WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #7

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Effective Date

NOTICE OF AN EMERGENCY RULE

AGENCY: WV Jail and Correctional Standards Commission TITLE NUMBER: 95

CITE AUTHORITY: W.Va. Code 31-20-8 et. seq.

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES ☒ NO ☐

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Title 95 Series 1

TITLE OF RULE BEING AMENDED: West Virginia Minimum Standards for Construction, Operation and Maintenance of Jails

IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY:

TITLE OF RULE BEING FILED AS AN EMERGENCY:

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 35TH DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

14.20

Use additional sheets if necessary

Signature

WEST VIRGINIA

SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

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FEB 4 3 04 PM '94

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Jail and Correctional Standards Commission TITLE NUMBER: 95

RULE TYPE: Legislative ; CITE AUTHORITY 31-20-8 et. seq.

AMENDMENT TO AN EXISTING RULE: YES X NO ___

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: West Virginia Minimum Standards for Construction, Operation and Maintenance of Jails

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: ___

TITLE OF RULE BEING PROPOSED: ___

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON 05 March 1994 AT 5:00 pm.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

307 Jefferson Street
Capitol Complex
Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: WV Minimum Standards for Construction, Operation and Maintenance of Jails.

Type of Rule: _X_ **Legislative** ____ **Interpretive** ____ **Procedural**

Agency WV Jail and Correctional Standards Commission

Address 307 Jefferson Street

Capitol Complex

Charleston, West Virginia 25305

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1. Effect of Proposed Rule N/A

	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	$	$	$	$	$
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates:

N/A

3. Objectives of these rules:

N/A

Rule Title: West Virginia Minimum STandards for Construction, Operation and Maintenance of Jails

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

N/A

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

N/A

C. Economic Impact on Citizens/Public at Large.

N/A

Date: 02 February 1994

Signature of Agency Head or Authorized Reprensentative

M E M O R A N D U M

TO: The Honorable Ken Hechler
Secretary of State

FROM: Joseph J. Skaff, Secretary
Department of Public Safety

DATE: 03 February 1994

RE: Proposed Legislative Emergency Rule

In accordance with West Virginia Code 29A-1-1 et. seq., a process for reviewing and updating the Jail and Correctional Facility Standards is necessary to assure that they conform to current statutes and case law.

RULE SUMMARY

This rule was developed to ensure that standards for construction, operation, and maintenance of jails in West Virginia are in compliance with current statutes and case law.

DATE: 02 February 1994

TO: **LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

FROM: WV Jail and Correctional Standard Commission

EMERGENCY RULE TITLE: West Virginia Minimum Standards for Construction, Operation, and Maintenance of Jails

1. **Date of Filing** 03 February 1994

2. **Statutory authority for promulgating emergency rule:**

W. Va. Code 29A-1-1 et. seq.

3. **Date of filing of proposed legislative rule:** 03 February 1994

4. **Does the emergency rule adopt new language or does it amend or appeal a current legislative rule?**

Amend a current legislative rule.

5. **Has the same or similar emergency rule previously been filed and expired?**

Initially as an emergency rule.

6. **State, with particularity, those facts and circumstances which make the emergency rule necessary for the immediate preservation of public peace, health, safety or welfare.**

Due to Two laws being passed last year, these Standards need to be made current to reflect those changes. Other minor changes were made at the direction of the Attorney General's Office to comply with current case law.

7. **If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.**

N/A

8. **State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.**

Current standards are mandatory for all jails in W.Va. Legislation passed in 1993 (31-20-9 (1)) requires standards to be mandatory only for jails constructed after 05 April 1988. Current standards do not address double bunking. Legislation passed in 1993 (31-20-9 (1)) allows for double bunking. Inmates are currently utilizing existing standards as a basis for litigation against both regional and county jails. Current standards fo not conform to current statutes.

FILED

FEB 4 3 06 PM '94

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

JAIL AND PRISON STANDARDS COMMISSION
RECOMMENDED MODIFICATIONS TO JAIL STANDARDS

§95-1-1. General.

1.1. Scope. -- This legislative rule establishes minimum standards and procedures for jails in West Virginia. The standards as developed for construction, operation and maintenance of jails shall only apply to facilities completed after the fifth day of April, one thousand nine hundred eight-eight, and that the standards shall serve only as guidelines for any jail facility in operation prior to that date.

1.2. Authority and Related Code Citation. -- W.Va. Code §31-20-9

1.3. Filing date. -- April 5, 1988

1.4. Effective date. -- April 5, 1988

1.5. Repeal of former rule. -- None.

§95-1-2. Administration, Organization, and Management.

2.1. Philosophy, goals and policies. A written statement shall be prepared by authority having jurisdiction that describes the philosophy, goals and policies of the facilities under its control, and which is reviewed annually and updated as necessary. This statement is made available to staff, inmates and the general public.

2.2. Jail administrator. The jail shall be managed by a single administrator to whom all employees or units of management are responsible.

2.3 Appointment. The facility administrator shall be appointed by the chief executive officer or governing board of the authority having jurisdiction.

2.4. Qualifications. The educational, operational and administrative qualifications of the facility administrator shall be stated in writing and include, at a minimum, a bachelor's degree and/or three years of experience and training at the supervisory level.

2.5. Term. The term of the facility administrator shall be continuous, except for assignment to a position of equal responsibility, and may be terminated by the appointing authority only for good cause, and if requested, subsequent to a formal and

open hearing on specific charges.

2.6. Outside agencies. There shall be policy which is reviewed annually which specifies the roles and functions of employees of other agencies providing a service to the facility.

2.7. Organizational subunits. There shall be a written plan with an organizational chart which describes the facility organization and groups similar functions, services and activities into administrative subunits. This plan shall be reviewed at least annually and updated as needed.

2.8. Operations manual. There shall be a written operations manual that delineates the procedures for operating and maintaining the facility. The manual shall be available to employees, reviewed annually and updated as needed.

2.9. Legal assistance. Legal assistance shall be available to the administrator and other staff as needed in the performance of their duties.

2.10. Authority to release. When the facility is designated to operate any type of pretrial intervention service or other release program, its authority and responsibility is stated by statute or administrative regulation.

§95-1-3. Fiscal Management.

3.1. Budgetary system. The budgetary system shall link operations and activities to the cost necessary for their support.

3.2. Accounting procedures. The methods used for collection, safeguarding and disbursement of monies shall comply with accounting procedures established by the appropriate jurisdiction.

3.4. Minimum policies. The facility shall have written policies and procedures approved by the parent agency that includes, at a minimum:

(a) Internal controls;

(b) Petty cash procedures;

(c) Bonding for all appropriate staff;

(d) Signature control on checks;

(e) Handling of inmate funds;

(f) Employee expense reimbursement; and

(g) Issuance or use of vouchers.

3.5. Audit. The facility or parent agency fiscal process

shall include an annual external financial audit of the facility at time periods stipulated by applicable statutes and/or regulations.

3.6. Inventory. There shall be inventory control of property, stores and other assets. Such inventories are conducted at time periods stipulated by applicable statutes, however, they should not exceed every two (2) years.

3.7. Insurance coverage. Each facility shall have insurance coverage which includes, at a minimum: Worker's compensation, civil liability, liability for official vehicles and public employee blanket bond.

3.8. Personnel assessment. Budget policy and procedure shall provide for an annual assessment of presently assigned positions and future personnel needs required to meet facility objectives.

§95-1-4. Personnel.

4.1. Selection, retention, and promotion. The selection, retention, and promotion of all personnel shall be on the basis of merit and specified qualifications, which shall include minium literacy and education requirements.

4.2. Psychological testing. All jail personnel who have direct contact with inmates shall undergo psychological testing prior to their employment and when a justifiable need exists during their employment, to determine suitability for appointment and retention. The testing shall be designed to measure basic attitudes and tendencies toward honesty and against unprovoked acts of personal violence and shall be administered, scored and interpreted by, or under the supervision of, a licensed psychologist.

4.3. Affirmative action. A program of affirmative action and equal employment opportunities shall exist.

4.4. Criminal record check. In accordance with state and federal statutes, a criminal record check and complete background investigation shall be conducted on all new employees to ascertain whether there are criminal convictions and other information which has a specific relationship to job performance.

4.5. Physical examination. A physical examination of all employees by a physician at the time of employment shall be required. Provision shall exist for re-examination when indicated.

4.6. Probationary employees. There shall be a procedure governing probationary employment. New or promoted employees are appointed initially for a probationary term of one year. After successful completion of the initial probationary period, employees shall be granted permanent status.

4.7. Job classification. A job classification or post audit system shall exist which is linked to the salary and benefit compensation plan.

4.8. Personnel policy manual. There shall be a personnel policy manual. A copy of this manual shall be available to each employee, explained at employee orientations, and a signed statement shall be obtained from each employee, to be kept in the personnel file, certifying his or her understanding of the manual and its contents. The manual shall include, at a minimum, the following areas:

(a) Organizational structure;

(b) Recruitment and selection procedures;

(c) Equal employment opportunity provisions;

(d) Job qualifications, descriptions and responsibilities;

(e) Job classification plan;

(f) Wage and benefit plan;

(g) Holidays, leave and work hours;

(h) Policies and procedures related to personnel records;

(i) Performance evaluation procedures;

(j) Promotion, retirement, resignation, layoff and termination procedures;

(k) Employee-management relations;

(l) Physical fitness policy;

(m) Disciplinary procedures;

(n) Grievance and appeal procedures; and

(o) Insurance and professional liability provisions.

4.9. Conflict of interest. Employees shall be prohibited from using their official position to secure privileges for themselves or others and from engaging in activities that constitute a conflict of interest.

4.10. Disciplinary investigations. A staff person charged with alleged maltreatment of an inmate shall not work directly with any inmate until an investigation is completed.

4.11. Disciplinary actions. Employees on permanent status shall be terminated or demoted only for just cause and after

grievance and appeals procedures, if requested, have been exhausted.

4.12. Annual evaluation. A written performance evaluation of all employees, based on defined criteria related to job performance shall be provided at least annually. The evaluation shall bear a direct relationship to the skills, knowledge areas, aptitudes and personal characteristics defined in the job description. Employees shall review and discuss the performance evaluation with the person who completes it. If employees disagree with the evaluation, they shall have the opportunity to express their opinions in writing; their statement shall be included in their personnel files.

4.13. Transfer, assignment and selection. Procedure shall provide for the transfer, assignment and selection of employees on the basis of facility need and the ability of the employee to perform the job.

4.14. Emergency Medical Technician. There shall be at least one medically trained employee of at least emergency medical technician licensure, available at all times on each shift. (See standard 14.13 also)

4.15. Provisional appointments. Resources shall provide for provisional appointments and/or reserve correctional officers to ensure the availability of trained personnel for short-term, full-time or part-time work in special or emergency situations.

4.16. Personnel records. The facility administrator or parent agency shall maintain a current, accurate and confidential personnel record for each employee.

4.17. Record confidentially. Written policy and procedure shall provide for the confidentiality of the personnel record and restrict its availability to the employee who is the subject of the record, to administrators and supervisors directly responsible for the employee, and to other personnel who need the information for the performance of their duties.

4.18. Record correction. Provision shall be available for employees to challenge all information in their personnel file and establish a process for correction or removal of inaccuracies.

§95-1-5. Training and Staff Development.

5.1. Program supervision. The facility's training programs for all employees shall be specifically planned, coordinated, and supervised by a qualified employee at a supervisory level; in a facility of over one hundred (100) employees, this person shall be employed full time for this purpose.

5.2. Supervisory training. The individual coordinating the training and staff development program shall receive specialized training for that position.

5.3. Training curriculum. A training curriculum shall be developed, evaluated, and updated based on an annual needs assessment that identifies current job-relating training needs. The Regional Jail and Prison Correctional Facility Authority shall be the approving agency.

5.4. Trainer certification. Any individual providing pre-service, in-service or basic training for correctional staff shall be certified as a correctional trainer by the Regional Jail and Prison Correctional Facility Authority.

5.5. Outside resources. The training and staff development program shall use the resources of other public and private agencies, private industry, colleges, libraries and reference services to complement the program.

5.6. Budget. The budget shall include funds for compensating staff for additional time spent in training, or for replacement personnel required when regular personnel are off duty for training purposes.

5.7. New clerical/support employees. All new clerical/support employees who have minimal inmate contact shall receive at least forty (40) hours of orientation and approved training during their first year of employment. Twenty-four (24) of these hours shall be completed prior to being independently assigned to a particular job. All persons in this category shall be given at least an additional eight (8) hours of training each subsequent year of employment. The Regional Jail and Prison Correctional Facility Authority shall be the approving agency.

5.8. New support employees. All new support employees who have regular daily inmate contact shall receive at least forty (40) hours of orientation and approved training during their first year of employment. Twenty-four (24) of these hours shall be completed prior to being independently assigned to a particular job. They shall be given at least an additional sixteen (16) hours of training each subsequent year of employment. The Regional Jail and Prison Correctional Facility Authority shall be the approving authority. At a minimum, this training shall cover the following areas:

(a) Security procedures and regulations;

(b) Rights and responsibilities of inmates;

(c) All emergency procedures;

(d) Interpersonal relations;

(e) Communication skills; and

(f) First aid.

5.9. New correctional officers. All new correctional officer personnel shall receive at least one hundred twenty (120) hours of approved orientation and training during their first year of employment. The Regional Jail and Prison Correctional Facility Authority shall be the approving agency. Forty (40) of these hours shall be completed prior to being independently assigned to a particular post. All persons int his category shall be given an additional forty (40) hours of training each year thereafter. At a minimum, this training covers the following areas:

(a) Security and search procedures;

(b) Use of force regulations and tactics;

(c) Supervision of inmates;

(d) Report writing;

(e) Inmate and staff rules and regulations;

(f) Rights and responsibilities of inmates;

(g) All emergency procedures;

(h) Interpersonal relationships;

(i) Social/cultural life style of the inmate population;

(j) Communication skills; and

(k) First aid.

5.10. Administrative and managerial staff. The facility's administrative and managerial staff shall receive at least forty (40) hours of orientation if they are new to the facility and at least eight (8) hours of management training each year thereafter. This training shall cover, at a minimum, the following:

(a) General management and related subjects;

(b) Decision-making processes;

(c) Labor law, employee-management relations;

(d) The interaction of elements of the criminal justice system; and

(e) Relationships with other service agencies.

