions, such as hiring, promotions, or disciplinary actions; nor can FMLA leave be counted under "no fault" attendance policies.

### **Enforcement**

FMLA is enforced by the Wage and Hour Division of the U.S. Department of Labor's Employment Standards Administration. This agency investigates complaints of violations. If violations cannot be satisfactorily resolved, the Department may bring action in court to compel compliance.

An eligible employee may bring a private civil action against an employer for violations. An employee is not required to file a complaint with the Wage and Hour Division prior to bringing such action.

Employees must file complaints or a lawsuit within 2 years of the missed work. They can ask for missed wages and other lost benefits, such as payment of medical bills.

Interactions with problem employees who may be abusing FMLA should be fully documented. Even if the initial finding by the Wage and Hours Division favors the employer, the employee can still file suit.

### **Return to Work**

Employers can require a health care provider's certification of the employee's fitness to return to work. State or local law or collective bargaining agreements may apply.

### **Final Points for Employers**

Employers can charge employees for FMLA leave in whatever increments the employer's system tracks: minutes, quarter hours, etc.

The 12-month FMLA time period is defined by employer policy. Most often the 12 months begins on a date specific to the employee's situation, such as the first time the employee uses medical leave. Agencies can also follow the same fixed year period for all staff. Details are available online in §825.200.

The neutrality of FMLA works in favor of employers as well. An employer has the same right to terminate or lay off an employee who is on FMLA leave as it has with any other staff member.

### **Discussion: Specifics in the Jail**

Participants asked for comments on some of the FMLA-related situations they encounter.

**Question:** What can an agency do about an employee who abuses all possible leave and takes the maximum FMLA leave each year? For example, an employee has a pattern of falling and going on out on workers compensation—and has had 26 workers compensation claims.

- This employee is not going to reach the required 1,250 work hours in the preceding 12 months that establish FMLA eligibility. Workers compensation time does not count toward hours worked. Military duty does count toward hours worked.

**Question:** How should agencies count hours worked when an employee is out on FMLA leave more than once for different reasons within a year?

- The two periods of work loss are separate events. The count of FMLA leave hours and work hours begins the first time the employee has a qualifying condition. Say an employee breaks a leg on January 1 and misses 8 weeks of work that qualify for FMLA leave. On July 1 she suffers a ruptured appendix. At this point the agency can review her work hours back through July 1 of the prior year to confirm she reached the 1,250-hour eligibility requirement.

**Question:** A participant's agency requires that supervisors have to work a threshold number of hours per year which is higher than FMLA's 1,250 hours. Does this pose a conflict with FMLA?

- Answering this question would need a specialized review of the regulations.

**Question:** How should employers respond when staff ask for vacation time, then call in with an FMLA request?

- The employee will need to get the situation certified by a health care provider.

**Question:** How does FMLA relate in the case of a long-term disability? Can employees re-qualify annually for 12 weeks of FMLA leave per year?

- Yes, as long as the employee works the minimum 1,250 hours.

**Question:** What are some ideas for managing intermittent outages that seem potentially suspicious?

- The employer can't challenge an existing certification, but next time the employee has an absence, the employer can require the employee to recertify. This is best done only when the employer has a reasonable doubt or evidence of abuse.

**Question:** What can employers do when an employee on intermittent leave is taking more leave than the doctor said to expect, or the FMLA leave always happens in conjunction with a scheduled day off?

- The employer can ask the doctor if there is any medical reason this may be happening. Usually the health care provider will not support an abusive pattern of behavior.

**Question:** Are employees on FMLA leave still bound by other agency policies on sick leave? For example, if policy says that employees on sick leave need to stay home, does an employee on intermittent FMLA leave for migraines need to stay home as well?

- Employees on FMLA have no special rights compared to other sick employees. The same policy applies to all.

**Question:** If an employee is using FMLA to take care of a spouse, either as a one-time event or an intermittent need for leave, does a policy that the employee needs to be at home or at the doctor's office apply?

- The answer depends on policy.

**Question:** How specific should a certification be for intermittent leave, in terms of how often leave will be needed or how long the condition is expected to last—especially if it's the employee's spouse that has the problem?

- The certification should be as exact as possible. If the employer needs clarification, it can ask for clarification but it should not ask for "more" information. The direct supervisor cannot call the provider for clarification, but an HR person can call.

**Question:** What is recommended for deducting FMLA leave time from salaried/exempt employees or employees who normally receive overtime in a fluctuating work week?

- If an employee normally gets overtime pay, the expected overtime can be deducted from the employee's FMLA balance.

**Question:** How far back can an employer go in setting the starting point for FMLA leave?

- This depends on the situation. If an employee was sick on and off and later is diagnosed with cancer, the employer cannot construe time off before the diagnosis as FMLA-eligible.

**Question:** Can an agency set its own policy on timelines for considering past time away from work as having been FMLA-eligible?

- This is not addressed in regulations.

**Question:** Can an employer include questionable use of FMLA leave in determining raises or promotions? Can the agency say an employee wasn't at work enough days to be evaluated?

- Personnel records can state that the person's performance has been rated based on the hours worked. Employers are taking a risk if they specifically mention FMLA leave in documentation of this type.

**Question:** Is an employee on FMLA leave from the jail eligible to do other work such as being on security teams for special events?

- A decision might be made case by case. Perhaps the employee should not be allowed to do work too similar to his or her job but could do other things.

**Question:** When an employee is using FMLA leave to care for a child sick or a parent, should they be allowed to work for another entity part time?

- This is not addressed in FMLA regulations.

## Resources and Assistance

More information is available online at <http://www.wagehour.dol.gov>, at Wage and Hours Division offices nationwide, or by telephone at 866-4US-WAGE, or see the blue pages in a print telephone directory for a local office.

Field office directory – <http://www.dol.gov/whd/america2.htm>

FMLA resources – <http://www.dol.gov/whd/fmla/index.htm>

Compliance Assistance Materials – <http://www.dol.gov/compliance/laws/comp-fmla.htm>

Compliance Guide and FAQs – <http://www.dol.gov/whd/regs/compliance/1421.htm>

Fact Sheet #28: The Family and Medical Leave Act of 1993 – <http://www.dol.gov/whd/regs/compliance/whdfs28a.htm>

Fact Sheet #28A: The Family and Medical Leave Act Military Family Leave Entitlements – <http://www.dol.gov/whd/regs/compliance/whdfs28a.htm>

FMLA Poster WH-1420 – <http://www.dol.gov/WHD/regs/compliance/posters/fmla.htm>

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PART 2. REDUCING FMLA ABUSE

Presenter: Marilyn Chandler Ford, Director, Volusia County Department of Corrections, Daytona Beach, Florida.

Marilyn Chandler Ford shared insights and concerns from the jail leadership perspective on the Family and Medical Leave Act of 1993 (FMLA). Indications are that about two-thirds of the large sheriffs' departments or local corrections agencies have an internal human resources department that handles FMLA matters. In the other third, FMLA is handled at the county level or equivalent. The question is, where should decisions be getting made? Where can jail administrators push to improve handling and response, if there is a need for improvement?

Jail managers often are provided minimal training in FMLA but are responsible for outcomes. Agencies are doing well with the basics: broken bones, pregnancies, etc. Participants agreed that intermittent FMLA leave tends to be where difficulties arise.

Ford said that the purpose of FMLA is job protection; it's not about whether an individual employee has adequate leave to cover an extended absence. At the same time, jail administrators have to run the rest of the organization. To provide fair and equitable treatment of all employees, jails need to use the tools they have. Those tools are the provisions of the statute.

Holding people to the letter of the law is the best basis for managing FMLA issues. Overlaid on this is the agency's duty to be consistent with all its employees.

- Requests for FMLA leave must be timely, complete, and sufficient.
- Failure to supply responsive paperwork is grounds for denial of an employee's request.
- Employers can establish time frames and reject FMLA requests if not submitted within those timeframes. (The minimum is 15 calendar days per federal regulations.)
- The request must provide justification of the medical condition and the medical treatment in terms of frequency and duration.
- Specificity is needed. The statute is clear: requests can be rejected if they include vague terms such as "lifetime condition" or describe a condition as being of "unknown" or "indeterminate" duration.

A county has a choice whether to manage FMLA for all staff using a fixed or a rolling calendar year. It is important for a county to consider which time interval is best for them. A backward-looking year (rolling calendar) gives the agency more ability to control leave usage according to the agency's best interest. A calendar year based on January 1–December 31 or other fixed annual date gives the greatest latitude to employees, since they will be eligible for FMLA leave at a set time each year.

Employees sometimes ignore the law's guidance to provide 30 days' notice for foreseeable absences, such as elective surgery. If agencies are stringent in adhering to the letter of the law, it is a disincentive for employees to submit late FMLA requests.

National Institute of Corrections

- If an employee has a medical emergency, prompt reporting still is required. A family member or friend almost always can call by the next day.
- Agencies can choose how to handle delayed paperwork submittals. If there is a pattern of absenteeism and an employee is headed for possible suspension or termination, the human resources (HR) paperwork at the various levels can be hard to track. HR can decide against back-dating delayed submissions.
- Agencies can count leave against the yearly 12-week FMLA allotment whether the employee has requested the time as FMLA or not. A good standard practice is to initiate FMLA leave after 3 days of missed work. The agency can send the paperwork to the employee so he or she can get started on the certification process with the medical care provider.
- Employers should include a statement of the employee's essential job functions or a job description in the material that goes to the physician for the certification paperwork. Otherwise the physician is relying on the employee's description of their job requirements. A participant commented that employees sometimes will tell the physician they can't work their own position, but they're fit for another position they want to do. Ford said policy should specify who in the agency the employee must contact for work accommodations and that the employee must take a copy of his or her job duties to the physician.
- Agencies can count workers compensation and disability leave toward the 12 weeks of FMLA leave.

