

November 15, 2023

Office of the Clerk  
Louisiana House of Representatives  
Baton Rouge, Louisiana 70802

To Whom It May Concern,

This letter is in response to HCR 89 of the 2021 Regular Session of the Louisiana Legislature, which called for a study and review of the current Basic Jail Guidelines that apply to the housing of state inmates in local jails and whether funding is necessary for recommendations and changes to the Guidelines.

As a result of HCR 89, the Louisiana Sheriffs' Association ("LSA"), the Louisiana Department of Corrections ("LDOC"), and researchers from the University of Texas at Austin and the Justice Collaborative met by Zoom in 2022 and 2023 to discuss the current standards that apply to Louisiana prisons and jails.

It is important to note that prior to the creation of this resolution, a report was issued related to jail standards in Louisiana that worked solely off of the "Minimum Jail Standards" within Title 22 of the Louisiana Administrative Code, without considering the larger and more current "Basic Jail Guidelines," which applies directly to facilities housing DOC inmates. In practice, these Guidelines are also used as a guide for the majority of jails across the state. It was constructive to first meet together and get all parties on the same page on the current, updated standards that apply to jails in Louisiana.

For historical background, the Basic Jail Guidelines were created more recently in 1997 as a collaborative effort between the Governor's Office, the LDOC and Louisiana Sheriffs. It is important to note that the United States District Court for the Middle District of Louisiana approved of the collaboration on these Guidelines.

After years of court supervision and consent decrees, the Guidelines represented a new era in Louisiana's corrections system and recognition that Louisiana sheriffs were part of the solution to improve and establish consistency with respect to the housing of state inmates in Louisiana prisons

and local jails. The Guidelines were modeled after policies of the American Correctional Association and were signed off on by then Governor Mike Foster, the Secretary of LDOC James LeBlanc and LSA Executive Director Michael Ranatza. During the intervening years, the guidelines have remained in place with the approval of successor Governors, including current Governor John Bel Edwards.

At the meetings on HCR 89, members of the work group discussed various issues pertaining to the Guidelines including security of inmates, access to treatment and healthcare facilities, intake procedures, visitation, and corrections standards in other states.

During this time, UT utilized its staff and resources to compile its own research and recommendations for Louisiana jails. (This document is attached.) The LSA and LDOC are grateful for the time UT put into this document. **While Louisiana Sheriffs and LDOC do not agree with many of the UT recommendations because of concerns for inmate security and reduced staff and resources, its members do appreciate the work put into this report and have taken it under advisement during the evaluation process. This consideration will continue as additional work is done to review and update the Guidelines.** The LSA and DOC specifically would like to thank Michele Deitch, Alycia Welch and Ana Gonzales of the LBJ School of Public Affairs at the University of Texas at Austin, as well as Will Harrell of the Justice Collaborative.

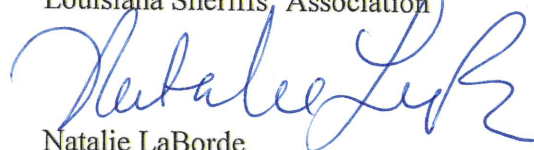
To continue work on this project, the LSA formed a committee to review each Guideline in partnership with LDOC and to discuss developing a revised comprehensive set of standards applicable to all jails regardless of whether or not the facility houses DOC inmates.

This report has also been submitted to each sheriff on the LSA Jail Committee to take under advisement, as additional updates to the Guidelines are considered. Sheriffs and LDOC continue to study these issues and will update the Legislature should an additional report be needed.

Sincerely,



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Natalie LaBorde  
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The University of Texas at Austin  
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October 10, 2023

Mike Renatza  
Executive Director, Louisiana Sheriffs Association

The Honorable Jimmy LeBlanc  
Secretary, Louisiana Department of Public Safety and Corrections

(by email)

Re: HCR89 Report on Recommendations for Revised Jail Standards,  
Oversight, and Programming

Dear Director Renatza and Secretary LeBlanc,

On behalf of the Prison and Jail Innovation Lab at The University of Texas at Austin, we are pleased to share with you the attached report titled “Recommendations for Revised Jail Standards, Oversight, and Programming for Jails in the State of Louisiana.” This report was written pursuant to the directive in HCR89 (2021), by Rep. Denise Marcelle and Senator Gary Smith, Chair of Judiciary Committee B. HCR89 called on us to work with the Department of Public Safety and Corrections and the Louisiana Sheriffs Association to review the state’s Basic Jail Guidelines and recommend modifications to these standards as well as to systems for enforcement and oversight and expansion of programming resources in local jails. We applaud Rep. Marcelle and Chairman for their vision in calling for this work to be done and for making this initiative a legislative priority.

The report is the result of over 18 months of intensive research involving comparative review of 12 sets of correctional standards, research into best practices, and the gathering of information from corrections officials and advocates. We could not be more grateful for the help and guidance we have received from your respective agencies, and we would like to particularly acknowledge Shannon Dirmann and Natalie LaBorde, who have been tremendous resources to us throughout this project. We also want to acknowledge the many advocates from around the state who provided thoughtful input. Will Harrell from Justice Collaborative LLC and Professor Andrea Armstrong from Loyola University New Orleans College of Law have been especially helpful.

The Prison and Jail Innovation Lab is deeply grateful for the opportunity to work on such an important project, which we believe has the potential to greatly improve conditions of confinement and the treatment of people in custody in Louisiana's jails. We also think these proposed standards will be influential in other states as well, and that Louisiana could be a national leader as it implements these recommended changes.

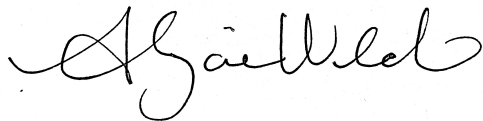
We wish you great success in your implementation efforts, and we encourage Chairman Smith and Rep. Marcelle to carry this work forward in their legislative capacities.

We are happy to answer any questions you may have about this report or our recommendations.