5.11. Emergency unit. When there is an emergency unit, all assigned officers shall receive forty (40) hours relevant emergency unit training prior to assignment.

5.12. Weaponry and chemical agents. All personnel authorized to use firearms or chemical agents shall be trained in weaponry and the use of chemical agents on a continuing, in-service basis, and are required to qualify annually.

5.13. Security personnel. All security personnel shall be trained in approved methods of self-defense and the use of force, including passive restraint, to control inmates.

5.14. Continuing education. The facility administration shall encourage employees to continue their education and provide reimbursement to employees attending professional meetings, seminars and similar work-related activities as approved by the administrator.

§95-1-6. Management Information and Research.

6.1. System of information. The facility shall contribute to, have access to, and use an organized system of information storage and retrieval relative to both inmate and operational needs.

6.2. Security. Procedure shall govern the security of the information and data collection system, including certification, access to data, and protection of the privacy of all inmates under the jurisdiction of the agency.

6.3. Collaboration. The facility or its parent agency shall collaborate with criminal justice and service agencies in information gathering, exchanges and standardization.

6.4. Inmate population accounting. There shall be an inmate population accounting system which includes records on the admission, processing and release of inmates.

6.5. Annual evaluation. There shall be at least annual evaluations of facility programs and services to determine progress toward achieving previously identified objectives.

6.6. Research. Written policy and procedure governing the conduct of research shall comply with state and federal guidelines for the use and dissemination of research findings and with accepted professional scientific ethics.

6.7. Inmate participation. Written policy and procedure shall govern voluntary inmate participation in non-medical, non-pharmaceutical and non-cosmetic research.

§95-1-7. Inmate Records.

7.1. Booking. Inmate booking information shall be recorded for every person admitted to the facility and includes at least the following data, unless prohibited by law:

(a) Fingerprints;

(b) Picture;

(c) Booking number;

(d) Name and aliases of person;

(e) Current address (or last known address);

(f) Date, duration of confinement, and copy of court order or other legal basis for commitment;

(g) Name, title and signature of delivering officer and arresting officer;

(h) Specific charge(s);

(i) Sex;

(j) Age;

(k) Date of birth;

(l) Place of birth;

(m) Race;

(n) Present or last place of employment;

(o) Health status, including any current medical or mental health needs;

(p) Emergency contact (name, relationship, address and phone

number);

(q) Telephone calls made by the inmate at time of admission;

(r) Driver's license and social security numbers;

(s) Notation of case and all property; and

(t) Additional information concerning special custody requirements, service needs, or other identifying information such as birthmarks or tattoos.

7.2. Case record management. Case record management shall include, but is not limited to, the establishment, utilization, content, privacy, security and preservation of records, and a schedule for the retirement or destruction of inactive case records. These procedures are reviewed annually.

7.3. Custody records. The facility shall maintain custody records on all inmates committed or assigned to the facility, that contain, but are not limited to, the following:

(a) Intake/booking information;

(b) Court generated background information;

(c) Cash and property receipts;

(d) Reports of disciplinary actions, incidents or crime(s) committed while in custody; and

(e) Records of program participation, including work release or trusty program and "good time" accumulated.

7.4. Format. The contents of inmate records shall be identified and separated according to an established format.

7.5. Case records. A current and accurate classification or case record shall be maintained for each inmate committed to or housed in the facility. Procedures shall be established to safeguard legally privileged or confidential information. The records shall contain, at a minimum the following:

(a) Classification and reclassification decisions;

(b) Report of disciplinary actions, grievances, incidents and crimes while in custody;

(c) Medical and mental health information relevant to the classification; and

(d) Information on work or study release when applicable.

7.6. Identification system. The facility shall maintain a

system which identifies all inmates in custody and their actual physical location.

7.7. Access to records. Those persons within the facility and other authorized persons who have direct access to inmate classification or case records shall be defined.

7.8. Release of information. The administration shall use a consent form which complies with applicable federal and state regulations. The inmate shall sign a "Release of Information Consent Form" prior to the release of information, as required by statute or regulation, and a copy of the form shall be maintained in the inmate's case record.

§95-1-8. Physical Plant.

8.1. General. All new jails shall be designed, constructed, maintained and operated in accordance with the standards and requirements set out and established by the State Fire Code, including the current edition of the National Fire Code published by the National Fire Protection Association and the current BOCA National Building Code published by Building Official and Code Administrators International, Inc. (BOCA). In any conflict between or among any of the aforementioned standards, the West Virginia State Fire Code shall be preeminent.

Standards and Regulations. All existing jails shall comply with the standards and regulations set forth for existing facilities in the State Fire Code, the current National Fire Codes published by the National Fire Protection Association (NFPA).

8.2. Safety of occupants. Because the safety of all occupants in all detention and correctional facilities cannot be adequately assured solely by a dependence upon evacuation from the building, their protection from fire shall be provided by appropriate arrangement of facilities, in adequately trained staff, and careful development of operating, security, and maintenance procedures to include the following:

(a) Proper design, construction nard neonate;

(b) Provisions for fire detection, alarms and extinguishment;

(c) Fire prevention programs which include planning, training, and drills covering such protective activities as: Isolation of the fire; transfer of occupants to areas of refuge; evacuation of the facility; or measures for in-place protection of the occupants; and

(d) Security provisions to the degree necessary to provide for the safety of both the occupants of the facility and the general public.

8.3. State Fire Marshal review. Plans and specifications for

all new facilities shall be submitted to the State Fire Marshal for review prior to the start of construction.

8.4. State Fire Marshal certificate. No facility shall be occupied until a certificate of occupancy is issued by the State Fire Marshal's office.

8.5. Activity areas. All activity areas shall have sufficient air circulation (at least ten (10) cubic feet of fresh, purified air per minute per occupant), lighting and sanitary facilities. These areas include multi-purpose rooms, recreation areas for inmates, or work areas for staff. Temperatures shall be maintained appropriate to the summer and winter comfort zones with consideration for the activity performed.

8.6. Inmate booking and release area. The inmate booking and release area shall be located inside the security perimeter, but outside inmate living quarters, and having the following facilities:

(a) Booking areas;

(b) Sally port;

(c) Access to drinking water;

(d) Shower facilities;

(e) Secure storage for inmate's personal property;

(f) Telephone facilities;

(g) Private interview space(s);

(h) Temporary holding rooms with sufficient fixed seating for all inmates as its rated capacity; and

(i) Operable toilets and wash basins.

8.7. Double Bunking of Inmates. Double Bunking of inmates in all appropriate cases shall be permitted to the extent that such practice does not violate any Federal Law or Standards.

8.8. Floor space. All single rooms or cells in detention facilities shall have at least seventy (70) square feet of floor space.

8.9. Environment. All rooms or cells shall have access to the following facilities and/or conditions:

(a) Toilet above floor level which is available for use without staff assistance twenty-four (24) hours a day;

(b) Wash basin and drinking water;

(c) Hot and cold running water;

(d) A bed at above floor level, desk or writing surface, hook or closet space, chair or stool;

(e) Lighting of at least twenty (20) foot candles at desk level and in the personal grooming areas. (In additions to existing facilities and in new plants, the lighting is both inmate and centrally controlled);

(f) Circulation is at least ten (10) cubic feet of outside or recirculated air per minute per occupant;

(g) Temperatures are appropriate to the summer and winter zones;

(h) Noise levels do not exceed seventy (70) decibels in daytime and forty-five (45) decibels at night; and

(i) Natural lighting.

8.10. Multiple occupancy. Where used, multiple occupancy rooms shall house no more than fifty (50) inmates each. Inmates shall be screened prior to admission for suitability to group living. Multiple occupancy rooms shall provide for:

(a) Continuing observation by staff;

(b) A minimum floor area of fifty (50) square feet per occupant in the sleeping area and clear floor to ceiling height or not less than eight (8) feet;

(c) Toilet and shower facilities at a minimum of one operable toilet for every two (2) occupants and one (1) shower for every ~~eight (8)~~ sixteen (16) occupants;

(d) One operable wash basin and hot and cold running water for every six (6) occupants;

(e) Natural lighting;

(f) Beds above floor level, desk or writing surface, chair or stool;

~~(g) A locker for each occupant;~~

(g) ~~(h)~~ Lighting is at least twenty (20) foot candles at desk level and in the personal grooming area;

(h) ~~(i)~~ Circulation is at least ten (10) cubic feet outside or recirculated air per minute per occupant;

(i) ~~(j)~~ Temperatures are appropriate to the summer and winter

comfort zones; and

(j)~~(k)~~ Noise levels do not exceed seventy (70) decibels in daytime and forty-five (45) decibels at night.

8.11. Segregation rooms. Segregation room shall provide living conditions that approximate those of the general inmate population. Any exceptions shall be clearly documented. Segregation housing units shall provide for the following:

(a) Single occupancy rooms or cells with a floor area of at least seventy (70) square feet;

(b) A bed above floor level, desk or writing space and stool;

(c) Continuous access to above floor toilet facilities;

(d) Hot and cold running water;

(e) Natural light;

(f) Lighting with at least twenty (20) foot candles at desk level and in the personal grooming area;

(g) Circulation with at least ten (10) cubic feet outside or recirculated, filtered air per minute per occupant;

(h) Temperatures shall be appropriate to the summer and winter comfort zones; and

(i) Noise levels will not exceed seventy (70) decibels in daytime and forty-five (45) decibels at night.

8.12. Communication. A room used for segregation shall permit inmates assigned to it to communicate with staff and have a door which permits observation by staff.

8.13. Continuing staff observation. When seriously ill, mentally disordered, injured or non-ambulatory inmates are held in the facility, there shall be at least one single-occupancy cell or room for them which provides for continuing staff observation.

8.14. Sleeping quarters. When both males and females are housed in the same facility, they shall be provided separate sleeping quarters which are separated visually and acoustically.

8.15. Perimeter security. The security perimeter shall be secured in a way which provides that inmates remain within the perimeter and that access by the general public is denied without proper authorization.

8.16. Storage security. Space shall be provided for the secure storage of chemical agents, restraining devices and related security equipment and the equipment shall be located in an area

which is readily accessible to authorized persons only.

8.17. Sally ports. There shall be sally ports between inmate areas and areas providing access to the public.

8.18. Day room. There shall be a separate day room leisure time space for each cell block or detention room cluster, with space equivalent to a minimum of thirty-five (35) square feet per minute.

8.19. Exercise area. Space outside the cell or room shall be provided for inmate exercise. Indoor and outdoor exercise areas shall be secure and available to all inmates. Outdoor areas shall have adequate space and equipment to permit regular outdoor sports activities. For facilities with over one hundred (100) inmates, this area shall be increased in proportion to the inmate population and shall contain a variety of equipment. Indoor exercise programs may be conducted in a multipurpose room or dayroom provided the space is available and the location is acceptable. Indoor space is an area in which lighting, temperature and ventilation is artificially controlled.

8.20. Kitchen. When the facility provides food service, the kitchen shall have a minimum of two hundred (200) square feet of floor space.

8.21. Employee space. Consistent with the size of the facility, space shall be provided for administrative, professional and clerical staff, including conference rooms, employee lounge, storage room for records, public lobby and toilet facilities.

8.22. Multipurpose room. There shall be at least one multipurpose room available for inmate activities such as religious services, education programs, or visiting.

8.23. Janitor closet. A room or closet equipped with a sink shall be provided for the storage of cleaning supplies and equipment.

8.24. Storage space. Storage space shall be provided for clothing, bedding and facility supplies.

8.25. Storage of personal property. Space shall be provided for the secure storage of inmates' personal property.

8.26. Maintenance and repairs. There shall be a written plan for preventive maintenance of the physical plant with provisions for emergency repairs or replacement of equipment. This plan shall be reviewed annually and updated if needed.

8.27. Accessibility. The facility shall be geographically accessible to criminal justice agencies, community agencies and inmate's lawyers, families and friends.

8.28. Layout. The facility shall be designed and constructed

so that inmates can be separated according to existing laws and regulations, or according to the facility's classification.

8.29. Handicapped inmates. Handicapped inmates shall be housed in a manner which provides for their safety and security. Cells or housing units used by them are designed in accordance with the American National Standards Institute (ANSI) Standard A117, and provide the maximum possible integration with the general population. Appropriate institution programs and activities are accessible to handicapped inmates confined in the facility.

8.30. Handicapped visitors. All parts of the facility which are accessible to the public shall be accessible to and usable by handicapped persons.

§95-1-9. Safety and Emergency Procedures.

9.1. Policies and procedures. Written policies and procedures shall be adopted specifying the facility's fire prevention regulations and practices. For purposes of clarification and identification these procedures and standards of fire prevention are divided into two (2) classifications:

(a) General requirements applicable to all occupancies covered by the State Fire Code; and (b) Specific detention and correctional occupancies.

9.2. General requirements. The following includes the general requirements applicable to all occupancies covered by the State Fire Code.

9.2.1. Construction, repair and improvement operations. Adequate escape facilities shall be maintained at all times in buildings under construction for the use of construction workers. Escape facilities shall consist of doors, walkways, stairs, ramps, fire escapes, ladders or other approved means or devices arranged in accordance with the general principles of the State Fire Code insofar as they can reasonably be applied to buildings under construction. Please refer to Standard on Building Construction and Demolition Operations, NFPA 241. Flammable or explosive substances or equipment for repairs or alternations may be introduced in a building of normally low or ordinary hazard classification while the building is occupied only if the conditions of use and safeguards provided are such as not to create any additional danger or handicap to egress beyond the normally permissible conditions in the building.

9.2.2. Reliability of means of egress. Every required exit, exit access or exit discharge shall be continuously maintained free of all obstructions or impediments to full instant use in the case of fire or other emergency.

