

Nebraska Commission on Law Enforcement and Criminal Justice

Operating Instruction
Number 60-11

February 15, 1996

Jail Inspection Procedures

PURPOSE: To prescribe procedures for the inspection of adult and juvenile detention facilities as required by statute.

1. **SCOPE:** Applicable to the Jail Standards Board, the Jail Standards Division Chief and the Facility Examiner/Consultants.
2. **REFERENCE:** Section 83-4,124 through 83-4,134 of Nebraska Revised Statutes.
3. **GENERAL:** State law requires that criminal detention facilities and juvenile detention facilities conform to certain minimum standards of construction, maintenance and operation. Jail Standards staff will inspect each criminal and juvenile detention facility in the state to determine the conditions of confinement, the treatment of persons confined in the facilities, and whether such facilities comply with minimum standards.
4. **PROCEDURES:**
 - A. Inspection Schedules:
 1. Detention facilities shall be inspected on an annual basis.
 - a. Detention facilities located in the 5, 6, 7 and 9 Judicial Districts will be inspected for the January meeting.
 - b. Detention facilities located in the 8, 10 and 11 Judicial Districts will be inspected for the April meeting.
 - c. Detention facilities located in the 12 and 8 Judicial Districts will be inspected for the July meeting.
 - d. Detention facilities located in the 1, 2, 3, 4, 6, 9, and 10 Judicial Districts will be inspected for the October meeting.

B. Scheduling Annual Inspections:

1. Staff will notify the jail administrator of our intent to inspect and will arrange a date and time for the inspection.
2. Scheduling should be conducted at least 30 days prior to the agreed upon inspection date.
3. Advance written notice shall be mailed to the jail administrator, the jail governing body, the county attorney and the district court judge for that judicial district advising them of the date of the inspection and the name of the staff person who will conduct the inspection.

C. Pre-inspection Procedures:

1. Review past inspection reports, compliance plans, monitoring reports and documented corrective action.
2. Review reports of other inspection agencies if available. Notify Fire Marshal and Health Departments when necessary.
3. Review any facility population data and capacity status which may be in the files.
4. Review any variances and request for equivalencies and modification of standards for physical plants.
5. Review complaints, investigations and media clippings.
6. Review any other pertinent information such as policies and procedures, studies, surveys, reported incidents correspondence with the facility or any other data collected since the last inspection.
7. Meet with Crime Commission's Statistical Analyst to ensure timely receipt of required admission and release information.

D. On-site Inspection Procedures:

1. Entrance Interview

- a. Upon arrival at the facility the inspector should conduct an entrance interview with the jail administrator and any other official who will be involved in the inspection. The entrance interview will address the scope of the inspection, set an agenda of activities and gather information to update the last inspection such as accomplishments, renovations or changes in policy.

2. Operational Inspection

- a. The inspector will examine facility operations such as training, record keeping, personnel, intake, medical, food service, programs, classification security and discipline.
- b. The inspector will audit the facility's written policy and procedure manual.
- c. The inspector will review the staffing plan.
- d. The inspector will conduct a thorough review of all documentation which may verify that policies and procedures are being followed.
- e. The inspector should interview the jail administrator and staff, as necessary, to assess their knowledge and understanding of policies and practices. The inspector may interview inmates and service providers as a means to assess compliance.
- f. The inspector should make observations to confirm actual practices are consistent with written policies and procedures.

3. Physical Plant Inspection

- a. The inspector will tour all areas of the facility and grounds to assess compliance with standards relating to the physical plant.

- b. The inspector will utilize the facility tour as an opportunity to inspect all areas for sanitation and cleanliness. In addition, the physical structure will be inspected to determine if any areas are in need of paint or repair.
- c. The inspector will examine security equipment, locking mechanisms, weapons storage, electronic surveillance equipment, cell furnishings and any structural components regulated by the standards.

4. Exit Interview

- a. Upon completion of the inspection, the inspector will conduct an exit interview with the jail administration.
- b. The inspector will report any non-compliance items noted during the inspection, present preliminary findings, answer questions, and request/review additional information.
- c. The inspector will provide the jail administrator with an opportunity to ask questions and if there is disagreement with the findings, an opportunity to present additional information.
- d. The inspector and the jail administrator should discuss what corrective action may be necessary to achieve compliance, in the areas cited, and the time frames.

E. Inspection Checklist/Report

- 1. Results of the inspection, interviews and observations shall be recorded on a checklist where each of the standards are listed individually.
- 2. The comment column of the checklist shall be used to describe deficiencies, recognized areas where the facility exceeds the minimum standards and notes regarding facility operations.

- 3. The completed checklist will serve as a formal report detailing the

findings of the inspection and should include narrative explanation and comments, a summary listing of any areas of non-compliance and an explanation of what follow-up steps may be necessary to resolve any cited deficiencies.

4. Within thirty days of the inspection, staff will mail the inspection report to the facility's governing body, the facility administrator, the presiding district court judge for that judicial district and the county attorney specifying those areas in which the facility complies or does not comply with the required minimum standards.

F. Jail Standards Board Meetings

1. Staff shall present inspection findings to the Jail Standards Board at its next public meeting.
2. If an inspection discloses that the facility does not meet minimum standards, the Board after review, shall mail official notice of non-compliance together with the inspection report to the facility administrator, the governing board, the presiding district judge and the county attorney.

G. Corrective Action Planning

1. Staff shall meet and consult with the facility administrator in order to develop a corrective action plan to address and correct those areas of non-compliance as determined by the Jail Standards Board.
2. When necessary, the governing body, the facility administrator, the district judge and possibly the county attorney, shall meet to consider the report of non-compliance.
3. Jail Standards staff shall attend this meeting to advise and consult, concerning appropriate corrective action necessary for the facility to meet the requirements of the standards.

4. Six months following receipt of the final inspection report and the formal notice of non-compliance by the above government officials, staff shall contact the facility administrator and/or visit the facility to determine if corrective action has been initiated. Staff shall report their findings to the Jail Standards Board at the next regularly scheduled public meeting.
5. The Board will review corrective action plans and vote on approval when appropriate. The Board will also acknowledge completed corrective action by providing the appropriate local officials with formal notice of full compliance.
6. If plans for corrective action are not submitted or completed, the governing body may choose to close the facility or the objectionable portion thereof.

H. Failure to Take Corrective Action

1. The Jail Standards Board shall determine at its next regularly scheduled public meeting if the corrective action has been initiated or completed, if not the Board shall determine whether to file a petition in the District Court of the jurisdiction where the non-complying facility is located seeking the closure of such facility.

Deborah Gilg, Chair
Jail Standards Board

Allen L. Curtis
Executive Director