Sincerely,



Michele Deitch  
Director



Alycia Welch  
Associate Director

Cc:  
Senator Gary Smith, Chair, Judiciary Committee B  
Representative Denise Marcelle  
Shannon Dirmann, Louisiana Sheriffs Association  
Natalie LaBorde, Department of Public Safety and Corrections  
Will Harrell, Justice Collaborative, LLC  
Professor Andrea Armstrong, Loyola University New Orleans College of Law

Attachment:

Prison and Jail Innovation Lab Report, "Recommendations for Revised Jail Standards, Oversight, and Programming for Jails in the State of Louisiana"



The University of Texas at Austin

**Prison and Jail Innovation Lab**

*Lyndon B. Johnson School of Public Affairs*

**RECOMMENDATIONS FOR  
REVISED JAIL STANDARDS,  
OVERSIGHT, AND PROGRAMMING  
FOR JAILS IN THE STATE OF LOUISIANA**

**Report to the Louisiana House of Representatives  
in response to HCR 89 (2021)**

**Prepared by the Prison and Jail Innovation Lab  
Lyndon B. Johnson School of Public Affairs  
The University of Texas at Austin**

**October 2023**

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**Recommendations for Revised Jail Standards, Oversight, and Programming**  
**Prepared by the Prison and Jail Innovation Lab**

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## I. Introduction and Background

### A. Origins of this project

Louisiana houses approximately half of its state-sentenced population in locally operated jails. Under this system, local jails receive a *per diem* payment from the state’s Department of Public Safety and Corrections (DPSC) to house people serving a state sentence on the condition that the jails abide by the [Basic Jail Guidelines \(BJG\)](#), a set of minimum jail standards developed by DPSC in partnership with the Louisiana Sheriffs Association (LSA).<sup>1</sup> In 2019, the Louisiana Legislature increased the *per diem* for jails and required that DPSC work with jail administrators to ensure the BJG specifically include standards for education and treatment programming in local jails.<sup>2</sup> This presented an opportunity to rethink the state’s requirements for ensuring the safety and health of people incarcerated at the local level. As part of this reexamination, the Louisiana House of Representatives in 2021 passed [House Concurrent Resolution No. 89 \(HCR89\)](#), by Rep. Denise Marcelle and Senator Gary Smith, Chair of Judiciary Committee B, which calls on the Lyndon B. Johnson School of Public Affairs at the University of Texas at Austin—through its Prison and Jail Innovation Lab (PJIL)—to work with LSA and DPSC to recommend: (1) modifications to the BJG, (2) changes to existing methods of enforcement and compliance with the BJG, and (3) pathways for expanding programming in local jails.<sup>3</sup> The Resolution also calls on LSA, DPSC, and PJIL to identify the funding levels necessary to implement such recommendations.

This report is written in response to the directive in HCR89.

### B. Jail Standards in Louisiana

The BJG are one of two sets of standards that govern conditions of confinement in Louisiana. The other set of standards is formally known as the Minimum Jail Standards. These standards were adopted by the Commission on Law Enforcement and Administration of Criminal Justice on September 24, 1980, pursuant to the Commission’s authority under La. Rev. Stat. §§ 15:1204, 15:1207.30. Unlike the BJG, the Minimum Jail Standards apply to *all* people housed in Louisiana jails. Importantly, however, the Minimum Jail Standards were passed as guidelines for use by persons responsible for the planning, administration, and construction of parish jails in Louisiana.<sup>4</sup> Though local jail officials are certainly aware of the Minimum Jail Standards, they

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<sup>1</sup> Louisiana Department of Public Safety & Corrections (DPSC) and Louisiana Sheriffs’ Association (LSA) (July 31, 2022). *Louisiana Basic Jail Guidelines: DOC Offenders Housed in Local Jail Facilities*. See: <https://utexas.app.box.com/file/989737068816>; Note: DPSC provided PJIL a copy of the 2022 Basic Jail Guidelines for the purpose of this project.

<sup>2</sup> Act No. 241, 2019 Reg. Sess. (La. 2019). See: <https://www.legis.la.gov/legis/ViewDocument.aspx?d=1144110>.

<sup>3</sup> House Concurrent Resolution No. 89, 2021 Reg. Sess. (La. 2021). See: <https://www.legis.la.gov/Legis/ViewDocument.aspx?d=1234635>.

<sup>4</sup> Louisiana Minimum Jail Standards § 2501, [http://www.lcle.la.gov/programs/uploads/min\\_jail\\_standards\\_June\\_2010.pdf](http://www.lcle.la.gov/programs/uploads/min_jail_standards_June_2010.pdf); Note: minimum jail standards, which are typically based on competent correctional practice and constitutional minima, establish a floor, not a ceiling, for jail conditions of confinement.

are not required to rely on them for operational guidance and turn instead to the BJC. This may be because the Minimum Jail Standards have no oversight mechanism, lack detail and specificity, and are not updated regularly to account for changes in correctional practice or case law.

Although the BJC were originally established to regulate local jails housing state populations, local jail officials report that they treat the BJC as if they were a set of statewide jail standards. Additionally, the DPSC officials who monitor compliance with the BJC state that their facility inspections focus on issues that affect the entire jail population, not just people serving a state sentence in the jail. So as a practical matter, the BJC have become the state's de facto minimum standards for all jail facilities.

The shifts in how the BJC are utilized point to the need for a single set of detailed minimum jail standards that apply to all jails in Louisiana. Adopting statewide jail standards can:

- promote a consistent standard of care across the state for all individuals held in local facilities, regardless of whether they are being detained pretrial, serving a sentence to local custody for misdemeanors, or serving a state sentence for felonies;
- offer guidance to all jail administrators, not just those under contract with the state;
- help DPSC inspectors structure their work to ensure that incarcerated people are safe, healthy, and treated in accordance with constitutional and statutory requirements;
- promote the transparency needed to identify deficiencies and target reforms; and
- reduce all jails' exposure to liability for poor conditions of confinement.

Critically, establishing a set of statewide jail standards would expand: (1) the scope of compliance and enforcement work and (2) the reach of program-related requirements. Therefore, the work involved in adopting statewide jail standards requires strategic planning, ongoing dialogue with correctional staff and advocates, and additional support from the state. State support is especially crucial in light of challenges correctional agencies are facing, such as staffing issues.<sup>5</sup>

### C. Report Roadmap

This report responds to the directive laid out in HCR89 and the need for statewide jail standards. In the following sections, PJIL presents its methodology and recommendations for enhancements to: (1) the BJC, (2) methods of enforcement and compliance with jail standards, and (3) jail programming. The report concludes with an overview of next steps and directions for future work.

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<sup>5</sup> Montgomery, David. (September 26, 2022). *Prison Staff Shortages Take Toll on Guards, Incarcerated People*. Stateline, an initiative of The Pew Charitable Trusts. Retrieved December 18, 2022, from <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2022/09/26/prison-staff-shortages-take-toll-on-guards-incarcerated-people>.

Throughout the report, we acknowledge that—even with additional resources from the state—establishing an enhanced set of standards, coming into compliance with those standards, and expanding programming are complex endeavors. This complexity is, in part, tied to the fact that jails across the state vary in terms of size and capacity. As such, we account for these differences in our recommendations.

- Our BJG recommendations include flexible time frames, which can be adjusted to meet the needs of smaller jails, and language to indicate when a standard is discretionary (e.g. “the jail administration should be encouraged to”).
- Our enforcement and compliance recommendations retain oversight within the DPSC, in order to ensure continued familiarity with the variations among facilities subject to the standards, while adding elements that enhance the independence of inspectors.
- Our programming recommendations can be customized and adopted in jails regardless of their size, staffing levels, and budget.