9.2.3. Furnishings and decorations. Furnishings and decorations in the means of egress shall be subject to the

following:

(a) No furnishings, decorations, or other objects shall be so placed as to obstruct exits, access thereto, egress therefrom, or visibility thereof;

(b) Hangings or draperies shall not be placed over exit doors or otherwise located as to conceal or obscure any exit. Mirrors shall not be placed in or adjacent to any exit in such a manner as to confuse the direction of exit; and

(c) There shall be no obstruction by railing, barriers, or gates that divide the open space into sections appurtenant to individual rooms, apartments, or other uses. Where the authority having jurisdiction finds the required path of travel to be obstructed by furniture or other movable objects, he may require that railings or other permanent barriers be installed to protect the path of travel against encroachment.

9.2.4. Equipment maintenance and testing. Equipment maintenance and testing shall include the following:

(a) Every required automatic sprinkler system, fire detection and alarm system, exit lighting, fire door, and other item of equipment required by these standards shall be continuously maintained in proper operating condition;

(b) Any equipment requiring test or periodic operation to assure its maintenance shall be tested or operated as specified elsewhere in these standards or as directed by the authority having jurisdiction;

(c) Systems shall be under the supervision of a responsible person who shall cause proper tests to be made at specified intervals and has general charge of all alterations and additions;

(d) Systems shall be tested at intervals recommended by the appropriate standards listed in the National Fire Protection Association (NFPA) Fire Code;

(e) Automatic sprinkler systems. All automatic sprinkler systems required by these standards shall be continuously maintained in operating condition at all times, and such periodic inspections and tests shall be made as are necessary to assure proper maintenance; and

(f) Alarm and fire detection systems. Fire alarm signaling equipment shall be restored to service as promptly as possible after each test or alarm and shall be kept in normal condition for operation.

9.2.5. Furnishings, decorations and treated finishes. Furnishings, decorations and treated finishes shall be subject to the following:

(a) Draperies, curtains and other similar furnishings and decorations shall be flame resistant where required by the applicable provisions of the State Fire Code. The materials required herein are to be tested in accordance with Standard Method of Fire Tests for Flame Resistant Textiles and Films, NFPA 701 and shall comply with both the small and large-scale tests;

(b) Furnishings or decorations of an explosive or highly flammable character shall not be used; and

(c) Fire retardant paints or solutions shall be renewed at such intervals as necessary to maintain the necessary flame retardant properties.

9.2.6. Fire exit drills. Fire drills shall be subject to the following:

(a) Fire exit drills conforming to the provisions of the State Fire Code shall be regularly conducted in occupancies where specified by the provisions of the Code;

(b) Fire exit drills, where required by the authority having jurisdiction, shall be held with sufficient frequency to familiarize all occupants with the drill procedure and to have the conduct of the drill a matter of established routine;

(c) Responsibility for the planning and conduct of drills shall be assigned only to competent persons qualified to exercise leadership;

(d) In the conduct of drills emphasis shall be placed upon orderly evacuation under proper discipline rather than upon speed;

(e) Drills shall include suitable procedures to make sure all persons in the building , or all persons subject to the drill, actually participate; and

(f) Drills shall be held at unexpected times and under varying conditions to simulate the unusual conditions prevalent in case of fire.

9.3. Detention and correctional occupancies. The following includes requirements specifically directed to detention and correctional occupancies.

9.3.1. Attendants, evacuation plan, fire exit drills. Attendants, evacuation plan, and fire exit drills shall include the following:

(a) Detention and correctional facilities, or those portions of facilities having such occupancy, must be provided with twenty-four (24) hour staffing on any floor level having residency and located within one hundred (100) feet (30.48m) of the access way

to any housing area. Under Use Conditions III, IV and V, as efined in the NFPA Life Safety Code for classification of correctional occupancies, audio monitoring shall be provided for every sleeping space;

(b) The administration of every detention and correctional facility shall have in effect and provided to all supervisory personnel, written copies of a plan for the protection of all persons in the area in event of fire and for their evacuation to areas of refuge and from the building where necessary. All employees shall be periodically instructed and kept informed respecting their duties under the plan;

(c) Books, clothing and other combustible personal property allowed in sleeping rooms shall be stored in closeable metal lockers or fire resistant containers; and

(d) The amount of heat producing appliances (such as toasters, hot plates, etc.) and the overall use of electrical power within a sleeping room shall be controlled by facility administration.

9.3.2. Furnishings and decorations. Furnishings and decorations shall be subjected to the following:

(a) Furnishings and decorations in detention and correctional occupancies shall be in accordance with the provisions of the NFPA Life Safety Code operating features;

(b) Combustible decorations are prohibited in any detention or correctional occupancy unless flame retardant;

(c) Wastebaskets and other waste containers shall be of noncombustible or other approved materials;

(d) Furnishings, such as mattresses and upholstered or cushioned furniture shall not be of highly flammable character; and

(e) Window draperies, curtains for decoration or acoustical purposes and privacy curtains shall be noncombustible or rendered and maintained flame resistant as per Standard Method of Fire Tests for Flame Resistant Textiles and Films, NFPA 701.

9.3.3. Keys. All keys necessary for unlocking doors installed in means of egress shall be individually identified by both touch and sight.

9.3.4. Storage of flammable, toxic and caustic material. Written policy and procedure shall govern the storage and use of all flammable, toxic, and caustic material ensuring that inmates are never in possession of items such as lye, insecticide, anti-freeze and denatured alcohol, unless they are under constant supervision by qualified personnel. Such material shall be stores in secure areas that are inaccessible to inmates; a prescribed system shall be used to account for their distribution.

9.3.5. Fire and safety officer. An administrative staff member shall be appointed as Fire and Safety Officer. This officer shall be responsible for monthly inspection of the facility and development of Standing and Emergency Operating Procedures relating to fire and safety and for staff and safety training.

9.3.6. Inspection. Each facility shall be inspected at least annually by the State Fire Marshal's Office. Any violation noted shall be corrected immediately.

§95-1-10. Sanitation and Hygiene.

10.1. Responsibility. Jail authorities shall maintain the facility in a condition that is clean, healthful and sanitary and which conforms to all applicable health laws and regulations.

10.2. Maintenance. Jail authorities shall develop and implement a plan for the maintenance at an acceptable level of cleanliness and sanitation throughout the jail. Such a plan shall provide for a regular schedule of housekeeping tasks and inspections which shall include, but not limited to, the following:

(a) The daily cleaning of toilets, sinks and showers;

(b) The daily cleaning of floors;

(c) The emptying and cleaning of receptacles provided for cigarettes and other refuse each day and provision for adequate trash removal;

(d) The scrubbing and rinsing of living unit, washing of windows, cleaning of janitors closets, and dusting of bars, screens and ledges on a regular basis;

(e) The contracting of extermination services to be performed with sufficient frequency and thoroughness to keep the jail free from insects and vermin. Services shall include, at a minimum, monthly inspections by a qualified person; and

(f) The cleaning and sanitary maintenance of all kitchen areas and all equipment.

10.3. Inspections. There shall be weekly sanitation inspections of all institution areas by a designated administrative staff member; at least annual inspections by federal, state and/or local sanitation and health officials, or other qualified person(s); and, compliance with all applicable laws and regulations of the governing jurisdiction.

10.4. Water supply. The water supply and plumbing fixtures shall meet all applicable codes and be maintained in operable and sanitary condition. Water samples from both drinking and waste water shall be tested periodically to ensure that the facility's

water meets all applicable laws. The facility shall provide hot and cold running water.

10.5. Cleaning equipment. Inmates shall be provided sufficient cleaning equipment to maintain their cells in a clean condition.

10.6. Floors. Facility floors shall be kept clean, dry, and free of hazardous substances. Floors shall be inspected regularly throughout the day for cleanliness. Particular attention should be given to potentially hazardous areas, such as showers, kitchens, detoxification rooms, boiler and furnace rooms.

10.7. Personal hygiene items. The facility shall provide each inmate as part of the admission process and thereafter an adequate supply of soap, toothpaste, toilet paper, toothbrush, comb, and feminine hygiene supplies. Timely access to shaving equipment shall also be provided.

10.8. Facility clothing. Clean, suitable, and presentable clothing shall be available to all inmates at all times. It is essential that inmates be provided clothing that is properly fitted, climatically suitable, durable, economical, easily laundered and repaired, and presentable to the extent that they do not provide such clothing themselves. Outer wear shall be available for recreation and work assignments.

10.9. Special clothing. Inmates shall be issued special, and where appropriate, protective clothing and equipment when participating in special work assignments. Such clothing shall be available in quantities which permit exchange as frequently as the work assignment requires.

10.10. Bedding. Each inmate shall be provided with one clean fire retardant mattress, two (2) clean sheets, clean pillow and clean pillow case. Worn bedding and linen which are unfit for further use shall not be issued. Clean blankets shall be provided in a number appropriate to the season.

10.11. Towels. Each inmate shall be provided a clean towel and washcloth at least three (3) times a week.

10.12. Laundry of bedding. Laundry services shall be sufficient to permit the regular exchange of sheets and pillowcases at least weekly. Mattresses shall be cleaned twice a year or replaced upon reasonable request of the inmate.

10.13. Laundry of clothing. Clean undergarments shall be provided daily and outer garments every other day.

10.14. Recording. The issue of all clothing and bedding shall be recorded to provide accountability for their use. Inmate accountability for clothing and bedding shall be specified in inmate rules and regulations.

10.15. Supply. The clothing, linen, and bedding supply shall exceed that required for the maximum inmate population. This excess allows replacement of items that are lost, destroyed or worn out.

10.16. Cleaning and storage of personal clothing. There shall be provision for needed cleaning and storage of inmate personal clothing. Prior to storage, inmate clothing should be clean and/or disinfected to prevent odors and vermin accumulation.

10.17. Court Appearnace. Inmates will be permitted to wear personal clothing only for criminal court appearance before a jury or when so directed by the court.

10.18. Removal of linen and bedding. Linen and bedding shall be removed from an inmate's bed only under extreme circumstances such as to protect the inmate from self-injury. An action to remove linen or bedding shall be reviewed daily by the supervisor and the deprivation ended as soon as practical. A record shall be kept of all such actions taken.

10.19. Showers. There shall be sufficient facilities in the housing areas to permit inmates to shower or bathe upon admission to the facility and daily thereafter.

10.20. Water temperatures. Water temperatures for showers or bathing shall be thermostatically controlled to ensure the safety of inmates.

10.21. Access to water. Inmates shall have continuous access to a washstand with running hot and cold water.

10.22. Hair care. Hair care services and facilities shall be available to inmates. Hair shall be cut under sanitary conditions. The area used for hair care shall be located to permit observation by staff. Equipment shall be stored securely when not in use.

§95-1-11. Security and Control.

11.1. Manual. Written policy and procedure for security and control, including procedures for emergencies, shall be contained in a manual which is available to all staff and is reviewed annually and updated as needed.

11.2. Control center. The facility shall maintain a control center.

11.3. Communication system. The facility shall have a communication system between the control center and the inmate living areas.

11.4. Alarm system. The facility shall have an emergency alarm system that is linked to the control center; signal devices shall be located throughout the facility.

11.5. Secure perimeter. All security perimeter entrances, control center doors and cell blocks door opening into a corridor shall be kept locked, except when used for admission or exit for employees, inmates or visitors, and in emergencies.

11.6. Electronic surveillance. When audio or visual electronic surveillance is used, it shall be located primarily in hallways, elevators, corridors or at points on the security perimeter, such as entrances and exits.

11.7. Immediate assistance. No staff member shall enter a high security cell block without the availability of immediate assistance from another staff member.

11.8. Inmate movement. Staff shall regulate inmate movement.

11.9. Personal interaction. Written policy and procedures shall facilitate personal contact and interaction between staff and inmates. Supervision of inmates shall be conducted by staff of the same sex whenever procedures require physical contact, examination or monitoring of personal hygiene activities.

11.10. Staffing. The facility shall have the staff needed to provide full coverage of designated security posts, full surveillance of inmates, and to perform all ancillary functions.

11.11. Emergency response. Correctional officers shall be located in or immediately adjacent to inmate living areas to permit officers to hear and respond promptly to emergency situations.

11.12. Observation. Written policy and procedure require that all high and medium security inmates shall be personally observed by a correctional officer at least every thirty (30) minutes, but on irregular schedule. A schedule of at least fifteen (15) minute observation shall be required for those inmates who are violent, suicidal, mentally disordered or who demonstrate unusual or bizarre behavior.

11.13. Daily record. The facility administration shall maintain a written daily record of the following:

(a) Personnel on duty;

(b) Inmate population count;

(c) Admissions and release of inmates;

(d) Shift activities;

(e) Entry and exit of physicians, attorneys and other visitors; and

(f) Unusual occurrences.

11.14. Daily inspections. Designated staff shall visit and inspect every area of the facility daily, including holidays and weekends and report their findings in writing to designated officials with recommendations for action or notations of action taken.

11.15. Weekly inspections. The facility administrator or designer shall inspect all security facilities and devices at least weekly and initiate corrective action if needed.

11.16. Searches. Written policy and procedure shall provide for searches of facilities and inmates to control contraband and provide for its disposition and recommendations for corrective action. Procedure shall provide for the following:

(a) Manual or instrument inspection of inmate body cavities is conducted only when there is reason to do so and when authorized by the facility administrator or his designer;

(b) Visual inspections are conducted only when there is a reasonable belief that the inmate is carrying contraband or other prohibited material;

(c) Strip searches are done without specific authorization only upon entry to the facility and at all other times are based on articulable suspicion; and

(d) All such inspections are conducted in privacy and manual or instrumental inspection of body cavities is done by medically trained personnel or correctional personnel trained by health care personnel.

11.17. Preservation of evidence. Procedure shall govern searches and the preservation of evidence when a new crime is suspected. Searches shall be authorized only by the administrator or designer.

11.18. Search policy published. The policy regarding searches for the control of contraband shall be published, made available to the staff and inmates, reviewed at least annually and updated if necessary.

11.19. Control of security equipment. Written policy and procedure govern the availability, control and use of firearms, ammunition, chemical agents, "stun guns", and related security devices, and require that sufficient security equipment shall be available to meet the facility needs.

11.20. Storage of security equipment. Procedures shall provide that ammunition, chemical agents and related security equipment are stored in a secure but readily accessible depository located outside inmate housing and activity areas, and are inventoried at least monthly to determine their condition and expiration dates.