Agencies can restrict the employee's ability to work outside the agency while on FMLA leave. The key is to apply the policy uniformly to all employees. It's a difficult issue if employees are using FMLA leave for family care and are moonlighting. Managers need to consider their policies on moonlighting and whether a different assignment may meet the needs of the agency and the employees who need the FMLA leave. If employees are calling out sick on a weekend, they may have to be able to show they went to a medical facility.

- Employers can ask for an evaluation if they think an employee using intermittent FMLA leave has a condition that is preventing them from returning to work. The agency has a right to information it needs for ensuring the cited FMLA leave on any particular date is, in fact, consistent with the reason FMLA was granted.
- Employees who have established their FMLA leave status with the agency cannot use that leave by simply calling in sick. The employee must specifically reference either the qualifying reason for the leave or the FMLA-related nature of the leave. Calling in sick is not sufficient to trigger the employer's obligations under FMLA.
- Leave documentation should include an end date or review date for FMLA status. When appropriate, the agency can make a determination about whether to move the employee from FMLA status to a general leave of absence. The agency can request a fitness for duty evaluation prior to the employee returning to duty, if the basis of the FMLA warrants.

If there's a concern about possible FMLA abuse, agencies can assess the activities of the person taking the leave, how the leave is being used, and patterns in the days that are being taken off. Co-

workers may offer information, or information may be found on the employee's social media accounts (Facebook, etc.). Health providers can be asked if the employee's pattern of leave use is something they would expect in a person with the cited condition.

All communications and information gathering must be documented. Ideally the agency will be able to get clear information from health care providers about what conditions are chronic and what can be expected in the future.

Discussion

- A participant described a situation in which a pregnant employee who had had a previous miscarriage requested FMLA leave to accompany her husband when he was assigned to military duty in another location in the U.S. Her physician provided a letter supporting her request, on the basis that the separation could cause stress that could affect the pregnancy. Based on the potential liability, the agency's attorney recommended allowing the FMLA leave, regardless of whether the employee might be taking advantage of the system.
- Another participant had an employee who wanted 15 to 20 minutes of FMLA leave each day because her arthritis made it difficult to get to work on time. Her physician provided a supporting letter. This situation raised the need of the agency to have its full staff complement at shift change, so the agency elected to change the employee's shift (starting and ending time) instead.
- When Dennis Wilson was chief of human resources in the Limestone County (Texas) jail, the agency developed an automated system programmed to accept up to a defined number of FMLA days, military leave days, etc. The system flags issues for management attention when usage is beyond norms.
- Another agency has begun to require more paperwork from the employee and health care provider for people using intermittent FMLA leave. Physicians may stop supporting an employee's claims if there is reason to believe he or she is taking advantage of the system. Agencies can provide a form that has space to indicate who completed the FMLA paperwork—the employee or the physician.

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PROGRAM SESSION: THE PRESCRIPTION DRUG EPIDEMIC AND JAILS

STOPPING THE "PILL MILLS"

Presenter: Major Ed Beckman, Pasco County Sheriff's Office, Land O'Lakes, Florida.

Ed Beckman described the huge impact that Florida's unregulated prescription drug industry has had on public safety and warned jail administrators in other parts of the county to pay attention to this possible threat.

Painkillers and anti-anxiety medications are the main source of the problem. They include morphine, synthetic opiates such as oxycodone, methadone, and hydrocodone, and benzodiazepines such as Valium and alpraxalam (Xanax). More than 41 million oxycodone pills were dispensed in Florida in 2010, compared with 4 million in the rest of the U.S. One Florida storefront pharmacy filled orders for 965,000 oxycodone tablets in a county with 480,000 residents.

The pill culture is insidious and affects people in all age groups and at all socioeconomic levels. Pasco County data show the 40 to 59 age group has one of the highest levels of abuse. Some doctors have been prescribing 30 Vicodin for a tooth extraction. Other people may be taking pills to treat their anxiety over economic stress. Addiction also can result from accidental overuse of medications to treat pain. \$8.6 billion is spent on opiates in the U.S. each year.

Florida health and law enforcement agencies have lacked a database to track prescriptions for painkilling medications that are common targets of abuse. As a result, an unregulated industry has grown up, especially in the southern part of the state. Pain management clinics (also known as "pill mills") have doctors who issue prescriptions after a cursory examination of their patients. Each prescription is for a large number of pills, such as 120 tablets. The prescriptions can be filled at a start-up pharmacy next door or others nearby.

Drug dealers in Florida and nearby states load vans full of people to go to the pill mills. Doctors walk through the lobby, ask what hurts, and write prescriptions. Each person can see several doctors in one day and get several prescriptions for hundreds of oxycodone pills or other drugs. Pills sell on the street for around \$30 each, so a dealer can make around \$18,000 from one round-trip visit to Florida.

The scale of the problem is immense.

- In Florida last year, 36,000 people died in traffic accidents and 37,000 died of an oxycontin overdose. Substance abuse is the top cause of emergency room visits in several counties and also the top reason for hospital admissions.

- Behavioral health system data show that the drug of choice for residents has changed. Opiates are preferred over alcohol or marijuana by a factor of two to one. Oxycodone use also is suspected as a factor in a recent rise in suicides.
- County-wide, 80% of babies being delivered are born to mothers with a substance abuse problem. Many of these infants need detox care.
- In Pasco County last year, 4,888 people died with one or more of these medications in their systems. Nearly 1,000 deaths were recorded as an overdose, about one overdose every 9 hours.

Effects on the Justice System

The pill problem affects all Sheriff's Office operations.

- The child protection division reports that 80% of child removals are pill-related, as are a large proportion of arrests and assaults.
- The sheriff's weekender program has a pervasive problem with reportees eating pill packages to sell them on the unit.
- The jail is now the county's largest detox center. In 2007, the jail sent 348 inmates through detox. On July 31, 2011, the total for just half a year had reached 1,047. Nearly half of the jail's population is detoxing at any time. The agency has moved its warrants section out of the jail to create space for an open dorm for detox.
- The jail is seeing more pregnant inmates with prescription drug problems.
- There has also been an increase in inmates with Hepatitis B and C in inmates with a history of injecting prescription drugs.
- The pills exacerbate other chronic diseases present in the population, such as cardiovascular disease and hypertension.

Jail nurses identify pill-using detainees at intake. Those with verified severe narcotic use and/or alcohol addiction are placed immediately in the detox unit. Others are monitored in general population and moved to the medical unit for detox protocols if they show two or more signs of withdrawal.

With so many inmates on detox, the medical wing has inadequate space to treat inmates with other medical and mental health issues. Of the jail's 55 medical cells, 35 per day house detox cases, most of which are related to pill use. Two nurses work with inmates on detox status during the day, and the night shift has three nurses and an RN supervisor. Dehydration and seizures are two of the main risks.

In one instance, the jail received a tip that a person reporting to serve 6 months of jail time had swallowed several balloons full of various pills. The inmate refused emergency room treatment when confronted and was placed in an isolation cell with a portable toilet. Faced with the possibility of court-ordered suppository, the inmate passed the balloons. If a puncture or leak had occurred, the inmate easily could have died.

To improve detection of drugs at intake, the jail is acquiring a SecurePass scanner.

Road deputies are asked to be aware if an arrestee has swallowed several pills. If so, the subject should be taken to a hospital, not the jail.

New Law

Attorneys general from neighboring states asked the Florida AG to take action. A new law went into effect on July 1, 2011.

This bill provides a more comprehensive approach to address the epidemic of prescription drug abuse and the untimely deaths that result from such abuse in this state. The approach includes the regulation of activities by physicians, pain management clinics, pharmacies, and wholesale drug distributors. The bill also provides minor revisions to the prescription drug monitoring program. (Bill summary)

Prescription Drugs; Makes failure to comply with requirements of s. 456.44, F.S., grounds for disciplinary action; provides mandatory administrative penalties for certain violations related to prescribing; requires prescriptions for controlled substances to be written on counterfeit-resistant pad produced by approved vendor or electronically prescribed; provides conditions for being approved vendor; requires certain physicians to designate themselves as controlled substance prescribing practitioners on their practitioner profiles, etc. (Bill introduction)

Enforcement is expected to take a while. In the meantime, the pills are continuing to flow. Officials in Pinellas, Pasco, and Hillsborough Counties, which share the same judicial district, are collaborating on a response. The politics as well as the investigations and seizures are complex. A recent investigation netted forfeitures of \$6 million in cash, some of which is paying for a new body scanner at the Pasco County jail.

The reporting requirements and pharmacy credentials elements are key. Beckman said there are 930 registered pain clinics in Florida, and he noted that 40% of physicians get no training in addiction. This contributes to the lack of understanding on the part of some doctors about their role in preventing abuse of prescription painkillers. Government agencies will have a major role in rehabilitation.

What to Do

Beckman recommended actions that can be taken to recognize the emergence of local problems.

- Use your data: monitor population numbers and toxicology data; continue to do chart reviews; look for trends.
- Be aware of what's going on at the community level. Watch for signs of doctor shopping, internet drug sales, drug theft, and improper prescribing. Investigate whether incentives are affecting physicians' prescribing practices. "Emergency walk-in clinic" is the latest term for prescription mill outlets.
- Pay attention to what's going on in your state. The problem exists where laws and regulations are lacking.

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- Take advantage of the information available through the Drug Enforcement Administration's Automation of Reports and Consolidated Orders System, or ARCOS (<http://www.deadiversion.usdoj.gov/arcos/>).
- Talk to legislators. Prescription tracking should be in place to reduce systemic abuse.