## II. Methodology

HCR89 calls on PJIL, LSA, and DPSC to make recommendations to bolster the BJG, the state’s approach to compliance and enforcement, and jail programming. PJIL used a variety of methods to fulfill this directive. Our methodology is described below, with a particular focus on the approach we used to develop recommendations for a revised set of standards. With respect to the specific methodology for the recommendations on oversight and programming, see Sections IV and V respectively.

### *A. Project Definition and Planning*

Using HCR89 as a guide, we worked with LSA and DPSC to refine the project scope to include the following questions:

- (1) What standards should be included in the BJG?
- (2) Which facilities and which incarcerated individuals should the BJG apply to?
- (3) What are effective models for assessing and ensuring compliance with jail standards?
- (4) What additional programming is needed in local jails?

These research questions served as the foundation for PJIL’s research plan, which involved comparative methods and semi-structured discussions with LSA, DPSC, experts in incarceration law and policy, and members of Louisiana’s advocacy community (See Figure 1 below for a summary of meetings).

It is worth noting that we do not identify the funding levels necessary to implement our recommendations. We exclude cost analysis from our project scope for two related reasons. First, we do not have access to the jail-level data necessary for such an analysis. Second, LSA and DPSC are better equipped to conduct the analysis. We encourage LSA, DPSC, and the Legislature to collaboratively (1) estimate the costs of adopting the recommendations outlined in this report, (2) estimate the costs of getting jails to comply with a strengthened version of

the BJJ using a phased approach, and (3) consider whether and how these additional costs can lead to enhanced outcomes for jail staff, people in custody, and the state.

**Figure 1. Meetings between PJIL, DPSC, and LSA, and Local Advocates**

#	Date	Description
1	February 11, 2022	PJIL meets with contacts at DPSC and LSA to introduce ourselves, discuss our goals and objectives for the project, and kick off our collaborative work.
2	June 14, 2022	PJIL meets with DPSC to further discuss project objectives, a preliminary work plan, roles and responsibilities, communication preferences, and next steps.
3	July 25, 2022	PJIL meets in New Orleans with members of local advocacy groups, including individuals who have been impacted by the criminal justice system, to discuss project goals, the state of local jails in Louisiana, and ongoing reform efforts.
4	July 26, 2022	PJIL meets in Baton Rouge with DPSC and LSA officials to share project goals, present a work sample, and gain a better understanding of the existing system.
5	July 26, 2022	PJIL meets in Baton Rouge with members of local advocacy groups, including individuals who have been impacted by the criminal justice system, to discuss project goals, the state of local jails in Louisiana, and ongoing reform efforts.
6	July 28, 2022	DPSC shares BJJ monitoring reports, local release demographics, and the minimum jail standards with PJIL.
7	August 22, 2022	PJIL shares our methodology and an initial, partial set of BJJ recommendations with LSA and DPSC for review.
8	September 19, 2022	PJIL, LSA, and DPSC meet to discuss initial reactions to the recommendations; DPSC shares relevant Departmental regulations with PJIL

#	Date	Description
9	September 26, 2022	PJIL shares with LSA and DPSC a first draft of recommendations regarding jail oversight and a proposed structure for assessing and enforcing jails' compliance with the BJB.
10	October 19, 2022	PJIL shares its methodology and an updated partial set of BJB recommendations with LSA and DPSC for review.
11	October 31, 2022	PJIL, LSA, and DPSC meet to discuss the formation of a new LSA committee focused on jail standards and how this will affect LSA's and DPSC's continuing role in this project. <sup>6</sup>
12	November 22, 2022	PJIL shares a partial draft of recommended changes to the BJB and existing compliance and enforcement mechanisms with local advocates.
13	November 29, 2022	PJIL, LSA, and DPSC meet to discuss project updates since the October 31 meeting.
14	December 8, 2022	PJIL hosts a feedback session with advocates to review and get comments on a draft of recommended changes to the BJB.
15	January 20, 2023	PJIL meets with members of DPSC's BJB monitoring team to learn about the monitoring team's structure, oversight work, and enforcement efforts.
16	January 30, 2023	PJIL, LSA, and DPSC meet to discuss project updates since the November 29 meeting and the plan to submit the report to the legislator, including a target timeline and roles.

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<sup>6</sup> The scope of our project evolved slightly over time, as LSA's and DPSC's capacity to collaborate shifted due to competing priorities and the need to build consensus internally. Originally, we envisioned working with LSA and DPSC to draft a consensus document; however, in late October 2022, LSA informed PJIL that, together with DPSC, it would be forming a new, internal committee to revamp the BJB. This committee will take PJIL's recommendations under advisement while consulting with other security-focused groups.

## B. Process of Developing Recommendations

Our recommendations for revisions to the BJJ are based on a structured, comprehensive review of twelve sets of correctional standards. The comparative standards included three sets of Louisiana standards — the 2019 BJJ, 2022 BJJ, and 2010 Minimum Jail Standards — as well as standards issued by Florida, Idaho, North Dakota, Texas, Utah, New York City, the American Correctional Association (ACA), the American Bar Association (ABA), and the United Nations (Mandela rules). We created Excel spreadsheets that documented this review, and we called these comparisons “Crosswalks.” The spreadsheets, which can be viewed [here](#), allowed us to see at a glance the differences, similarities, and gaps among the various standards.

### CROSSWALKS

- We have created Excel spreadsheets that compare 12 sets of correctional standards, allowing us to see at a glance the differences, similarities, and gaps among the various standards.
- The comparative sets of standards come from a diverse mix of jurisdictions, as well as widely adopted national and international correctional standards (see Figure 2).
- These crosswalks informed our development of the recommended standards in this report, including areas of focus and specific proposed policies.
- The crosswalks can be viewed at:  
<https://utexas.app.box.com/v/Crosswalks0922>

We intentionally developed a sample of comparative standards that reflect a diverse set of jurisdictions and focus areas. For example, we chose to review standards issued by jail oversight bodies in Florida, Idaho, North Dakota, New York City, Texas, and Utah because of the political and geographic diversity of these jurisdictions and the fact that several bear similarities to Louisiana. We chose to review the ABA standards, ACA standards, and Mandela Rules because they are especially robust and, though their focuses differ, they are reflective of what many professionals consider to be best practices in the correctional field. For a full list of our sample group of comparative sets of standards, see Figure 2 below.