11.21. Use of firearms. Written policy and procedure shall govern the use of firearms and include the following requirements:

(a) Weapons are subjected to stringent safety regulations and inspections;

(b) Security weapons locker is located outside the security perimeter of the facility;

(c) Except in emergency situations, firearms and weapons, such as nightsticks are permitted only in designated areas to which inmates have no access;

(d) Employees are instructed to use deadly force only after other actions have been tried and found ineffective unless the employee believes that a person's life is immediately threatened; and

(e) Employees on duty only use firearms or other security equipment which have been issued through the facility and only when directed by or authorized by the facility administrator or designer.

11.22. Written record. Personnel shall maintain a written record of routine and emergency distribution of security equipment.

11.23. Written reports. Personnel discharging firearms, using chemical agents or any other weapons, or using force to control inmates shall submit written reports to the facility administrator or designer no later than the conclusion of that person's tour of duty.

11.24. Injuries. All persons injured in an incident shall receive an immediate medical examination and treatment.

11.25. Incident reports. Written policy and procedure shall require prompt oral and written reporting of all incidents that result in physical harm to, or threaten the safety of any person in the facility, or that threaten the security of the facility.

11.26. Keys. Written policy and procedure shall govern the control and use of keys.

11.27. Tools. Written policy and procedure shall govern the control and use of tools and culinary and medical equipment.

11.28. Custodial posts. There shall be written orders for every custodial post which are reviewed annually and updated if necessary.

11.29. Post orders. Procedure shall require that personnel read, sign and date the appropriate post orders each time they assume a new post.

11.30. Escapes. Procedure regarding escapes shall be available to all personnel, and shall be reviewed at least annually and updated if necessary.

11.31. Riots and other disturbances. There shall be plans that specify procedures to be followed in situations including, but not limited to, riots, hunger strikes, disturbances and taking of a hostage. These plans shall be made available to applicable personnel, and reviewed and updated at least annually.

11.32. Mass arrests. There shall be procedures to be followed in the event of a mass arrest that exceeds that maximum capacity of the detention facility.

11.33. Work stoppage. There shall be a written plan that provides for continuing operations in the event of a work stoppage or other job action. Copies of this plan shall be available to all supervisory personnel, who are required to familiarize themselves with it.

11.34. Physical force. Written policy and procedure shall restrict the use of physical force to instances of justifiable self-defense, protection of others, protection of property and prevention of escapes, and only when it is necessary to control inmates and in accordance with appropriate statutory authority. In no event shall physical force be justifiable as punishment. A written report shall be prepared following all use of force and submitted to the facility administrator.

11.35. Mechanical restraints. Instruments of restraint shall be used only as a precaution against escape, during transfer, for medical reasons by direction of the medical officer, and as a prevention against inmate self-injury, injury to others or property damage when there is approval from the facility administrator or designer. They are applied for only the amount of time absolutely necessary.

11.36. Inmate authority. No inmate or group of inmates shall be given control or authority over other inmates.

11.37. Shift reports. Custodial staff members shall maintain a permanent log and prepare shift reports that record routine and emergency situations, and unusual incidents.

11.38. Weekly inspection. The facility administrator or designer, the chief custodial officer, and other department heads shall inspect the facility's living and activity areas at least weekly.

11.39. Transportation of inmates. When transportation is the responsibility of facility staff, written policy and procedure shall govern the transportation of inmates outside the facility.

11.40. Facility vehicles. Written policy and procedure shall

govern the use and security of facility vehicles.

11.41. Personal vehicles. Written policy and procedure shall govern the use of personnel vehicles for official purposes, including provision for insurance coverage.

§95-1-12. Special Management Inmates.

12.1. Operation of segregation units. Written policy and procedure shall provide for the operation of segregation units for the supervision of inmates under administrative segregation, protective custody and disciplinary detention.

12.2. Immediate segregation. Only the facility administrator or designer can order immediate segregation and only when it is necessary to protect the inmate or others.

12.3. Disciplinary detention. Inmates shall be placed in disciplinary detention for a rule violation only after a hearing by the appropriate committee, or hearing officer, and when no other available alternative dispositions are adequate to regulate an inmate's behavior within acceptable limits and the inmate's presence in the general population poses a serious threat to the orderly operation or security of the facility.

12.4. Administrative segregation. Inmates are placed in administrative segregation only after a hearing before the facility administrator or shift supervisor, classification committee, or other standing committee specifically designated for this purpose.

12.5. Administrative segregation hearing. Placement in administrative segregation should be preceded by the inmate receiving notice of intended placement, appearance at the hearing and an opportunity to present his or her case to the hearing officer(s).

12.6. Review of administrative segregation. The status of the inmate shall be reviewed at least every fifteen (15) days to determine whether the reasons for initial placement in the unit continue to exist. If the reasons do not, the inmate shall be released from the unit.

12.7. Release and appeal from administrative segregation. An inmate shall be released from administrative segregation by action of the appropriate committee with jurisdiction over the inmate's placement in this status, or an appeal to the administrator or appropriate supervisory authority.

12.8. Protective custody. An inmate is admitted to the segregation unit for purposes of protective custody only when there is documentation that protective custody is warranted and no reasonable alternatives are available. Protective custody shall be used only for short periods of time, except when an inmate needs long-term protection, and the facts are well documented. When an

inmate consents to protective custody, it shall be fully documented with a consent form signed by the inmate. The inmate may at any time request reassignment to the general inmate population.

12.9. Review of protective custody. Inmates in protective custody shall have their status reviewed by the appropriate personnel at least every fifteen (15) days.

12.10. Appeal of protective custody. When inmates are placed in protective custody an appeal process shall be provided to the administrator or appropriate supervisory authority.

12.11. Isolation. The responsible physician shall approve a plan guiding the use of restraints in isolation. For an inmate to be kept in isolation for more than twenty-four (24) hours, a physician or mental health professional shall determine upon evaluation that the inmate is a threat to self or others. Transfers to a hospital or state institution may be appropriate. Isolation shall be reviewed as soon as possible by the facility supervisor but in no event later than six (6) hours after its initiation. Inmates placed in isolation as a result of being out of control shall be released immediately upon gaining self-control. An appeal process to the administrator or the appropriate supervisory authority shall be provided.

12.12. Isolation observation. A monitoring procedure shall be used to observe inmates in isolation. Such procedures shall include regular observations and at least an hourly recording. Recording shall include information on name, date and hour admitted, type of infraction or reason for isolation, release time and any physical or mental problems or needs. All visits by health personnel shall also be recorded.

12.13. Permanent log in segregation units. Staff members in the segregation units shall maintain a permanent log. Admissions of all inmates to these units shall be recorded with information on name, number, housing location, date admitted, type of infraction or reason for admission, tentative release date, and special medical or psychiatric problems or needs. The log should be used to record all visits by officials who inspect the units or counsel inmates, all unusual inmate behavior, and all releases.

12.14. Potential suicide watch. Inmates who are classified as potential suicide risks shall be continually monitored including verbal exchanges. Recording of this monitoring shall be made and placed in the inmate's health record. High risk persons shall be placed on continuous suicide watch.

12.15. Deprivation of authorized item or activity. Whenever an inmate in segregation is deprived of any usually authorized item or activity, a written report of the action shall be made and forwarded to the facility administrator. The report shall identify the inmate, the item or activity he/she has been deprived of, and the reasons for the action. The report shall be forwarded to the

chief security officer as soon as possible. If circumstances warrant the removal of all of an inmate's personal items, approval for this action shall be obtained in advance from the facility administrator or designer. No item or activity shall be withheld longer than is necessary to ensure the inmate's safety and the well-being of the staff and other inmates. In no case shall an inmate be deprived of an item or activity for the purpose of punishment unless proper disciplinary process has been utilized.

12.16. Meals. Inmates in segregation shall receive the same meals as those served to the general population. Deprivation of food shall never be used as punishment.

12.17. Shower. Inmates in segregation shall have the opportunity to shave and shower daily. Inmates in segregation shall have the opportunity to maintain an acceptable level of personal hygiene, unless procedures present an undue security hazard.

12.18. Clothing, bedding, hair service. The issue and exchange of clothing, bedding and linen and for laundry, barbering and hair care services shall be provided for inmates in segregation on the same basis as inmates in the general population; exceptions are permitted only where found necessary by the senior officer on duty, and are recorded in the unit log and justified in writing. Inmates in segregation shall be afforded the same hygienic living conditions as the general inmate population.

12.19. Mail. Inmates in segregation shall be provided the same opportunities for the writing and receipt of letters as those available to the general inmate population. Letters shall be delivered promptly. If any item consistent with the policy and procedure is rejected, the inmate shall be advised of the reason for the rejection, and the item shall be returned to the sender.

12.20. Visitation. Inmates in segregation shall be provided opportunities for visitation, unless there are substantial reasons for withholding such privileges. Every effort shall be made to notify approved visitors of any restrictions on visiting. This procedure will avoid disappointment and unnecessary inconvenience for the visitors.

12.21. Telephone. Inmates in disciplinary detention shall be allowed limited telephone privileges, which consist of telephone calls related specifically to access to the judicial process and family emergencies as determined by the facility administrator or designer. Inmates in disciplinary detention ordinarily are not provided telephone privileges as a condition of the discipline imposed. This shall not preclude emergency telephone calls to and from designated practicing attorneys in connection with the prospective or pending litigation. Inmates in administrative segregation and protective custody shall be allowed telephone privileges.

12.22. Legal materials. Inmates in segregation shall have access to both personal legal materials and to available legal reference materials. Reasonable arrangements will be made to assist these inmates in meeting court deadlines.

12.23. Reading materials. Inmates in segregation shall have access to reading materials.

12.24. Exercise. Inmates in segregation shall be allowed the same opportunity for recreation as those in general population absent specific temporary security restrictions designated in writing by the administrator in advance.

12.25. Programs and services. Inmates in segregation shall be allowed to participate in facility programs to the same extent as the general inmate population, providing their participation is consistent with the safety and security of the facility and the community. They shall also have the same opportunity to receive treatment from professional persons, such as social workers, psychologists, counselors, and psychiatrists.

12.26. Visits from staff. Inmates in segregation shall receive daily visits from the chief security officer or shift supervisor, members of the program staff upon request, or a qualified health care official three (3) times per week unless medical attention is needed more frequently.

12.27. Staffing of segregation units. Written policy and procedure shall govern selection criteria, supervision and assignment of staff who work with inmates on a regular and daily contact basis in segregation units. Procedures shall be established to supervise and evaluate the on-the-job performance of all staff members who work with inmates in segregation. Administrative procedures shall exist for promptly removing ineffective staff members from these positions. The need for rotation shall be based on the intensity of the assignment.

§95-1-13. Food Service.

13.1. Menu inspection. A qualified nutritionist shall inspect and approve menus in advance of adoption and make recommendations regarding diets to assure adherence to nationally recommended basic daily caloric and nutritional requirements.

13.2. Review. All menus, including special diets, shall be planned, dated, and available for review at least one month in advance, notations are made of any substitutions in the meals actually served. Substitutions shall be of equal nutritional value.

13.3. Temperature. Meals must be served at the appropriate temperature. There shall be at least two (2) hot meals a day.

13.4. Varied and nutritional. Meals must be varied and nutritional. There shall be a rotation of at least four (4) weeks

duration of planned menus from a registered diet under the direction of food service employees.

13.5. Special diets. Special diets for medical and religious reasons shall be provided.

13.6. Management. A staff member experienced in food service management shall be designated to be responsible for food service management and operations.

13.7. Health protection. Adequate health protection shall be provided for all inmates and staff in the facility, and inmates and other persons working in food service. Food handlers, facility, and equipment food preparation and serving procedures shall meet all applicable health and safety standards. Inmate food handlers shall be required to receive a complete physical examination prior to job assignment.

13.8. Records. Records of daily menus shall be maintained. Records of inmate's refusal to eat shall be noted in their medical files.

13.9. Restriction. Restriction of food shall not be used as discipline.

13.10. Toilet and wash basin. Toilet and wash basin facilities shall be available to food service personnel and inmates in the vicinity of the food preparation area.

13.11. Regimentation. Meals shall be served under conditions that minimize regimentation, although there should be supervision by staff members. Meals shall not be served in cells unless it is necessary for purposes of safety and security. When a meal must be served in a cell, a small table or shelf and some type of seat shall be provided which shall not be in close proximity to toilets.

13.12. Frequency. At least three (3) regular meals of which two (2) are hot meals, shall be served at regular meal times during each twenty-four (24) hour period with no more than thirteen (13) hours between the beginning of the evening and breakfast meals.

13.13. Budgeting, purchasing and accounting. The food service operations shall use budgeting, purchasing and accounting practices that include, but are not limited to, the following systems:

(a) Food expenditure cost accounting designed to determine cost per meal;

(b) Estimation of food service requirements;

(c) Purchases of supplies at wholesale prices and under other favorable conditions, when possible;

(d) Determination of and responsiveness to inmate eating

preference; and

(e) Refrigeration and storage of food, with specific storage periods.

13.14. Equipment and dining area inspection. There shall be the following:

(a) Weekly inspection by a trained individual of food service areas, including dining and food preparation areas and equipment, with records maintained of such inspections;

(b) Sanitary, temperature controlled storage facilities for all foods; and

(c) Daily checks of refrigerator and dish washing water temperatures by administrative, medical or dietary personnel.

13.15. Documentation. There shall be documentation that health and safety regulations are met.

13.16. Utensils. All inmates shall be provided all necessary utensils and drinking cups with each meal.

§95-1-14. Medical and Health Care Services.

14.1. Right to medical care. All inmates shall have prompt access to necessary medical, dental and psychiatric care provided in a reasonable manner by licensed personnel.

14.2. Responsibility. Medical, dental and mental health matters involving clinical judgments shall be the sole province of the responsible physician, dentist and psychiatrist or qualified psychologist respectively; however, security regulations applicable to facility personnel also apply to health personnel. The official responsible for the facility provides the administrative support for the accessibility of health services to inmates.

14.3. Responsible physician. A responsible physician shall be designated to approve health care policies, procedures and agreements which can include use of hospital emergency rooms. Each jail shall have agreements for twenty-four (24) hour on call physician coverage. The responsible physician may be a County Health Officer, a private practitioner, or a physician may be obtained voluntarily through the County Medical Society. All physicians and dentists examining or treating inmates shall be licensed to practice in the State of West Virginia.