Discussion

- A meeting participant from California commented that even at \$80 a pill, these medications are popular with young people. If oxycontin is too expensive, kids use heroin instead.
- A participant mentioned that his agency is dealing with an increase in home invasions to steal cash from known pill dealers.
- Another participant related how a deputy became addicted to oxycodone and Xanax after he injured his back. Eventually the prescribing physician was arrested. The officer was terminated after his leave was exhausted and the agency learned he was selling his extra supply of pills.
- In another agency, a female deputy who was injured at work became addicted to painkillers and eventually was terminated. She later was arrested repeatedly and was in the jail's custody at the time of the meeting.

Sources

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2011 Florida Statutes. Prescription drug monitoring program. <http://www.flsenate.gov/laws/statutes/2011/893.055> or <http://flsenate.gov/Session/Bill/2011/7095>

Bill summary: <http://flsenate.gov/Committees/BillSummaries/2011/html/7095HR>

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LEGISLATIVE AND ASSOCIATION UPDATES

AMERICAN CORRECTIONAL ASSOCIATION NEWS

Presenter: Jeff Washington, Deputy Executive Director, American Correctional Association, Alexandria, Virginia.

Jeff Washington greeted the LJN group and said the American Correctional Association (ACA) is there to help both members and non-members. ACA offers print and other resources, a network of people, technical assistance, leadership programs, certification for medical personnel and correctional officers, and other services. When an agency is in the midst of an incident and getting media attention, the media are calling ACA too. ACA does not comment on such situations, whether agencies have ACA accreditation or not.

Washington shared news from the association.

- ACA sends people to Capitol Hill regularly to meet with congressional staff, share positions, and talk about the importance of the issues. Eric Schultz is ACA's lead legislative liaison. The current congressional session has had about 20 corrections-related bills. Some are in committee or have been passed in one house or other. ACA is not confident of anything passing in the next several months.
- A meeting on PREA took place the week before the LJN meeting. The National Council on Crime and Delinquency is developing the new PREA resource center. Discussion continues on elements of the proposed standards in areas such as cross-gender supervision.
- ACA is working with the U.S. Bureau of Immigration and Customs Enforcement (ICE) on jail standards. They plan to put ICE and ACA standards on the table for comparison. Ideally, additional inspections can be avoided for accredited facilities. ACA is also building its corps of inspectors who know how to review a local facility as distinct from a prison.
- At ACA's summer conference, the association decided to make the Core Jail Standards a tool for full accreditation rather than only certification. The standards will be reviewed for updates every 2 years.
- ACA also has released international standards for officials who want to know at least the basics of practice in the U.S. The first set of audits will take place in four federal correctional facilities in Mexico. The U.S. Department of State is supporting this effort.

AMERICAN JAIL ASSOCIATION TRAINING AND CERTIFICATION

Presenter: Kim Moule, Captain, San Joaquin County Sheriff's Office, French Camp, California.

Kim Moule reviewed AJA's certification process for correctional trainers, correctional officers, and jail managers. The application packet is online. Applicants need to document their training and earn enough points to sit for the examination, which is held at the annual conference and at some local locations. AJA has changed elements of its points system for recertification.

Moule was in Class 2 at the National Jail Command Academy at Sam Houston State University in Texas and said the program is an excellent experience. Students share the issues they're working on and get group input on a solution and steps for implementation. Enrollment costs \$1,600 for the program plus housing, and scholarships are available for each class.

Mitch Lucas said Charleston County, South Carolina, soon will require all staff who are promoted to command level to get their jail manager certification. CJM certification helps communicate their professionalism when they are working with county government.

RECAP OF ATTORNEY GENERAL MEETING ON PREA STANDARDS

Presenter: Mitch Lucas, Chief Deputy, Charleston County Sheriff's Office, North Charleston, South Carolina.

Mitch Lucas reported on a recent U.S. Attorney General's meeting on implementing the Prison Rape Elimination Act (PREA), which he attended as a representative of AJA. He observed that the Attorney General's office is listening to jails and working on an achievable solution. Compared with 3 years ago, the atmosphere is vastly better.

The meeting opened with statements and letters from victims. Jail professionals presented the jail perspective.

Lucas summarized the remarks of some who testified.

- The sheriff from Clallam County, Washington, said it was an affront when the jail was identified as one with a problem. Investigations could not find anything that needed to be addressed.
- Art Wallenstein identified for commissioners the distinct operational and legal problems inherent in the proposed standards, and what jails need for the standards to be workable.

- Mitch Lucas recommended a focus on inmate classification; many jails still lack a classification system. Grant money could be useful to bring objective classification systems to every jail in the nation.
- Sheriff Stanley Glanz of Tulsa County, Oklahoma, identified all the groups that inspect the jail and suggested rolling them all into one inspection process. Agencies could then focus on running their jails instead of constantly preparing for multiple inspections.

Meeting participants asked for updates on several issues of concern.

- Cross-gender supervision—Lucas said the Fair Labor Standards Act implications are being recognized and the prohibition against cross-gender supervision of housing units will likely be dropped.
- PREA coordinator positions—Lucas said only a very large agency is likely to have enough work for a full-time PREA coordinator.
- Auditors—The question of audits and auditors still is a major hurdle. It is unclear whether the standards body will be involved in qualifying the auditors or if otherwise qualified auditors will be qualified to audit facilities on PREA.

Jail presentations

Teams of staff from Miami-Dade County, Florida, and Tulsa County, Oklahoma, spoke at the PREA meeting to share the experiences of their jails, which were identified by the Bureau of Justice Statistics (BJS) as having high and low incidence of PREA problems. Tim Ryan and Michelle Robinette summarized their remarks for LJN participants.

Tim Ryan said that out of surveys in Miami-Dade pretrial detention, eight respondents said there was some sort of sexual misconduct in the jail, leading to the jail's score of 5.1%. Scores from the county's direct supervision jail came in at 3.1%, equaling the national average. Other jails were assessed at incidence rates in the 6% to 7% range. Actual incidence is assumed by BJS to be higher.

Ryan said his viewpoint on PREA has changed. Originally he was confident that jails were already doing what's right. Now he's come to view the subject differently. He believes that the culture needs to change, in America at large as well as in jails specifically. Comedy clubs get laughs over inmate sexual assault as a norm—citizens believe it, his own staff members believe it, and inmates believe it.

Miami-Dade jail leaders were skeptical at first, then looked at their investigation records and couldn't deny there was cause for concern. Seven staff members have been fired or resigned as a result of sexual misconduct or fraternization. Soon after joining the agency in 2006, Ryan had initiated new policies, procedures, and training on inmate sexual victimization and emphasized zero tolerance. At the same time, he also met with area chiefs of police to bring local law enforcement on board. But there was more to do.

Ryan shared some recommendations.

- Agencies should make use of the Moss Group videos and PREA online training, which has been completed by 98% of Miami-Dade staff. The training is not easy and takes about an hour.
- Agencies should begin identifying their PREA coordinator and getting the training under way.
- Agencies that don't have a PREA team should start one now. Jails should review the 40 PREA standards against the jail's policies and procedures. His message to supervisors is, "If you want to continue up to the lieutenant level and beyond, you're going to take this issue seriously."

Tulsa County had survey results showing 0.4% incidence. Michelle Robinette said that when PREA surfaced in 2006, the Tulsa County Sheriff's Office was in the process of taking jail management back from a private provider. The agency was retraining all the staff to do their work the sheriff's way, not the contractor's way. Its new procedures weren't far off mark of the proposed standards. Even in 1999, the jail had had good procedures in place. They have implemented some new elements, but very few.

Robinette mentioned some ideas to improve PREA readiness in jails.

- Agencies can find it beneficial if the PREA coordinator is also the accreditation coordinator.
- In Robinette's experience, getting the district attorney to abide by PREA is the main challenge for jails.
- Jails need to apply the knowledge they now have about vulnerability and tie it to classification and operations. The survey found most rapes occur in first 24 hours in jail, and incidents are more common on the swing shift. More women are assaulted (as a percentage of inmates), but they are less likely to report it. Inmates who have attended college have higher risk than others.
- If the jail has no front-end process at intake, the jail should develop one. What might happen before or during arrest that's relevant to victimization? What staff members need training on this?
- All housing unit telephones should have a direct line to a rape crisis center and to Internal Affairs.
- Officers need awareness and sensitivity training to create a climate in which inmates will come forward and report problems.
- Training for investigators should be extended to any local agencies (such as police departments and prosecution) that may have a role in responding to allegations. The jail can get new insights from training with them and also get their attention as to the importance of the issue.

National Institute of Corrections

- Agencies can consider buying new software that scans incident reports for certain terms. Flagged items trigger an automatic email to jail leadership and the PREA coordinator.
- Inmate orientation materials need to be written for a simpler reading level. A sixth-grade level is too high. Covering PREA-related content in the first few pages is important. Verbally orienting inmates is also a good practice.
- In an incident, the jail should be prepared to take the alleged victim to a rape crisis center outside the jail or to a location with trained sexual assault examination nursing care. The matter should be treated as a criminal event. In Tulsa County, a sex crimes investigator comes in any time there's an allegation. Investigations are quick because he's specialized. If an employee is involved, Internal Affairs also plays a role. The investigator also trains staff on crime scene evidence collection/preservation. His role as investigator and trainer helps get everyone "on the same page." Evidence preservation for all types of incidents has improved.

The panelists suggested that the Attorney General and the PREA initiative could assist jails by focusing on some key areas.