**Figure 2. Comparative Sets of Standards**

#	Standards	Issuing Body
1	Louisiana Basic Jail Guidelines: DOC Offenders Housed in Local Jail Facilities	LA DPSC & LSA
2	Louisiana Minimum Jail Standards	LA Commission on Law Enforcement and

#	Standards	Issuing Body
		Administration of Criminal Justice
3	ACA Performance-Based Standards and Expected Practices for Adult Correctional Institutions	American Correctional Association in cooperation with the Committee on Performance-Based Standards
4	ABA Criminal Justice Standards: Treatment of Prisoners	American Bar Association
5	Florida Model Jail Standards	Florida Model Jail Standards Committee in cooperation with Florida Sheriffs Association and Florida Association of Counties
6	Idaho Jail Standards	Idaho Sheriff's Association
7	New York City Minimum Jail Standards	New York City Board of Correction
8	North Dakota Correctional Facility Standards	North Dakota Department of Corrections and Rehabilitation
9	Texas Minimum Jail Standards	Texas Commission on Jail Standards
10	The United Nations' Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules)	United Nations
11	Utah Sheriff's Association Jail Standards	Utah Sheriff's Association <sup>7</sup>

We conducted several, structured reviews of the sample. The focus of our initial review was to learn about the structural organization, scope, and contents of each set of standards. Based on our findings, we developed a list of topic areas to anchor our comparative analysis and recommendations (see Figure 3 below for the full list of topic areas). Subsequent reviews helped us develop topical crosswalks to compare the BJC to all other standards in the sample. For each topic listed in Figure 3, we: (1) compiled the requirements that fell under the respective category, (2) identified requirements that appeared frequently across the standards, and (3) identified noteworthy requirements that are essential for protecting the health and safety of incarcerated people and staff.

Once we completed a crosswalk for a given topic, we used it as a foundation for our recommendations, which we refined by meeting with local officials, experts, and advocates, including people impacted by Louisiana's jail and prison system. The feedback provided at these meetings was critical to tailoring our recommendations to meet the needs of the state. These conversations helped us draft recommendations that are operationally and politically feasible,

<sup>7</sup> The Utah Sheriffs Association drafted minimum jail standards in 1995. Gary DeLand and Associates have since updated and annotated these standards.



that are in effect in other jurisdictions, and that are aligned with Departmental and/or community-led reform efforts.

**Figure 3. Topic Areas**

#	Topic
1	Intake, Pre-classification, Classification, and Housing Assignments
2	Transfer, Release, and Re-Entry Planning
3	Physical Environment and Necessities
4	Discipline
5	Grievances and Access to Judicial Process
6	Notification of Death, Serious Injury, and Serious Illness
7	Establishing and Maintaining Personal Connections: Visitation and Furloughs
8	Packages and Written, Video, and Phone Correspondence
9	Programs and Services
10	Health and Mental Health
11	Security, Safety, and Harm Reduction
12	Administration and Staffing
13	Data Systems and Reporting
14	Ensuring Transparency and Compliance with Standards

### III. Recommendations for Basic Jail Guidelines

Conditions of confinement in Louisiana jails are currently governed by two different sets of standards: the BJG and the Minimum Jail Standards. The existence of two sets of standards can be cumbersome and create confusion for jail administrators and the public, including incarcerated people and their loved ones.

As noted earlier, Louisiana's BJG apply only to incarcerated people in the custody of DPSC but housed in local parish jails. They represent an agreement between LSA and DPSC: local jails must adhere to the BJG as a condition of housing state-sentenced individuals and receiving *per diem* reimbursement from the state. Although these rules do not apply to all individuals housed in each jail, they are reportedly viewed as the *de facto* standards by many local jail officials.

The Minimum Jail Standards apply to all jails across the state, but there is no oversight mechanism for them, they lack detail, and they are not updated. As a result, jail officials have apparently ignored them in favor of reliance on the BJG.

PJIL recommends that the state adopt a single set of standards (a revised BJG) to streamline operational guidance, monitoring, and compliance. Our recommendations for revising the BJG include both structural changes and substantive changes to the standards governing conditions of confinement.<sup>8</sup> Below, we discuss both who these standards should apply to and what the standards should say.

#### A. Recommendations for Revised Jail Standards

##### Who should the standards apply to?

The revised set of jail standards should apply to all people housed in Louisiana jails, not just those who are convicted and sentenced to the custody of the state. This change would increase uniformity in the treatment of people who are incarcerated in local facilities, enhance protections for incarcerated people, and protect parishes and sheriffs from liability. Moreover, since the jails across the state reportedly adhere to the BJG anyway, this change would simply codify current practice. There appeared to be a lot of support for this change among the agency leaders with whom we met.

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<sup>8</sup> The recommendations outlined in this document should supplement sections of the BJG that do not directly affect the treatment of incarcerated people, such as sections regulating non-residential and non-communal parts of the physical plant or staffing-related issues. In other words, we do not suggest replacing or eliminating any standards that focus on issues outside the scope of this report.

## What should the standards say?

The main purpose of this document is to propose substantive modifications to the jail standards. The proposed changes are organized by theme and cover the topic areas listed in [Figure 3](#) above.

The pages that follow provide details about the proposed modifications to the standards. There are 57 tables, each covering a different specific subject area, with several tables falling under each of the more general topic areas highlighted in Figure 3.

On each table, there are two columns, one labeled “Requirement” and the other labeled “Details to Include.” The “Requirement” column lays out a guiding vision for a particular standard and the “Details to Include” column outlines associated operational or procedural specifications that should be addressed by the standard. Importantly, these tables do not propose exact language for a revised set of standards; they outline a list of elements that the standards should include.

Some recommendations appear in [blue text](#). [The blue text](#) in this document paraphrases current features of the most recent edition of the BJG; in other words, [blue text indicates language that is already included in the BJG and does not represent a change in the standard.](#)

Also, note that timeframes appear in brackets. Brackets are used to indicate our best guidance, not a hard and fast rule, on timing. Those time frames, if they remain flexible, could allow for different standards to apply to different size facilities, or they could be the basis for a different—but uniform—timeframe to be selected by the LSA and DPSC.

Finally, we use the word “should” throughout this report to indicate mandatory, not discretionary, standards. The word “may” refers to a discretionary standard.

### IMPORTANT

- **Tables do not propose exact language for a revised set of standards; they outline a list of elements that that the standards should include.**
- **[The blue text](#) is existing language in the BJG.**
- **Brackets are used to indicate guidance, not a hard and fast rule, on timing.**
- **The word "should" is used throughout the tables to indicate a mandatory, not a discretionary, standard.**

## 1. Intake, Pre-classification, Classification, and Housing Assignments

Intake, classification, and housing assignment policies and practices can be used to (1) connect people entering the jail system with the resources they need; (2) ensure the safe and appropriate housing of individuals; and (3) avoid unnecessary incarceration. People with mental health challenges and substance use disorders encounter the criminal legal system more frequently than other members of the general population.<sup>9</sup> Intake and classification procedures allow jail staff to identify and devise plans to address these issues. Efficient intake and classification procedures are critical to ensuring that people in state custody, especially those who are eligible for immediate release upon sentencing, are not incarcerated past their release date.<sup>10</sup> And importantly, a solid classification system is necessary to ensure that people are housed in settings where they are safe and appropriately supervised.

**Current Status:** Existing BJG standards on intake and classification do not provide local jail officials with much guidance on essential aspects of intake, classification, and housing assignment operations. The BJG rules merely require local jails to *have* intake and classification policies that account for basic components of the booking process, like conducting searches or securing property.<sup>11</sup> The BJG standard requiring an initial health screening is a notable exception, outlining critical and detailed procedural requirements.

