

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

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1988 APR -5 PM 2:15
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: JAIL AND PRISONS STANDARDS COMMISSION TITLE NUMBER: 95

AMENDMENT TO AN EXISTING RULE: YES___, NO~~xxx~~

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: SERIES 1

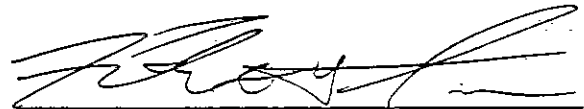
TITLE OF RULE BEING PROPOSED: WV MINIMUM STANDARDS FOR
CONSTRUCTION, OPERATION AND MAINTENANCE OF JAILS

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) S.B. 397

SECTION 64-2-31(20)(9), PASSED ON March 12, 1988

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: APRIL 5, 1988



Rich O. Hartman for

William R. Whyte, Chairman



Office of the Commissioner

ARCH A. MOORE, Jr.
Governor

A.V. DODRILL, Jr.
Commissioner

112 CALIFORNIA AVE.
STATE CAPITOL COMPLEX
CHARLESTON, WEST VIRGINIA 25305

MEMORANDUM

Rich Hartman, Director
TO: Administrative Law Division
Secretary of State's Office

FROM William R. Whyte, Chair *WR Whyte*
WV Jail and Prison Standards Commission

DATE April 26, 1988

RE Jail Standards

I again return the Jail Standards to you with corrections noted. I apologize for not having caught all of these the first time through the document. I have received some degree of assurance from Standards Commission staff that these last few corrections may result in a clean and accurate document.

Thank you and your staff for the patience you have shown.

WRW:dal

Enclosure .

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

BARBARA STARCHER
Deputy Secretary of State

RICHARD S. STEPHENSON
Deputy Secretary of State

Telephone: (304) 345-4000
Corporations. 342-8000

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APR 20 1988



DEPT. OF CORRECTIONS STATE OF WEST VIRGINIA
SECRETARY OF STATE

Charleston 25305

WILLIAM H. HARRINGTON
Chief of Staff

RICH O. HARTMAN
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

VIRGINIA SKEEN
Special Assistant

(Plus all the volunteer
help we can get)

TO: William Whyte, Jail Standards Comm.

FROM: RICH O. HARTMAN, DIR. ADMIN. LAW DIV.

DATE: April 19, 1988

THE ATTACHED RULE(S) RECENTLY FILED BY YOUR AGENCY HAVE BEEN ENTERED INTO THE COMPUTER. PLEASE REVIEW AND PROOF AND RETURN WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS PLEASE SIGN THIS MEMO AND RETURN TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF YOUR RULE(S) FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

Series 1

THE ATTACHED RULE(S) HAVE BEEN REVIEWED AND ARE CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

THE ATTACHED RULE(S) HAVE BEEN REVIEWED AND NEEDS CORRECTED. THESE CORRECTIONS HAVE BEEN MARKED.

SIGNED: William R. Whyte

TITLE OF PERSON SIGNING: Jail Standards Comm.

DATE: 4/25/88

STATE OF WEST VIRGINIA



ARCH A. MOORE, Jr.
Governor

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OCT 29 1987

DEPT. OF CORRECTIONS

REGIONAL JAIL and PRISON AUTHORITY

JOHN L. KING
Executive Director

October 29, 1987

307 JEFFERSON STREET
STATE CAPITOL COMPLEX
CHARLESTON, WV 25305
PHONE (304) 348-2110

MEMBERS

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CHARLES E. BLENDENING
Member

Mr. William R. Whyte
Temporary Chairman
Jail and Prison Standards Commission
Room 300
112 California Avenue
Charleston, West Virginia 25305

Dear Mr. Whyte:

In response to the proposed rules filed as Emergency Rules which were filed on September 29, 1987, with the Secretary of State by the Jail and Prison Standards Commission titled "West Virginia Minimum Standards for Construction, Operation, and Maintenance of Jails", I am forwarding the enclosed document which substantially contains the Commission's proposed rules with several proposed changes high lighted in bold print. The proposed changes are being submitted to you so that they may be considered by the Commission as comments permitted by the "Notice of a Comment Period on a Proposed Rule" filed on September 29, 1987. The proposed changes were suggested by various members of the West Virginia Regional Jail and Prison Authority.

Your consideration of these proposed changes by the Jail and Prison Standards Commission will be greatly appreciated.

Sincerely yours,

John L. King
John L. King
Executive Director

JLK:RSE/jp

cc: A. V. Dodrill, Jr.
Chairman, Regional Jail
and Prison Authority

WEST VIRGINIA LEGISLATIVE RULE
WEST VIRGINIA REGIONAL JAIL AND PRISON AUTHORITY
STANDARDS COMMISSION
CHAPTER 31-20
SERIES 3

Title: Minimum Standards for Construction, Operation and Management of Jails.

