WEST VIRGINIA
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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Jail & Prison Standards Commission TITLE NUMBER: 95

CITE AUTHORITY §31-20-9

AMENDMENT TO AN EXISTING RULE: YES____ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

_____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 2

TITLE OF RULE BEING PROPOSED: WV Minimum Standards for Construction Operation & Maintenance of Prisons

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

William R. Wright

WEST VIRGINIA LEGISLATIVE RULE
WEST VIRGINIA JAIL AND PRISON STANDARDS COMMISSION
CHAPTER 31-20-9
SERIES 2

Title: Minimum Standards for Construction, Operation and Maintenance of Prisons.

Section 1. General

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

1.2 Authority and Related Code Citation - WV Code 31-2-9.

1.3 Filing Date -

1.4 Effective Date -

1.5 Repeal of Former Rule - none

Section 2. Administration, Organization and Management

2.1 Legislative Statute. A prison shall be established as an integral part of the West Virginia Department of Corrections by means of statutes which set its purpose.

2.2 Mission Statement. There shall be a written document delineating the mission of the prison within the context of the total correctional system. This description shall be reviewed at least annually and updated if necessary.

2.3 Philosophy and Goals. A written statement shall be prepared by the warden/superintendent that describes the philosophy and long-range goals of the prison and its satellites; the statement shall be reviewed at least annually and updated if necessary.

2.4 Annual Goals and objectives. The warden/superintendent shall formulate goals for the prison at least annually and translate them into measurable objectives.

2.5 Chief Executive Officer. The prison shall be headed by a warden/superintendent who is in charge of all inmates, personnel, volunteers and all programs and activities connected with the institution.

2.6 Appointment. The warden of the prison shall be appointed by the Commissioner of the Department of Corrections.

2.7 Qualifications. The educational, operational and administrative qualifications of the warden/superintendent of the prison shall be specified in writing by the appointing authority.

2.8 Tenure. The term of office of the warden/superintendent, and management or other personnel not covered by civil service regulations, shall be at the will and pleasure of the Commissioner of Corrections.

2.9 Outside Agencies. The roles and functions of employees of other public or private agencies providing a service to the institution shall be covered by written policy and procedure which specify their relation to the Department of Corrections and responsibility of the warden/superintendent and which are reviewed at least annually.

2.10 Organization Chart. A written plan with an organizational chart shall describe the prison organization, and group similar functions, services and activities into administrative subunits. This plan shall be reviewed at least annually and updated as needed.

2.11 Staff Meetings. Meetings shall be held at least monthly between the warden/superintendent and all department heads, and meetings shall be held at least monthly between department heads and their key staff members. Written records of these meetings shall be kept on file.

2.12 Staff/Inmate Communication. There shall be a system of two-way communication between all levels of staff and inmates.

2.13 Administrative Manual. The policies and procedure for operating and maintaining the prison and its satellites shall be specified in a manual, which is accessible to all employees and to the public and shall be reviewed at least annually.

2.14 Operations Manual. Each department and major administrative unit of the prison shall maintain a manual of standard operating procedures that specifies methods of implementing policies. The standard operating procedures shall be reviewed at least annually, updated as needed, and made available to employees.

2.15 Changes in Manuals. There shall be a written system to disseminate approved new or revised policies and procedures to designated staff, volunteers, and when appropriate, to inmates prior to implementation.

2.16 Inspections and Reviews. There shall be a system whereby the warden/superintendent, or designated staff, monitors

operations and programs through inspections and reviews conducted at least annually.

2.17 Quarterly Reports. The warden/superintendent shall report in writing prison activities at least quarterly to the Department of Corrections. Reports include major developments in each department or administrative unit, major incidents, population data, staff and inmate morale, and major problems and plans for solving them.

2.18 Legal Assistance. legal assistance for the warden/superintendent and other staff shall be provided as needed in the performance of their duties.

2.19 Institutional Programs. the prison shall provide for all inmates the following constructive programs, including, at a minimum: reception and orientation; evaluation and classification; academic education equivalent to high school; vocational training; employment; religious services; social services and counseling; psychological and psychiatric services; library services; medical and dental health care; athletic, recreational and leisure time activities; inmate involvement with community groups; mail and visiting; access to media; legal materials; attorneys and courts; volunteer services; and prerelease orientation and planning.

2.20 Requests for Information. Requests from federal, state and local legislative, executive and judicial bodies for information concerning programs and specific cases shall be responded to promptly and fully by institution staff in accordance with written policy and procedure, and provisions relevant to rights of privacy.

2.21 Media Access. Representatives of the media shall be granted access to the institution, consistent with the preservation of inmates' privacy and the maintenance of order and security.

2.22 Collaboration with Colleges. There shall be collaboration with colleges and universities. Institutions of higher learning can provide qualified persons to serve as advisors for policies and programs, and to provide specialized training assistance. Internship or practicum programs developed with college and universities can assist greatly in the development and recruitment of career correctional employees. Mutual use of facilities and faculty can benefit both groups.

2.23 Political Activity. The institution shall have a written policy conforming to governmental statues and regulations

relating to campaigning, lobbying and political practices, which is known and available to all employees.

Section 3. Fiscal Management

3.1 Responsibility. The warden/superintendent of the prison shall be responsible for fiscal policy, management, and control. Fiscal operational management may be delegated to a designated staff person.

3.2 Budgetary System. The prison's planning, budgeting and program management functions shall be interrelated, and linked directly with objectives defined by the Department of Corrections.

3.3 Fiscal Officer. The fiscal officer of the prison shall have appropriate professional qualifications, including at least a Bachelor's Degree in business administration or a related field, and/or three or more years of demonstrated supervisory and administrative experience.

3.4 Budget Process. Institution staff shall participate in the preparation of an annual written budget request.

3.5 Budget Requests. The warden/superintendent shall participate in budget deliberations conducted by the Department of Corrections Central Office in order to request funds to maintain the institution's daily operations, finance capital projects, and support long-range objectives, program development, and additional staff requirements.

3.6 Annual Evaluation. The warden/superintendent shall review space requirements and the need for capital improvements, at least annually.

3.7 Annual Personnel Assessment. There shall be an annual assessment of presently assigned positions and future personnel needs required to meet institutional objectives.

3.8 Accounting System. The accounting system shall be designed to show the current status of appropriations and expenditures.

3.9 Accounting Procedures. Methods used for collection, safeguarding and disbursement of monies shall comply with accounting procedures established by the Department of Corrections Central Office.

3.10 Deposit of Monies. All monies collected at the institution shall be deposited daily in an officially designated depository.

3.11 Financial Reports. Reports of all monies collected and disbursed shall be prepared and distributed to the Department of Corrections Central Office on a monthly basis.

3.12 Minimum Policies. Written policy and procedure shall provide for at least the following fiscal matters; internal controls, petty cash, bonding for all appropriate staff, signature control on checks, and the issuance or use of vouchers.

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3.13 Internal Monitoring. There shall be ongoing internal monitoring of the institution's fiscal activities, which are reported in writing at least quarterly to the Department of Corrections Central Office.

3.14 Annual Audit. There shall be a departmental financial audit of the prison's fiscal record, independent of the prison, which is conducted annually.

3.15 Annual Inventory. there shall be an annual physical inventory of property, supplies, and other assets.

3.16 Purchasing Procedure. The requisition and purchase of supplies and equipment shall be in accordance with state statute.

3.17 Position Control. The chief fiscal officer shall have information on the number and type of positions filled and vacant at any time. The payroll shall be based on time-keeping records. The fiscal office shall verify that persons on the roll are legally employed, that the positions are authorized in the budget, that attendance records support the payroll and that needed funds are available.

3.18 Insurance Coverage. There shall at a minimum be institutional insurance coverage to include the following items: workers' compensation, civil liability for employees, liability for official vehicles, and public employee blanket bond.

3.19 Inmate Benefit Fund. Money available from donations, commissary profits, or other sources, shall be placed in a fund established for the benefit of the inmates. Responsibility for administering this fund shall be fixed, controls shall be

established for collecting and safeguarding the funds, and specific guidelines shall govern the expenditure of these funds.

3.20 Inmate Commissary. There shall be an inmate commissary, or other means by which inmates can purchase items not furnished by the facility from an approved list. Strict controls shall be maintained over its operation and standard accounting procedure shall be followed.

3.21 Commissary Audit. A departmental audit or commissary funds shall be conducted annually and standard accounting procedures followed.

3.22 Control of Inmate Funds. Inmates' personal funds held by the institution shall be controlled by accepting accounting procedures.

3.23 Deposit of Inmate Funds. Inmate funds shall be deposited in interest-bearing accounts, with interest accruing to the inmate.

3.24 Inmate Funds Transactions. Any transactions between inmates or inmates and staff, shall have prior approval by the institution's administration.

Section 4. Personnel

4.1 Selection, Retention and Promotion. The selection, retention and promotion of all personnel, with the exception of the warden, contract personnel, and volunteers, shall be on the basis of civil service regulations.

4.2 Lateral Entry and Promotion. There shall be provisions for lateral entry as well as promotion from within the institution. Lateral entry is the employment of persons from outside the institution. Any individual with the required education, experience, and background should be eligible to be considered for a position at the level at which the person is qualified. While the institution's personnel policies may emphasize promotion from within, there should be provisions for lateral entry to obtain the best qualified persons to fill positions.

4.3 Equal Employment. There shall be equal employment opportunities for all positions.

4.4 Criminal Record Check. In accordance with state and federal statutes, a criminal record check shall be conducted on all new employees to ascertain whether there are criminal convictions which have a specific relationship to job

performance. The results shall be documented and placed in the personnel file.

4.5 Psychological Testing. All personnel who 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.

4.6 Physical Examination. There shall be a physical examination of all employees by a physician at the time of employment. Periodic re-examination may be required to assure adherence to predetermined physical requirements.

4.7 Probationary Term. new or promoted employees shall be appointed initially for a probationary term of not less than six months nor more than one year. After completing a probationary period, employees shall be granted permanent status.

4.8 Expense Reimbursement. Employees shall be reimbursed for all approved expenses incurred in the performance of their duties.

4.9 Personnel Policy Manual. There shall be a personnel policy manual which covers, at a minimum, the following areas: organization; recruitment procedures; equal employment opportunity provisions; job qualifications, descriptions and responsibilities; basis for determining salaries; benefits, holidays, leave and work hours; personnel records; employee evaluation; in-service training; promotion; retirement, resignation and termination; employee-management relations; physical fitness policy; disciplinary procedures; grievance and appeals procedures; statutes relating to political practices and insurance and professional liability requirements. A copy of this manual shall be available to each employee.

4.10 Grievance Procedure. There shall be a written grievance procedure for employees.

4.11 Termination or Demotion. Employees on permanent status shall have the right to request and exhaust grievance and appeals procedures, including a formal hearing.

4.12 Code of Ethics. There shall be available to all employees a written code of ethics that prohibits employees from using their official position to secure privileges for themselves

or others and from engaging in activities that constitute a conflict of interest.

4.13 Consultants and Contract Personnel. Consultants and contract personnel who work with inmates shall be informed in writing and agree to abide by the institution's policies on confidentiality of information.

4.14 Personnel Requirements. Personnel staffing requirements shall be systematically determined in all categories on an ongoing basis in order to ensure inmate access to staff and availability of support services.

4.15 Shift Relief Factor. A formula shall be used to determine the number of persons needed to staff key positions in the institution which considers, at a minimum, regular days off, annual leave, holidays and average sick leave. Positions in the institution which require staffing for more than one shift and/or more than five days per week shall be budgeted for the additional staff needed. Additional factors which shall be included in a formula are days off duty for training, military leave time, and other factors specific to the institution and the jurisdiction.

4.16 Personnel Records. Each institution shall maintain a current, accurate and confidential personnel record on each employee.

4.17 Record Correction. There shall be provision for employees to challenge information in their personnel file and have it corrected or removed if it is proven inaccurate.

4.18 Annual Evaluation. There shall be a written annual performance review of all employees, which is based on defined criteria and is reviewed and discussed with the employee.