**Goal:** Using the health screening requirement as a model, Louisiana should build upon its existing rules to better reflect the (1) the role of intake in ensuring that incoming residents are safe and healthy and (2) the role of classification in helping jail administrators and staff meet the needs of its residents.

**Roadmap:** The tables below outline the general requirements and details that should be incorporated into the standards. Table 1 focuses on intake procedures, Table 2 focuses on pre-classification procedures, Table 3 focuses on classification, and Table 4 focuses on housing assignments. Our recommendations are based on our comparative analysis of jail standards, as well as the Department of Justice’s suggested revisions to the BJG, which aim to improve inter-agency coordination.

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<sup>9</sup> The National Center on Addiction and Substance Abuse at Columbia University (2010). *Behind Bars II: Substance Abuse and America’s Prison Population 3* (2010).

<sup>10</sup> U.S. Department of Justice Civil Rights Division, *Investigation of the Louisiana Department of Public Safety & Corrections 1–27* (Jan. 2023).

<sup>11</sup> Under the current BJG, intake procedures should include: (1) searching people admitted to the facility, (2) inventorying and storing their property, (3) recording their personal data, (4) reviewing their criminal history, (5) photographing and fingerprinting them, (6) separating them from the general public, (7) conducting a health screening, and (8) providing information about access health services, copay requirements, and submitting grievances. The classification system should include processes that: (1) identify the appropriate level of custody for each person in custody, (2) identify appropriate housing assignments, and (3) identify the incarcerated person’s interest and eligibility to participate in programs.

**Table 1. Requirements for Jail Standards on Intake**

#	REQUIREMENT	DETAILS TO INCLUDE
1	People being admitted to the jail should be screened as soon as possible to identify the person’s immediate potential security risks, including vulnerability to physical or sexual abuse and risk of suicide.	<ul style="list-style-type: none"> <li>a) Jail staff should closely supervise people being admitted to the jail until additional screening or follow-up measures are conducted.</li> <li>b) Risk screenings should be performed using a standardized instrument.</li> <li>c) Risk screenings should be performed by specially trained jail staff.</li> </ul>
2	People being admitted to the jail should be screened to identify medical and behavioral health issues requiring immediate attention, such as illness or injury, dental problems, behavioral health issues, communicable disease, current medications, pregnancy, mental health issues, substance use or withdrawal, risk of suicide, and/or disability.	<ul style="list-style-type: none"> <li>a) All persons admitted to the jail should receive a two-part medical and behavioral health screening at intake, as provided in Table 28, Requirement 3.</li> <li>b) All persons admitted to the jail should receive medical and mental health clearance prior to being housed; individuals requiring immediate care or further assessment should be referred to the appropriate health care service, which should immediately perform any necessary medical exams or obtain needed medications.</li> <li>c) Medical and mental health screenings, and associated observations, should be performed by healthcare personnel or jail staff who have received specialized training.</li> <li>d) Jail staff should notify the healthcare provider when a newly incarcerated person is pregnant.</li> <li>e) Medical and mental health screenings should be performed using a standardized screening instrument and, whenever possible, health or specially trained jail staff should use protocols that are specialized for women, transgender individuals, people below age 18, or geriatric people.</li> <li>f) Medical and mental health screenings should include observation of behavior, physical traumas, and physical impairments.</li> <li>g) All people admitted to the jail should receive written information explaining how to access available medical and dental services, including information on copay requirements.</li> <li>h) Medical care should not be denied based on an incarcerated person’s ability to pay; copay fee schedules should consider an incarcerated person’s ability to pay, per Table 28, Requirement 2.</li> </ul>
3	The jail administration should adopt and implement intake procedures that generate an individual case record for each incoming resident and allow	<ul style="list-style-type: none"> <li>a) No person can be admitted to the jail without a valid commitment order.</li> </ul>

#	REQUIREMENT	DETAILS TO INCLUDE
	each newly admitted person to conduct phone calls free of charge, drink water, and access the bathroom during the booking process; the procedures should also allow each newly incarcerated person to shower prior to being housed.	<ul style="list-style-type: none"> <li>b) Jail staff should obtain emergency contact information from each newly admitted incarcerated person and record it in their individual case file.</li> <li>c) Jail staff should conduct a criminal history check for each person being admitted to the jail.</li> <li>d) Jail staff should fingerprint and photograph each person being admitted to the jail.</li> <li>e) Jail staff should provide each person being admitted to the jail with photo identification.</li> <li>f) Jail staff should provide each incoming resident with information on institutional rules as well as the grievance system.</li> </ul>
4	Searches conducted upon intake should use the least intrusive means necessary; jail staff should conduct all physical searches respectfully, preserving the privacy and dignity of the person being searched.	<ul style="list-style-type: none"> <li>a) People admitted to the facility should, if necessary, be pat-down searched only to ensure they do not possess contraband; all pat-down searches should be brief and avoid any unnecessary force, embarrassment, or indignity.</li> <li>b) A person charged with a misdemeanor offense should not be strip searched without probable cause.</li> <li>c) Jail staff should not conduct cross-gender pat-down or strip-searches except in exigent circumstances; all exigent situations should be documented and reported to the jail administration.</li> <li>d) Transgender individuals should be entitled to express a preference for searches to be conducted by jail staff of a particular gender.</li> <li>e) Jail staff should not search or physically examine a transgender person for the sole purpose of determining their genital status.<sup>12</sup></li> <li>f) If a transgender person's genital status is unknown, it should be determined through conversations with the transgender person, a review of their medical records, or, if necessary, as part of a broader and private medical examination conducted by a medical practitioner.<sup>13</sup></li> </ul>

<sup>12</sup> Board of Correction, 40, Rules of the City of New York. §5-06(e)-(f). (2023). <https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCrules/0-0-0-98233>; North Dakota Correctional Facility Standards, North Dakota Department of Corrections and Rehabilitation. §12-44.1-23. (2022), p. 15; United States Department of Justice, National Standards to Prevent, Detect, and Respond to Prison Rape Under the Prison Rape Elimination Act (PREA). §115.14(e)-(f). (2012). [https://www.prearesourcecenter.org/sites/default/files/content/prisonsandjailsfinalstandards\\_0.pdf](https://www.prearesourcecenter.org/sites/default/files/content/prisonsandjailsfinalstandards_0.pdf)

<sup>13</sup> Ibid.