- Information relating to specific jail environments—What should the jail of the future look like? Is open booking safer for detainees? Given that direct supervision jails have fewer PREA issues, what can other jails do to gain some of its benefits? If a given approach or environment is known to be better for inmate safety, that information should be shared.
- Training curriculum—Are jails training on the right things? Just Detention International is reviewing its curriculum, which could provide guidance for jails.
- Leverage to convince district attorneys to prosecute cases—Grants to county teams could identify ways to improve prosecution. In the meantime, jail leaders need to keep the issue in front of district attorneys and state's attorneys and ask why cases aren't being prosecuted. A participant mentioned that he talked with the federal prosecutor in his jurisdiction, and she had no idea what PREA was about. Clearly there's room for education.

Discussion

LJN meeting participants agreed it's time for a paradigm shift similar to past changes in attitudes toward drunk driving and domestic violence. Law enforcement used to downplay the dangers and drive people home, or leave suspected domestic violence perpetrators at home with a verbal warning—meanwhile people were being hurt or killed.

In the same way today, jail leaders should raise their voices against the distorted image conveyed by comedians, jokes, and television shows. People believe sexual assault is common in jails and think detainees deserve any abuse they get. The jail's new hires come into the system with these beliefs. New hires need to be educated on the reality of the jail environment before they can be trained on PREA.

Michelle Robinette added that it's essential to inform and teach the inmates as well. Detainees come into the jail with the same assumptions. If they are victimized, they may be too embarrassed to

report the assault: they don't want to be seen as weak or a victim. Robinette said it's more difficult to educate the inmates than it is to train the staff.

In communicating with inmates, jails needs to clearly state:

- Inmate assault is not acceptable or tolerated.
- Here's what the jail can do to help you and to prevent abuse.
- If you are assaulted, here is what the jail will do. . .

A broader viewpoint on the jail's culture is useful to create change. If a jail tolerates overt masturbation by inmates, it's allowing a hostile work environment to exist. Making the behavior a registered sex offense rather than just a rule infraction may be the necessary deterrent. Inmates will risk being put on sex offender rosters for a lifetime

- A participant described how a California jail is using inmate groups to teach other inmates about personal safety and how the agency will respond if there's an incident.
- Another participant said he's struggling with a state legislator who wants to distribute condoms in the jail. This reflects the way the general public thinks about jails.

Mitch Lucas reminded participants about NIC's library of resources on PREA, the 20-minute community education video, "Beyond the Myths," and the availability of NIC-sponsored technical assistance from the Moss Group. Lucas said that "Beyond the Myths" is an excellent piece to show to county councils and community organizations or to broadcast on local public television stations.

The Moss Group is continuing to develop the PREA Toolkit, a part of the PREA resource center. Tom Merkel said that Hennepin County has been working with the Moss Group and found them a good resource. Susan McCampbell's organization, the Center for Effective Public Policy, is also working on PREA issues.

Lucas commented that "out of sight, out of mind" is how most people like to keep jail matters. But jails are a part of the community, which is why community involvement is a key part of professional jail training and certification. Community engagement and education are an ongoing challenge.

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OPEN FORUM

“Hot topic” sessions for the meeting are an opportunity for participants to discuss emerging issues. The sessions were coordinated and presented by Mitch Lucas, Charleston County, South Carolina.

ROVING SECURITY TEAMS

Mitch Lucas described how the detention center in Charleston County, South Carolina, is using a roving security team to ensure facility security. The patrol tours the jail 24 hours a day and carries less-than-lethal shotguns, Tasers, and pepper spray. The incident commander carries a notebook computer to access the control system for emergency use opening doors, etc. The special shotguns are secured in a separate locker and are connected to the officer via a lanyard so they can't be lost in an incident. Officers are equipped with digital video cameras on the left shoulder. Multiple viewpoints are helpful in reviewing the incident.

Thirty officers entered training to be assigned to the team, and 12 have completed it. The patrol has been involved in one use-of-force incident to date. Its presence is effective in improving security, and it's had a positive effect on staff morale. The patrols have produced a 33% drop in inmate-on-inmate violence and a 23% drop in inmate-on-staff assaults. Lucas said the value to security is such that cuts will be done elsewhere if budget reductions demand it.

Oscar Aviles said that the jail in Hudson County, New Jersey, credits the use of officers armed with paintball guns for reducing violence in the facility. Total cost for the team is around \$50,000 annually.

Another facility that uses less-than-lethal shotguns paints them red so they cannot be confused with standard arms.

PRISON LEGAL NEWS AND THE ACLU

Some of the jurisdictions represented at the meeting have been sued to allow delivery of *Prison Legal News* magazine. *PLN* is edited by a former inmate and includes articles on legal self-defense and attorney and bail bond advertisements. Free subscriptions are available to inmates. It appears that *PLN* has been filing suit mainly against agencies in smaller counties that are less likely to have comprehensive policies and training.

Participants mentioned a jurisdiction that has won a challenge over *PLN's* advertising. Another participant suggested reading *PLN's* August 2011 complaint against Shawnee County, Kansas, to help prepare a legal defense that states the jail's security and other interests. About half of the agencies represented at the meeting do not allow inmates to subscribe to magazines. Magazines are sometimes disallowed because the metal staples can be used for weapons or self-injury or because of potential sexual content.

CELL PHONE DETECTION TECHNOLOGY

Mitch Lucas asked for updates on agencies' detection of contraband cell phones. (See more on the topic on page 15.)

- Kim Moule (San Joaquin County, California) said the county's canine unit is doing excellent work for both narcotics and lithium battery detection, but the dog can work only a few hours per day.
- Mark Adger (Fulton County, Georgia) described an electronic detection system that can be converted to work in omni- or uni-directional modes. The typical jail's steel-in-concrete construction interferes with operation. The system intercepts calls and imposes a denial of service. This is different from signal jamming, which is not allowed by law. The agency registers the specific phone lines that it wants operable on the facility's premises. Non-registered phone users get a message that the call cannot be completed, and the agency gets a report of failed call attempts and the number they tried to reach. The system will allow 911 calls to be made from an unauthorized phone, but no others.
- Kim Spadaro said that Broward County, Florida, decided not to use this type of system because the vendor would have access to calls placed by staff as well as by inmates.
- Oscar Aviles said that Hudson County, New Jersey, has used a van parked outside the jail to detect signals.

Tim Ryan (Miami-Dade County, Florida) raised the question of allowing cell phones for hearing impaired inmates. Cell phone text messaging could be a convenient accommodation, in a separate room or as provided by the unit officer when needed. Jeff Newton (Riverside Regional Jail, Virginia) said there is no new national standard that would replace TTY units though the industry is changing rapidly; the relevant ADA law was written in the 1960s. Families are less likely to use third-party tools now because cell phones are meeting the need. Kiosk units are also being used for text communication. Cell phones with prepaid accounts are a convenient way to allow families to stay in touch with hearing-impaired inmates.

INMATES SERVING TIME FROM ANOTHER JAIL

Darren Long (Travis County, Texas) asked about other agencies' experiences housing inmates, often from out of state, who want to be closer to their families or have other reasons to ask for a transfer. These inmates are responsible to the judge in the state and county where they were sentenced.

- Some agencies agree to house these inmates and charge them a daily subsistence fee. Others charge no fee if the sending agency is a public agency, but do charge a fee if the sending facility is a private provider.
- Glenn Kurtz said that Sedgwick County, Kansas, requires a judge's order before accepting these inmates, to establish legal authority to hold them. Sedgwick County is often asked to hold high-custody inmates from other jurisdictions in Kansas; since one transferred inmate

attempted to kill another inmate, the agency is more careful; the sending agencies agree to be responsible for any damages to the facility as well as for any unusual medical or behavioral health costs.

- Mitch Lucas agreed that liability issues dictate that the jail should have authority granted by an in-state court. Another participant said it's not possible to fully indemnify the county, but inmates are required to sign a waiver.
- Kim Spadaro said Broward County, Florida, is very selective and is careful to get a full medical and institutional history for each transfer.
- Participants said that special circumstances exist in border counties where illegal immigrants are detained.

USE OF BLACK LIGHT TO DETECT BLOOD

Mitch Lucas asked whether any agencies represented at the meeting are using black lights to detect blood on the clothing of inmates suspected of violence. No attendees have had experience with this technology.

INMATE HANDBOOKS

Randy Demory said Kent County, Michigan, spends around \$5,000 to print its inmate handbook and has begun selling space to attorneys and bondsmen who want to advertise to inmates. The decision was approved by corporate counsel. Demory said the new manual is a better product that will appeal to inmates. In addition to defining the agency's expectations of inmate behavior, it includes inmate art and puzzles with words that relate to handbook content. The commissary vendor prints new copies on demand. For parity, the handbook lists all bail bond services in the index, whether they advertise or not. The jail retains editorial control and denies any advertising it considers inappropriate.

In another agency, the commissary provider prints handbook and posters with facility rules. Rule amendments are posted on kiosks until a new print version of the handbook comes out. Rules also are visible on a large poster when inmates enter, and inmates can request a print copy of the handbook if they want one.

Glenn Kurtz said that inmates often use printed handbooks as scrap paper. Sedgwick County, Kansas, provides four or five copies of the handbook in each pod that inmates can check out and return.

MANAGING INMATE BEHAVIOR

Randy Demory (Kent County, Michigan) opened a discussion of jurisdictions' experiences applying the concepts in NIC's Inmate Behavior Management program, specifically in the area of incentives for positive behavior. Participants were generally in favor of giving housing unit deputies more leeway in

offering inmates “carrots” rather than “sticks.” Wayne Dicky mentioned that Brazos County, Texas, is a test site for the NIC program and that its effectiveness is being evaluated there.

Commissary snack packs are one example: they contain foods such as chips, cookies, jerky, crackers, and cheese. Deputies can use them to reward inmates for security or prosecution intelligence, good performance on work crews, and contests such as the best made bunk or chess tournaments. About 300 to 400 units have been given out per month in Kent County. Costs are covered by raising prices a few cents on other popular items. The packages are not inventoried, and no abuse has been observed with staff eating them instead of using them to reward inmates.