14.4. On-site health authority. There shall be designated on-site health authorities who shall be responsible for arranging and making available all health care services. There shall be a health authority on site twenty-four (24) hours per day. The health authority may be a physician, physician's assistant, registered or licenses practical nurse, nurse practitioner, paramedic, emergency

medical technician, or a health-trained staff member.

14.5. Medical autonomy and jail administration. Medical decisions shall be made only by the physician or designer(s). It shall be made clear to the health authorities and physicians that security regulations which apply to the non-medical jail staff also apply to them. They will be provided with a list of these regulations and an orientation to the jail system.

14.6. Duties and responsibilities. Appropriate state and federal licensure, certification or registration requirements and restrictions apply to personnel who provide health care services to inmates. The duties and responsibilities of such personnel shall be governed by written job descriptions approved by the responsible physician and the facility administrator. Verification of current credentials and job descriptions shall be on file in the facility. The provision of quality health care shall be ensured by using only qualified health care personnel to determine and supervise health care procedures. Written job descriptions shall include qualifications required and the specific role in the health care delivery system in keeping with the individual's professional training. Verification of qualifications may consist of copies of current credentials status.

14.7. Administrative meetings and reports. There shall be meetings between the physician and the facility administrator to discuss jail health care at least quarterly. Notes of these meetings shall be kept by the administrator. The responsible physician shall submit quarterly reports on the health care delivery system and annual statistical reports. The report shall include topics such as the effectiveness of the health care delivery system, description of any health environment factors which need improvement, changes effected since the last reporting period and, if needed, recommended corrective action. There shall also be an Annual Statistical Report which will include the number and nature of sick call visits, diagnostic studies performed, emergency services rendered, specialty referral visits, hospitalizations, special procedures performed, ambulance transfers, communicable diseases reported and deaths. The Annual Statistical Report shall be submitted to the appropriate authority having jurisdiction. The responsible physician will submit an annual appraisal of the jail's health care delivery to the authority having jurisdiction.

14.8. Review. Each policy, procedure and program in the health care delivery program shall be reviewed at least annually by the responsible physician and revised if necessary. Each document shall bear the date of the most recent review or revision and the signature of the reviewer.

14.9. Policies and procedures. The physician shall write or approve pre-written health policies and procedures at a minimum for the following aspects of jail health care:

(a) Decision making: Special problem patients;

(b) Notification of next of kin;

(c) Post-mortem examination;

(d) Minimal staff training requirements;

(e) Emergency services;

(f) Suicide prevention;

(g) Prohibitions;

(h) Receiving screening;

(i) Health appraisal;

(j) Care for persons under the influence of drugs;

(k) Mentally ill;

(l) Psychiatric illness;

(m) Access to treatment, daily health complaints;

(n) Sick call;

(o) Health promotion;

(p) Disease prevention;

(q) Dental care;

(r) Special medical programs;

(s) Prostheses;

(t) Management of pharmaceuticals;

(u) Administration of medication;

(v) Health records;

(w) Transfer of records;

(x) Confidentiality;

(y) Facilities and equipment;

(z) First aid kits;

(aa) Informed consent;

(bb) Medical research; and

(cc) Serious illness.

14.10. Decision-making: Special problem patients. Before inmates with diagnosed psychiatric or significant medical illnesses are given housing assignments, work assignments, disciplinary measures, or transfers, consultation between the facility administrator and responsible physician or their designees shall take place to decide on any special precautions or preparations. A list of frequent illnesses which require special arrangements shall be developed. Special diets must be provided when ordered by health personnel and approved by the responsible physician.

14.11. Notification of next of kin. Any inmate having any serious illness or injury or who dies while incarcerated shall have his next of kin or legal guardian notified by the facility administrator or the responsible physician.

14.12. Post-mortem examination. In the event of an inmate death, the state medical examiner shall be notified immediately. If the cause of death is unknown, or the death occurred under suspicious circumstances, or the inmate was unattended from the standpoint of not being under current medical care, a post-mortem examination shall be performed.

14.13. Minimum staff training requirements. Health trained staff is defined as jail personnel who have the equivalent of EMT training and also have received information regarding the symptoms of physical and mental illnesses common to the inmate population (including depression and chemical dependency), basic management of seizures, medication administration, health record maintenance, recognition of potential suicides, ability to respond to health-related situations within four minutes, first aid training and procedures for patient transfers to appropriate medical facilities or health care providers. Training may be effected through a local hospital. Emergency Room, County Health Department, County Medical Society, Red Cross Chapter, or any other program approved by the responsible physician. An appropriate training course may be completed in approximately 60-80 hours. Each shift shall include at least one member who has become health-trained as described above. Ideally these persons shall be from the health care profession but may be trained jail personnel.

14.14. Emergency Services. There shall be twenty-four (24) hour emergency medical care available. By definition, a medical emergency is an acute illness or unexpected health need that must be attended to immediately and cannot be delayed until the next scheduled sick call. The responsible physician shall approve a plan providing for the use of emergency transportation, use of a local hospital emergency department or appropriate health facility with emergency on-call physician services, procedures for the transfer of inmates to other medical facilities and security procedures.

14.15. Suicide prevention. There shall be a written suicide prevention and intervention program that is reviewed and approved by a qualified medical or mental health professional. All staff with responsibility for inmate supervision shall be trained in the implementation of the program. Staff shall have reasonability for preventing suicides through intake screening, identification and supervision of suicide-prone inmates. The staff shall receive special training in the implementation of a suicide prevention program.

14.16. Prohibitions. Inmates shall not be used for the following duties:

(a) Performing direct patient care services;

(b) Scheduling health care appointments;

(c) Determining access of other inmates to health care services;

(d) Handling or having access to surgical instruments, syringes, needles, medications, health records; and

(e) Operating equipment for which they are not trained.

These restrictions, however, shall not preclude inmates from participating in a certified vocational training program. They shall be able to perform maintenance and janitorial services under supervision of qualified staff. They shall not operate medical equipment unless appropriately credentialed and licensed, and directly supervised by the responsible physician. Inmates shall not perform direct services such as dental chairside assistance unless they are part of certified vocational training program.

14.17. Receiving medical screening. A receiving medical screening appraisal to elicit information pertinent to the inmate's health shall be performed on every inmate at the time of admission. The screening shall be recorded on a form which has been approved by the responsible physician. Screening is a means to discover and prevent health and safety threats to inmates and staff. The goal of receiving screening shall be to detect any communicable diseases, chemical dependence, suicide potential, or other medical or psychiatric programs before the inmate is placed with the jail population. When the inmate has been transferred from another facility and is accompanied by a previously completed screening form, the form shall be reviewed and verified. Receiving screening shall be conducted by a health-trained staff member. No inmates in obvious need of medical attention shall be admitted to any jail until such time as the arresting or transporting officer obtains written medical clearance indicating that the inmate has received all necessary medical treatment, and verification that the inmate is physically capable of standing incarceration.

14.17.1. Inquiry. The screening process shall include, but is not limited to, an inquiry into:

(a) Current illness and health problems, including dental problems;

(b) Venereal diseases and other infectious disease;

(c) Medication taken and special health requirements;

(d) Use of alcohol and other drugs which includes types of drugs used, mode of use, amounts used, frequency used, date or time of last use and history of problems which may have occurred after ceasing use (e.g. convulsions);

(e) Past and present treatment or hospitalization for mental disturbance or suicide; and

(f) Other health problems designated by the responsible physician.

14.17.2. Observations. The screening process shall include, but not be limited to, observations including:

(a) Behavior, which includes state of consciousness, mental status, appearance, conduct, tremor and sweating;

(b) Body deformities, trauma markings, bruises, lesions, jaundice, ease of movement, etc.; and

(c) Indications of recent or chronic substance abuse, i.e., needle marks.

14.17.3. Disposition. The screening process shall include the following disposition to:

(a) General population;

(b) General population and referral to appropriate health care services;

(c) Referral to appropriate health care services on an emergency basis; and

(d) Medical isolation or special observation.

14.18. Health appraisal. Within fourteen (14) days of admission, a health appraisal shall be completed for each inmate which includes a history and examination, recorded on a form approved by the physician. Although a physician, physician's assistant or nurse practitioner must perform the physical examination, the health history may be collected by a health-trained staff member. The health appraisal shall include:

(a) Reviews of the earlier receiving screening by the examining clinician;

(b) Collections of additional data to complete the medical, dental, psychiatric and immunization histories;

(c) Administering of laboratory and/or diagnostic tests to detect communicable disease and tuberculosis;

(d) Recording height, weight, pulse, blood pressure and temperature, administering of other tests, and examination with comments about mental and dental status;

(e) Reviews of the results of the medical examination, tests and identification of problems by a physician; and

(f) Initiation of therapy when appropriate.

14.19. Care of persons under the influence of drugs. The responsible physician shall approve policies and procedures for the identification of alcohol and drug dependence as well as subsequent management and/or transfer for the care of persons under a drug influence. Unless the jail has special facilities and constant medical supervision to perform detoxification, the process shall not be performed on site; the inmate shall be transferred to a hospital or community detoxification center designated by the responsible physician. Procedures for adequate care of persons under the influence of drugs include policies and training governing medical screening, observation, referral evaluation, and safety protection.

14.20. Mentally ill. Post admission screening and referral for care of mentally ill or retarded inmates whose adaption to the correctional environment is significantly impaired shall be provided. Psychiatric problems identified either at receiving screening or after admission shall be followed up by medical staff. The urgency of the problems determines the responses. Suicidal and psychotic patients are emergencies and require prompt attention. Inmates awaiting emergency evaluation shall be housed in a specially designated area with constant supervision by trained staff. Inmates shall be held for only the minimum time necessary, before emergency care is rendered. All sources of assistance for mentally ill and retarded inmates shall be identified in advance of need, and referrals should be made on all such cases. No person shall be housed solely on account of involuntary commitment proceedings pursuant to chapter twenty-seven, article five of the West Virginia Code.

14.21. Psychiatric illness. There shall be consultation between the facility administrator and the responsible physician or their designees prior to the following actions being taken regarding patients who are diagnosed as having a psychiatric illness:

(a) Housing assignments;

(b) Program assignments;

(c) Disciplinary measures; and

(d) Transfers in and out of the institution.

14.22. Access to treatment. It shall be required that each inmate, at time of admission, be given orally and in writing, information concerning the right to medical treatment. The information sheet shall be approved by the responsible physician, and shall include procedures for registering and complaints and the jail's sick call schedule.

14.23. Daily health complaints. Inmate's health complaints shall be solicited daily and acted upon by trained personnel such as a licensed nurse or registered nurse and followed by appropriate triage and treatment by qualified personnel. Triage is the sorting and allocation of treatment of patients according to priorities of need.

14.24. Sick call. Sick call is the system through which each inmate reports for and receives appropriate medical services for non-emergency illness or injury. Inmates will have daily access to sick call forms which will be reviewed that day by the health authority or other person designated by the responsible physician. All complaint forms will become part of the inmate's health record. Sick call shall be performed by a licensed physician, physician's assistant, registered nurse, or other person designated by the responsible physician. Sick call is a designated time to see non-emergency problems. Minimum frequency of sick call should be as follows:

(a) In small facilities of less than fifty (50) inmates, sick call is held once per week at a minimum;

(b) In medium-sized facilities of fifty (50) to one hundred (100) inmates, sick call is held at least two (2) days per week;

(c) In facilities of one hundred (100) to two hundred (200) inmates, sick call is held a minimum of three days per week; and

(d) In facilities of over two hundred (200) inmates, sick call is held a minimum of five (5) days per week.

If an inmate's custody status precludes attendance at sick call, arrangements are made to provide sick call services in the place of the inmate's detention.

14.25. Use of restraints or isolation for out-of-control residents. The responsible physician shall approve a plan guiding the use of restraints or isolation and providing for mental health personnel to evaluate inmates who are repeatedly out of control or

remain out of control for more than a short amount of time. Use of physical restraints in controlling inmates inside the facility may be used only for the protection of the individual or others. The use of restraints shall be recorded in the inmate's file. Any time an inmate remains out of control for more than a short amount of time mental health personnel shall be consulted.

14.26. Health promotion. The responsible physician shall consider plans providing inmates with health education and preventive medical services, and shall review inmates' opportunities to engage in exercise.

14.27. Disease prevention. Jails shall establish a holding bed area for use by inmates having medical problems requiring separation or close observation. Inmates shall be allowed to participate in some form of exercise involving large muscle activity for a minimum of one hour daily. Structured programs should be offered.

14.28. Dental care. Dental care shall be provided to each inmate under the direction and supervision of a dentist, licensed in the state in the following circumstances:

(a) Dental screening within fourteen (14) days of admission as part of the health appraisal; and

(b) Dental treatment, not limited to extractions, within three (3) months of admission when the health of the inmate would otherwise be adversely affected.

14.29. Special medical programs. Arrangements shall be made for the provision of special medical programs, including chronic care, convalescent care and medical preventive maintenance for the inmates. The special medical program shall service a broad range of health problems, e.g., seizure disorders, diabetes, potential suicide, chemical dependency and psychosis. These special medical conditions require close medical supervision. Chronic care is medical service rendered to a patient over a long period of time: treatment of diabetes, asthma and epilepsy are examples. Convalescent care is medical services rendered to a patient to assist in the recovery from illness or injury. Medical prevention maintenance includes health education and medical services, such as inoculation and immunizations, provided to take advance measures against disease and instruction in self-care for chronic conditions.

14.30. Medical and dental prostheses. As determined by the responsible physician and dentist, medical and dental prostheses shall be provided when the health of the inmate would otherwise be adversely affected. Prostheses are artificial devices to replace missing body parts or compensate for defective bodily functions.