#	REQUIREMENT	DETAILS TO INCLUDE
5	The property of newly admitted persons, including their money, valuables, and clothing, should be placed in safe custody and kept in good condition by jail staff.	<ul style="list-style-type: none"> <li>a) Jail staff should take inventory of each newly admitted person's property.</li> <li>b) Jail staff should provide each newly incarcerated person with an itemized inventory receipt and ask them to sign said inventory or have their refusal to sign documented.</li> </ul>
6	The jail administration should ensure that all incarcerated people who are newly admitted to the facility receive an initial orientation and written orientation materials, including, among other items, a handbook that contains the jail's rules and regulations as provided in Table 13, statement of the jail's zero-tolerance policy on sexual abuse as provided in Table 46, and information about the jail's grievance system, available programming and services, mental health resource materials, and relevant policies and procedures as provided in Table 47.	<ul style="list-style-type: none"> <li>a) A translated copy of the rules should be provided to incarcerated people who do not understand English.</li> <li>b) Jail staff should provide assistance to incarcerated people who cannot read or write for any reason.<sup>14</sup></li> <li>c) Incarcerated people should acknowledge the receipt of the handbook or have their refusal to sign documented.</li> <li>d) Wherever electronic kiosks are used, jail staff should ensure they contain a copy of the handbook. Electronic copies of the handbook should supplement but not replace the physical copies distributed to incarcerated people.</li> </ul>
7	All incarcerated people should receive a comprehensive medical assessment within [7 days] of being admitted to the facility.	<ul style="list-style-type: none"> <li>a) Incarcerated people should receive comprehensive medical assessments, including mental health screenings, periodically thereafter.</li> </ul>
8	If a person under the age of 18 is admitted to the jail, the jail administration should (1) develop a plan to meet the safety, security, housing, programming, classification, and education needs of the young, incarcerated person and (2) ensure that jail staff are appropriately trained to do so.	<ul style="list-style-type: none"> <li>a) People under age 18 should be transferred to an age-appropriate institution as soon as possible after arrest, and all efforts should be made to keep all youth under age 18 in age-appropriate institutions.</li> <li>b) If a person under age 18 is housed in an adult jail because they are being tried or sentenced as an adult, they should be kept sight-and-sound separated from adults who are incarcerated, without subjecting the youth to restrictive housing or denying them age-appropriate programming.</li> </ul>

<sup>14</sup> New York City standards specify that assistance should be provided to people "who do not speak English or have limited English Proficiency, are illiterate, or have a disability including, for example, if the person is deaf or hard of hearing, is blind or has low vision, or has an intellectual, psychiatric, or speech disability."

**Table 2. Requirements for Jail Standards on Pre-Classification**

#	REQUIREMENT	DETAILS TO INCLUDE
1	Jail administrators should adopt systems to ensure that pre-classification packets are delivered from local jails to DPSC’s Pre-classification Department in a timely fashion. Pre-classification packets for individuals entitled to immediate release upon sentencing should be delivered to DPSC’s Pre-classification Department immediately or near-immediately. <sup>15</sup>	<p>a) Jail officials should use a secure electronic file sharing system or Criminal Justice Information System to receive sentencing documents from the Clerks of Court in a timely manner.<sup>16</sup> Sentencing documents include the: (1) master prison form, (2) DPSC Credit for DOC Commitment, (3) AFIS suspect Rap Sheet, (4) Bill of Information and Court Minutes or Uniform Commitment Order for each conviction, and (5) DPSC Acknowledgments and Signature Statement form.</p> <p>b) Jail officials should appoint a pre-classification liaison to oversee the timely submission of completed pre-classification packets to DPSC and attend training sessions conducted by members of DPSC’s pre-classification Department.<sup>17</sup></p> <p>c) Jail officials should collect data to monitor the timeliness of their receipt of information from the Clerks of Court and report this information to DPSC in a format that allows DPSC to identify individuals considered a high priority for DPSC pre-classification processing.<sup>18</sup></p>
2	Jail officials should send to DPSC a report of the total number of individuals who were admitted to the local jail after receiving a state conviction. Reports should be sent within [12 hours] of the commitment via a secure electronic filing system or Criminal Justice Information System. <sup>19</sup>	N/A

**Table 3. Requirements for Jail Standards on Classification**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration should implement an objective classification system to determine the necessary level of security and control for each incarcerated person; this system	<p>a) The classification levels used in the facility should be based on institutional behavioral risks, such as the likelihood of violent interactions with other residents or staff, rather than the risk of committing an offense outside of the facility.</p> <p>b) The classification system should account for an incarcerated person’s gender identity, age, legal status, charge, criminal</p>

<sup>15</sup> Civil Rights Division, United States Department of Justice, 2023, supra note 9, p. 22.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.



#	REQUIREMENT	DETAILS TO INCLUDE
	should be used to inform housing and cell assignments.	<p>history, institutional behavior, vulnerability, risk of aggressive behavior, health condition, mental health, and custody needs.</p> <ul style="list-style-type: none"> <li>c) Initial classification should occur within [48 hours] of the incarcerated person’s arrival at the facility.</li> <li>d) Each classification decision should be documented in writing, detailing the factors that led to the decision.</li> <li>e) Each incarcerated person should receive a copy of the classification decision.</li> <li>f) An incarcerated person should be able to appeal their classification decision when the decision impacts their release date, transfer date, or participation in programs.</li> <li>g) Jails staff should review individual classification decisions every [90 days].</li> </ul>
2	As part of the classification process, every newly admitted person should promptly be assessed for potential security risks, including vulnerability to physical and sexual abuse. Results from the risk assessment should be used to determine classification level (see Table 3, Requirement 1).	<ul style="list-style-type: none"> <li>a) Risk assessments should be performed by staff who have received specialized training.</li> <li>b) Jail administrators and staff should adopt protocols to securely manage the dissemination of sensitive information obtained through the risk assessment and ensure that the information is not exploited.</li> <li>c) All people being admitted to the jail should receive information on the jail’s zero-tolerance policy regarding sexual abuse and sexual harassment, including information on how to report incidents of sexual abuse and harassment.<sup>20</sup></li> </ul>
3	The jail administration should administer a validated needs assessment to identify the needs of every newly admitted person, regardless of the person’s classification level. Results from needs assessments should be used to match people to the programs and services that are most likely to respond to their identified needs (see Table 24, Requirement 1(d)).	<ul style="list-style-type: none"> <li>a) The needs assessment should gather information such as the person’s housing status, education level, work history, use of public benefits (e.g., food stamps, cash assistance, Medicaid, etc.), religion, family relationships, children, and more.</li> <li>b) A case manager or another specially designated jail staff member with the requisite training to appropriately identify a person’s unmet needs should be responsible for administering the needs assessment.</li> <li>c) A case manager or other specially designated jail staff member should oversee the person’s progress with programs and services, and periodically re-administer the needs assessment, making any necessary adjustments to the person’s recommended programs and services.</li> </ul>

<sup>20</sup> Recommendations for jail standards requiring the jail administration to implement a zero-tolerance policy for sexual abuse and harassment, as well as a plan for how to respond to complaints, are further discussed in the “Safety” section.