Section 5. Training and Staff Development

5.1 Program Supervision. Training programs for all employees shall be specifically planned, coordinated, and supervised by a qualified employee at the supervisory level, and reviewed annually.

5.2 Specialized Training. The individual coordinating the training and staff development program shall have received specialized training for that position. At a minimum, full-time training personnel shall have completed a 40 hour training-for-trainers course.

5.3 Training Evaluation. The institutional training and staff development plan shall provide for an ongoing formal

evaluation of all pre-service, in-service and specialized training programs, with a written report prepared annually.

5.4 Library and Reference Services. Library and reference services shall be available to complement the training and staff development program.

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

5.6 Space and Equipment Requirements. Space and equipment required for the training and staff development program shall be available. Separate locations shall be provided for firearms and gas equipment training and for physical training. Equipment shall be provided for audio-visual presentations. Other equipment shall include, at a minimum, firearms, gas equipment, and ammunition.

5.7 Replacement Personnel. The budget shall include funds for reimbursing replacement personnel required when regular personnel are off duty for training purposes.

5.8 New Full-Time Employees. All new full-time employees shall receive 40 hours of orientation/training prior to being independently assigned to a particular job. This orientation/training shall include, at a minimum: orientation to the purpose, goals, policies and procedure of the institution and the Department of Corrections; working conditions and regulations; responsibilities and rights of employees; and an overview of the correctional field. Depending upon the employee(s) and the requirements of the particular job, the orientation/training may include some preparatory instruction related to the particular job. There shall be provisions for acknowledging and giving credit for prior training received.

5.9 New Clerical/Support Employees. All clerical/support employees who have minimal contact with inmates shall receive a minimum of an additional 16 hours of training during the first year of employment and 16 hours of training each year thereafter.

5.10 New Support Employees. All support employees who have regular or daily inmate contact shall receive a minimum of an additional 40 hours of training during their first year of employment and an additional 40 hours of training each subsequent year of employment.

5.11 new Professional Specialized Employees. All professional specialist employees who have inmate contact shall receive a minimum of an additional 40 hours of training during

their first year of employment, and an additional 40 hours of training each subsequent year of employment.

5.12 New Correctional Officers. All new correctional officers shall receive a minimum of an additional 120 hours of training during their first year of employment and an additional 40 hours of training each subsequent year of employment. At a minimum this training shall initially cover the following areas:

a. Security procedures;
b. Supervision of inmates;
c. Use of force regulations and tactics;
d. Report writing;
e. Inmate rules and regulations;
f. Rights and responsibilities;
g. Fire and emergency procedures;
h. Firearms training;
i. Key control;
j. Interpersonal relations;
k. Social/cultural lifestyles of the inmate population;
l. Communication skills; and
m. First aid.

5.13 Administrative and Managerial Staff. All administrative and managerial staff shall receive a minimum of an additional 40 hours of training during their first year of employment, and an additional 40 hours of training each subsequent year of employment. This training shall initially cover the following areas, at a minimum:

a. General management and related subjects;
b. Labor law;
c. Employee-management relations;
d. Interaction of elements of the criminal justice system; and
e. Other service agencies.

5.14 CERT Unit. When there is a correctional emergency response team, all assigned officers shall have a minimum of one year of experience as a correctional officer, which includes at a minimum 160 hours of training. They shall receive a minimum of 40 hours of relevant emergency unit training prior to assignment, and subsequent annual training shall consist of a minimum of 40 hours emergency unit training in addition to the standard 40 hours of continuing training.

5.15 Contract and Part-time Staff. All contract personnel and part-time staff shall receive formal appropriate orientation prior to their assignments and additional training as needed.

5.16 Firearms. Prior to assignment to a post involving possible use of a firearm, all personnel authorized to use firearms shall receive appropriate firearm training; this training shall cover the use, safety, care, and constraints involved in the use of firearms. All authorized personnel shall be required to achieve Department of Corrections certification requirements.

5.17 Chemical Agents. All personnel authorized to use chemical agents shall be thoroughly trained in their use and in the treatment of individuals exposed to the chemical agent.

5.18 Use of Force. All security and custodial personnel shall be trained in self-defense, passive restraining and use of force to control inmates.

5.19 Continuing Education. The institution shall provide administrative leave and/or reimbursement for employees attending professional meetings, seminars and/or similar work-related activities approved by the warden/superintendent, with concurrence of the Commissioner of Corrections.

Section 6. Management Information and Research

6.1 System of Information. The institution shall contribute to, have access to, and use an organized system of information storage, retrieval and review that is part of an overall research and decision-making capacity, relative to both inmate and operational needs.

6.2 System Access. Those persons who have direct access to the information system shall be specified.

6.3 Collaboration. The institution and the Department of Corrections shall cooperate with criminal justice and service agencies in information gathering, exchange and standardization.

6.4 Institutional Evaluation. The institution shall develop standard evaluation criteria which consider the nature of events to be counted, the categorization of behaviors and degrees of seriousness to be included, and the duration of the follow-up period. Its system to measure the degree of internal order shall include, but not be limited to the following:

a. Escape rate;
b. Frequency and number of assaults on staff;
c. Group disturbances by inmates;
d. Assaults and homicides by inmates;
e. Weapons and/or illegal drugs found; and
f. Major and minor disciplinary actions.

When management data concerning offenders is compiled, it shall allow for categorization by age, sex, race, offense and prior record.

6.5 Population Reports. The warden/superintendent shall receive, at least quarterly, reports and summaries of the characteristics, movement and status of the inmate population from those responsible for the information system and research programs.

6.6 System Evaluation. A written evaluation of the effectiveness of the overall information system, as it relates to the management of the facility, shall be prepared at least annually.

6.7 Institutional Program Evaluation. The prison's programs shall be analyzed and evaluated, at least every two years, to determine their contribution to the mission of the institution.

6.8 Research Findings. The conduct of research in the institution shall comply with state and federal guidelines for the use and dissemination of research findings and with accepted professional and scientific ethics.

6.9 Approval of Research. The warden/superintendent shall review and approve all institutional research projects in conformity with departmental policy prior to their implementation.

6.10 Inmate Participation. Written policy and procedure shall govern voluntary inmate participating in nonmedical, nonpharmaceutical and noncosmetic research programs.

Section 7. Records

7.1 Record Management. Procedures governing case record management shall include, but not be limited to these areas: establishment; utilization; content; privacy; security; preservation; and, a schedule for retiring or destroying inactive case records. These policies and procedures shall be reviewed annually.

7.2 Inmate Case History. The institution shall maintain a cumulative case history on each inmate. All data in the file shall be verified and maintained in accordance with applicable state and federal regulations regarding security and confidentiality.

7.3 Case Record Content. The contents of case records shall be identified and separated according to an established format.

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7.4 Master Index. Staff shall maintain an up-to-date master index identifying all inmates who are on the grounds, temporarily off the grounds, in a satellite unit, or who have escaped. Information on the status and whereabouts of each inmate shall be readily available to administrative and supervisory personnel so that security and control can be maintained, and when appropriate, accurate information provided outside agencies.

7.5 Case Record Access. The institution shall establish procedures to limit access to case records to persons and public agencies that have both a "need to know" and a "right to know" and that can demonstrate that access to such information will serve a criminal justice purpose. Written guidelines shall regulate inmate access to records.

7.6 Consent Form. The administration shall use a consent form which complies with applicable federal or 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.

7.7 Transfer of Records. Procedures shall provide that when an inmate is transferred from one institution to another, the inmate's updated case file is simultaneously transferred, or transferred within 72 hours. This procedure shall also include the transfer of medical files.

7.8 population Movement Sheet. Official daily movement sheets shall detail the number and types of admissions and releases each day and the count at the close of the day.

7.9 Inmate Time. Case files shall provide a continual and accurate record of the inmate's time. Proper notification to all appropriate parties shall accompany any change reflected in the record.

Section 8. Physical Plant

8.1 General. All new prisons 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 prisons shall comply with the standards and regulations set forth for existing correctional facilities in the State Fire Code and 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 the appropriate arrangement of facilities, an adequately trained staff, and the careful development of operating, security, and maintenance procedures to include the following:

a. Proper design, construction and compartmentalization;

b. Provisions for fire detection, alarms and extinguishment;

c. Fire prevention programs which include planning, training, and drills covering such protection activities as: isolation of the fire; transfer of occupants to areas of refuge; evacuation of the facility; or measures for in-lace 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 prisons shall be submitted to the State Fire Marshal for review prior to the start of construction.

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

8.5 Housing Units. Institutions of more than 500 inmates shall be subdivided into units of not more than 500 inmates each which are staffed by a unit manager and the number and variety of personnel required to provide the program services and custodial supervision needed for each unit.

8.6 Population Capacity. the population assigned to housing units shall not exceed the rated bed capacity of the facility.

8.7 Single Occupancy. Only one inmate shall occupy a room or cell designed for single occupancy which has a floor area of at least 60 square feet, provided inmate spend no more than 10 hours per day locked in. When confinement exceeds 10 hours per day, there are at least 70 square feet of floor space.

8.8 Environment. Each room or cell shall have, at a minimum, access to the following facilities and conditions:

a. Toilet above floor level which is available for use without staff assistance 24 hours a day;

b. Wash basin with hot and cold running water;

c. A bed at above floor level, desk, hooks or closet space, chair or stool;

d. Natural light;

e. Lighting of at least 20 foot candles at desk level and in the personal grooming area;

f. Circulation of at least 10 cubic feet of outside or recirculated filtered air per minute per human occupant;

g. Temperatures are appropriate to the summer and winter comfort zones; and

h. Noise levels do not exceed 70 decibels in daytime and 45 decibels at night.

8.9 Multiple Occupancy. Where used, multiple occupancy rooms shall normally house no less than four and no more than 40 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 50 square feet per occupant in the sleeping area and a clear floor to ceiling height of not less than eight feet;

c. Toilet and shower facilities at a minimum of one operable toilet and shower for every eight occupants;

d. One operable wash basin with hot and cold running water for every six occupants;

e. Natural lighting;

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

g. A locker for each occupant;

h. Lighting of at least 20 foot candles at desk level and in the personal grooming area;

i. Circulation of at least 10 cubic feet outside or recirculated air per minute per occupant;

j. Temperatures are appropriate to the summer and winter comfort zones; and

k. Noise levels do not exceed 70 decibels in daytime and 45 decibels at night.

8.10 Minimum Security Housing. Minimum security institutions, or minimum security areas within larger institutions shall provide individual rooms with either key control shared by the occupants and staff, or continuous access to toilet and shower facilities and hot and cold running water, including drinking water. Rooms also provide the following facilities and conditions:

a. Minimum floor area of 60 square feet;

b. Bunk at above floor level, desk, hooks, or closet space, chair or stool;

c. natural lighting;

d. Lighting of at least 20 foot candles at desk level and in the personal grooming area;

e. Circulation of at least 10 cubic feet of outside or recirculated filtered air per minute per occupant;

f. Temperatures that are appropriate to the summer and winter comfort zones; and

g. Noise levels that do not exceed 70 decibels in daytime and 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 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 Segregation Observation. The segregation room shall have doors which permit observation by staff.

8.13 Day Rooms. Day rooms equivalent to minimum of 35 square feet per inmate shall be available to all inmates for reading, writing or table games. Tables shall be provided which may also be used for dining. Adequate seating shall also be provided.

8.14 Exercise Area. Space outside the cell or room shall be provided for inmate exercise.

8.15 Visitation Area. There shall be a visiting room or area for contact visiting and, if necessary, a visiting area of noncontact visiting, both of which provide a reasonable degree of privacy.

8.16 Commissary Area. An area shall be provided where inmates can purchase personal items. The size of the commissary shall be commensurate with the size of the inmate population. When security consideration dictate, staff member may take moveable carts to cell blocks or orders may be placed for delivery instead.