Perceptions are important. Both the American Correctional Association (ACA) and U.S. Immigration and Customs Enforcement (ICE) disapprove of rewarding inmates with food. Officers can choose to use other incentives. Agencies can provide cash rewards to an inmate’s account. Tom Merkel mentioned that inmates are sometimes allowed to play on a golf course owned by Hennepin County, Minnesota, where inmates provide grounds maintenance.

Rewards can provide an incentive for intelligence gathering. Inmates often can identify suspects when Crimestoppers television segments are aired in jails. Other jails print Crimestoppers playing cards for use in housing units or circulate photos of suspects for identification, but the cards also may be used to jam locks, so controls are important. A Virginia jail unblocked its telephones and began collecting more intelligence from inmates, including information on Somali pirates that has been of interest to the Federal government.

USE OF ALCOHOL ON AND OFF DUTY

A participant asked about other agencies’ policies on consuming alcohol off duty. Of interest was whether agency policy covers excessive drinking by staff off work hours. Meeting participants did not have this type of policy in place. Kim Spadaro noted that Broward County, Florida, has a policy specific to undercover detectives.

INMATE EMAIL

Questions were raised about whether SmartJailMail or similar inmate email systems reduce telephone revenues or make it possible for someone outside the facility to communicate illegally with inmates.

Participants shared observations on inmate email systems.

- The systems have advantages: they do not allow inmates to access the Internet; system costs are paid by families; the jail can observe who inmates are sending mail to or receiving mail from; messages can be screened for terms that flag staff attention.
- Email does not necessarily reduce postal mail volume. One participant said that a lot of the email volume is to let inmates know they have a letter coming in the mail.

National Institute of Corrections

- Vendors are adding inmate email and voice mail into the mix of technology solutions they offer to jails, such as kiosk-based sick call reporting, commissary orders, and family video visitation. Agencies gain convenience, but it may be more difficult to change vendors later. With bundled contracts, commissary and telephone revenues need to be managed separately.
- Vendors say telephone revenues are not affected by email. Growth in video visitation also has not been matched by a drop in telephone use.
- By making a variety of communications available, one jail has strengthened its position on limiting mail to post cards.
- Jeff Newton (Riverside Regional Jail) commented that jails using inmate voice mail could face risks if an inmate gets bad personal news that no one else knows about.
- Wayne Dickey (Brazos County, Texas) said that vendors want to provide as many services as they can. One telephone vendor is offering an automated system that accesses the jail management system with free access to jail staff and exorbitant rates paid by families.

STAFF TIME TRACKING TO ESTABLISH PROOF OF MEAL BREAKS

Provision of meal breaks is a Fair Labor Standards Act issue. In Little Rock, Arkansas, because officers' meal time was not recorded, the agency had to pay officers for a half hour of work per day going back 2 years.

Participants discussed how meal break time is managed and documented.

- Mitch Lucas (Charleston County, South Carolina) said that the county is liable for any injuries sustained when an employee leaves the facility while on the clock, so a leave slip should be required. Staff members who are "on the clock" need to stay on-site for lunch.
- Amadeo Ortiz (Bexar County, Texas) described how the deputies' union negotiated a change to a straight 8-hour work day with no lunch break, then renegotiated to return to a policy in which deputies report for roll call 15 minutes ahead of their shift early and have a lunch break.
- Ronaldo Myers (Richland County, South Carolina) said that officers have flexible on and off hours within a 28-day cycle; because they arrive 10 minutes early for roll call, officers want to be compensated when time at the end of the shift goes over a bit.
- Mitch Lucas said that civilian staff can be the issue: people arrive early to get the best parking spots and begin working early, but staff cannot volunteer to work extra time on their jobs. Civilians have no expectation of earning overtime pay on a set cycle the way deputies can.
- Glenn Kurtz said Sedgwick County, Kansas, was sued on this issue more than 25 years ago, and officers are now paid 8.5 hours per day, including a half hour for eating.

- Mitch Lucas commented that patrol officers tend to accept 15 minutes for a shift briefing, because on a 12-hour shift it's understood there will be some breaks.
- Kim Spadaro said officers in Broward County, Florida, are paid for their lunch break. The agency created a meal break icon in the scheduling system to document that break time was offered.
- Patrick Tighe described a pass card used in St. Lucie County, Florida, to track the location of staff and volunteers such as clergy. The system shows who is in the facility and who is on duty, on smoke break, and on meal break. FastPass does card readers and IDs.
- Oscar Aviles said that Hudson County, New Jersey, pays for lunch time but only at a daily total of 8.25 hours. The agency had been paying overtime if staff did not take a meal break. Employees were required to respond to any emergency occurring during their meal break and went back on the clock if an incident occurred.

REFUSAL TO COMPLY WITH STRIP SEARCHES

Participants discussed the options available to a jail when an inmate who meets the criteria for a strip search refuses to comply.

- Put the inmate in a secure location and wait for a change of attitude or a bowel movement.
- Put the inmate in a restraint chair.
- Use X-ray scanning technology if available.

Mitch Lucas said more than one inmate in Charleston County, South Carolina, has died after swallowing drugs. Inmates who meet the criteria for a strip search will be restrained until they comply or are released. The jail can cut off detainees' clothing if necessary.

Reasonable suspicion is necessary for a legally defensible strip search, particularly if the inmate is being held on a misdemeanor charge. Current or prior offenses, current behavior, and current legal status are key criteria. Searches are more defensible after arraignment. Strip search issues are under appeal before the U.S. Supreme Court.

In Florida, jails that intend to use X-ray scanners must obtain a waiver from the state department of health. Vendors may not be forthcoming about this requirement. (See more on scanning technology on page 18.)

CUSTOMER SERVICE SKILLS FOR LOBBY STAFF

Cody Scott (Lubbock County, Texas) described a 1-hour training package on customer service skills that the agency has donated to the NIC library. As in any environment, members of the public who visit a jail want to be greeted by a friendly voice and a smile. Scott's highly interactive session covers etiquette, professionalism, and how to answer the telephone and greet people with courtesy. It covers

some basics, such as telling callers where their call is being transferred and making sure that someone answers the transferred call. Jail staff have a variety of viewpoints on professionalism and etiquette, especially when they've worked in a jail environment for a long time. Complaints in Lubbock County have dropped since the training has been offered.

Jails represented at the meeting approach customer service in different ways.

- Several jails do not assign new officers to work in the lobby, and some ensure that officers who are assigned there have good people skills.
- Tony Wilkes tapped into HR training content developed in Davidson County, Tennessee, to train staff and centralized the call center to keep track of anyone who is disrespectful.
- Jim Coleman (Shelby County, Tennessee) suggested calling the jail's main number with a supervisor present to jointly review how calls are handled.
- About one-third of the jails present use an automated answering system.
- The jail in Sedgwick County, Kansas, employs women inmates to answer incoming calls, which is working well and offers job training benefits. (See discussion on page 18.)

RESTRAINTS, PADDED CELLS, AND CARE FOR MENTALLY ILL DETAINEES

Jails have a duty to prevent inmates who are intoxicated or mentally ill and behaving in a violent manner from harming themselves, other inmates, or staff. A participant wanted to learn about other agencies' experiences and policies in regard to the use of soft restraints and the durability of restraint chairs. Participants had no alternatives to suggest that could replace the restraint chair.

About half of the agencies represented at the meeting have padded cells available in booking. Others do not, for reasons ranging from a Justice Department settlement agreement to the jail's padded cell having been torn up by users. Some mental health professionals recommend against using padded cells in favor of a normalized environment when possible. Ongoing contact with staff is important, especially for inmates who may be suicidal.

Participants commented on the fact that jails are now the default providers of community mental health care. By making provisions for these inmates, are jails becoming obligated to provide care for mentally ill persons beyond what they should be equipped to do?

Several strategies were outlined.

- In Georgia, a move is underway to leverage the role of jails. One jail has created a mental health forensic unit so the jail can medicate inmates in the same way as a state mental facility can. Getting a person into such a state facility can take months or years; smaller jail jurisdictions might have to transport a mentally ill inmate all over the state to find a suitable bed. The state is promoting the creation of a therapeutic environment inside a few county jails. Emory University is providing the clinical staff; the state is paying their salaries and

National Institute of Corrections

overtime expenses for unit staffing; the jails will provide the office space and dedicated housing units.

- About two-thirds of the agencies at the meeting provide full mental health services to inmates, including counseling and medications. Up to 40 percent of inmates have mental health care issues, and basic care is a given. A model program is being developed, but it will be expensive to operate.
- Mitch Lucas (Charleston County, South Carolina) observed that jails have a constitutional requirement to provide medical care and suggested that as long as inmates are physically healthy, the jail can leave it up to inmates whether they take their mental health medications. Other participants disagreed on the grounds that mental health treatment is also a medically determined need, according to a growing body of law as well as professional standards.
- Oscar Aviles mentioned the distinction between acute and non-acute mental health needs. The jail in Hudson County, New Jersey, does not program its forensic unit. The jail has 40 inmates with acute needs and 400 inmates who are taking psychotropic medications.
- Nick Cocchi described a shift in thinking in Hampden County, Massachusetts. Originally the jail considered a lot of inmates to have behavior problems. Then the staff realized they were seeing the results of co-occurring disorders (both substance abuse and mental health issues). Once the jail began intervening to stabilize inmates, it improved their behavior and established a better facility atmosphere so most inmates can stay in general housing.
- Patrick Tighe (St. Lucie County, Florida) commented that mental health courts are working, but they aren't there to help jails—they exist to deal better with the people who need services. Once these people are released from jail, they often receive no mental health services. Participants agreed that funding goes to community agencies that often are overloaded, and their clients violate their terms of probation and return to the jail.
- Jim Coleman (Shelby County, Tennessee) mentioned the Jericho Project, a program that can place acutely mentally ill people in housing outside the jail until they go to court.
- Mark Bolton (Louisville, Kentucky) agreed that identifying the “frequent flyers” is useful. Many of these people need transitional housing options to replace nights on friends' couches or in homeless shelters where they may decompensate without adequate structure and support. Bolton said Medicaid case managers prefer to know their clients are in jail rather than shelters because they know where they are and that they're getting their medications. Transitional housing can also help avoid the loss of Medicaid and Social Security benefits.
- Mike Jackson (NIC) pointed out that, beginning in 2014 under the Patient Protection and Affordable Care Act, inmates receiving Medicaid benefits will not lose them for their first 30 days in jail.
- Dick Carberry described a new coalition-based mental health facility that opened in Onondaga County, New York, in January and is starting to “click” with community partners.