Section 1. General

1.1 Scope - This legislative rule establishes minimum standards and procedures for jails in West Virginia.

1.2 Authority & Related Code Citation - WV Code 31-20-9.

1.3 Filing Date -

1.4 Effective Date -

1.5 Repeal of Former Rule - none

Section 2. Administration, Organization, and Management

2.1 Philosophy, Goals and Policies. A written statement shall be prepared by the 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 Delete: (chief executive officer or governing board of the authority having jurisdiction.) Add: Executive Director and confirmed by the Authority.

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 Delete: (/or) three years Delete: (of) experience Delete: (and training at the) Add: or comparable experience at the supervisory level.

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20
Series 3, Section 2

* 2.5 Term. The term of the facility administrator shall be ~~Delete:~~ (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.)
Add: at the will and pleasure of the Executive Director and the Authority or its designees.

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 made 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.

Section 3. Fiscal Management

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

3.2 Fiscal System. The fiscal system shall account for all income and expenditures on an ongoing basis.

3.3 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:

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20
Series 3, Section 3

- (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 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.

Section 4. Personnel

* 4.1 Selection, Retention, and Promotion. The selection, retention, and promotion of all personnel Add: (, with the exception of the Administrator, contract personnel, and volunteers,) shall be on the basis of Delete: (merit and specified qualifications.) Add: civil service regulations.

* 4.2 Psychological Testing. All jail personnel who Delete: (have direct contact with) Add: directly supervise 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.

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20
Series 3, Section 4

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 or 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, Add: pursuant to predetermined physical requirements.

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.

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20
Series 3, Section 4

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 Delete: (an investigation) Add: a preliminary inquiry 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 statements 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 Confidentiality. 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.

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20
Series 3, Section 4

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 or inaccuracies.

Section 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 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-related training needs. The Delete: (State Department of Corrections and/or) the Regional Jail and Prison 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 Delete: (West Virginia Department of Corrections and/or) Regional Jail and Prison 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, Add: with approval of the Executive Director.

* 5.7 New Clerical/Support Employees. All new clerical/support employees who have minimal inmate contact shall receive at least 40 hours of orientation and approved training during their first year of employment. Twenty-four 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 8 hours of training each subsequent year of employment. The Delete: (State Department of Corrections and/or) the Regional Jail and Prison Authority shall be the approving agency.

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20
Series 3, Section 5

* 5.8 New Support Employees. All new support employees who have regular daily inmate contact shall receive at least 40 hours of orientation and approved training during their first year of employment. Twenty-four of these hours shall be completed prior to being independently assigned to a particular job. They shall be given at least an additional 16 hours of training each subsequent year of employment. The Delete: (State Department of Corrections and/or the) Regional Jail and Prison Authority shall be the approving authority. At a minimum, Delete: (this) Add: the initial 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 120 hours of approved orientation and training during their first year of employment. The Delete: (State Department of Corrections and/or the) Regional Jail and Prison Authority shall be the approving agency. Forty of these hours shall be completed prior to being independently assigned to a particular post. All persons in this category shall be given an additional 40 hours of training each year thereafter. At a minimum, Delete: (this) Add: the initial 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 40 hours of orientation if they are new to the facility and at least 8 hours of management training each year thereafter. Delete: (This) Add: The initial training shall cover, at a minimum, the following:

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20
Series 3, Section 5

- (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 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 ~~Delete:~~ (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, Add: with concurrence of the Executive Director.

Section 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.

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20
Series 3, Section 6

* 6.5 Annual Evaluation. ~~Delete:~~ (There) Add: The Facility Administrator shall ~~Delete:~~ (be) Add: conduct 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 nonmedical, nonpharmaceutical and noncosmetic research.

Section 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) Finger prints;
- (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, Add: if possible;
- (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.

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20
Series 3, Section 8

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 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 20 foot candles at desk level and in the personal grooming area;
- (g) Circulation with at least 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 70 decibels in daytime and 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; Add: personal or electronic.

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 accoustically.

8.15 Perimeter 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.

8.16 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.

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20
Series 3, Section 8

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

* 8.28 Change to: 8.27 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 Change to: 8.28 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 Change to: 8.29 Handicapped Visitors. All parts of the facility which are accessible to the public shall be accessible to and usable by handicapped persons.

Section 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 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

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. Delete: (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.) Add: Hair shall be maintained for both men and women at acceptable hygiene standards.

Section 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 doors opening into a corridor shall be kept locked, except when used for admission or exit for employees, inmates or visitors, and in emergencies.