8.17 Watch Tower. If the institution has watch towers, they shall be placed so that they permit an unobstructed view of the

grounds and perimeter and shall be equipped with the weaponry,lighting, sighting and communication devices necessary for effective execution of their function.

8.18 Administrative Area. Space shall be provided for administrative, custodial, professional and clerical staff; this space includes conference rooms, storage room for records, a public lobby and toilet facilities.

8.19 Handicapped Housing. Severely physically handicapped inmates may be housed in special facilities. When the institution accepts handicapped individuals, provision shall be made for their housing and for their use of facility resources.

8.20 Janitor Closets. Space shall be provided for janitor closets, which shall be equipped with a ink and cleaning implements.

8.21 Storage Rooms. There shall be storage rooms in the institution for clothing, bedding and cleaning supplies.

8.22 Inmate Property Storage. Safe and secure storage shall be available to ensure accountability for personal property of inmates.

8.23 Mechanical Equipment. Sufficient space shall be provided for equipment needed for heating, ventilating, air conditioning, water supply, waste removal, electricity, communications, etc.

8.24 Preventative Maintenance. There shall be a written plan for preventive maintenance of the physical plant which provides for emergency repairs or replacement in life threatening situations.

8.25 Indoor Exercise Space. There shall be a separate indoor space for vigorous exercise in inclement weather; this space shall be at least large enough to accommodate inmates who wish to lift weights, play volleyball, do calisthenics, etc.

8.26 Outdoor Recreation Space. There shall be a minimum of two acres of outdoor recreation space for each inmate unit of up to 500 inmates; additional outdoor recreation space is provided at the rate of 90 square feet per inmate over 500.

Section 9. Safety and Emergency Procedures

9.1 Policies and Procedures. Written policies and procedure shall be adopted specifying the prison's fire prevention regulation 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 Standard on Building Construction and Demolition Operations, NFPA 241. Flammable or explosive substances or equipment for repairs or alterations 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 placed in any manner to obstruct exits or visibility.

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 any other item of equipment required by these standards shall be continuously maintained in proper operating condition;

b. Any equipment requiring testing 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 who 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 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 24-hour staffing on any floor level having residency and located within 100 feet (30.48M) of the accessway to any housing area. Under Use Conditions III, IV and V, as defined 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 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 mattresses and upholstered or cushioned furniture shall not be of a 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 a 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 thy are under constant supervision by qualified personnel. Such materials shall be stored 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 prison and development of Standing and Emergency Operating Procedures relating to fire and safety, and for staff and safety training.

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

Section 10. Security and Control

10.1 Policy and Procedure Manual. There shall be a manual containing all of the procedures for institution security and control, and detailed instructions for implementing these procedures. This manual shall be available to all staff and is to be reviewed at least annually and updated if necessary. The manual shall contain information on inmate classification, physical plant inspection, inmate counts, weapons and chemical agent control, contraband, key control, tool and equipment control, cell equipment, emergency procedure, and inmate programs/activities.

10.2 Perimeter Security. The institution's perimeter shall be controlled by an appropriate means to provide that inmates remain within the perimeter and to prevent access by the general public without the appropriate authorization.

10.3 Surveillance. There shall be surveillance of all areas adjacent to the perimeter of the institution.

10.4 Entrance Security. Safety vestibules and sally ports shall constitute the only breaches in the institution perimeter security.

10.5 Traffic Entry. pedestrian and vehicular traffic shall enter and leave at designated points in the perimeter.

10.6 Control Center. The institution shall maintain a control center to provide order and security. A central control is essential for integrating various security and communications functions. The control center shall be staffed around the clock, and access to it should be limited. The control center shall monitor and take responsibility for inmate counts, key control and the coordination of the institution's internal and perimeter security network. It shall serve also as the communications center for the institution. The control center shall monitor the operation of various systems: fire alarm,public address, smoke and thermal detection, radio, teletype, computer terminal, surveillance alarms, walk and perimeter lighting, and other mechanical and electrical systems.

10.7 Inmate Movement. All inmate movement from one location to another shall be controlled and supervised by staff in the interest of order, control, and expedience. Individual and group inmate movement to and from work and program assignments shall also require staff control and supervision.

10.8 Inmate Counts. There shall be at least one inmate count per shift. The officer responsible for maintaining the master count record shall be provided up-to-the-minute information regarding all inmate housing moves and work assignment changes, admissions to the hospital, etc. Adequate checks shall be instituted to allow for human error. All inmates in legal custody shall be accounted for in the mater count. All temporary absences from the facility shall be explained in writing.

10.9 Inmate Transportation. Inmate transportation procedures shall be designed to guard against escape and to ensure the well-being of inmates, staff, and the public. Guidelines for transporting inmates shall emphasize safety and shall be made available to all personnel involved in transporting inmates. The institution shall have policies governing the use of restraints.

10.10 Use of Restraints. Instruments of restraint, such as handcuffs, irons, straight jackets, and the like, shall never be applied a punishment, and are to be applied only with the approval of the warden/superintendent or designee.

10.11 Use of Firearms. Procedures governing the use of firearms, shall include the following:

a. Weapons shall be subjected to stringent safety regulations and inspections;

b. Except in emergency situations, employees carrying firearms shall be assigned only to watchtowers, gun walks, mobile patrols, or other positions that are inaccessible to inmates;

c. Employees supervising inmate outside the institution perimeter shall follow procedures which specify methods for ensuring the security of weapons;

d. Employees shall be 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 shall only use firearms issued by the institution and only when directed by or authorized by the warden/superintendent or officer in charge.

10.12 Firearms Loading Area. An area shall be designated for the unloading and reloading of firearms for both institutional personnel and visiting law enforcement officers to ensure that this process presents the least possible danger.

10.13 Control of Firearms and Security Devices. Designated staff shall determine, based on an analysis of the physical plant, and number and profile of the inmate population, what firearms, chemical agents, and other security devices (such as shields, batons, helmets, gloves, body protectors, etc.) the institution needs. Written policies and procedures shall specify the level of authority required for access to and use of security devices. Chemical agents shall be used only at the direction of the warden/superintendent or delegated subordinate.

10.14 Storage of Firearms and Security Devices. Firearms, chemical agents and related security equipment shall be stored in a secure but readily accessible depository outside inmate housing and activity areas, and shall be inventoried at ~~least~~ monthly to determine their condition and expiration dates.

10.15 Distribution of Firearms and Security Devices. The institution shall maintain a written record of routine and emergency distributions of security equipment.

10.16 Reporting Use of Weapons. Personnel discharging firearms, using chemical agents or any other weapon, or using force to control inmates shall submit written reports to the warden/superintendent or designee no later than the conclusion of the tour of duty.

10.17 Search Plans. Institutional search plans and procedure shall include the following:

a. Unannounced and irregularly timed searches of cells, inmates, and inmate work areas;

b. Frequent search and careful supervision of inmate trustees;

c. Inspection of all vehicular traffic and supplies coming into the institution;

d. Use of metal detectors at compound gates and entrances into cell blocks; and

e. Complete search and inspection of each cell prior to occupancy by a new inmate.

The search plan shall provide for the following:

a. Avoidance of unnecessary force, embarrassment or indignity to the inmate;

b. Use of noninvasive sensors and other techniques instead of body searches whenever feasible;

c. Conduct of searches no more frequently than necessary to control contraband or to recover missing or stolen property;

d. Respect of an inmate's right to any property authorized by institutional regulations; and

e. Use of only those mechanical devices absolutely necessary for security purposes.

10.18 Intrusive Body Cavity Inspections. Manual or instrument inspection of body cavities shall be conducted only when there is reason to do so and when authorized by the warden/superintendent

or designee. This inspection shall be conducted in private by health care personnel.

10.19 Visual Body Cavity Inspections. Visual inspection of inmate body cavities shall be conducted based on a reasonable belief that the prisoner is carrying contraband or other prohibited material. The inspection shall be conducted by trained staff in private.

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

10.21 Key Control. The key control system shall provide a current accounting of the location and possessor of each key. All keys shall be issued from a central control area, and a log shall be used to record the number of each key given out, the location of the lock, the number of keys to that lock, and the names of all employees possessing the key. Keys shall be stored in a manner that permit easy determination of either the presence or absence of keys. Keys shall be returned to the control center daily. All keys shall be numbered, and the institution shall maintain at least one duplicate key for each lock. Fire and emergency keys shall be color-coded and marked for identification by touch. Inmates shall not possess keys other than those to living quarters or work assignments, when appropriate, and to personal lockers.

10.22 Tool Control. Tools and utensils such as hacksaws, welding equipment, butcher knives and barber shears shall be locked in control panels and issued in accordance with a prescribed system. Provision shall be made for checking tools and utensils in and out, and for the control of their use at all times.

10.23 Security of Vehicles. Responsibility and keys for certain vehicle shall be assigned to specific staff, but the pool of vehicles shall be controlled by one person. Written policies and procedure shall state the conditions under which inmates may drive vehicles.

10.24 Personal Vehicle. The use of personal vehicles for official purposes shall be governed by written policy that specifies the conditions for their use and the limits of the prisons liability.

10.25 Post Orders. Written orders shall specify the duties of each post and the procedures to be followed to carry out the

assignment. Copies of the post orders shall be available for all employees.

10.26 Use of Post Orders. Procedures shall provide for personnel to read the appropriate post order each time they assume a new post and that they sign and date the pot order.

10.27 Supervisory Staff Inspection. Line supervisory staff shall visit and inspect every area of the institution daily, including weekends and holidays. Matters requiring further attention, such as staff and inmate concerns, faulty, unsafe or dirty conditions, etc., shall be reported in writing to the appropriate official for review and further action.

10.28 Maintenance Procedure. There shall be a scheduled maintenance procedure to ensure that all bars, locks, windows, doors, and other security devices are fully operational. Emergency keys shall be checked at least quarterly to make sure that they are in working order. Results of all inspections shall be submitted in writing to the chief executive officer and/or the officer in charge of security.

10.29 Staff Inspections. Procedure shall require that the warden/superintendent or designee, the chief custodial officer, the chief medical officer or health staff designee, and/or other department heads inspect the institution's living and activity areas at least weekly.

10.30 Inmate Control. Procedure shall provide that no inmate or group of inmates is given control or authority over other inmates.

10.31 Use of Physical Force. Procedure shall restrict the use of physical force to instances of justifiable self-defense, protection of others, protection of property, and prevention of escapes, as a last resort and in accordance with appropriate statutory authority. In no event is physical force justifiable as punishment. A written report shall be prepared following all uses of force and submitted to the administrative staff for review.

10.32 Shift Logs. Correctional Officers shall maintain a permanent log and prepare shift reports that record routine and emergency situations, and unusual incidents.

10.33 Medical Treatment. All persons injured in an incident shall receive an immediate medical examination and treatment.

10.34 Escape Procedure. Procedures regarding escapes shall be reviewed at least annually and updated if necessary. Procedures shall include the following:

a. Prompt reporting of the escape to the warden/superintendent;

b. Mobilization of employees;

c. Implementation of a predetermined search plan;

d. Notification of law enforcement agencies, community groups, and interested media;

e. Preparation of escape circulars for distribution and mailing; and

f. After capture of the escapee, prompt notification of all who were previously alerted to the escape.

10.35 Emergency Plans. Written plans shall specify procedures to be followed in situations which threaten institutional security, including, but not limited to, riots, hunger strikes, disturbances, and taking of hostages. These plans shall be made available to all applicable personnel, and reviewed and updated at least annually.

10.36 Emergency Units. Where there is a special unit of employees to assist in the event of disturbances, those employees shall be selected and evaluated according to written criteria and shall receive special training in methods of negotiation and confrontation. The unit shall be activated only by the warden/superintendent or designee.

10.37 Contingency Plans. A written plan shall provide 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, and they shall be required to familiarize themselves with it.

10.38 Emergency Communications. In emergency situations, when conventional means of communication, such as telephones, are disrupted, the facility shall have available walkie-talkies, and/or a radio base station, receivers, and transmitters, or other independent mechanical means of communication, in order to maintain constant contact with the outside community.