Early evaluation results show that petty arrests and failure-to-appear arrests have gone down.

- David Simons said similar collaborative work has been taking place in Virginia. The Hampton Roads Regional Jail has worked with stakeholders to identify gaps in services to people who are in jail with mental illnesses. Resources have been assembled and results are favorable. The effort is a good example of the state pushing responsibility to the local level. Sheriff Michael Wade of Henrico County, Virginia, suggested that many judges would benefit from a training requirement on jail and community mental health issues.

EMERGENCY PREPAREDNESS AGREEMENTS

Mark Foxall (Douglas County, Nebraska) asked whether other jurisdictions have written agreements in place that provide authority for jails to hold state inmates in an emergency, such as a natural disaster. This year's flooding in the Missouri River basin highlighted agencies' need to have these agreements ready without lead time. Issues to be covered include indemnification, medical staffing, radio communications, bed space, and much more.

- The Hampton Roads Regional Jail has a memorandum of understanding (MOU) in place with the Commonwealth of Virginia for quick response in a hurricane or other disaster. The agreement specifies a time limit for housing inmates and defines the costs to be covered.
- Louisiana state law addresses this issue. Usually it's parishes that ship inmates to state facilities in storms, but sometimes inmates are moved the other way. The DOC maintains a total count for both prison and jail inmates. When Hurricane Katrina struck, there was no legal authority for moving inmates; the new state law removes the need for county-by-county MOUs.
- Participants noted that inmates need to be accompanied by their classification folder, but even more importantly by their medical folder plus a supply of the medications they'll need.

STOPPING CHILD PORNOGRAPHY

Participants shared knowledge about TLOxp (<http://www.tlo.com>), an online investigation source that can help law enforcement to locate and identify perpetrators who are searching for, accessing, or sharing child pornography. There is no charge to police agencies for using the service. Charges for others range from \$0.25 to \$5.00 depending on the number of records retrieved. Detectives can find the perpetrators and retrieve the information needed for probable cause for a search warrant.

Tim Ryan (Miami-Dade County, Florida) asked whether LJN agencies are collecting email addresses and social media identities (such as Facebook profile addresses) at booking. He is aware of one city that is doing this; an officer can run a search on the email address and get information for investigations, including the IP address for a specific computer. There is no law that disallows this practice.

ATM MACHINES AND INMATE MONEY

Kim Spadaro (Broward County, Florida) asked for the latest developments on using kiosks to process pocket money for inmates at booking.

- Mark Bolton (Louisville, Kentucky) said as a result of that agency's kiosks plus online commissary purchasing, e-bonding, and use of debit cards on release, the jail is almost fully cashless. Convenience fees paid by inmates and families cover the costs.
- Glenn Kurtz said Sedgwick County, Kansas, has been cash-free since August 2011, which has reduced cash counting time to 30 minutes per day. Also, because the debit cards are reloadable, they help inmates begin establishing credit. The machines screen for counterfeit bills at booking. Transactions are limited to \$100 to avoid fraudulent transfer from credit cards.

Questions were raised about charging inmates when returning their money. One jail gives inmates a 3-week grace period after initial detention in which all transactions are free. Another participant said that the jail doesn't charge a fee, but the bank does.

- Randy Demory said Kent County, Michigan, is planning to be cash-free by the end of year. The cash-free system isn't mandatory yet, but the equipment is in place. The vendor is putting in the system at no charge to the jail. Some inmates need help learning how to use a banking card and understanding the transaction fees.
- Mary Lou McDonough said the lobby ATM in the Prince George's County jail is used mostly by employees; the agency will make each inmate's first transaction free of charge. Debit cards are more secure than issuing a check to each inmate.
- Hillsborough County, Florida, has been releasing inmates with cash up to \$200 and is now moving to a debit card payout.

RELIGIOUS ACCOMMODATION: KIRPAN AND BURKHA

Mitch Lucas (Charleston County, South Carolina) showed several photographs of the kirpan, a symbolic blade weapon carried by orthodox Sikhs for doing battle with evil. Jail staff may encounter kirpans on detainees or visitors in the lobby or inmate visitation. People who are wearing a Sikh turban may also be carrying a kirpan, which is worn on the hip.

- In New York State, children are allowed to wear them in the classroom, per court decision.
- Kim Moule (San Joaquin County, Florida) worked out a solution in which an inmate was allowed to keep a photocopy of his kirpan. Court security plans may provide guidance to jails in how to handle this.

Tony Wilkes (Davidson County, Tennessee) described a situation in which a young woman in a burkha was denied access to a courthouse because her identity could not be verified. Mitch Lucas said

it's acceptable for an identity photo to be taken if it's a woman staff member taking the picture. A case-by-case approach may be best.

CALCULATING INMATE COST PER DAY

Robert Sowell (Clayton County, Georgia) commented that once jail managers have come up with a cost per inmate per day, they are asked why they don't actually save that amount when the jail population goes down slightly. Significant savings only happen when the jail is able to close a full housing unit. How are other jail administrators communicating this?

- Marilyn Chandler Ford (Volusia County, Florida) said that traditionally, the cost per inmate is defined as the budget divided by the average daily population (ADP). But different ways of crunching the numbers may be appropriate, depending on what issue the jail leadership is trying to illuminate.
- Mitch Lucas said that in his job as budget manager, he often was asked why other counties had much lower per-day costs. It mainly related to differences in what was included as costs to the jail. Ronaldo Myers (Richland County, South Carolina) pointed out that some calculations don't include utilities, and ancillary services such as human resources management may not be in the budget if they're provided by the county.
- Participants commented that jail administrators should agree to use the same definition, but that each jail is different. Direct supervision jails or jails with a particular programming focus can have very different budgets. Even different units in a jail can have widely different operating costs. Regional comparisons may be easier than comparisons in jails from states that are far apart.
- Randy Demory (Kent County, Michigan) added that not all inmate-days cost the same. An inmate's first day is the most expensive with intake, assessment, screening, housing, property management, etc. Also, a work release day might cost more than a day in a jail unit.
- Mark Bolton (Louisville, Kentucky) has been educating the metro council and mayor's office in terms of the cost centers that operate within the jail. Booking is one cost center, for example, and administrative segregation is another. A third, inmates on HIV medications, costs his agency about \$7,000 to \$8,000 a month.
- Participants discussed the complications in defining a per diem fee for beds used by the U.S. Marshals Service, ICE, or other governments. If the income ratio doesn't look like the jail is breaking even, the jail director needs to be ready to explain this to county leaders; the relationships are too abstract.
- Another factor in the calculation occurs when people are booked and released on the same day—they may not be counted toward ADP numbers, and these bookings often don't generate fees charged to municipalities.

DISALLOWING STAPLES IN THE JAIL

About a third of meeting participants said their jails do not allow stapled publications in the jail. Staples can be used to jam locks or short out e-devices. They can also be used for self-injury or wounding others. Former LJN participant Don Leach was an expert witness on this subject in a lawsuit in South Carolina. On the other hand, staples are common in many jails—in program materials, on bulletin boards, and elsewhere. Staff need to understand the rationale behind rules that prohibit common objects. Hardcover books can be a weapon. Any book can be used to conceal contraband or send messages. A food tray can be a weapon.

DISABLED VETERANS AS DETENTION OFFICERS

Hiring decisions in a jail are based on the applicant's ability to perform the duties of the job, and hiring of military combat veterans is no exception.

- In response to a question about disabled veterans working in jails, participants mentioned knowing of combat-veteran patrol officers with prosthetics and a hand-to-hand combat trainer with prosthetic hands.
- In a Virginia jail, a female veteran who had lost her left hand completed officer training but was denied the opportunity to serve; the resulting lawsuit made no one happy and made the agency look bad.

Jails that make special accommodations for disabled veterans may need to anticipate any possible effects on their overall hiring standards.

MANAGING INMATE PROPERTY WITH RFID

Kim Spadaro described Broward County, Florida's new system for managing inmate property. Items are photographed and stored in a shrink-wrapped plastic bag with a radio frequency ID (RFID) chip. Inmates are issued a key with the barcode at release. Any other access requires a court order. The system has reduced claims of lost items, reduces the potential for theft, and reduces the jail's liability.

STATE FUNDING ASSISTANCE TO JAILS

Participants described some mechanisms that provide state funding for local corrections.

- In Massachusetts, county facilities housing inmates up to 2 years are under the umbrella of the state corrections department.
- In Virginia, regional jails were established with a plan for 100% state funding, but per-bed-day funding currently is about \$42.

- The state of Maryland is obligated to reimburse jails for housing inmates who are detained between 12 and 18 months, but this is no longer happening. The state is paying a fee of \$45 per day for inmates sentenced to state custody until they are moved.

STAFF INTERACTIONS WITH INMATES ON SUICIDE WATCH

Randy Demory said that in Kent County, Michigan, officers are receiving training from mental health professionals to interact in supportive ways with inmates on suicide watch. This has been reducing the length of time some inmates stay on suicide watch.