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20
Series 3, Section 11

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) Secure 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 Add: or designee.

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 designee 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

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20
Series 3, Section 11

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 designee. 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 designee, 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 personal vehicles for official purposes, including provision for insurance coverage.

Section 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 designee can order immediate segregation and only when it is Delete: (absolutely) necessary to protect the inmate or others.

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20
Series 3, Section 12

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 inmate's personal items, approval for this action shall be obtained in advance from the facility administrator or designee. 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 Delete: (item) Add: 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.

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20
Series 3, Section 13

Section 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 hot meals a day.

13.4 Varied and Nutritional. Meals must be varied and nutritional. There shall be a rotation of at least four 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, Add: subject to approval by the Facility Administrator.

* 13.6 Management. A staff member experienced in food service Delete: (management) shall be designated to be responsible for food service Delete: (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 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 inmates' 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

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20
Series 3, Section 13

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 regular meals of which two are hot meals, shall be served at regular meal times during each 24-hour period with no more than Delete: (13) Add: 15 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 dishwashing 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.

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20
Series 3, Section 14

Section 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 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 hours per day. The health authority may be a physician, physician's assistant, registered or licensed 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 ~~responsible~~ physician or designee(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

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20
Series 3, Section 14

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by the Delete: (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 Delete: (responsible) 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 Delete: (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 Delete: (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 Delete: (responsible) 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;

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20
Series 3, Section 14

- (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 Delete: (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. Delete: (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.) Add: contents from Section 14.40.

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.

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20
Series 3, Section 14

* 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 dependence), basic management of seizures, medication administration, health record maintenance, recognition of potential suicides, ~~Delete:~~ (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 ~~Delete:~~ (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 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 ~~Delete:~~ (have responsibility for preventing) Add: make every reasonable effort to prevent suicides through intake screening, identification and supervision of suicide-prone inmates. The staff shall receive special training in the implementation of 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;

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20
Series 3, Section 14

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

* (e) Operating equipment. Delete: (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 Add: or his designee. 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 problems 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. Inmates who are in need of immediate medical attention at the time of admission shall be referred immediately for emergency care after the physician on call has been notified. The screening process shall include at least an inquiry, observations and dispositions.

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);

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20
Series 3, Section 14

- (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 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 ~~responsible~~ (responsible) 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;

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20
Series 3, Section 14

- (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 for 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 protections.

* 14.20 Mentally Ill. Post admission screening and referral for care of mentally ill or retarded inmates whose adaptation 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 ~~Delete:~~ (patients are) Add: inmates may be 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 27, Article 5 of 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:

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20
Series 3, Section 14

- (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 complaints and the jail's sick call schedule.

* 14.23 Daily Health Complaints. Inmate's health complaints shall be ~~Delete:~~ (solicited) Add: recorded daily and acted upon by trained personnel such as a ~~Delete:~~ (licensed nurse) Add: physician's assistant 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 50 inmates, sick call is held once per week at a minimum;
- (b) In medium-sized facilities of 50 to 100 inmates, sick call is held at least two days per week;
- (c) In facilities of 100 to 200 inmates, sick call is held a minimum of three days per week; and
- (d) In facilities of over 200 inmate, sick call is held a minimum of five 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.

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20
Series 3, Section 14

* 14.25 Use of Restraints or Isolation For Out of Control Residents. The Delete: (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 Delete: (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 Delete: (in the following circumstances:) Add: on an emergency basis.

Delete:

- ((a) Dental screening within 14 days of admission as part of the health appraisal; and
(b) Dental treatment, not limited to extractions, within three 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, Add: and convalescent care Delete: (, 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

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20
Series 3, Section 14

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rendered to a patient to assist in the recovery from illness or injury. Delete: (Medical preventive 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 or dentist, medical and dental prostheses shall be provided when the health of the inmate would otherwise be Delete: (adversely) Add: seriously affected. Delete: (Prostheses are artificial devices to replace missing body parts of 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 Delete: (responsible) physician shall approve written procedures for distribution, administration, accounting and disposal of medications. The Delete: (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 Delete: (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 Delete: (supervision) Add: authority of the Delete: (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 Delete: (responsible) physician. Training from the responsible physician encompasses the medical aspects of the administration or distribution of med-

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20
Series 3, Section 14

* 14.39 Medical Research. The use of inmates for medical, pharmaceutical, or cosmetic experiments is prohibited. Delete: (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.)

* Delete:

(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 for 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.)

Section 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. Delete: (, and for all afterhour visits requested on the basis of special circumstances.)

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 include the following or the equivalent:

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20
Series 3, Section 15

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 Delete: (any) reasonable time, Add: subject to security concerns. 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.