14.31. Management of pharmaceuticals. Procedures for prescribing, dispensing and administration of drugs shall be in

compliance with applicable state and federal laws and regulations. The responsible physician shall approve written procedures for distribution, administration, accounting and disposal of medications. The responsible physician shall approve a written medication log and maintain one for each inmate receiving medication to include the date, time, name of drug and dosage. Any inmate refusing medication must sign a statement to that effect, which is also signed by a staff member and filed in the health record. Medications will be administered only by a physician or nurse, or, after written approval by the responsible physician, by the health authority or health-trained staff members; exception to this requirement may be made in that insulin injections may be self-administered by the inmate with supervision by the health authority or health-trained staff member. The physician shall inform jail personnel of possible side effects of medication on inmates. When medications are taken by mouth, the person administering the drug will observe swallowing to ensure ingestion of the medication. The facility shall provide a locked storage area for medications and maintain a list of medications stocked by the facility. Medications shall be refrigerated if necessary.

14.32. Administration of medications. Persons administering medications shall do so under the supervision of the responsible physician and shall have received training appropriate to their assignment. They are accountable for administering medications according to orders, and record the administration of medications in a manner and on a form approved by the responsible physician. Training from the responsible physician encompasses the medical aspects of the administration or distribution of medication: training from the facility administrator encompasses security matters inherent in the administration or distribution of medications in a correctional facility. The concept of administration or distribution of medications according to orders includes performance in a timely manner.

14.33. Health records. A separate health file shall be established on every inmate at the time of his/her receiving screening. The health record shall be sufficiently detailed to enable any practitioner to give continuing care and enable them to determine what the inmate's condition was at a specific time and what procedures were done and to enable consultants to give an opinion after examination of the inmate. Entries must be written in ink and be legible, signed and dated. Records shall be maintained for a minimum of seven years after the inmate's last incarceration. The file shall contain the following:

(a) The completed receiving screening form;

(b) Health appraisal date (if inmate has been incarcerated for at least thirty (30) days;

(c) All findings, diagnoses, orders and treatments;

(d) Medication log sheet;

(e) Results of any laboratory, x-ray and diagnostic studies;

(f) Completed medical complaint forms;

(g) Place, date and time of health encounters;

(h) Dental, psychiatric or other consultation reports;

(i) Consent and refusal forms; and

(j) Release of information forms.

14.34. Transfer of records. In the case of off-site examination, treatment, transfer to another facility or hospital admission, the inmate's health record or a copy of summary shall accompany him/her. Documentation of any off-site examination or treatment shall be made in the health record by the physician or other health professional involved. Health records shall be returned to the jail with the inmate, or, in the event of transfer or hospital admission, as soon as possible thereafter. Written authorization by the inmate is required for transfer of health record information, except in an emergency situation where the inmate is unable to authorize.

14.35. Confidentiality. The inmate's medical information, records and confidences entrusted to a physician or other medical care professional in the course of screening, examination or treatment are confidential and shall not be disclosed to anyone except:

(a) With the inmate's informed consent; or

(b) Where the law requires disclosure, e.g., reporting of communicable diseases; or

(c) When the security of the institution or the safety of the individual requires disclosure and then only to the extent necessary for the protection of the inmate and the security of the facility; and

(d) The chief administrative officer can review medical records but must maintain their confidentiality except as provided above.

14.36. Facilities and equipment. If health services are delivered on-site, the jail shall have a private examination/treatment area. Basic items provided shall include: Stethoscope, blood pressure cuff, thermometer, tongue blades, flashlight, ophthalmoscope, otoscope and ear specula, percussion hammer, weight scales, examination gloves, vaginal specula and first aid kits, as well as, other equipment designated as necessary by the responsible physician.

14.37. First aid kits. Each jail shall have one or more first

aid kits containing, but not limited to, bandages, gauze, sling, adhesive tape, band-aids. The responsible physician shall designate the number, location and contents of first aid kits. The health authority must periodically inspect all equipment and first aid kits.

14.38. Informed consent. Informed consent of inmates is necessary for all medical examinations, treatment and procedures except for those which are required by law, e.g., treatment of infectious diseases when public health law requires such treatment. Informed consent is the voluntary consent to a treatment, examination, or procedure by the patient after the patient receives all the material facts regarding the nature, consequences, risk and alternatives concerning the proposed treatment, examination or procedures. When the inmate is a minor, the informed consent of parent, guardian or legal custodian applies when required by law. Exceptions to obtaining informed consent are allowable if they are in accordance with state law (such as emergency situations or public health matters).

14.39. Medical research. The use of inmates for medical, pharmaceutical, or cosmetic experiments is prohibited. A person confined in a facility is incapable of volunteering as a human subject without hope of reward and cannot do so on the basis of fully informed consent. Therefore, inmates shall not participate in experimental projects involving medical, pharmaceutical or cosmetic research, including aversive conditioning, psychosurgery, electrical stimulation of the brain, or the application of cosmetic substance to the body that are being tested for possible ill effects prior to use in general public. This does not preclude the use of a new medical procedure for the individual treatment of an inmate by his/her physician, subsequent to a full explanation of the positive and negative features of the treatment. This agreement is between the physician and the inmate and may not be part of a general program of medical experimentation.

14.40. Serious illness or injury. A process by which those individuals so designated by the inmates are notified in case of serious illness or injury shall be developed. Permission for notification shall be obtained from the inmate prior to need, if possible. There may be situations in which the inmate does not want his/her next of kin notified of his/her injury or illness; therefore, his/her consent shall be obtained whenever possible. The next of kin or other individuals identified by the inmate to be notified in emergencies shall be included in the facility admission form.

§95-1-15. Inmates Rights.

15.1. Access to courts. Inmates shall have unlimited access to courts and to address uncensored communication to governmental authorities. Inmates seeking judicial or administrative redress shall not be subjected to reprisals or penalties as a consequence.

15.2. Attorneys. Sentenced and unsentenced inmates shall have access to attorneys or their representatives, paralegals, and experts. Attorney/client interview rooms with privacy shall be provided. Provision shall be made for contacts during normal facility hours, for uncensored correspondence and telephone communication.

15.3. Access to legal materials. Inmates shall have access to appropriate legal materials. Provisions shall be made for reasonable and meaningful access to a library. The library shall provide reasonable access to the following or equivalent material:

(a) Black's Law Dictionary;

(b) Legal Research in a Nutshell (latest ed.);

(c) Federal Habeas Corpus, Sokol, (Mitchie);

(d) Criminal Procedures in a Nutshell, Israel, Jerold J. and LaFave, Wayne R., St. Paul: West, or a comparable service;

(e) Constitutional Rights of Prisoners, Palmer, John W. (with current supplement) Cincinnati: Anderson, or a comparable service;

(f) Criminal Law Hornbook, LaFave & Scott, (West);

(g) Federal Rules of Criminal Procedure and Civil Procedure;

(h) West Virginia Code, Vols 1-20 (with current supplements), West Virginia Rules of Civil Procedure;

~~--(i) Shepard's West Virginia Citations Cases and Statutes;~~

(i) ~~(j)~~ Southeastern Reporter (2nd series, 1960 to date);

(j) ~~(k)~~ Criminal Law Reporter (Bureau of National Affairs);

(k) ~~(l)~~ U.S. Code Annotated, Titles 18, 28, and 42;

(l) ~~(m)~~ Supreme Court Reporter (1960 to date);

(m) ~~(n)~~ Federal Reporter (2nd series, 1970 to date);

(n) ~~(o)~~ Federal Supplement (1970 to date);

~~-----(p) Shepard's U.S. Citations and Federal Citations;~~

(o) ~~(q)~~ Corpus Juris Secundum - Criminal Law Sections only;

(p) ~~(r)~~ Modern Federal Practice Digest Second (Vols 16-19, 22-32, 53-54, Table of Cases and Indexes); and

(q) ~~(s)~~ Michie's Jurisprudence.

15.4. Access to paper and supplies. Inmates shall have reasonable access to adequate quantities of paper and other supplies related to legal matters. Inmates shall be provided reasonable access to the services of a notary public for legal documents and other general purposes. Jail house lawyers or inmate attempting to assist other inmates in legal matters, or inpreparing written communications shall be permitted subject to the legitimate safety and security concerns of the facility.

15.5. Voting. Jail officials shall offer inmates on pre-trial status and those convicted of a misdemeanor the opportunity to exercise their right to vote. Inmates shall be advised of their right to vote.

15.6. Religious observance. Inmates shall have reasonable opportunities to practice their religions, permitting visits by spiritual advisors at any reasonable time. Provisions shall be made for access to appropriate facilities, clergy or spiritual advisors, publications and religious symbols, and for opportunities to adhere to dietary and other requirements of various faiths.

15.7. Checking and saving accounts. Inmates shall be entitled to maintain checking and savings accounts.

15.8. Discrimination. Each inmate shall be free from discrimination based on race, religion, national origin, sex, handicap, or political beliefs. Inmates shall have equal access to various programs and work assignments, and involvement in decisions concerning classification status. There shall be no discrimination in regard to the rights and privileges, restrictive housing, or any other amenities afforded to inmates.

15.9. Protection. Inmates shall be protected from personal abuse, corporal punishment, personal injury, disease, property damage and harassment. In instances where physical force or disciplinary detention is required, only the lest restrictive means necessary to secure order or control shall be used. Administrative segregation shall be used to protect inmates from themselves or other inmates.

15.10. Appearance. Inmate appearance shall not be limited unless it presents clear health, safety or security hazards.

15.11. Grievance procedure. The jail shall have a written grievance explained and available to all inmates and staff. It shall give inmates an opportunity to seek redress for violations of jail rules and regulations or other interference with the inmate's rights or privileges. The procedure shall include a provision for an investigation of the grievance and for a written response within a reasonable time (seventy-two hours) and proper action taken to ensure fair resolution of complaints. The response shall state reasons for the response to the grievance. Unless grievances are clearly found to be in bad faith, the complainant shall have a personal opportunity to be heard before a decision on

the complaint is made. If denied an appeal shall be available.

15.12. Good time. All inmates sentenced to jail for a term exceeding six (6) months shall be entitled to good time. Inmates shall be presumed to have conducted themselves well and shall be entitled to the good time credit unless they have a recorded history of misconduct. Jail authorities shall notify inmates of good time.

15.13. Due process. No inmate shall be deprived of any good time credit for alleged misconduct unless they have first been afforded the due process protections which include the following:

(a) Written notice of the claimed violation;

(b) Disclosure of the evidence against them;

(c) Opportunity to be heard and to present witnesses and documentary evidence;

(d) The right to confront and cross-examine adverse witnesses (unless the hearing officer specifically finds good cause for not allowing confrontation);

(e) A neutral and detached hearing officer;

(f) A written statement by the fact-finders of the evidence relied on and reasons for discipline; and

(g) The right to counsel if the state is represented by a lawyer, and otherwise the right to be assisted by another inmate, staff member, lay advocate or paralegal.

§95-1-16. Inmate Rules and Discipline.

16.1. Rules of conduct. There shall be written rules of inmate conduct which specify acts prohibited within the facility and penalties that may be imposed for various degrees of violation. These rules shall be provided to all inmates, and procedures shall exist for ensuring that all inmates understand the rules.

16.2. Annual review. The written rules of inmate conduct shall be reviewed annually and updated, if necessary, to ensure that they are consistent with constitutional and legal principles.

16.3. Training. All personnel who deal with inmates shall receive sufficient training so that they are thoroughly familiar with the rules of inmate conduct, the sanctions available, and the rationale for the rules.

16.4. Minor infractions. There shall be written guidelines for informally resolving minor inmate infractions.

16.5. Disciplinary reports. When rule violations require

formal resolution, staff members shall prepare a disciplinary report and forward it to the designated supervisor.

16.6. Minimum contents. Disciplinary reports prepared by staff members shall include, but are not limited to, the following information:

(a) Specific rules violated;

(b) A formal statement of the charge;

(c) An explanation of the event, which should include who was involved, what transpired and the time and location of occurrence;

(d) Unusual inmate behavior;

(e) Staff witnesses;

(f) Disposition of any physical evidence;

(g) Any immediate action taken, including the use of force;

(h) Reporting staff member's signature, and

(i) Date and time report is made.

16.7. Investigation. When an alleged rule violation is reported, an investigation shall begin within forty-eight (48) hours of the time the violation is reported.

16.8. Prehearing segregation. Prehearing segregation of inmates who are charged with a rule violation shall be used only when necessary to ensure the safety of the inmate or the security of the facility.

16.9. Sanctions. There shall be a sanctioning schedule for rule violations. The maximum sanction for rule violation shall be fifteen (15) days for any one violation and no more than thirty (30) days for all violations arising out of one incident. If more than one incident occurs, continuous confinement for over thirty (30) days shall require the review and approval of the facility administrator.

16.10. Prosecution. Written policy and procedure shall provide that in instances in which an inmate is alleged to have committed a crime, the case shall be referred to appropriate law enforcement officials for possible prosecution.

16.11. Written copy of allegation. An inmate charged with a violation of facility rules shall be given a written copy of the alleged violations within twenty-four (24) hours of determination of charges.

16.12. Hearing. Inmates charged with rule violations shall

receive a hearing within seventy-two (72) hours of the charge, excluding weekends and holidays. The hearing may be postponed or continued for a reasonable time through a written waiver by the inmate or for documented good cause.

16.13. Written notice of hearing. Written notice of the hearing shall be provided to the inmate at least twenty-four (24) hours in advance of the hearing. The inmate may consent, in writing, to a hearing within less than twenty-four (24) hours.

16.14. Inmate absence. Inmates charged with rule violations shall be present at the hearing, unless they waive that right in writing or through behavior. Inmates may be excluded during the testimony of any inmate whose testimony must be given in confidence. The reasons for the inmate's absence or exclusion shall be documented.

16.15. Hearing panel. Disciplinary hearings of cases of rule violations shall be conducted by an impartial person or panel of persons.

16.16. Inmate representation. Staff assistance to represent inmates at disciplinary hearings shall be provided upon request of the inmates.

16.17. Rules of evidence. The inmate shall be given an opportunity to make a statement and present documentary evidence, and to have in attendance at a disciplinary hearing any person who has relevant and not unduly cumulative information, except when doing so may severely jeopardize the life or safety of persons or the security or order of the facility; such reasons for denial shall be stated in writing.

16.18. Written record of decision. A written record shall be made of the disciplinary hearing decision and a copy shall be given to the inmate.

16.19. Review. A review of all disciplinary hearings and disposition by the facility administrator or his designer shall be provided.