Section 11. Special Management Inmates

11.1 Segregation Units. Procedure shall provide for the operation of segregation units for the supervision of inmates under administrative segregation, protective custody, and disciplinary segregation.

11.2 Immediate Detention. The warden/superintendent or shift supervisor shall have authority to order immediate detention only if a dangerous condition exists that seriously threatens either the safety of the inmate, the institution or other persons. No inmate so temporarily confined may continue in confinement longer than 72 hours without a disciplinary hearing.

11.3 Disciplinary Segregation. Inmates shall be placed in disciplinary segregation for a rule violation only after a hearing, finding of guilty, and disposition by the designated disciplinary authority.

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

11.5 Review of Status. Procedure shall provide for a review of the status of inmates in administrative segregation and protective custody by the classification committee or other authorized staff group every 30 days.

11.6 Release from segregation. An inmate shall be released from administrative segregation by action of the appropriate authority with jurisdiction over the inmate's placement in this status.

11.7 Protective Custody. Inmate admission to the segregation unit for purpose of protective custody shall be made only when there is documentation that protective custody is warranted and no reasonable alternatives are available.

11.8 Environment. All inmates in segregation shall be provided prescribed medication, clothing that is not degrading, and access to basic personal items for use in their cells, unless there is imminent danger that an inmate or any other inmate(s) will destroy an item or induce self-injury.

11.9 Deprivation of Item of Activity. Whenever an inmate in segregation is deprived of any usually authorized item or activity, a written report of the action shall be made for the master file and forwarded to the chief security officer.

11.10 Meals. Procedure shall require that inmates in segregation receive meals of equal quality and quantity as those served to the general population.

11.11 Personal Hygiene. Inmates in segregation shall have the opportunity to maintain an acceptable level of personal hygiene, including the opportunity to shave and shower daily, unless procedures present an undue security hazard. Inmates shall be provided toothbrush, toothpaste, soap, towels, shaving materials, shampoo and comb.

11.12 Clothing and Linen. Procedure shall provide for the issue and exchange of clothing, bedding and linen and for laundry, bargering and hair care services for inmates in segregation on the same basis as inmates in the general population; exceptions shall be permitted only where found necessary by the senior officer on duty, and shall be recorded in the unit log and justified in writing.

11.13 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 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.

11.14 Visitation. Inmates in segregation shall be provided opportunities for visitation, consistent with classification and other institutional visitation policies. An adequate visitation area with tables and chairs shall be provided, where appropriate.

11.15 Telephone. Inmates in administrative segregation, disciplinary segregation an protective custody shall be allowed telephone privileges.

11.16 Legal Materials. Inmates in segregation shall have access to legal materials at least three times per week.

11.17 Reading Materials. Inmates in segregation shall have access to books, magazines and writing materials.

11.18 Exercise. Inmates in segregation shall receive a minimum of one hour per day, seven days per week,of outdoor exercise. A written record shall be kept of each inmate's participation in the exercise program.

11.19 Programs and Services. Inmates in administrative and protective custody shall have access to programs and services that include, but are not limited to the following: educational services, commissary services, library services, social services,

counseling services, religious guidance, and recreational programs. Inmates in the administrative segregation unit shall be allowed to participate in facility programs to the same extent as the general inmate population. They shall also have the same opportunity to receive treatment from professional persons, such as social workers, psychologists, counselors, and psychiatrists.

11.20 Permanent Log. Admissions of all inmates to segregation 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 medial or psychiatric problems or needs. The log also shall be used to record all visits by officials who inspect the units or counsel inmates, all unusual inmate behavior, and all releases.

11.21 Staff Visits. 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 healthcare official, unless medical attention is needed more frequently.

Section 12. Food Service

12.1 Menu Review. There shall be documentation that the menu is reviewed by a registered dietician on at least a quarterly basis to insure that the food allowances required for basic nutrition are met. Menu evaluations shall be conducted at least monthly by institution food service supervisory staff to verify adherence to the established basic daily servings.

12.2 Men Planning. Food service staff shall develop planned menus in advance, and substantially follow the schedule. In the planning and reparation of all meals, food flavor, texture, temperature, appearance and palatability shall be taken into consideration.

12.3 Therapeutic Diets. Therapeutic diets shall be available upon medical authorization. Specific diets shall be prepared and served to inmates according to the orders of the treating physician or dentist, or as directed by the responsible health authority. medical diet prescription shall be specific and complete, furnished in writing to the food service manager, and rewritten monthly. Special diets shall be kept as simple as possible and should conform as closely as possible to the foods served other inmates.

12.4 Religious Diets. Religious diets shall be approved by the chaplain and warden. Religious diet prescriptions shall be specific and complete, furnished in writing to the food service manager, and rewritten monthly. Special diets shall be kept as

simple as possible and shall conform as closely as possible to the foods served other inmates.

12.5 Management. A full-time staff member, experienced in food management, shall supervise food service operations. This staff member shall have the resources, authority and responsibility to provide for the institution's complete food service, including three meals a day that are nutritionally adequate, palatable and attractive, and which are produced under sanitary conditions, at reasonable costs. The food service manager shall have a minimum of three years experience in food management.

12.6 Health Protection. Procedure shall provide for adequate health protection for all inmates and staff in the institution, and inmate and other persons working in food service with the following requirements;

a. A preassignment medical examination of all persons involved in the preparation of food, and periodic examinations thereafter, shall be conducted to insure freedom from diarrhea, skin infections, and other illnesses transmissible by food or utensils; all examinations shall be conducted in accordance with local requirements regarding restaurant and of service employees in the community;

b. When the prison's food services are provided by an outside agency or individual, the prison must have written verification that the outside provider complies with the state and local regulations regarding food service; and,

c. All food handlers shall be instructed to wash their hands upon reporting to duty and after using toilet facilities.

12.7 Code Compliance. There shall be documentation by an independent, outside source that food service facilities and equipment meet established governmental health and safety codes.

12.8 Inspections. Procedures shall require weekly inspections of all food service areas, including dining and food preparation areas and equipment. Refrigerator and water temperatures shall be checked on a daily basis by administrative, medical or dietary personnel.

12.9 Group Dining. Space shall be provided for group dining except when security or safety consideration justify otherwise.

12.10 Meal Schedule. At least three meals, of which two are hot meals, shall be provided at regular meal times during each 24-hour period, with no more than 13 hours between the evening meal and breakfast.

12.11 Meal Service. All inmates and staff, except those on special medical or religious diets, shall eat the same meals. Food shall not be withheld, nor the standard menu varied, as a disciplinary sanction for an individual inmate. This standard does not preclude rewarding groups of inmates with special foods in return for special services or under special circumstances. Food not prepared on a regular basis may also be used on seasonal food patterns.

12.12 Meal Records. A uniformed system shall be established to record the number, cost, and type of meals served inmates, employees, guests, and visitors. Such records shall be required for fiscal accounting, dietary purposes, and budget planning. Employees, guests, and visitors shall be served the same food inmates are served. Food service records shall include the published menus, information on waste, food costs and nutritional accounting, and notation of food products raised or produced in the system.

1.13 Budget. 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.

Section 13. Sanitation and Hygiene

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

13.2 Maintenance. Prison authorities shall develop and implement a plan for the maintenance of an acceptable level of

cleanliness and sanitation throughout the prison. Such a plan shall provide for a regular schedule of housekeeping tasks and inspections which shall include, but not be limited to, the following:

a. The daily cleaning of toilets, showers and sinks;

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 units, washing of windows, cleaning of janitor's 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 facility free of insects and vermin. Services shall include, at a minimum monthly inspections by qualified persons; and

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

13.3 Facility Inspection. The institution shall be inspected at least annually by appropriate government officials to ensure the health of personnel and inmates. In addition to the regular inspections by governmental officials, all institution areas shall be inspected at least weekly by a designated staff member, who should submit a written report to the warden/superintendent, documenting deficiencies whenever they occur.

13.4 Potable Water. The institution's potable water source and supply, whether owned and operated by the public water department or the institution, shall be certified by an independent, outside source to be in compliance with state laws and regulations.

13.5 Housekeeping Plan. A written housekeeping plan for all areas of the facility's physical plant shall provide for daily housekeeping and regular maintenance by assigning specific duties and responsibilities to staff and inmates. Sufficient cleaning equipment and supplies shall be provided to maintain the facility in a clean condition.

13.6 Vermin and Pest Control. Licensed pest control professionals shall be readily available to the institution to conduct regular monthly inspections to identify pest problems and

eradicate by whatever means is effective any insects, rodent or vermin which are found.

13.7 Waste Disposal. Liquid and solid wastes shall be collected, stored and disposed of in a manner that will avoid nuisance and hazards, and that will protect the health and safety of inmates and staff.

13.8 Clothing Issue. A standard wardrobe shall be provided all inmates at the time of admission and shall include, as appropriate, shirts, blouses, dresses, trousers, skirts, belts, undergarments, slips, socks, shoes, coats,jackets and headwear, etc.

13.9 Personal Hygiene Articles. Procedure shall require that articles necessary for maintaining proper personal hygiene are provided to all inmates including, but not limited to, toothpaste, toothbrush, soap, towels, three razors per month, shaving cream, comb and when applicable, feminine hygiene articles. Other personal hygiene materials shall be offered for sale in the commissary at wholesale cost, including products requested and used by black inmates.

13.10 Special Clothing. Procedure shall provide for the issue of special and, when appropriate, protective clothing and equipment to inmates assigned to food service, hospital, farm, garage, institution physical plant maintenance shops, and other special work.

13.11 Bedding and Linen. Procedure shall provide for the issue of suitable, clean bedding, towels and linen, to include two sheets, pillow and pillowcase, one mattress and sufficient blankets to provide comfort under existing temperature controls. There shall be provision for linen exchange on at least a weekly basis.

13.12 Records. The issue of all clothing and bedding shall be recorded, and inmates shall be held accountable for its use.

13.13 Bathing Facilities. There shall be sufficient bathing facilities in the housing areas to permit inmates in the general population to shower at least three times per week. Ideally, each inmate shall be permitted to shower daily; however, no inmate shall b permitted to shower les than three times per week. Inmates in special jobs, such as food service, medical, sanitation or mechanical service, shall be encouraged to bathe daily. Hot and cold water shower facilities shall be available in the proportion of at least one shower unit to 15 inmates.

13.14 Thermostatically Controlled Water. Water for showers shall be thermostatically controlled to ensure the safety of the inmates.

13.15 Hair Care. There shall be hair care services available to inmates which comply with applicable health requirements. Hair shall be cut under sanitary conditions and in an area located to permit observation by staff. Equipment shall be stored securely when not in use.

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. procedures shall provide for unimpeded access to health care and for a system for processing complaints regarding health care. These policies shall be communicated orally and in writing to the inmates upon arrival in the facility. Policies assuring access to health care shall be communicated orally and in writing to each inmate on arrival at the facility.

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 shall provide the administrative support for the accessibility of health services to inmates.

14.3 Responsible Physician. A responsible physician shall e designated to approve health care policies, procedures and agreements which can include use of hospital emergency rooms. Each prison shall have agreements for 24 hour on-call physician coverage. 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 24 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. A physician must be available on-site for primary care for a minimum of forty hours per week at an inmate level of 600 or more, and proportionately in terms of hours for inmate levels above and below this number.

14.5 Medical Autonomy and Prison 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 nonmedical facility staff also apply to them. They shall be provided with a list of these regulations and an orientation to the prison system. The nonmedical staff shall have no role in authorization of medical care.

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 insured 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.

14.7 Administrative meetings and Reports. There shall be meetings between the responsible physician and the facility administrator to discuss prison 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 quarterly 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 shall 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 administrator and Commissioner of Corrections. The responsible physician shall submit an annual appraisal of the prison's health care deliver to the administrator and Commissioner of Corrections.

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.

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

a. Decision-making: special problem patients;
b. Notification of next of kin;
c. Postmortem 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 medications;
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 illness re given housing assignments, work assignments, disciplinary measure, or transfers, consultation between the facility administrator and responsible physician or their designee 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, with the explicit consent of the inmate, if possible, have his next of kin or legal guardian notified by the facility administrator, the responsible physician, or their designee.