#	REQUIREMENT	DETAILS TO INCLUDE
		d) Results from needs assessments should be used to inform every incarcerated person’s re-entry plan (see Table 5, Requirement 2).

**Table 4. Requirements for Jail Standards on Housing Assignments**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration should ensure women and men are housed separately; women should be afforded the same rights and privileges, and similar opportunities available to men.	N/A
2	The jail administration should ensure incarcerated people with a physical disability, mental illness, intellectual disability, or cognitive impairment are housed in a manner that provides for their safety and security; housing should be designed to accommodate the needs of people with disabilities as provided in Table 32.	N/A
3	The jail administration should ensure individualized housing and custody decisions are made for incarcerated transgender people; housing assignments should ensure their health and safety and be reviewed periodically.	<p>a) Housing decisions should not be based solely on a person’s genitalia.</p> <p>b) Placements made to comply with this requirement should not deprive transgender people of meaningful human contact, the opportunity to exercise, receive services, or participate in programming opportunities.</p>
4	The jail administration should ensure people who cannot be safely or appropriately housed in multiple occupancy cells are housed in single occupancy cells.	a) Placements made to comply with this requirement should not deprive incarcerated people of meaningful human contact, the opportunity to exercise, receive services, or participate in programming opportunities.

## 2. Transfer, Release, and Re-Entry Planning

Re-entry refers to an incarcerated person’s transition from a correctional facility to the community. The re-entry process consists of planning, programs, and services designed to address people’s unmet needs, with an eye towards facilitating their successful reintegration into the community. The re-entry process begins at intake, continues throughout a person’s incarceration, and extends well beyond the time of their release.<sup>21</sup>

**Current Status:** In 2009 LSA and DPSC revised their partnership agreement to reflect the importance of preparing people who are serving a prison sentence to re-enter the community. As part of these revisions, the LSA and DPSC added new release-related requirements to the BJG. Since 2009, the agencies have updated the BJG twice: once in 2011 and again in 2022. These changes included the addition of requirements related to substance abuse, re-entry, and education programs. These requirements are relatively detailed compared to the other standards reviewed; however, they should be expanded to address the needs of people who are held in jail while awaiting trial and who are therefore ineligible to participate in DPSC programs.

**Goal:** Louisiana’s commitment to successful re-entry should serve as a guidepost for local administrators and staff. Achieving this goal involves creating opportunities for incarcerated people to build skills, keep in touch with their loved ones, receive consistent care, and develop a solid post-release plan.

**Roadmap:** The tables in this section illustrate how the current re-entry requirements in the BJG can be enhanced and expanded to apply to and benefit *all people* housed in local jails. Table 5 focuses on establishing conditions and programming that anticipate an incarcerated person’s re-entry needs. Table 6 focuses on medical discharge planning and ensuring continuity of care. And, finally, Table 7 focuses on discharge and transfer procedures.

**Table 5. Supporting Re-Entry Throughout Incarceration**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration should emphasize the importance of re-entry throughout the period of incarceration, by ensuring an incarcerated person’s access to	a) The jail administration should offer programming to facilitate people’s access to housing, employment, healthcare, public benefits, and community resources upon release.

<sup>21</sup> LaVigne, N., Davies, E., Palmer, T., & Halberstadt, R. (September 2008). *Release Planning for Successful Reentry: A Guide for Corrections, Service Providers, and Community Groups*. (Washington, DC: Urban Institute), pp. 5-6, available at: <https://www.urban.org/sites/default/files/publication/32056/411767-Release-Planning-for-Successful-Reentry.PDF>.

#	REQUIREMENT	DETAILS TO INCLUDE
	services that will benefit them upon release.	<ul style="list-style-type: none"> <li>b) Whenever possible, the jail administration should work with other agencies in the criminal legal system to identify early diversion opportunities for eligible incarcerated people.</li> <li>c) The jail administration should establish a step-down program and/or transitional units to ensure that incarcerated people are not released directly to the community from restrictive housing.</li> </ul>
2	Staff should develop a written, individualized re-entry plan for incarcerated people who are confined for or sentenced to more than [3 months] and are re-entering the community. Re-entry plans should be developed as soon after a person's admission to the jail facility as possible. Re-entry plans should be based on the individual's needs, align with their individualized programming plan, and focus on the skills and information needed to find housing, <sup>22</sup> enroll in social benefits, secure employment, increase financial literacy, and develop or sustain healthy family relationships. <sup>23</sup>	<ul style="list-style-type: none"> <li>a) Multidisciplinary teams, including but not limited to transition specialists, program staff, and healthcare personnel, should be included in the development of the re-entry plan.</li> <li>b) Jail staff should include any agency with supervisory authority over the incarcerated person in the development of the re-entry plan. If the incarcerated person consents to it, the jail administration should include the incarcerated person's family members in the development of the re-entry plan.</li> <li>c) The re-entry plan should include an individualized residential plan.</li> <li>d) As part of the re-entry planning process, the jail administration should help incarcerated people identify job opportunities, develop a resume, and learn interview skills.<sup>24</sup></li> <li>e) If an incarcerated person is enrolled in education programs, the re-entry plan should facilitate their continued education in the community.</li> <li>f) As part of the re-entry plan, the jail administration should establish policies and processes to help incarcerated people obtain valid forms of identification prior to their release from the facility. These protocols should ensure that all people released from the jail facility have at least two forms of valid identification upon release, preferably a Louisiana State ID and Social Security Card.</li> <li>g) As part of the re-entry plan, the jail administration should establish policies and procedures to help incarcerated people determine their eligibility status in public health insurance programs, such as Medicaid, and help incarcerated people change their eligibility status or enroll in the program before they are released.</li> </ul>

<sup>22</sup> The BJJ requires the following: "For [people in the custody of DPSC] with out of state residence plans, screen and complete an ICOT 4-6 months prior to release and submit to local P&P district. If [the person] has no address, shelter placement shall be done by Local Jail Transitional Specialist or staff."

<sup>23</sup> According to the BJJ, sentenced people who are in the custody of DPSC but housed in local jails should (1) complete 100 hours of pre-release training before they are transferred to a transitional work release program or released from custody and (2) receive a Transition Document Envelope and all its contents prior to their release.

<sup>24</sup> According to the BJJ, sentenced people who are in the custody of DPSC but housed in local jails should be referred to transitional work programs, or when appropriate, enrolled in the Reentry Workforce Portal.