Several agencies represented at the meeting also encourage other inmates to connect with, watch, and offer support to suicidal inmates.

- Mitch Lucas (Charleston County, South Carolina) considers this a liability issue because inmates are not legally responsible for each other's welfare—the jail is ultimately responsible.
- Tim Ryan (Miami-Dade County, Florida) said that the jail offers special floor mats to inmates who indicate suicidal thoughts. For a number of inmates, the suicidal tendency soon goes away. Prince George's County, Maryland, provides similar mats for inmates going through delirium tremens.

HONOR GUARD UNITS

Most LJN agencies have an honor guard for ceremonial events. Arlington County, Virginia, hosts teams for specialized training. States' military reserve units also offer training. Competitions take place each May during National Corrections Officers' Week at the National Law Enforcement Memorial and Museum.

ACCOMMODATIONS FOR PREGNANT OFFICERS AND NEW MOTHERS

Participants discussed alternative assignments for officers who are pregnant. Agencies cannot move a pregnant officer to a different duty status involuntarily.

- Michelle Robinette (Tulsa County, Oklahoma) said that pregnant women stay on normal duty until they request a change; supervisors talk with them to be sure they understand that as long as they're on full duty, if there's a fight they need to be in it or their job status will be affected.
- Participants from other agencies noted that pregnant women make less income on alternative status and are not permitted to work overtime.
- Jail policy may limit how long an officer can be on light duty; some jails have eliminated light duty after too much abuse.

National Institute of Corrections

- Robinette said when a pregnant officer brings in a doctor's note for light duty, she is sent home on vacation time or sick time. Some women get extra paid leave via the agency's leave-share program, which lets staff give their benefits to another staff member. Ultimately, staff who are not able to report for duty are placed on leave without pay if they use up their available paid benefit time.

Light duty can work out if the jail is able to find necessary work to be done on the same shift. Some jails have had difficulties balancing light duty requests for pregnant officers vs. staff members with non-work-related injuries. If jails can assign a woman to a post such as the front lobby and this saves the agency from hiring for the position, it's a positive outcome for all.

Later on, agencies must provide breastfeeding mothers with a private space other than a bathroom to accommodate breast pumping.

INMATES' PRESCRIPTION MEDICATIONS

Participants discussed how their jails handle special requests for non-formulary medications. In some jails, if inmates and their families prefer to use medications that are not in the jail's formulary, their families can arrange with local pharmacies to provide the items. The pharmacy must fill the prescription and send it to the jail. Families cannot deliver the medication themselves.

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LARGE JAIL NETWORK BUSINESS

NIC INFORMATION CENTER UPDATES

Presenter: Joshua Stengel, Project/Systems Manager, NIC Information Center, Aurora, Colorado.

Joshua Stengel introduced the NIC Information Center's new reference services manager, Liz Craig. Her background includes delivering classroom training, such as teaching parole officers motivational interviewing techniques.

The Future of Training

Stengel asked LJN participants about technology innovations in staff training. Are agencies able to deliver the training they need to deliver? Are budget and other pressures causing agencies to look for effective new solutions, either because they want to or because they have to? Are agencies able to measure the results of technology-mediated training? Are agencies outsourcing specialty management training to vendors such as NMI Management and Training (<http://www.nmitraining.com>)?

Participants made several observations on their agencies' use of online learning.

- Mark Adger has assigned the staff in Fulton County, Georgia, to take online training via NIC's Learn Center. Once people give it a try, they tend to like it. To cover standards-based in-service training requirements, the agency had been training on the same subjects each year. The service gives staff a way to add more content areas.
- Tony Wilkes (Davidson County, Tennessee) said that available e-learning content is not effective for training line staff. E-learning that's specific to institutions and accessible to line staff would be useful.
- Jeff Newton (Riverside Regional Jail, Virginia) mentioned the Essential Learning product, a collaborative project of AJA, NSA, and ACA. He said agencies are using the system partly because they can upload their own training content to supplement the general content that's designed for any corrections agency.
- Mark Foxall said the Douglas County Department of Corrections is aiming for staff to take 16 hours of online training annually and that the availability of online learning is saving the agency money on overtime. The agency is developing customized courses; for example, it tapped into the expertise of the Red Cross for help with a program on CPR.
- Patrick Tighe (St. Lucie County, Florida) said he's concerned that with e-learning, trainers and managers can't tell who is paying attention, who has read the material, and what questions is everyone getting wrong or right.

National Institute of Corrections

- Ed Beckman (Pasco County, Florida) said e-learning is best if the agency is already accredited. The downside is that staff don't get the professional networking benefits of face-to-face programs. Plus, learning in an office with a laptop is one thing; hands-on training also needs to happen. It's important to give staff a mix of training formats.
- Jeff Newton added that agencies can't move the entire training curriculum online. Online training works best when it's blended, such as reading class material online and then having a demonstration in a classroom. In that scenario, jails can deliver something really worthwhile in a 3-hour classroom block. Newton said Essential Learning product is shelf-ready. Officers often can put in some training time while they're supervising a housing unit.
- Lisa Haney (Washoe County, Nevada) said that moving training online takes more work than putting the narrative content into slideshow bullets.
- Tim Ryan gave an example of on-screen training in contraband detection. Trainees go into virtual cells to find contraband. The exercise is worded, "There are 10 contraband items in this cell. Can you find them?"

Stengel mentioned the example of scuba training, in which 90% of the certification training is now delivered online and 10% in the pool. He demonstrated "30 Second MBA," an online project of business publisher Fast Company. The website (<http://www.30secondmba.com/>) provides video answers to specific management issues, plus comments from viewers. An example of a topic is, "How do you give your employees bad news?" Over time, this is creating modules of content that users can access when they need ideas. Perhaps corrections agencies could collaborate on creating this type of resource.

Stengel also pointed out that corrections shares some of its training needs with other industries. For example, training in laundry or food service will be similar to training in the hospitality industry.

Discussion

- None of the agencies at the meeting are developing the type of micro-training seen on the Fast Company site.
- A participant said he's found useful online videos on subjects such as fixing a sump pump.
- Kim Spadaro (Broward County, Florida) said she sees potential in training on one accreditation standard per week, covering the text of the standard and the specific responsibilities of each person involved up the chain of command.
- Dick Carberry (Onondaga County, New York) asked whether there is research on attention spans for online learning—what is a good length for video training segments? Stengel said that many popular YouTube videos are under 10 minutes in length.
- Mitch Lucas said Charleston County analyzed the jail's training needs and experiences. They found that people wanted video training, but there was a lot of abuse with people sharing the answers to online tests. In the corrections business training has to work, and it's difficult to measure training effectiveness.

- Mike James (Orange County, California) said he's begun communicating with his staff via Facebook because it's what they're used to. Leadership needed to get past the idea that Facebook wasn't an appropriate place for professional communication. Meanwhile, training staff are resisting the idea of delivering training using nontraditional tools, such as iPods, but leadership sometimes needs to look ahead and push the agency forward.
- Doug Jeske (Snohomish County, Washington) said that agency has programmed its system so that staff who log in can't get anywhere else until they've completed a 5-minute training module. This adds up to 25 minutes of training per week. It's been easy to fit the training in at shift changes when inmates are in their beds or cells. Testing is conducted on a monthly basis to measure and document the learning.

Stengel showed the group a popular 1-minute web video about how to peel an egg. The video has been viewed 3.4 million times. He suggested that short training videos of this type could be useful for corrections agencies to train on proper restraining techniques or other action content.

- Curtis Flowers (Hillsborough County, Florida) suggested looking at what military organizations are doing in this regard.
- Mike Jackson (NIC) said the National Guard could be a good source for expertise or ideas.

NICIC.gov Goes Mobile

NIC recently launched a mobile version of its website, <http://nicic.gov/mobile>. It provides simple access points to what's new in the library, upcoming training programs, news and announcements, the NIC help desk, NIC links, the NIC homepage, the NIC Corrections Community, and the NIC Learn Center.

The first time people use it to request help desk assistance (for example, to order a video), they will need to enter a shipping address, and their information will be stored for future orders.

LJN Discussion Forum

Stengel explained how to share a file with other members of the LJN forum.

- The easiest method is to reply by email. An email message can have one attachment. Forum members will receive a message about the attachment and will need to click a link to actually retrieve the file.
- Forum members also can post files in the LJN Vault connected to the forum. The LJN Vault can be found in the forum's section labeled "Private files." Putting items in the vault will make them easier to find over the long term.

FUTURE MEETING TOPICS

Mike Jackson said invitations for the March 2012 meeting will be sent to agency CEOs in early December. Members should follow up with their sheriffs/CEOs to be sure of a seat. NIC pays for a limited number of seats. Agencies can pay to send additional staff.

Meeting participants selected the following topics for the meeting:

- Legal issues update;
- Inmate behavior management—an overview of NIC’s work in this area, plus discussion of the classification aspects, and effects on the jail environment;
- Civil Rights of Incarcerated Persons Act—experiences with investigations and implementing changes;
- PREA Toolkit update;
- Technology for corrections, continued.

Appendix A

**Large Jail Network
September 2011 Final Meeting Agenda**

LARGE JAIL NETWORK MEETING

September 19-21, 2011

DoubleTree Hotel

Denver Southeast

Aurora, CO

Agenda

Monday, September 19

6:00 p.m. Introduction and Overview Mike Jackson
Correctional Program Specialist

6:30 p.m. INFORMAL DINNER

7:30 p.m. Orientation for New Members TBD

8:00 p.m. ADJOURN

Tuesday, September 20

8:00 a.m. Open Forum: Hot Topics Mitch Lucas
Charleston Co. SC

10:00 a.m. Recovering JailsMary Lou McDonough
Prince Georges Co. MD

12:00 noon LUNCH

1:00 p.m. Staff Issues – Applicants, Discipline and Rumor Control.....Curtis Flowers
Hillsborough Co, FL
Marilyn Chandler Ford
Volusia Co, FL

3:00 p.m. Open Forum: Hot Topics continued.....