14.12 Postmortem 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 postmortem examination shall be performed.

14.13 Minimum Staff Training Requirements. Health trained staff is defined as prison 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, 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 and approved through 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.

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, procedure 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 responsibility for preventing suicides through intake screening, identification, and supervision of suicide-prone inmates. The staff shall receive special training in the implementation of the 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 chair-side assistant, unless they are part of a 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 an 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 within the prison 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 disposition.

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

a. Current illness and health problems, including dental problems;

b. Venereal diseases and other infectious diseases;

c. Medication taken and special health requirement;

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 attempts; 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 seven days of admission a health appraisal shall be completed for each inmate which include a history and examination, recorded on a form approved by the 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. Review of the earlier receiving screening by the examining clinician;

b. Collection of additional data to complete the medical, dental, psychiatric and immunization histories;

c. Administration of laboratory and/or diagnostic tests to detect communicable disease and tuberculosis.

d. Record of height, weight, pulse, blood pressure, temperature, administration of other tests, and examinations; with comments about mental and dental status;

e. Review 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 prison has special facilities and constant medical supervision to perform detoxification, the process shall not be p4erformed 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 Inmates. 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 during receiving screening or after admission, shall be followed up by medical staff. The urgency of the problems determines the reponses. 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 instituted pursuant to Chapter 27, Article 5 of West Virginia Code.

14.21 Mental Health Evaluation. A comprehensive individual mental health evaluation shall be performed on specially referred inmates by a multi-disciplinary mental health team. The evaluation shall be completed within fourteen days after the date of referral, and shall include at least the following elements:

a. Review of mental health screening and appraisal data;

b. Collection and review of additional data from staff observation, individual diagnostic interviews and tests assessing intellect and coping abilities;

c. Compilation of the individual's mental health history; and,

d. Development of an overall treatment/management plan with appropriate referral.

14.22 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.

14.23 Detoxification. Procedures shall require that gradual detoxification from alcohol, opiates, hypnotics, and other stimulants, and sedative hypnotic drugs be effected as follows:

a. When performed at the facility, it is under medical supervision; and

b. When not performed in the facility, arrangements are made for it to be conducted in a hospital or community detoxification center.

14.24 Chemical Dependency. Procedures shall guide the clinical management of chemically dependent inmates with the following requirements:

a. Diagnosis of chemical dependency by a physician;

b. Determination by a physician s to whether an individual requires non-pharmacologically or pharmacologically supported care;

c. Individualized treatment plans which are developed and implemented by a multidisciplinary team; and

d. Referrals to specified community resources upon release when appropriate.

14.25 Access to Treatment. It shall be required that each inmate, at the 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 prison's sick call schedule.

14.26 Daily Health Complaints. Inmate's health complaints shall be solicited daily and acted upon without delay 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.

14.27 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 facilities with fewer than fifty inmates, one day per week;

b. In facilities with fifty to one hundred inmates, two days per week;

c. In facilities with one hundred to two hundred inmates, three days per week; and

d. In facilities with more than two hundred inmates, five days per week.

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

14.28 Continuity of Care; Surgery. Inmates shall be provided all needed follow-up care; laboratory services, physical therapy, physical aids and surgery, other than cosmetic surgery, as needed including referral to community care.

14.29 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. Physical restraints in controlling inmate 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 should be consulted.

14.30 Health Promotion. The responsible physician shall consider plan providing inmates with health education and preventive medical services, and shall review the inmates' opportunities to engage in exercise.

14.30.1 Disease Prevention. Prisons 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.

14.30.2 Health Education. Procedures shall provide that a program of health education is provided to the inmates of the facility. Health education shall provide information on medical services such as immunizations, hypertension detection and instruction in self-care for chronic conditions. Subjects for health education may include the following: personal hygiene and nutrition; venereal disease, AIDS, tuberculosis and other communicable diseases; effects of smoking; self-examination for breast cancer; dental hygiene; drug abuse and danger of self-medication; family planning, including as appropriate, both services and referrals; physical fitness; and chronic diseases and/or disabilities.

14.31 Physical Examinations. Procedures shall specify the conditions for periodic health examinations for inmates. Persons fifty years of age or older shall be given annual physical examinations. All other inmates shall receive thorough physical examinations at least biannually. All inmates shall be examined prior to release for the detection of diseases which may require reports to the Department of Health and/or the Center for Disease Control.

14.32 Individual Treatment Plan. Procedures shall provide for a special health plan for inmates requiring close medical supervision. A written individual treatment plan, which shall include directions to health care and other personnel regarding their roles in the care and supervision of these patients, shall

be developed for each inmate by the appropriate physician, dentist, or qualified mental health practitioner.

14.33 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 days of admission as part of the health appraisal; and

b. Appropriate check-ups, examinations, extractions, emergency corrective, preventive and other dental services.

14.34 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 serve a broad range of health problems, such as, seizure disorders, hypertension, ischemic heart disease, diabetes, AIDS, 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 preventive maintenance includes health education and medical services, such as inoculation and immunization, provided to take advance measures against disease, and, instruction in self-care for chronic conditions.

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

14.36 Management of Pharmaceuticals. Procedures for prescribing, dispensing and administering 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 medical log and maintain one for each inmate receiving medication; the log shall include the date, time, name of drug and dosage administered. Any inmate refusing medication must sign a statement to that effect, which shall also be signed by a staff member, filed in the health record. Medication 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 the supervision of the health authority or health trained staff member. The physician shall inform prison personnel of possible side effects of medication on inmates. When medications are taken by mouth, the person administering the drug will observe the inmate swallow the drug and have him/her speak after swallowing to insure 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.

14.37 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 administration of medications according to orders and ~~and~~ the recording of the administration of medications in a manner and on form approved by the responsible physician. Training from the responsible physician encompasses the medical aspects of the administration or distribution of medications; 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. Medications will be administered on schedule which is consistent with the individual's needs rather than the institution's needs.

14.38 Health Records. A separate health file shall be established on every inmate at the time of their 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 as at a specific time, what procedures were effected, and to enable consultants to give an opinion after examination of the inmate. Entries must be legibly written in ink, signed and dated. Record shall be maintained for a minimum of seven years after the inmate's release from incarceration. The file shall contain the following information:

a. The completed receiving screening form:

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

c. All findings, diagnoses, orders and treatments;

d. Medication log sheets;

e. Results of any laboratory, x-ray or 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.

14.39 Transfer of Records. When off-site examination, treatment, transfer to another facility, or hospital admission occurs, the copy of the inmate's health record or a summary of the record shall accompany the inmate. 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 prison 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 the transfer.

14.40 Confidentially. 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 prisons 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; or

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

e. The inmate shall have access to their own medical records.

14.41 Facilities and Equipment. If health services are delivered on-site, the prison shall have a private

examination/treatment area. Basic items provided shall include: stethoscope, blood pressure cuff, thermometer, tongue depressors, flashlight, ophthaimoscope, otoscope and ear specula, percussion hammer, weight scales, examination gloves, vaginal specula, and first aid kits as well other equipment designated as necessary by the responsible physician.

14.42 Outside Resources. Procedures shall require that patients who need health care beyond the resources available in the facility, as determined by the responsible physician, be transferred under appropriate security provisions to a facility where such care is available.

14.43 First Aid Kits. Each prison shall have one or more first-aid kits containing, but not limited to, bandage, gauze, a sling, adhesive tape, and band-aids. The responsible physician shall designate the number, location and content of first aid kits. The health authority must periodically inspect all equipment and first-aid kits.

14.44 Informed Consent. The informed consent of an inmate is necessary for all medical examinations, treatments and procedures except those which are required by law, e.g., treatment of infectious diseases where public health law require such treatment. Informed consent is the voluntary consent to a treatment, examination, or procedure by the patient after the patient has received all the material facts regarding the nature, consequences, risks and alternatives concerning the proposed treatment, examination or procedure. When the inmate is a minor, the informed consent of a 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 an emergency situation or public health matters).

14.45 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 the general public. This does not preclude the use of a new medical procedure for the individual treatment of an inmate by their 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.

14.46 Trainees/Students. When the institution uses students or interns in health care delivery, written policy and procedure shall provide for work experience under direct staff supervision, commensurate with their level of training.

14.47 Serious Illness or Injury. A process shall be developed whereby those individuals, designated by the inmate, are notified in case of serious illness or injury. 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 the next of kin notified of an illness or injury; therefore, the inmate's consent should be obtained whenever possible. The next of kin or other individuals designated by the inmate to receive notification shall be included on the facility admission form.

14.48 Personnel. The following health care practitioners shall be provided for a facility with five hundred inmates. The staff must be adjusted proportionately for facilities with fewer than or more than five hundred inmates.

Medical Director: One full-time equivalent; responsible for health care and will provide general physician services.

Program Director: One full-time equivalent; responsible for program administration.

Registered Nurse: Three full-time equivalents; responsible for primary care and infirmary care.

Licensed Practical Nurse: Three full-time equivalents; responsible for primary care and infirmary care.

X-ray Technician: Ten hours per week; general x-ray procedure.

Pharmacist: Five hours per week; supervision of pharmacy operations.

Dentist: One full-time equivalent; dental screening and primary dental care.

Dental Hygienist: One full-time equivalent; preventive dentistry and assistance to dentist.

Medical Records Clerk: One full-time equivalent; maintenance of medical records, administrative and clerical support.

Optometrist: Eight hours per week; optometric services.

Section 15. Inmates Rights

15.1 Access to Courts. Inmates shall have the right to have access to courts to present any issue, including challenging the legality of their conviction or confinement; seeking redress for illegal conditions or treatment while under correctional control; pursuing remedies in connection with civil legal problems; and asserting against correctional or other government authority any other rights protected by constitutional or statutory provision or common law. Inmates seeking judicial relief shall not be subjected to reprisals or penalties as a consequence.

15.2 Access to Attorneys. Procedures shall ensure and facilitate the right of inmates to have access to attorneys or their authorized representatives.

15.3 Access to Law Library. Procedures shall provide for the right of inmates to have access to an appropriate law library and to supplies and services related to legal matters. The law library shall include, at a minimum, relevant and up-to-date constitutional, statutory and case law materials, applicable court rules, and practice treatises.

15.4 Access to Supplies. The institution shall make reasonable efforts to assist inmates with the preparation and processing of their legal documents. Items such as paper, typewriters, and carbon paper shall be provided all inmates upon request and should be available free of charge to indigent inmates.

15.5 Equal Access. When male and female inmates are housed in the same institution, there shall be separate sleeping quarters, but equal access to all available services and programs. neither sex shall be denied opportunities solely on the basis of their smaller number in the population.

15.6 Refusal to Participate. Procedures shall provide inmates with the option to refuse to participate in secondary or postsecondary education, vocational training, religious services, social services and counseling, psychological and psychiatric treatment, library services, athletic, recreational and leisure time activities, involvement with community groups, mail and visiting, contact by media, contact by attorneys or legal representatives, volunteer programs and pre-release programs. Inmates must accept work assignments, enrollment in basic education programs, medical and dental care mandated by statute, and participation in other programs ordered by the sentencing court or required by statute. Inmates shall not be penalized for refusing to participate in the institution's total rehabilitation program.

15.7 Personal Grooming. Inmates shall be permitted freedom in personal grooming as long as their appearance does not conflict with the institution's requirements for safety, security, identification and hygiene.

15.8 Grievance procedure. There shall be a written inmate grievance procedure which is made available to all inmates and which includes at least one level of appeal. The institution's grievance mechanism shall include the following: provision for written responses to all grievances, including the reasons for the decision; provision for response within prescribed, reasonable time limit, with special provisions for responding to emergencies; provision for supervisory review of grievances; provision for participation by staff and inmates in the design and operation of the grievance procedure; provision for access by all inmates, with guarantees against reprisals; applicability over a broad range of issues; and means for resolving questions of jurisdiction.