16.20. Appeal. Inmates shall have the right to appeal decisions of the disciplinary hearing officer(s), to the administrator or designer. The administrator or designer shall either affirm or reverse the decision of the disciplinary hearing officer(s) within five days of the appeal.

16.21. Not guilty. The disciplinary report shall be removed from all files on inmates found not guilty of an alleged rule violation.

§95-1-17. Communication, Mail and Visitation.

17.1. Inmate correspondence. Written policy and procedure shall govern inmate correspondence; they shall be available to all staff and inmates, and are reviewed annually and updated as needed.

17.2. **Limitations.** There shall be no limitation on the volume of lawful mail, including letters,--**packages** and publications, which an inmate may send or receive, or on the length, language, content or source of the mail, except where there is clear convincing evidence to justify the limitations for reasons of public safety or facility order and security. Outgoing mail shall be at the inmate's expense except as provided in 17.3.

17.3. Indigent inmates. Indigent inmates shall be provided without cost, sufficient stationary and postage for all letters to attorneys, courts, and public officials, as well as, two (2) personal letters per week.

17.4. Restrictions. Written policy and procedure define the type of publications allowed in the facility and inspection procedures. Restrictions to access of publication shall be directly related to the maintenance of facility order and security.

17.5. Mail processing. Incoming and outgoing letters **and packages** shall not be held for more than twenty-four (24) hours, excluding weekends and holidays.

17.6. Inspection. Inmate letters, both incoming and outgoing, may be opened and inspected for contraband, but shall not be censored. The letters shall not be read or rejected except where there is reliable information that there is a threat to order and security or that they are being used in the furtherance of illegal activity. Inmates shall be notified when incoming or outgoing letters are rejected.

17.7. Cash. Procedures shall provide for the inspection of inmate letters ~~and packages~~ to intercept cash, checks, money orders and contraband. A receipt shall be given the addressee.

17.8. Sealed letters. Inmates shall be permitted to send sealed letters to a specified class of persons and organizations, including, but not limited to: Courts, counsel, officials of the confining authority, government officials, administrators of grievance systems, and members of the parole authority. Mail to inmates from this specified class of persons and organizations shall be opened only to inspect for contraband and only in the presence of the inmate.

17.9. Telephone access. Residents shall be afforded reasonable telephone access. Telephone access may be provided by pay phones, coinless phones, or collect only telephones in the cell blocks. Limitations of telephone use shall not be used as a disciplinary measure, except for violations of written jail regulations relating to telephone use. Jails shall develop written policies for taking

incoming Emergency or Attorney calls, and written messages of incoming Emergency or Attorney calls to inmates. Such messages shall be delivered in reasonable time to inmate.

17.10. Number and hours of visitors. The number of visitors an inmate may receive and the length of visits shall be limited only by facility schedules, space and personnel constraints. Visitation shall be at least four (4) times weekly including weekends, holidays and evening hours as well as daytime hours. Said scheduled hours shall be of at least three (3) ours in duration. Visits shall not be limited to less than one half hour. Visitors whose schedule cannot accommodate the jail's visiting hours may upon request be granted special hours.

17.11. Visitors; registration. Visitor registration upon entry into the facility shall be required. All circumstances under which visitors may be searched shall be in written policy.

17.12. Posting. A schedule of visitation and visitation policy shall be posted.

17.13. Limitations. Any visitor shall be allowed except those excluded by court order, visibly under the influence of alcohol and or drugs, while unable produce upper visitation. Inmates may receive visits immediate family members regardless of age provided that all children under the age of 18 be accompanied by an adult, who is the alleged parent or guardian. Any emancipated child under the age of 18 must provide proof of such emancipation.

17.14. Contact visits. Contact visits shall be available to inmates unless otherwise requested by a party, or unless the inmate's behavior is so extreme as to risk causing serious harm to a person. Denial of contact visitation shall be recorded and explained in the inmate's file.

17.15. Risk inmates. Visiting hours for high risk inmates shall approximate those for other inmates.

17.16. Searches. Inmates may be searched prior and subsequent to visitation. Visitors may be subject to nonintrusive personal searches.

17.17. Privacy. Visitation facilities shall be private and confidential with no monitoring of conversations.

17.18. Visiting area. The non-contact visiting area shall be across tables without impeding visibility and communication.

17.19. Notification and challenges. Inmates shall be notified in writing whenever a visitor is excluded and shall be provided the reasons for the action. An inmate shall be given the opportunity to challenge denial of visitation.

17.20. Counsel. The number of visits with counsel shall not be

restricted, during reasonable hours.

~~17.21.--Visitation to home county.---To the extent that the previous subsections provide requirements for visitation with inmates housed in regional jail facilities, it is the intent that such requirements apply only to visitation provided in a regional jail facility. When visitation with family and friends is required to be provided to a person incarcerated in a regional jail facility in a location other than the regional jail, the following provisions shall apply:~~

~~17.21.1.-The regional jail need not assume the responsibility for transportation to the home county seat of a person incarcerated in the regional jail facility for visitation with their family and friends unless that person has had not visits from family and friends in the previous three months.~~

~~17.21.2.--In providing any transportation under subsection 17.21.1.--the regional jail has the right to schedule such transportation for visits with family and friends of the person incarcerated in a manner which would utilize to the utmost the regional jail's regularly schedule trips to each of the respective counties it serves, including the scheduling of round trips, so long as a minimum of thirty (30) minutes is available for visitation.---~~

~~17.21.3.-The regional jail need not assume any responsibility for transportation under subsection 17.21.1. when the distance from the regional jail to the respective county seat is less than two hour's driving time.~~

§95-1-18. Admission, Orientation, Property Control and Release.

18.1. New inmates. Written policy and procedures shall govern the admission and orientation of new inmates. They shall be reviewed annually and updated if necessary. The jail shall not accept persons who are being committed solely because of the initiation of procedures for involuntary commitment pursuant to West Virginia Code, 27-5-1 et seq.

18.2. Mentally disabled inmates. Care shall be provided for inmates who are believed to be mentally ill, retarded or addicted and in need of treatment, training or other services. The administrator shall be made aware of the illness and shall arrange for a mental health assessment. If the report of the examination confirms the condition and that required services cannot be provided at the facility, the administrator shall immediately take action to initiate a transfer to an appropriate facility pursuant to West Virginia Code, 27-6A-1 et seq.

18.3. Minimum requirements. Written policy for admitting new inmates to a detention facility shall address at a minimum the following subjects:

(a) Verification of court commitment papers or other legal documentation of detention;

(b) Complete search of the individual and his/her possessions;

(c) Disposition of clothing and personal possessions;

(d) Medical screening including tests for infectious diseases;

(e) Telephone calls by inmates;

(f) Shower and hair care, if necessary;

(g) Issue of clean clothing;

(h) Photographing and/or fingerprinting;

(i) Interview for obtaining identifying data;

(j) Screening interview by counselor or other trained interviewer;

(k) Orientation;

(l) Issue of personal hygiene items;

(m) Classification for assignment to a housing unit; and

(n) Assignment to a housing unit.

18.4. Alcoholics. The jail administration shall refrain from housing or retaining in the jail any persons who they know or should know to be chronic alcoholics when such persons have been charged solely with the offense of public intoxication; such persons shall be afforded all reasonable and necessary medical and health care services forthwith; at all times the proper procedures for treatment of such persons shall be followed in the manner set forth by the West Virginia Supreme Court in State ex rel. Harper v. Zeeger, No. 14950 (filed May 18, 1982) and in its Addendum (filed July 15, 1982).

18.5. Intoxicated or drugged inmates. There shall be written policy and procedure for the safe handling of intoxicated or drugged inmates committed to the jail, when such persons are charged with offenses other than or in addition to public intoxication, including:

(a) All reasonable and necessary medical and health care services shall be provided forthwith in the manner set forth by the Harper, supra, decision, and in its Addendum;

(b) Such persons shall be segregated from the general inmate population until such time as they can be safely returned without endangering themselves or others;

(c) Whenever one or more such persons are temporarily segregated from the general population, until such time as they can be safely returned without endangering themselves or others; and

(d) When such persons are housed in the facility commonly known as the "drunk tank", or in any other section of the jail, said facility or housing shall, at a minimum, contain the following: Beds, toilet, washstand with hot water.

18.6. Admission location. Inmates shall be separated from the general population during the admissions process.

18.7. Orientation. All newly admitted inmates shall receive written or oral orientation information in the language in which the inmates are fluent. Completion of orientation shall be documented by a statement that is signed and dated by the inmate.

18.8. Telephone. Newly admitted inmates shall be permitted to complete at least three (3) telephone calls during the admission process.

18.9. Personal property. The personal property inmates can retain in their possession shall be specified.

18.10. Inventory and receipt. A written, itemized inventory of all personal property of newly admitted inmates and secure storage of inmate property, including money and other valuables shall be provided. The inmate shall be given a receipt for all property held until release.

18.11. Release. Written procedures for releasing inmates include, but are not limited to, the following:

(a) Verification of identity;

(b) Verification of release papers;

(c) Completion of release arrangements, including the person or agency to whom the inmate is to be released;

(d) Return of personal effects;

(e) Verification that no facility property leaves the facility with the inmate; and

(f) Completion of any pending action, such as grievance or claims for damages or lost possessions.

§95-1-19. Classification.

19.1. General. Written policy and procedure provide for inmate classification in terms of level of custody required, housing assignments and participation in correctional programs. They shall

be reviewed at least annually and updated if necessary.

19.2. Criteria and appeal. The inmate classification plan shall specify criteria and procedures for determining and changing the status of an inmate, including custody, transfers and major changes in programs. The plan shall include an appeals process for classification decision.

19.3. Categories. The facility shall provide for the separate management of the following categories of inmates:

(a) Female and male inmates;

(b) Pretrial and convicted inmates;

(c) Felons and misdemeanors;

(d) Other classes of detainees (witnesses, civil prisoners);

(e) Community custody inmates (work release, weekenders, trusties);

(f) Inmates with special problems (alcoholics, narcotics addicts, mentally disturbed persons, physically handicapped persons, persons with communicable diseases);

(g) Inmates requiring disciplinary detention;

(h) Inmates requiring administrative segregation;

(i) Violent and non-violent inmates; and

(j) Juveniles.

19.4. Juveniles. Juveniles, who are subjected to trial as adults, shall be separated by sight and sound from adult inmates, although they may be in the facility structure. Juveniles who are not subjected to trial as adults are not housed in the facility. The procedures as outlined in West Virginia Code, 49-5-16 and 49-5-16a shall be followed.

19.5. Discrimination. Segregation of inmates by race, color, creed or national origin shall be prohibited.

§95-1-20. Inmate Work Programs.

20.1. Inmate assignments. The facility shall have a written inmate work assignment plan that provides for inmate employment, subject to the number of work opportunities available and the maintenance of facility security.

20.2. Required work. Pretrial and unsentenced detainees shall not be required to work except to do personal housekeeping. Any inmate may volunteer for work assignments or institutional

programs.

20.3. Maintenance and operation. The inmate work plan shall include provision for work in facility maintenance and operation.

20.4. Public works objects. The inmate work plan shall provide for inmate work assignments in public works projects.

20.5. Community service. The inmate work plans shall include provision for inmates to work in various non-profit and community service projects.

20.6. Discrimination. Discrimination in inmate work assignments based on sex, race, religion and national origin shall be prohibited.

20.7. Handicapped. The inmate plan shall include provisions for employment for handicapped inmates.

20.8. Compensation. Where statute provides, inmates shall be compensated for work performed.

20.9. Working conditions. Inmate working conditions shall comply with all applicable federal, state and local work safety laws and regulations.

20.10. Reduction of sentence. Where statute permits, the inmate work plan shall include provisions for earning credit towards a reduction of sentence.

§95-1-21. Inmate Services and Programs.

21.1. Availability. Inmate programs and services shall be made available and shall include, but are not limited to, social services, religious services, recreation and leisure time activities and library services.

21.2. Community resources. Inmate programs and services shall provide for the identification and use of available community resources.

21.3. Option to refuse. Inmate shall have the option to refuse to participate in institutional programs, except work assignments and programs required by statute. There shall be written documentation of each refusal maintained in the inmate's file.

21.4. Equal opportunity. Males and females shall have equal opportunities for participation in programs and services.

21.5. Services for drug and alcohol addiction. The facility shall provide for counseling and program services for inmates with drug and alcohol addition problems. All necessary medical and health care services shall be provided. The jailing of alcoholics for public intoxication shall be prohibited. Efforts shall be made

to seek local Alcoholics Anonymous and other such groups to present programs at the jail and suitable facilities shall be provided for such programs. Alcoholism rehabilitation and drug awareness programs shall be established through a local agency or other qualified person.

21.6. Religion. Inmates shall be provided opportunities to participate in religious services and counseling on a voluntary basis.

21.7. Leisure time activities. The jail shall provide opportunities for all inmates to participate in leisure time activities outside the cell or room on a daily basis. Each inmate shall be permitted at least one hour of leisure time activity each day outside the cell or room. Leisure time activities shall include radio and television, movies, crafts, cards, puzzles, checkers, chess or indoor exercise. ~~There shall be adequate indoor space to enabling nonsendentary leisure activity.~~

21.8. Outdoor exercise. The jail shall provide at least one hour of outdoor exercise per day in an outdoor exercise area with adequate space and equipment permitting regular outdoor sports activity. It shall be constructed to ensure privacy from and safety for the general public.

21.9. Records. Hours and place of recreation shall be recorded on a daily basis.

21.10. Work release. The jail shall set up a procedure for the implementation of work release pursuant to West Virginia Code, 62-11A-1 and 62-11A-2. All inmate shall be notified of their right to apply and appropriate applications and assistance in completing such application shall be provided to inmates upon admission to the jail.

21.11. G.E.D. program. The jail shall arrange for a G.E.D. program for all inmates who desire to participate.

21.12. Vocational programs. Inmates shall have access to vocational counseling, pre-vocational/career assessment, adult basic education and vocational training.

21.13. Labor in jail. Inmates over sixteen (16) may consent to perform labor within the jail or county. The jail shall develop a written resident work plan for work in the jail, county or community service agency.