5:00 p.m. ADJOURN

Wednesday, September 21

8:00 a.m. Technology Updates Glen Kurtz
Sedgwick Co, KS
Lisa Haney & Debi Campbell
Washoe Co, NV

10:00 Dealing with FMLA Abuses Janet Wilson
Department of Labor
Marilyn Chandler Ford
Volusia Co, FL

12:00 noon LUNCH

1:00 Prescription Drug Epidemic (Pill Mills) and the Impact on Housing
Ed Beckman
Pasco Co. FL

3:00 p.m. Legislative and Association Updates Mitch Lucas
American Jail Association
Jeff Washington
American Correctional Association

4:30 p.m. Future Meeting Topics Mike Jackson
Correctional Program Specialist

5:00 p.m. ADJOURN

Appendix B

**Large Jail Network
September 2011 Participant List**

Mark	Adger	Chief Jail Administrator	Fulton County Sheriff's Office	Atlanta	GA
Oscar	Aviles	Director	Hudson County DOC	Kearny	NJ
Mark	Baird	Bureau Chief	Snohomish County SO	Everett	WA
Edward	Beckman	Major	Pasco SO	Land O'Lakes	FL
Scotty	Bodiford	Jail Administrator	Greenville Co. Dept. of Public Safety	Greenville	SC
Mark	Bolton	Director	Louisville Metro Corrections	Louisville	KY
Joseph	Bondiskey	Warden	Atlantic County	Mays Landing	NJ
Debra	Campbell	Det. Operations Mgr.	Washoe County SO	Reno	NV
Richard	Carbery	Chief Deputy	Onondaga County SO	Syracuse	NY
Marilyn	Chandler Ford	Corrections Director	Volusia County DOC	Daytona Beach	FL
Nicholas	Cocchi	Asst. Superintendent	Hampden County SD	Ludlow	MA
James E.	Coleman	Director	Shelby County DOC	Cordova	TN
Dane	Collins	Jail Commander	Muscogee Co SO	Columbus	GA
Randy	Demory	Captain	Kent County Sheriff	Grand Rapids	MI
Wayne	Dicky	Jail Administrator	Brazos County SO	Bryan	TX
Roger	Dovalina	Jail Administrator	Bexar County SO	San Antonio	TX
Ron	Eddings	Dir. of Corrections	Jefferson County SO	Birmingham	AL
Curtis	Flowers	Division Commander	Hillsborough County SO	Tampa,	FL
Mark	Foxhall	Acting Director	Douglas Co. DOC	Omaha	NE
Michael	Frost	Asst. Superintendent	Essex County SD	Lynn	MA
Lou	Giorla	Commissioner	Philadelphia Prison System	Philadelphia	PA
Al	Guerin	Assistant Sheriff	San Diego County SD	San Diego	CA
Greg	Hamilton	Sheriff	Travis County SO	Austin	TX
Lisa	Haney	Assistant Sheriff	Washoe County SO	Reno	NV
Gregory	Harris	Deputy Director	Prince George's County DOC	Upper Marlboro	MD
Jack	Herron	Jail Administrator	Oklahoma County SO	Oklahoma City	OK
Darrell	Hibbs	Asst Jail Commander	Brevard County SO	Cocoa	FL
Jill	Hobbs	Asst.Chief	Orange County Government	Orlando	FL
Jimmy	Holderfield	Director	Jacksonville SO	Jacksonville	FL
Michael	Hourihane	Dep. Chief of Dept	New York City DOC	East Elmhurst	NY
Michael (Mike)	James	Assistant Sheriff	Orange County SD	Santa Ana	CA
Douglas	Jeske	Major	Snohomish County Sheriff	Everett	WA
Brett	Keteles	Assistant Sheriff	Alameda County	Oakland	CA
David	Kilcrease	Assistant Chief	Jacksonville SO	Jacksonville	FL
LeRoy	Kirkegard	Captain	Clark County SO	Las Vegas	NV
Christopher	Kneisley	Major	Palm Beach County SO	West Palm Beach	FL

Jeffery	Kumorek	Administrator	Lake County Sheriff	Gary	IN
Glenn	Kurtz	Major	Sedgwick County SO	Wichita	KS
Darren	Long	Major	Travis County SO	Austin	TX
Mitch	Lucas	Chief Deputy	Charleston County SO	North Charleston	SC
Clifford	Manley	Director	Seminole County SO	Sanford	FL
Michael	Marks	Superintendent	Essex County SD	Lynn	MA
Mary Lou	McDonough	Director	Prince George's County DOC	Upper Marlboro	MD
Thomas	Merkel	Dir. of Corrections	Hennepin County	Minneapolis	MN
Kimberly	Moule	Captain	San Joaquin County SO	French Camp	CA
Ronaldo	Myers	Director	Richland County	Columbia	SC
Jeffery	Newton	Director	Riverside Regional Jail	Hopewell	VA
Amadeo	Ortiz	Sheriff	Bexar County SO	San Antonio	TX
Louie	Perea	Bureau Chief	Arapahoe County SO	Centennial	CO
Michelle	Robinette	Chief Deputy	Tulsa County SO	Tulsa	OK
Kelly	Rowe	Sheriff	Lubbock County SO	Lubbock	TX
Timothy	Ryan	Director	Miami-Dade County	Miami	FL
Vic	Salvador	Cmdr of Corrections	Calcasieu Parish SO	Lake Charles	LA
Cody	Scott	Chief	Lubbock County SO	Lubbock	TX
Michael	Shults	Chief Deputy	Multnomah County SO	Portland	OR
David	Simons	Superintendent	Hampton Roads Regional Jail	Portsmouth	VA
Dan	Simovich	Major	Pinellas County SO	Clearwater	FL
Robert	Sowell	Jail Administrator	Clayton County SO	Jonesboro	GA
Kim	Spadaro	Director	Broward SO	Ft. Lauderdale	FL
Marshall	Stowers	Asst. Administrator	Greenville Co. Dept. of Public Safety	Greenville	SC
Jeffrey	Teuscher	Captain	Dane County SO	Madison	WI
Patrick	Tighe	Director	St. Lucie County SO	Fort Pierce	FL
Michael	Wade	Sheriff	Henrico County SO	Henrico	VA
Tony	Wilkes	Chief of Corrections	Davidson County SO	Nashville	TN
Gary	Wilson	Sheriff	Denver Sheriff's Office	Denver	CO
Dennis	Wilson	Sheriff	Limestone County SO	Groesbeck	TX
Robert	Wyche	Commander	Caddo Parish SO	Shreveport, LA	LA

Appendix C

Index of Past LJN Meeting Topics

**LARGE JAIL NETWORK MEETING TOPICS
JUNE 1990 - SEPTEMBER 2011**

1990	June	System Approaches to Jail Crowding and Population Management
1991	January	Crowding Strategies and the Impact of Court Decisions
	July	Managing Jail Litigation Linking Jail and Community Programs
1992	January	Fair Labor Standards Act Writing and Negotiating Contracts
	July	Americans With Disabilities Act
1993	January	Blood-Borne and Airborne Pathogens Health Care Costs in Jails
	July	Privatization Programs for Women Offenders
1994	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
1995	January	Gangs, Jails and Criminal Justice
	July	Trends in Employee Relations Sexual Harassment
1996	January	The Dilemma of In-Custody Deaths The Crime Bill and Its Impact on Jails
	July	Juveniles in Adult Jails
1997	January	Meeting the Competition of Privatization
	July	21st Century Technology and its Application to Local Jail Information and Operational Needs.
1998	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.
1999	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.
2000	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.
2001	January	The Use of Data for Planning, Decision Making, and Measuring Outcomes.

**LARGE JAIL NETWORK MEETING TOPICS
JUNE 1990 - SEPTEMBER 2011**

	July	Understanding and Using the Data & Resources of the Bureau of Justice Statistics Staff Issues in Large Jails: Staff Utilization, Relationships, Conduct & Misconduct
2002	January	The Future of Jails, Corrections and Criminal Justice Legal Issues Update
	July	Inmate Medical Care Cost Containment Succession Planning for Future Jail Leaders
2003	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
2004	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
2005	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
	July	Examining Federal and Local Benefits for Jail Detainees Ethics in the Administration of the Jail Human Resource Issues: Employee Recognition, Attendance, Restricted Duty
2006	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

**LARGE JAIL NETWORK MEETING TOPICS
JUNE 1990 - SEPTEMBER 2011**

2007	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
2008	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
2009	March	Illegal Alien Programs Transgender, Lesbian, Gay and Intersex Inmates Proactive Discipline Part 2 PREA Update Legal Issues Update
	September	PREA Commission Presentation Legislative Updates Successful Pre-Trial and Criminal Justice System Collaborations USDOJ - ADA, CRIPA, LEP Presentation Middle Management Training Programs
2010	March	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
	September	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

**LARGE JAIL NETWORK MEETING TOPICS
JUNE 1990 - SEPTEMBER 2011**

2011	March	<p>Legal Updates with Bill Collins</p> <p>Jail Suicide Update</p> <p>PREA</p> <p>Effective Use of Data with Policy Makers</p>
	September	<p>Recovering Jails</p> <p>Staff Issues – Applicants, Discipline and Rumor Control</p> <p>Technology Updates</p> <p>Dealing with FMLA Abuses</p> <p>Prescription Drug Epidemic and the Impact on Jails</p>