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 institution and penalties that may be imposed for various degrees of violation; the written rules shall be reviewed annually and updated if necessary. The sanctions shall be proportionate to the importance of the rule and the severity of the violation.

16.2 Rule Book. There shall be a rule book that contains all chargeable offenses, ranges of penalties and disciplinary procedures posted in a conspicuous and accessible area; copy shall be given to each inmate and staff member. When a literacy or language problem prevents an inmate from understanding the rule book, a staff member or translator shall assist the inmate in understanding the rules.

16.3 Informal Discipline. Written guidelines shall specify misbehavior that may be handled informally.

16.4 Disciplinary Reports.

16.4.1 Written Reports. Written procedures shall provide that when rule violations require formal resolution, staff members shall prepare a disciplinary report and forward it to a designated supervisor.

16.4.2 Disciplinary Report Information. 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. Any unusual inmate behavior;

d. Any staff witnesses;

e. Disposition of any physical evidence;

f. Any immediate action taken, including the use of force; and

g. Reporting staff member's signature and date and time report is made.

16.5 Pre-hearing Detention. Pre-hearing detention shall take place only under the circumstances set forth in Section 11.2, and only for so long as set forth therein. The approval of the warden or his designee must be obtained and include an explanation of the reason why inmate segregation is necessary and the date for a hearing, both of which shall be provided to the inmate immediately upon its preparation.

16.6 Investigation. When a alleged rule violation is reported, an appropriate investigation shall begin within 24 hours of the time the violation is reported and shall be completed without unreasonable delay, unless there are exceptional circumstances for delaying the investigation.

16.7 Commitment of Crime. In instances when an inmate is alleged to have committed a crime covered by criminal law, the institution shall refer the case to the appropriate officials for possible prosecution.

16.8 Waiver of Hearing. Procedures shall provide that an inmate may waive the right to a hearing, provided that the waiver is documented and reviewed by the warden/superintendent or his/her designee.

16.9 Statement of Changes. Procedures shall provide that the inmate be given a written statement of the charge(s), including a description of the incident and specific rule violated, at the same time that the disciplinary report is filed with the disciplinary authority, but no less than 24 hours prior to the disciplinary hearing. The hearing may be held within 24 hours with the inmate's written consent.

16.10 Postponement of Hearing. Disciplinary hearing postponement or continuance may be granted for a reasonable

period of time for good cause, such as preparation of a defense, illness or unavailability of the inmate, further investigation of factual matters to the hearing, or pending criminal court prosecution. Delaying a disciplinary hearing is justifiable on the basis of factual recording of inmate's unacceptable behavior during the hearings process or his refusal to participate in a reasonable manner.

16.11 Speedy Hearing. Procedures shall provide that inmates charged with rule violations be scheduled for a hearing as soon as practicable, but no later than five days, excluding weekends and holidays, after reporting of the alleged violation. Inmates shall be notified of the time and place of the hearing at least 24 hours in advance of the hearing except as provided in Section 16.5 of these rules, and cases where the inmate is not available, or a need exists to await a laboratory analysis. Reasons for all delays shall be documented.

16.12 Presence at Hearing. procedures shall provide that inmates charged with rule violations be present at disciplinary hearings, except when their behavior during the hearing justifies exclusion.

16.13 Impartial Hearing. Disciplinary hearings of rule violations cases shall be conducted by an impartial person or panel. A record of the proceedings shall be made and maintained for at least two years.

16.14 Representative. Procedures shall allow inmates to request the services of an inmate or staff member to represent them at disciplinary hearings and to question relevant witnesses. Representatives shall be appointed when it is apparent that inmates are not capable of effectively collecting and presenting evidence on their own behalf. Having a representative shall not interfere with the inmate's own right to be heard.

16.15 Evidence and Witnesses. procedures shall provide that the inmate be given an opportunity to make a statement, to present documentary evidence, to call witnesses on his/her behalf, and to crossexamine witnesses. Reasons for the denial of such requests shall be stated in writing.

16.16 Authority's Decision. procedures shall specify that the disciplinary authority's decision shall be based solely upon information obtained in the hearing process, including staff reports, the statements of the inmate charged, and evidence derived from witnesses and documents.

16.17 Written Record. Procedures shall specify that a written record shall be made of the disciplinary hearing decision and the

supporting reasons, and that a copy shall be given to the inmate. The record of the hearing and supporting documents shall be kept in the inmate's file and in the warden/superintendent's records. The disciplinary hearing statement shall include the decision, the disposition and the reason for the action including recitation of evidence upon which the determination is made and the rationale for any penalty imposed.

16.18 Review of Findings. Procedures shall provide for a review of all disciplinary hearings and disposition by the warden/superintendent to assure conformity with policy and regulations.

16.19 Not Guilty. Procedures shall provide that the disciplinary report be removed from all files of inmates found not guilty of an alleged rule violation. When an inmate is found guilty of only some of the rule violations he or she was originally charged with in connection with a single incident, and when that incident is described in a single disciplinary report, the inmate's record shall show clearly the violations that were not proven. All disciplinary reports, regardless of disposition, may be kept and used for statistical or research purposes providing all identification is removed.

16.20 Appeal. Procedures shall grant inmates the right to appeal disciplinary decisions to the warden/superintendent or his/her designee and receive a response within three working days; and to appeal to the Commissioner of Corrections and receive a response within seven days of receipt. The appeal process shall consider three factors: whether there was substantial compliance with institution standards and procedures in handling inmate discipline; whether the decision was based on the greater weight of evidence; and whether, under the circumstances, the sanction imposed was proportionate to the rule violation.

16.21 Disciplinary Action. In any disciplinary action taken against any inmate:

a. The action must be reasonable and proportionate to the violation;

b. The action must be taken in an impartial and non-discriminatory manner;

c. The action must never be arbitrary or retaliatory;

d. Physical abuse is strictly prohibited;

e. Accurate, detailed reports of all disciplinary actions must be maintained.

Section 17. Communication, Mail and Visitation

17.1 Written Regulations for Mail. Written policy and procedure shall govern inmate correspondence and shall be available to all staff and inmates. Inmates must utilize their correct return address, although it need not specifically indicate a correctional institution.

17.2 Limitations of Mail. When the cost is borne by the inmate, there shall be no limitation on the volume of mail which an inmate may send or receive, or on the length, language, content or source of the mail, except that of obtaining permission for an inmate to correspond with an inmate of another penal institution. The number of approved correspondents for an inmate shall be unlimited. Limitations may be placed on the use of the mails for the conduct of an inmate business. Inmates shall have the right to reject any mail directed to them and such rejection shall not subject an inmate to punishment.

17.3 Postage Allowance. Procedures shall provide that indigent inmates, as defined in policy, receive a specified postage allowance to maintain community ties. Provision shall be made to ensure that indigent inmates are able to send a reasonable minimum number of letters per month. Community ties include family, personal friends, etc., but not privileged communications to attorneys, public officials and courts.

17.4 Mail Forwarding. All first class mail and packages shall be forwarded to inmates who are transferred to other institutions or released, provided a forwarding address is available. If a forwarding address is not available, first class mail shall be returned to the sender. Post Office policy and procedure shall be made available to inmates.

17.5 Publications. Specific policies and procedures shall exist to define which publications are allowed in the institution and how they will be inspected. Publications can be prohibited only if they pose a clear, direct and immediate danger to security.

17.6 Distribution. Procedures shall insure that incoming and outgoing mail is not delayed. All letters and legal material shall be delivered on the same day of receipt, except as provided in Section 17.7 of these rules.

17.7 Censoring. General correspondence, both incoming and outgoing, can only be opened and read if, prior to reading, there

is reasonable cause to believe it contains plans for criminal activity or introduction of contraband, in which event it shall be subject to the following safeguards:

a. Prior notice to the inmate, and if a return address is supplied, to the writer or sender;

b. Reasonable opportunity to challenge;

c. Ultimate determination by a disinterested party;

d. Done in the presence of the inmate;

e. When a complaint is made by an inmate regarding mail, there shall be an on-site investigation within fourteen days.

Records shall be maintained of all mail rejected and the reasons therefore.

17.8 Inspection. Procedures shall provide for the inspection of inmate mail to intercept cash, checks, and money orders. Cash, checks and money orders shall be removed from incoming mail, credited to the inmate's account, and a receipt given to the inmate.

17.9 Contraband. Procedures shall govern the inspection for and the disposition of contraband. It shall also specify how seizures can be challenged, what should be done with the contraband, and under what conditions receipts are given the sender or addressee. Policy shall indicate when the matter is referred for prosecution.

17.10 Sealed and Certified letters.

17.10.1 Sealed letters. Inmates shall be permitted to send sealed letters to a specified class of persons and organizations, including, but not limited to: courts, attorney of record, officials of the Department of Corrections; elected government officials, news media, grand juries, law enforcement officials, administrators of grievance systems, and members of the parole board. Outgoing privileged mail shall not be opened.

17.10.2 Privileged Correspondents. Incoming mail from such privileged correspondents shall not be opened unless the warden/superintendent or his/her designee determines that there is reasonable cause to believe that it is counterfeit or that it contains contraband, subject to the procedures set forth in Section 17.7 of these rules.

17.10.3 Certified and Registered Mail. Incoming certified and registered mail for inmates shall be processed as all other mail but delivered to the addressee only upon securing a signed receipt. outgoing certified and registered mail shall be permitted if the inmate sender has the funds to pay for such service.

17.11 Telephone.

17.11.1 Telephone Access. Telephone facilities shall be provided to permit reasonable and equitable access to all inmates. Procedures shall specify the hours of telephone availability, maximum length of calls, and any limitation on telephone calls. All limitations shall be reasonable and in writing. Telephone facilities shall allow for a reasonable amount of privacy and protection from the elements.

17.11.2 Telephone Monitoring. No telephone communication shall be monitored or intercepted in any way, unless the warden/superintendent or his/her designee reasonably believes that such telephone communication concerns escape plans, plans to commit a crime, or plans to violate institutional rules and regulations. The warden shall inform any inmate that his calls will be monitored and give his reasons in writing why such action is being taken. In no event shall telephone communications with those persons described as privileged correspondents, as in Section 17.10.1 above, be monitored or intercepted in any way. Records shall be maintained of all telephone calls monitored.

17.11.3 Attorney Calls. Telephone communications between an inmate and his attorney shall not be denied. All calls to attorneys shall be permitted daily between 8:00 a.m. and 9:00 p.m. without restriction, except as requested by the particular attorney to be called. The institution shall not be responsible for payments for long distance or local calls. Inmates shall be allowed to accept direct calls from attorneys.

17.12 Visitation Regulations. All regulations pertaining to visiting shall be made available to all inmates at admission. Visitation shall be designed to enhance rehabilitation, establish normalization of social relationships and satisfy security. reasonably comfortable accommodations and space, and reasonable privacy shall be afforded for visitation. Sufficient seats for indoor visitation shall be provided.

17.13 Access to Visitation. The number of visitors an inmate may receive and the length of visits shall be limited only by the institution's schedule, space, and personnel constraints, or when

there are substantial reasons to justify such limitations. Inmates shall be allowed at least three visitors at one time (with all minor children in the same family counting as one). Each inmate may have at least fifteen approved visitors on an approved visitors' list regardless of their relationship.

17.14 Registration. Each visitor shall be required to register his/her name, address, and relation to the inmate upon entry into the prison. All circumstances under which visitors and their belongings may be searched shall be in written policy.

17.15 Security. The degree of informality of inmate visiting facilities shall be consistent with the institutions overall security requirements. Maximum physical contact shall be allowed, consistent with an orderly visitation environment. Inmates shall be permitted to hold infant children during visits, and they may assist with feeding. Visiting areas must not, except for documented security purposes with respect to specific inmates and their offenses, physically separate visitors from inmates.

17.16 Extended Visits. Procedures shall provide guidelines for determining which inmates rae permitted extended visits with their families, the length of the visit, where the visit shall take place and other conditions for the visit. Inmates with appropriate security classifications shall be permitted furloughs home.