21.14. Good time. Good time policy shall be coordinated with vocation, education and work programs.

21.15. Library services. Library services shall be available to all inmates and shall include, at a minimum: Materials responsive to the interests and educational needs of users; information services to locate facts needed; programs for

individuals or group information and enjoyment, such as books, media, discussion groups, music, creative writing, speakers and a distinct library setting. Library resources should be supplemented by the entire collection of local, regional and state libraries, law libraries and inter-library loan services. When it is appropriate, the resources of the libraries for the blind and physically handicapped should be utilized.

21.16. Staff. The jail shall assign a staff member to coordinate and supervise the library services. Staff providing the service will vary in numbers depending upon the average daily population of the facility.

21.17. Pretrial intervention program. When a pretrial intervention program, diversion program, pretrial release program or parole program is conducted in the facility, sufficient staff, space and equipment shall be provided to service the program.

§95-1-22. Release Preparation and Temporary Release.

22.1. Release preparation. A program of release preparation shall be available to all inmates to prepare them for release from the facility.

~~**22.2. Leaves. Inmates shall be allowed escorted and unescorted leaves into the community dependent upon their classification.**~~

22.32. Work and educational programs. Inmate participation in work or educational release programs shall be allowed, in accordance with W.Va. Code and Applicable Rules and Regulations.

~~**22.4. Temporary release. Temporary release programs shall be required to have the following elements:**~~

~~**(a) Written operational procedures;**~~

~~**(b) Careful screening and selection procedures;**~~

~~**(c) Written rules of inmate conduct;**~~

~~**(d) A system of supervision;**~~

~~**(e) A complete recordkeeping system;**~~

~~**(f) A system for evaluation of program effectiveness; and**~~

~~**(g) Efforts to obtain community cooperation and support.**~~

22.53. Separation from general population. Inmates participating in work or educational release programs shall be separated from inmates in the general population.

§95-1-23. Citizens Involvement and Volunteers.

23.1. Citizen involvement. Citizen involvement in inmate programs may be permitted.

23.2. Volunteer coordinator. A staff member shall be responsible for coordinating the volunteer services program.

23.3. Lines of authority. Lines of authority, responsibility, and accountability for the volunteer services program shall be communicated to staff and volunteers.

23.4. Screening and selection. The screening and selection of volunteers allowing for recruitment from all cultural and socioeconomic segments of the community shall be provided.

23.5. Orientation. Prior to assignments, each volunteer shall complete an orientation training program appropriate to the nature of the assignment.

23.6. Identification. A system for identification of volunteers while they are in the facility shall be provided.

23.7. Written contract. Volunteers shall agree in writing to abide by all facility policies, particularly those relating to security and confidentiality of information.

23.8. Professional services. Volunteers shall perform professional services only when certified or licensed to do so.

23.9. Level of involvement. The administrator shall have discretion to curtail, postpone, or discontinue the services of a volunteer organization.

§95-1-24. Glossary.

24.1. Audit. An examination of facility records or accounts to check their accuracy, which is conducted by a person(s) not directly involved in the creation and maintenance of the records of accounts. An independent audit results in an opinion which either affirms or disaffirms the accuracy of records or accounts. An operational or internal audit usually results in a report to management which is not share with persons outside the agency.

24.2. Administrative segregation. A form of separation from the general population administered by the classification committee or other authorized group, when the continued presence of the inmate in the general population would pose a serious threat to life, property, self, staff or other inmates, or the security or orderly running of the institution. Inmates pending investigation for trial on a criminal act or pending transfer can also be included. (See protective custody and segregation).

24.3. Booking. Both a law enforcement process and a detention facility procedure. As a police administrative action, it is an official recording of an arrest and the identification of the

person, place, time, arresting authority, and reason for the arrest. In the detention facility, it is a procedure for the admission of a person charged with or convicted of an offense, which includes searching, fingerprinting, photographing, medical screen, and collecting personal history data. Booking also includes the inventory and storage of the individual's personal property.

24.4. Chemical agent. An active substance, such as tear gas, used to deter activities which might cause personal injury or property damage.

24.5. Cell block. A group or cluster of single and/or multiple occupancy cells or detention rooms immediately adjacent and directly accessible to a day or activity room. In some facilities the cell block consists of a row of cells fronted by a day room of corridor-like proportion.

24.6. Chief of police. A local law enforcement official who is the appointed or elected chief executive of a police department and is responsible for the operation of the city jail or lockup.

24.7. Classification. A process for determining the needs and requirements of those for whom confinement has been ordered and for assigning them to housing units and programs according to their needs and existing resources.

24.8. Community resources. Public and private organizations or agencies, or any individual from the community which offers services, facilities and other functions which can meet the needs of the facility.

24.9. Contraband. Any item possessed by inmates or found within the confinement facility which is declared illegal by law or not specifically approved for inmate possession by those legally charged with the responsibility for administration and operation of the facility.

24.10. Contractor. A person or organization which agrees to furnish materials or perform services for the facility/jurisdiction at a specified price. Contractors operating in detention facilities are subject to all applicable rules and regulations for the facility.

24.11. County parole. The status of a county jail inmate who, convicted of a misdemeanor and conditionally released from a confinement facility prior to the expiration of sentence, has been placed under supervision in the community for a period of time.

24.12. Detainee. Any person confined in a local detention facility not serving a sentence for a criminal offense.

24.13. Detention facility. A confinement institution in which adults can be sentenced for up to one year or confined pending

adjudication. (See jail).

24.14. Disciplinary hearing. A nonjudicial administrative procedure to determine if substantial evidence exists to find an inmate guilty of a rule violation.

24.15. Disciplinary detention. A form of separation from the general population in which inmates committing serious violations of conduct regulations are confined by the disciplinary committee or other authorized group for short periods to individual cells separated from the general population. Placement in detention may only occur after a finding of rule violation at an impartial hearing and when there is no adequate alternative disposition to regulate the inmate's behavior. (See protective custody and segregation).

24.16. Diversion. The official halting or suspension, at any legally prescribed processing point after a recorded justice system entry, of formal criminal or juvenile justice proceedings against an alleged offender. The suspension of proceedings may be in conjunction with a referral of that person to a treatment or care program administered by a nonjudicial agency or a private agency, or there may be no referral.

24.17. Educational release. A custody status under which inmates leave a detention facility to attend school in the community, returning to custody after school hours.

24.18. Emergency. Any significant disruption of normal facility procedure, policy or activity caused by riot, strike, escape, fire, natural disaster or other serious incident.

24.19. Facility administrator. Any official, regardless of local title (e.g., sheriff, chief of police, jail administrator, warden, superintendent) who has the ultimate responsibility for managing and operating the local detention facility.

24.20. Footcandle. A unit for measuring the intensity of illumination, the amount of light thrown on a surface one foot away from the light source.

24.21. Furlough or temporary leave. A custody status under which an inmate is legally allowed to leave a detention facility and go into the community unsupervised for purposes consistent with the public interest.

24.22. Good time. A system, established by law, whereby a convicted offender is credited a specific amount of time, which is to be subtracted from his/her sentence, for specified periods of time served in an acceptable manner.

24.23. Grievance. A written complaint filed by an inmate with the facility administrator concerning personal health and welfare or the operations and services of the facility.

24.24. Health authority. A physician or qualified health administrator who is responsible for the provision of health care services at an institution or system of institution.

24.25. Health care. The sum of all action taken, preventive and therapeutic, to provide for the physical and mental well-being of a population. Health care includes medical and dental services, mental health services, nursing, personal hygiene, dietary services, and environmental conditions.

24.26. Health care personnel. Individuals whose primary duties are to provide health services to inmates in keeping with their respective levels of health care training or experience.

24.27. Health-trained personnel (medically trained personnel). Correctional officers or other correctional personnel such as social workers, who may be trained and appropriately supervised to carry out certain specific duties with regard to the administration of health care.

24.28. Holding facility or lockup. A temporary confinement facility, for which the custodial authority is seventy-two (72) hours or less, where arrested persons are held pending release, adjudication, or transfer to another facility.

24.29. Holidays. All days legally designated as non-workdays by statute or by the chief governing authority of a jurisdiction.

24.30. Information system. Includes the concepts, personnel and supporting technology for the collection, organization and delivery of information for administrative use. There are two types of information:

(1) Standard information, consisting of the data required for operational control, such as daily counts, positive and negative release rates, absconding and runaway rates, referral sources, and payroll data in a personnel office.

(2) Demand information, which can be generated when a report is required, such as the number of inmates in educational and training programs, and duration of confinement.

24.31. Inmate. Any person, whether pretrial, unsentenced, or sentenced, who is confined in a detention or holding facility.

24.32. Inmate records. Information concerning the individual's personal, criminal and medical history, behavior and activities while in custody, including, but not limited to: commitment papers, court corders, detainers, personal property receipts, visitors list, photographs, fingerprints, type of custody, disciplinary infractions and actions taken, grievance, miscellaneous correspondence, etc.

24.33. Jail. A confinement facility which holds persons detained pending adjudication and/or persons committed after adjudication for sentences of one year or less. Jails, while intended for the confinement of adults, sometimes hold juveniles as well. (See detention facility).

24.34. Life safety code. A manual published by the National Fire Protection Association specifying minimum standards for fire safety necessary in the public interest; two chapters are devoted to corrections facilities.

24.35. Medical records. Separate records of medical examinations and diagnoses maintained by the responsible physician. The following information from these records should be transferred to the inmate records: date and time of all medical examinations and copies of standing or direct medical orders from the physician to facility staff.

24.36. Medical restraints. Either chemical restraints, such as sedatives, or physical restraints, such as straight jackets, applied only for medical of psychiatric purposes.

24.37. Medical screening. A system of structured observation/initial health assessment to identify newly arrived inmates who pose a health or safety threat to themselves or others.

24.38. Offender. A person confined in a local detention facility serving a sentence for a criminal offense.

24.39. Parent agency. The administrative department or division to whom the facility administrator reports; it is the policy-setting body. For the county jail, this is the sheriff's department or the board of supervisors. For the city jail, it is usually the police department.

24.40. Policy. A definite, stated course or method of action which guides and determines present and future decision and actions.

24.41. Pretrial release. A procedure whereby an accused person who has been taken into custody is allowed to be unconfined before and during his/her trial.

24.42. Program. The plan or system through which a detention/correctional agency works to meet its goals; often this program requires a distinct physical setting, such as a detention facility.

24.43. Protective custody. A form of separation from the general population for inmates requesting or requiring protection from other inmates for reasons of health or safety. The inmate's status is reviewed periodically by the classification committee or other designated groups. (See administrative segregation and disciplinary detention).

24.44. Qualified health personnel. Physicians, dentists, and other professional and technical workers who by state law engage in activities that support, complement or supplement the functions of physicians and/or dentists and who are licensed, registered, or certified, as appropriate to their qualifications, to practice.

24.45. Release on bail. The release by a judicial officer of an accused person who has been taken into custody, upon the accused's promise to pay a certain amount of money or property if he/she fails to appear in court as required; the promise may or may not be secured by the deposit of an actual sum of money or property, and may involve a bonding agency.

24.46. Release on own recognizance (ROR). The release by a judicial officer of an accused person who has been taken into custody, upon the accused's promise to appear in court as required for criminal proceedings.

24.47. Responsible physician. A person licensed to practice medicine with whom the facility enters into a contractual agreement to plan for and provide health services to the inmate population of the facility.

24.48. Safety equipment. This includes firefighting equipment, i.e., chemical extinguishers, hoses, nozzles, water supplies, alarm systems, sprinkler systems, portable breathing devices, gas masks, fans, first aid kits, stretchers, and emergency alarms.

24.49. Sally port. A square or rectangular enclosure situated either in the perimeter wall or fence of the facility or within the interior of the facility, containing gates or doors at both ends, only one of which opens at a time. This method of entry and exit ensures there will be no breach in the perimeter or interior security of the facility.

24.50. Security or custody. The degree of restriction of inmate movement within a detention/correctional facility, usually divided into maximum, medium and minimum risk, levels.

24.51. Security devices. Locks, gates, doors, bars, fences, screens, ceilings, floors, walls and barrier used to confine and control inmates. Also electronic monitoring equipment, security alarm systems, security light units, auxiliary power supply and other equipment used to maintain facility security.

24.52. Security perimeter. The outer portion of a facility which actually provide for secure confinement of inmates. This perimeter may vary for individual inmates, depending upon their security classification.

24.53. Segregation. The confinement of an inmate to an individual cell that is separated from the general population. There are three (3) forms of segregation: administrative

segregation, disciplinary detention and protective custody.

24.54. Self-insurer. Any parent agency or governmental jurisdiction which acts as the insurer. For public agencies, the self-insurance program is usually authorized by the legislature. A "memorandum of insurance" or similar document is required which acts as a policy, setting the limits of liability for various categories of risk, including deductible limits. Approval of the policy by a cabinet level official is also required.

24.55. Sheriff. The elected or appointed chief executive officer of a county law enforcement agency, who can serve several functions, including" responsibility for law enforcement in unincorporated areas, operation of the county jail and assignment as officers of the court.

24.56. Special management inmates. Persons whose behavior presents a serious threat to the safety and security of the facility, the inmate, the staff or the general inmate population. Special handling and/or housing is required to regulate their behavior.

24.57. Strip search. An examination that can include body cavities of an inmate's naked body for weapons, contraband and physical abnormalities. This also includes a thorough search of all the inmate's clothing while not being worn by the inmate.

25.58. Temporary release. A period of time during which an inmate is allowed to leave the program or institution and go into the community unsupervised for various purposes consistent with the public interest.

24.59. Training. An organized, planned, and evaluated activity designed to achieve specific learning objectives. Training may occur on site, at an academy or training center, at an institution of higher learning, through contract service, at professional meetings, or through closely supervised on-the-job training. Meetings or professional associations are considered training when there is clear evidence of the above elements.

24.60. Volunteer. Persons from the community who participate in the detention facility operations. They are selected on the basis of their skills or personal qualities to provide programs and services for the inmate population in recreation, counseling education and religious activities. Their services are provided without cost to the facility.

24.61. Work release. A formal arrangement, sanctioned by law, whereby an inmate is permitted to leave confinement to maintain approved and regular employment in the community, returning to custody during non-working hours.