* Delete:

(15.7 Checking and Saving Accounts. Inmates shall be entitled to maintain checking and saving accounts.)

* Change to: 15.7

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.

* Change to: 15.8

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 least restrictive means necessary to secure order or control shall be used. Administrative segregation shall be used to protect inmates from themselves or other inmates.

* Change to: 15.9

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

* Change to: 15.10

* 15.11 Grievance Procedure. The jail shall have a written grievance procedure 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

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION

include a provision for an investigation of the grievance and for a written response within ~~Delete:~~ (24 hours) Add: a reasonable time, and proper action taken to insure 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.

* Change to: 15.11

15.12 Good Time. All inmates sentenced to jail for a term exceeding six 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.

* Change to: 15.12

15.13 Due Process. No inmates 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.

Section 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.

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20
Series 3, Section 16

16.20 Appeal. Inmates shall have the right to appeal decisions of the disciplinary hearing officer(s), to the administrator or designee. The administrator or designee 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.

Section 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. Delete: (, 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 reason 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 stationery and postage for all letters to attorneys, courts, and public officials, as well as, two 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 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.

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20
Series 3, Section 17

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 the right to reasonable telephone access. Unless phone access is provided by pay phones in the cell blocks, local phone calls shall be free. Telephone calls shall not be monitored unless so authorized by a prior court order. Limitations of telephone use shall not be used as a disciplinary measure, except for violations of written jail regulations relating to telephone use. Jail personnel shall Delete: (permit inmates to take incoming calls, or) take written messages of incoming calls to inmates, and such messages shall be delivered no later than the end of the shift during which they were received. Inmates shall be permitted to return calls within a reasonable time.

* 17.10 Number and Hours of Visitors. Delete: (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 times weekly including weekends, holidays and evening hours as well as daytime hours. Said scheduled hours shall be of at least three hours in duration. Visits shall not be limited to less than one half hour. Visitors whose schedule cannot accommodate the jail's visiting hours Delete: (shall) Add: 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. Inmates shall receive visits from immediate family regardless of age.

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20
Series 3, Section 17

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. Delete: (Visitation facilities) Add: There shall be Delete: (private and confidential with) no monitoring of conversations Add: between inmates and visitors.

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. Add: The number of visits with counsel shall not be restricted, Add: during reasonable hours.

Section 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. Delete: (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).) Add: No person charged solely with the offense of public intoxication shall be housed in a jail. Such persons shall be treated in accordance with procedures set forth in State ex rel. Harper vs. 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 person 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;

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION
Legislative Rule, 31-20

Series 3, Section 18

(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 ~~Delete:~~ (until such time as they can be safely returned without endangering themselves or others, and) Add: , a staff member or other properly trained person shall remain in close proximity to the area wherein such inmates are housed;

(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 ~~Delete:~~ (written or oral) orientation information in the language ~~Delete:~~ (in) which the inmates ~~Delete:~~ (are fluent.) Add: understand or comprehend. 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 local or collect long distance 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

Series 3, Section 20

Section 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 Projects. The inmate work plan shall provide for inmate work assignments in public works projects.

20.5 Community Service. The inmate work plan 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.

* Delete:

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

* Change to: 20.8

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

* Change to: 20.9

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

Section 21. Inmate Services and Programs

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION

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

21.3 Option to Refuse. Inmates 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 addiction 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.

* Delete:

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

* Change to: 21.6

* 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. Delete: (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 and equipment enabling large muscle exercise.)

* Change to: 21.7

* 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, Add: weather permitting. It shall be constructed to ensure privacy from and safety for the general public.

* Change to: 21.8

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

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION

* Change to: 21.9

21.10 Work Release. The jail shall set up a procedure for the implementation of work release pursuant W. Va. Code, 62-11A-1 and 62-11A-2. All inmates 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.

* Change to: 21.10

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

* Change to: 21.11

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

* Change to: 21.12

21.13 Labor in Jail. Inmates over 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.

* Change to: 21.13

21.14 Good Time. Good time policy shall be coordinated with vocational, educational and work programs.

* Change to: 21.14

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.

* Change to : 21.15

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.

REGIONAL JAIL AND PRISON AUTHORITY
JAIL AND PRISON STANDARDS COMMISSION

* Change to : 21.16

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.

* Delete:

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

Change to: 22.2

Change to: 22.3

22.3 Work and Educational Programs. Inmate participation in work or educational release programs shall be allowed.

Change to: 22.3

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.

Change to: 22.4

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

Section 23. Citizen Involvement and Volunteers

* 23.1 Citizen Involvement. Citizen involvement in inmate programs Delete: (shall) Add: 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.