17.17 Special Visits. Procedures shall govern special visits which may include visits from persons who have come long distances, prospective employers, non-immediate family members, seldom visiting family members, visits to hospitalized inmates, visits to inmates in disciplinary status and visits between inmates and their attorneys, clergy, social service agency representative, etc. Such persons need not be included on a visitors list. Written policy and procedure shall specify the conditions of such visits.

Section 18. Reception and Orientation

18.1 Admissions. Written procedures for admission of inmates new to the system shall include, but are not limited to, the following:

a. Determination that the individual is legally committed to the institution;

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

c. Disposition of personal possessions;

d. Shower and hair care, if necessary;

e. Issue of clean, laundered clothing, as needed;

f. Photographing and fingerprinting, including notation of identifying marks or other unusual physical charateristics;

g. Medical, dental and mental health screening;

h. Assignment to a housing unit;

i. Recording basic personal data and information to be used for mail and visiting list;

j. Assisting inmates in notifying their next of kin and families of admission;

k. Explanation of procedures for mail and visiting;

l. Assigning a registered number to the inmate; and

m. Giving written orientation materials to the inmate.

Staff members shall explain the procedures being undertaken at each step in the admissions process. When necessary, these procedures shall be reviewed for inmates transferred within the correctional system.

18.2 Summary Admissions Report. Procedures shall require the preparation of a summary admission report for all new admissions to the institutions that includes, but is not limited to, the following:

a. Account of the legal aspects of the cases;
b. Summary of criminal history, if any;
c. Social history;
d. Medical, dental, and mental health history;
e. Occupational interests and experiences;
f. Educational status and interests;
g. Recreational preference and needs assesment;
h. Psychological evaluations;
i. Staff recommendations; and
j. Preinstitutional assesment information.

18.3 Orientation; Transferred Inmates. Inmates transferred from other institutions shall receive an orientation to the new institution.

18.4 Personal Property. Procedures shall specify the personal property inmates can retain in their possession.

18.5 Security of Personal Property. procedures shall govern the control and safeguarding of inmate personal property. Personal property retained at the institution shall be itemized in a written list which is kept in the permanent file. The inmate shall receive a current copy of this list. All property retained by the institution shall be accurately inventoried, handled carefully and securely stored. The property shall be available if required by the inmate and returned at the time of release. Confiscated items shall be noted on the inventory list which is signed by the inmate. Receipts shall be provided to the inmate for all funds and possessions stored, and upon release from the institution, receipts shall be signed by inmates acknowledging return of their property.

18.6 Orientation, New Inmates. Orientation shall provide new inmates an understanding of what is expected of them and what they may expect to derive from institution programs. Orientation shall include formal classes, distribution of brochures that describe institution programs and rules and regulations, and discussions of the institution's programs and procedures.

18.7 Reception Programs. The daily program for inmates in the reception unit shall include interviews, testing, and other activities related to the admission process, as well as development of the individual rehabilitation program, and receipt of information on educational, religious, work, and recreational programs. new inmates shall be provided reading materials and be permitted to attend religious services. They shall receive exercise on the same schedule as the general population and perform work assignments on the unit. Key program elements of the institution shall be involved in the reception program.

Section 19. Classification

19.1 Written Plan. There shall be a written plan for inmate classification which specifies the objectives of the classification system, details the methods for achieving the objectives, and provides a monitoring and evaluation mechanism to determine whether the objectives are being met. Classification policies shall include, at a minimum:

a. Detailed procedures for initial inmate classification and reclassification;

b. Instructions regarding the makeup of the unit, team or full classification committees; as well as the duties and responsibilities of each;

c. Definition of the various committees' responsibilities for custody, employment and vocational/program assignments;

d. Instructions as to what phases of an inmate program may be changed by the various committee levels;

e. Specific procedures relating to inmate transfer from one program to another and from one institution to another; and

f. Content of the classification interview.

19.2 Degree of Custody. The system for classifying inmates shall specify the level of custodial control required. All inmates shall be assigned the least restrictive custodial level necessary.

19.3 Program Status Review. The written plan for inmate classification shall specify that the program status review of each inmate occurs at least twice every twelve months.

19.4 Program Changes. The written plan for inmate classification shall specify criteria and procedures for determining and changing the program status of an inmate. Because program status reviews can involve an increase in level of custody, transfer to another institution, or other program changes that effect inmates adversely, the review process shall include an appeal process which may be invoked and must be responded to prior to carrying out the program change.

19.5 Classification Hearings. procedures shall require that unless precluded for security or other substantial reasons, all inmates shall appear at their classification hearing and be given notice twenty-four hours prior to these hearings; such notice may be waived by the inmate, in writing.

19.6 Individual Rehabilitation Plan. Each inmate shall have developed, with his consultation, an individual rehabilitation plan within sixty days of initial custody. The plan shall include an assessment of the needs and long-term goals of the inmate, and a means for providing educational and/or vocational programming, apprenticeship programs, work release programs, an other rehabilitative programs as are appropriate for the individual.

19.7 Special Needs Inmates. Procedures shall provide for identification of special needs inmates which include, but are not limited to, drug addicts, drug abusers, alcoholics, alcohol abusers, inmates who are emotionally disturbed, mentally retarded, suspected mentally ill, or who pose high risk or

require protective custody. Procedures shall exist to identify the number, type and frequency of commitment of these groups of inmates. When numbers or frequency of commitment warrant, special programs shall be instituted for the appropriate management and effective handling of these inmates.

19.8 Parole Hearing. The written plan for inmate classification shall specify that, prior to a parole hearing, pre-parole material shall be made available to the paroling authority including a current and complete history of the inmate's activities in the institution and a proposed parole plan..

Section 20. Inmate Work Programs

20.1 Written Plan. The institution shall maintain a written plan that provides full-time work and/or program assignments for all inmates in the general population. An inmate work program may include industrial, agricultural, maintenance, and service jobs and shall provide employment for all eligible inmates. The work provided an inmate shall match the inmate's interests, past experience and/or educational program to the extent possible. The work and educational programs shall be compensated at a level which encourages participation.

20.2 Work Assignments. The institution shall provide a variety of work assignments that afford inmates an opportunity to learn job skills and develop good work habits and attitudes that they can apply to jobs after they are released. Whenever possible, inmate work assignment shall provide experience relevant to the current job market. Work assignments for women shall not be limited to traditional tasks assigned to women. Inmates shall be utilized on community and public works projects off grounds.

20.3 Advisory Committee. The institution shall form a task force or advisory committee of labor, business, industrial and educational community organizations which shall advise and assist in providing inmates with jobs which will teach them skills relevant to the job market.

20.4 Minimum Standards. inmate work programs shall meet all applicable requirements for the safety and health of workers.

20.5 Handicapped Inmates. the inmate work plan shall include provision for employment for handicapped inmates.

~~Section 21. Academic and Vocational Education~~

~~21.1 Comprehensive Program. There shall be a comprehensive education program available to all eligible inmates that extends from literacy training through high school and includes communication skills, mathematics, and social science. The educational program shall be structured so that inmates can enter at any time and proceed at their own pace. Progress through the program shall not be defined by grade level attainment. Individual instruction shall be supplemented by the use of programmed instruction, teaching machines, educational television and correspondence courses when appropriate.~~

~~2.2 Standardized Curriculum. There shall be a standardized competency-based curriculum supported by appropriate materials and classroom resources. Standardization of curriculum shall be developed in order to monitor student progress from class to class or between institutions.~~

~~2.3 Program Availability. Educational programs shall not compete with work assignments, visitation, counseling, etc., but shall be offered at off peak program hours and shall be available in the evenings and on weekends.~~

~~2.4 Specialized Equipment. The educational program shall be supported by specialized equipment, including, at a minimum, classrooms, teaching carrels, audiovisual materials and facilities, chalkboards, and administrative space.~~

~~2.5 Postsecondary Programs. Postsecondary programs in academic and vocational education shall be available to qualified inmates. An adequate number of college courses shall be available at no cost to all appropriate inmates.~~

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21.6 Social Skills. The institution shall provide courses in consumer activities, life skills, and family life, and where possible, should incorporate instruction of social skills in regular course content. Such courses shall be coordinated with social services, leisure time activities and religious programs, and in comprehensive social skills development program.

21.7 Vocational Training. Vocational training programs shall be integrated with academic programs and shall be relevant to the vocational needs of inmates and to employment opportunities in the community. A variety of areas shall be available including cooperation with correctional industries, work assignments, apprenticeships, on-the-job training, and other vocational related programs. Equipment and curricula for the vocational training programs shall be updated periodically to ensure compatibility with training developments in the community.

21.8 Educational Records. Academic/vocational information shall become a part of the master file and transferred when offenders are moved to other institutions or relocated in the community during pre-release.

21.9 Staffing. An adequate job placement staff whose full-time responsibility shall be the classification, placement, development of placement, and individual programming for inmates shall be maintained. This staff shall assess individual needs as well as facilitate the development of apprenticeships, community work release, and vocational and educational placement. The prison shall maintain an adequate staff of counselors with training in educational guidance counseling. There shall be a ratio of one counselor for every sixty inmates. Counselors shall work with each inmate individual to develop a rehabilitative program for such inmate. This program and the inmate's progress shall be reviewed at regular intervals.

21.10 Work Release. Sufficient work release centers shall be maintained for eligible inmates. Inmates shall be eligible for work release selection after six months of incarceration and/or within two years of possible release.

Section 22. Library Services

22.1 Comprehensive Services. The institution shall maintain and/or provide access to comprehensive library services which include, but are not limited to, a reference collection which includes general and specialized materials, and planned and continuous acquisition of materials to meet the needs of the institutional staff and inmates.

22.2 Library Materials. Library materials shall be selected to meet the educational, informational and recreational needs of the inmates. They shall be easily accessible and regulated by a system that prevents abuse.

22.3 Community Interaction. Procedures shall provide for interaction with the community through recreational activities. Community interaction shall include bringing in volunteers to provide instruction and inviting local teams to compete with institution teams; it may include taking inmates into the community for recreational activities.

23.4 Facilities and Equipment. Facilities and equipment, which are maintained in good condition and are suitable for the planned leisure activities, shall be available in proportion to the inmate population.

23.5 Leisure Time Activities. The institution 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, i.e., radio, television, movies, crafts, cards, puzzles, checkers, chess, or indoor exercise. There shall be adequate indoor space and equipment to enable large muscle exercise.

23.6 Outdoor Exercise. The institution shall provide opportunities for at least one hour of outdoor exercise per day with adequate space and equipment to permit regular outdoor sports activity.

23.7 Recreation Records. Written records shall be maintained which specify the date, time and type of recreational opportunity offered, as well as the housing unit or classification of inmate to whom the opportunity was offered.

Section 24. Religious Services

24.1 Access to Programs. Procedures shall provide for access to religious resources, services or counseling for all inmates on a voluntary basis. it shall be the responsibility of the institution to ensure that all inmates are able to voluntarily exercise their constitutional right to religious freedom when this freedom does not interfere with the order and security of the institution. Inmates shall be kept informed about opportunities to participate in religious programs on a continuing basis.

24.2 Program Supervision. A qualified and trained chaplain shall coordinate and supervise the institution's religious programs. The chaplain shall recognize the validity of all religious faiths and their contribution to the persons involved with them. Qualified chaplains shall have the ecclesiastical endorsement from a recognized religious organization according to administrative procedures. These chaplains may be able to provide clinical pastoral education at the institution.

24.3 Representation. Representatives of all faith groups shall be available to inmates. Either a full-time chaplain or representatives of faith groups from the community shall be available to provide regular religious services, individual and group counseling, family contacts, and other services.

24.4 Access to Institution. Staff chaplains shall have access to all areas of the institution.

24.5 Religious Visits. Inmates shall be permitted to receive visits from accredited representatives of their respective faiths during normal visiting hours. Provision also shall be made for emergency visits.

24.6 Facilities and Equipment. The institution shall provide facilities and equipment for the conduct of religious programs for inmates.

Section 25. Social Services

25.1 Staff Assignment. At initial classification, each inmate shall be assigned to a staff member to ensure supervision and personal contact; a unit management team may perform this function.

25.2 Staff Availability. Appropriate staff shall be available to help inmates with their personal problems and with their adjustment to the institution on a regularly scheduled basis, and for appointments with inmates who request them.

Treatment offerings shall include group therapy and group and individual counseling. Because inmates may have problems that require immediate attention, at least one staff member shall be available seven days per week. Crisis intervention services shall be available on an as-needed basis to assist disturbed inmates.

25.3 Counseling Program. A planned, organized counseling program shall be provided by persons qualified either by formal education or training. Staffing shall be in accordance with Section 21.9 of these rules.

25.4 Substance Abuse Program. Procedures shall provide for substance abuse programs for inmates with drug and alcohol addiction problems. These programs shall include, at a minimum, the following:

a. Staff trained in drug and alcoholic treatment to design and supervise the program;

b. Selection and training of former addicts and recovered alcoholics to serve as employees or volunteers in these programs;

c. Coordination of institution and community substance abuse programs;

d. Efforts to motivate addicts to seek help;

e. Realistic goals for the rehabilitation of inmates with drug or alcohol abuse problems; and

f. A variety of approaches to provide flexibility to meet the varying needs of different addicts.

Section 26. Release Preparation and Temporary Release

26.1 Release Preparation Program. Procedures shall provide that all inmates have access to a program of release preparation prior to their release to the community. Programs to prepare inmates for release may include the following:

a. Lectures and discussions that address the concerns of soon-to-be released inmates;

b. Individual counseling that focuses on each inmate's particular needs;

c. Pre-release visits by parole officers and family members; and

d. Graduated release through short furloughs.

26.2 Temporary Release Programs. Temporary release programs shall include but not be limited to the following:

a. Written operational procedures;

b. Careful screening and selection procedures;

c. Written rules of conduct and sanctions;

d. A system of supervision to minimize inmate abuse of program privileges;

e. A complete record-keeping system; and

f. A system for evaluating program effectiveness.

Selection of inmates shall be restricted to those eligible for release within one year and others deemed suitable, and shall be based on an assessment of the potential benefits to the inmate and the safety of the community. Sanctions commensurate with rule violations shall be specified, ranging from reprimand to removal from the program.

26.3 Graduated Release. Procedures shall include graduated release through a systematic decrease in supervision and corresponding increase in inmate responsibility as part of the classification program.

26.4 Leaves. Procedures shall provide for escorted and/or unescorted leaves into the community. Inmates shall be allowed escorted leaves of absence from the institution to obtain medical care not available in the institution, to visit a critically ill family member, or to attend the funeral of a family member, to participate in community events as a member of a group or team, or to participate in other community activities that can have a positive influence on the inmate. Unescorted leaves of absence for a pre-determined period of time may be appropriate to allow inmates to seek post-release employment, make residential plans for parole, conduct business affairs when a personal appearance is necessary, visit family to strengthen or preserve relationships, or for any other purpose deemed consistent with an inmate's rehabilitation and classification.

26.5 Release Process. Written procedures for releasing inmates at the end of their term shall include, but are not limited to, the following:

a. Verification of identity;

b. Verification of release papers;

c. Completion of release arrangements, including notification of the parole authorities in the jurisdiction of release, if required;

d. Return of personal effects or contraband;

e. Check to see that no facility property leaves the facility;

f. Arrangements for completion of any pending action, such as grievances, claims for damages or lost possessions, etc.;

g. Medical screening and arrangements for community follow-up where needed; and

h. Instructions on forwarding of mail.

Section 27. Citizen Involvement and Volunteers

27.1 Accountability. Procedures shall specify the lines of authority, responsibility, and accountability for the institution's citizen involvement and volunteer services program. When volunteer activity can be shown to threaten the order and security of the institution or the safety of the volunteer, such activity shall be limited or discontinued until the problem is resolved.

27.2 Screening and Selection. There shall be a uniform method for screening and selecting volunteers in accordance with security concerns.

27.3 Orientation and Training. Procedures shall provide that, prior to assignment, each volunteer completes a documented orientation and/or training program appropriate to the nature of the assignment. An initial orientation session for long-term volunteers shall address the history, policies and regulations of the institution and shall include an overview of the program so that the volunteers may develop a sense of their role in the program. the curriculum shall include a description of the volunteer's duties, as well as a review of the needs, attitudes and lifestyles of the inmate population. One time or short-term volunteers may require less intensive orientation. All volunteers shall receive a copy of an approved code of ethics.

27.4 Policy Compliance. Volunteers shall agree in writing to abide by all prison policies, particularly those relating to the security and confidentiality of information.

27.5 Schedule of Services. A current schedule of volunteer services shall be available to all inmates an posted in appropriate areas of the institution.

27.6 Registration and Identification. All volunteers shall be registered with the prison or Department of Corrections for insurance purposes. An identification card shall be issued to each volunteer and an identification record shall be kept at the institution for each volunteer. This record ensures proper identification and shall include a photograph, address, telephone number at which the volunteer can be reached, and other job-related information.

27.7 Professional Services. Volunteers shall not perform professional services without proper certification, examination or license. Volunteers offering professional service shall be required to cite their credentials and/or certificate status in their initial application. tutoring or sponsorship of a craft or hobby program is not considered a professional service.

GLOSSARY

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.)

Adult Correctional Institution

A confinement facility,usually under state auspices, which has custodial authority over adults sentenced to confinement for more than a year.

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.

Contraband

Any item possessed by inmates of the facility which are prohibited by program policy and regulations.

Counseling

Planned use of interpersonal relationships to promote social adjustment. Counseling programs provide opportunities to express feelings verbally with the goal of resolving problems of individual residents. There are at least three types of counseling that may be provided: individual in a one-to-one relationship; small group counseling; and large group counseling in a living unit (i.e., "therapeutic community").

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 of time 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.)

Educational Release

The designated time when inmates leave the program or institution to attend school in the community, returning to custody after school hours.

Fiscal Position Control

Process by which control is maintained to ensure that persons on the payroll are legally employed, that positions are authorized in the budget and that funds are available.

Health Authority

The physician, health administrator or agency responsible for the provision of health care services at an institution or system of institution; the responsible physician may be the health authority.

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.

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. (See Qualified Health Personnel.)

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.

Hearing

A proceeding in which arguments, witnesses or evidence are heard by a judicial officer and administrative officer or body.

Holidays

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

Indigent

A person with limited funds and/or no source of income.

Informed Consent

The agreement by the patient to a treatment, examination or procedure after the patient receives the material facts regarding the nature, consequences, risks, and alternatives concerning the proposed treatment, examination and procedure.

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.

Management Information System

The concepts, personnel and supporting technology for the collection, organization and delivery of information for administrative use. There are two such types of information:

1. Standards information, consisting of the data required for operational control, such as the daily count, positive and negative release rates, escape or runaway rates, referral sources, and payroll data in a personnel office; and

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

Medical Restraints

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

Mentally Retarded

The individual functions at a subaverage general intellectual level and is deficient in adaptive behavior or the degree to which the individual meets the standards of personal independence and social responsibility expected of individuals of this age and cultural group.

Parent Agency

The administrative department or division to whom the facility administrator reports; it is the policy-setting body. This can be a correctional agency, part of a cabinet agency, or the Governor's Office.

Permanent Status

A personnel status which provides due process protection prior to dismissal.

Policy

A course or line of action adopted and pursued by an agency which guides and determines present and future decisions and actions. Policies indicate the general course or direction of an organization, within which the activities of the personnel and units must operate. They are statements of guiding principles which should be followed in directing activities toward the attainment of objectives. Their attainment may led to compliance with standards as well as compliance with the overall goals of the agency/system.

Population Center

A geographical area containing at least 10,000 people and public safety services, professional services, employment and educational opportunities, and cultural/recreational opportunities.

Procedure

The detailed and sequential actions that must be executed to ensure that a policy is fully implemented. it is the method of performing an operation, or a manner of proceeding on a course of action. It differs from a policy in that it directs action in a particular situation to perform a specific task within the guidelines of policy.

Program

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

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.)

Qualified Health Personnel

Physicians, dentists, and other professionals 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.

Rated Bed Capacity

Rated bed capacity is the number of inmates who may be properly housed and cared for in the facility as determined by a survey which excludes areas not adapted to housing, such as basements, attics, corridors and day rooms; housing facilities which, because of obsolescence or other reason, constitute a major fire or health hazard; facilities not available for regular inmate occupancy, such as hospital, isolation, and reception units; and temporary housing, such a temporary dormitory. In determining institutional bed capacities, adequacy of the total facilities of the institution or program activities, such as dining, toilet, recreation, education, and religion are taken into consideration.

Responsible Physician

The physician at an institution with final responsibility for the medical judgments and other decisions related to medical judgments; this physician may also be the health authority for the institution.

Safety Vestibule

A secure area located at the entry/exits that divides the inmate areas from the remainder of the institution. These safety vestibules have two doors or gates, only one of which opens at a time, to permit entry to or exit from inmate areas in a safe and controlled manner.

Sally Port

An enclosure situated in the perimeter wall or fence of the institution, 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 of the institution. The sally port may be small enough to accommodate only pedestrian traffic, or large enough to handle large delivery trucks.

Security

The degree of restriction of inmate movement within a correctional facility,usually divided into maximum, medium and minimum risk level.

Segregation

The confinement of an inmate to an individual cell that is separated from the general population. There are three forms of segregation: administrative segregation, disciplinary detention and protective custody.

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 documents 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.

Serious Incident

A situation in which injury serious enough to warrant medical attention occurs involving an inmate, employee, or visitor on the grounds of the institution. Also a situation containing an imminent threat to the security of the institution and/or to the safety of inmates, employees or visitors on the grounds of the institution.

Severe Mental Disturbance

The individual is a danger to him/herself, others, or is incapable of attending to basic physiological needs.

Special Management Inmates

Inmates 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.

Special Needs Inmates

Inmates whose mental and/or physical condition require special handling and treatment by staff. Special needs inmates include, but are not limited to, the drug addict, drug abuser, alcoholic, alcohol abuser, emotionally disturbed, mentally retarded, suspected mentally ill, physically handicapped, chronically ill, and those disabled or infirm.

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.

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 of professional associations are considered training when there is clear evidence of the above elements.

Treatment Plan

A series of written statements which specify the particular course of therapy and the roles of medical and non-medical personnel in carrying out the current course of therapy. It is individualized and based on assessment of the individual patient's needs and includes a statement of the short- and long-term goals, and the methods by which the goals will be pursued. When clinically indicated, the treatment plan provides inmates with access to a range of supportive and rehabilitative services, e.g., individual or group counseling and/or self-help groups that the physician deems appropriate.

Volunteers

Persons from the community who participate in the facility operations. They are selected on the basis of their skills or personal qualities to provide programs and sevices for the inmate population in recreation, counseling, education and religious

activities. Their services are provided without cost to the facility.

Warden/Superintendent

The person in charge of the institution; the top executive or administrative officer.

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.

FILED
1989 MAR -1 PM 9:31
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Room M-438, State Capitol
Charleston, West Virginia 25305
(304) 340-3286

Senator Larry A. Tucker, Co-Chairman
Delegate Thomas A. Knight, Co-Chairman

M. E. Mowery, Counsel
Debra A. Graham, Associate Counsel
Marie Nickerson, Receiving Clerk

NOTICE OF ACTIONS TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

February 24, 1989

TO: Ken Hechler, Secretary of State, State Register

TO: Ronald D. Gregory, Commissioner
WV Department of Corrections
112 California Avenue
State Capitol
Charleston, WV 25305

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: WV Minimum Standards for Construction, Operation and Maintenance of Prisons

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
   (a) as originally filed _____
   (b) as modified by the agency X

2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____

3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____

4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____

5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. _____

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.

cc: W. R. Whyte, Chairman
Jail & Prison Standards Commission