#	REQUIREMENT	DETAILS TO INCLUDE
		<ul style="list-style-type: none"> <li>h) The jail administration should establish policies and procedures to gather referrals to community services that an individual will need after release.</li> <li>i) As part of the re-entry plan, the jail staff should prepare a re-entry transition document packet for each sentenced individual being released from custody. At a minimum, this packet should include: (1) a valid form of identification, (2) prescriptions, (3) a Medicaid card, (4) community service referrals, and (5) a printed CRANNUAL report.</li> </ul>
3	The jail administration, in coordination with the multi-disciplinary team described in Requirement 2(a), should be available to inform members of the Parole Board of the sentenced person's progress toward meeting the goals set out in their re-entry plan.	<ul style="list-style-type: none"> <li>a) The jail administration should submit a completed pre-parole questionnaire to DPSC within the first two weeks of the months preceding the scheduled hearing.</li> </ul>
4	Jail staff should help incarcerated people prepare for community supervision, continuity of care, and for the collateral effects of their incarceration.	<ul style="list-style-type: none"> <li>a) Jail staff should inform any agency with supervisory responsibilities over the incarcerated person in the community of the anticipated release from the jail facility.</li> <li>b) Jail staff should provide information on how and when to contact agencies with supervisory responsibilities to all incarcerated people who will be under community supervision upon their release from the jail facility.</li> <li>a) Jail staff should inform people with convictions of the collateral sanctions and disqualifications that may apply because of the conviction, as well as information on how to obtain relief from such sanctions.</li> </ul>

**Table 6. Continuity of Care**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The health authority should develop written healthcare discharge plans for all incarcerated people who are being released from custody and re-entering the community. Health care discharge plans should include information about available health and mental health providers in the community; account for dental or other health problems that	<ul style="list-style-type: none"> <li>a) The jail administration and health authority should assist incarcerated people with active health and mental health needs in coordinating community-based healthcare services, including substance use treatment. Jail and healthcare professionals should refer individuals to available community resources and make all efforts to schedule necessary appointments prior to the incarcerated person's release.</li> <li>b) The jail administration and health authority should adopt policies and procedures to assist incarcerated people who are preparing for release with appropriate benefit applications. These processes should include Medicaid enrollment for eligible</li> </ul>

#	REQUIREMENT	DETAILS TO INCLUDE
	may need follow-up attention upon release; and incorporate a Medicaid enrollment process.	<p>incarcerated people and Medicaid renewal for those who have had their enrollment suspended.</p> <p>c) The jail administration and health authority should share appropriate health information with new providers in accordance with consent requirements.</p> <p>d) As part of the healthcare discharge plan, a healthcare professional should provide the individual with prescription or medication or medical equipment for a brief period. At a minimum, incarcerated people should receive a [7 day] supply of current maintenance medications and a prescription for [60] days of medication to an incarcerated person upon transfer or discharge.</p>
2	The health authority should develop policies and procedures to ensure continuity of care for all incarcerated people transferred to another correctional facility. These protocols should focus on identifying, documenting, and communicating any medical and mental health issues that may need follow-up attention upon transfer.	<p>a) Health care professionals should prepare a record summary to accompany each incarcerated person transferred to another correctional facility.</p> <p>b) The health authority should transfer complete health record information only when it has received a written request from a designated physician and obtained the authorization of the incarcerated person for the release of such information.</p> <p>c) Health care transfer plans should ensure the incarcerated person being transferred has a supply of their maintenance medication or medical equipment to last a brief period.</p>

**Table 7. Release and Transfer**

#	REQUIREMENT	DETAILS TO INCLUDE
1	Prior to an incarcerated person's release, jail staff should verify the incarcerated person's identity, confirm the receipt of the incarcerated person's release orders, and document the release.	N/A
2	Jail officials should ensure that people in custody are not held past their release date. <sup>25</sup>	<p>a) Jail staff should notify the DPSC of any event, including eligibility for education, programs, or good time credits, that would grant an individual new release eligibility. Jail staff should send such notifications via a secure electronic file sharing system or Criminal Justice Information System.<sup>26</sup></p> <p>b) Jail staff should submit to DPSC any documents and information developed or maintained by local jails that are necessary for an</p>

<sup>25</sup> Civil Rights Division, United States Department of Justice, 2023, supra note 9, p. 22.

<sup>26</sup> Ibid.

#	REQUIREMENT	DETAILS TO INCLUDE
3	<p>Jail administrators and staff should ensure all people released from the jail facility have transportation, appropriate clothing, their property, and identification. Jail administrators and staff should make every effort to ensure incarcerated people are released from custody at a reasonable time of day.</p>	<p>individual's release from custody. Jail staff should send such documents via a secure electronic file sharing system or Criminal Justice Information System.<sup>27</sup></p> <ul style="list-style-type: none"> <li>c) The jail administration should work with community service providers to ensure all people who are released from custody receive an up-to-date and tailored resource guide with information on how to access available community services.</li> <li>d) The jail administration should ensure all people who are released from custody receive transportation to a reasonable destination. At a minimum, people released from custody should receive a bus ticket and information about how to access transportation.</li> <li>e) The jail administration should ensure that personal property is returned to all people released from custody, including any identification card that may have been taken during the intake process. The jail administration should implement a policy requiring that any property not legally confiscated or retained is compared to the inventory of property taken during the intake process. Each incarcerated person should sign a receipt for all property returned or have their refusal to sign documented.</li> <li>f) The jail administration should implement a system to handle complaints regarding missing or damaged property.</li> <li>g) The jail administration should ensure all people who are released from custody possess or receive from the jail administration clean, seasonably appropriate street clothing at no cost. The jail administration should not release any incarcerated person in institutional clothing, including but not limited to, jumpsuits, striped scrubs, or stenciled clothing.</li> <li>h) The jail administration should ensure that all people who are released from custody are able to immediately access any monetary funds kept or earned throughout their incarceration.</li> <li>i) The jail administration should provide all people who are released after serving a sentence with sufficient money for maintenance during a brief period immediately following release.</li> <li>j) The jail administration should provide all people released from custody with a re-entry transition document packet as described in Table 5, Requirement 2(i).</li> </ul>
4	<p>The jail administration should provide incarcerated people and their families reasonable notice</p>	N/A

<sup>27</sup> Ibid.

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#	REQUIREMENT	DETAILS TO INCLUDE
	of any impending transfer of the incarcerated individual to a different facility.	

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### 3. Physical Environment and Necessities

A jail’s structural, design, and environmental features impact the safety, behavior, and well-being of staff and incarcerated people.<sup>28</sup> Jail officials should strive to create a healthy environment in their facilities. Doing so conveys a sense of respect for incarcerated people and staff.

**Current Status:** The BJS provide basic rules regarding the physical environment and the provision of essential services. However, compared to the standards issued by New York City, Idaho, North Dakota, Florida, and the ABA, some of the BJS guidance lacks detail. This contrast is particularly evident in standards regulating living quarters, commissary, and recreation.

**Goal:** Louisiana should build upon the existing requirements to both include more detail and address the varied structures and activities that make up the lived environment—the physical plant, living quarters, provision of necessities, and time spent outside of one’s cell.

**Roadmap:** The tables below outline the general requirements and details that should be incorporated into the revised standards. Table 8 focuses on the physical environment, which includes the physical plant and living quarters. Table 9 focuses on food services. Table 10 focuses on necessities: hygiene, clothing, and bedding. Table 11 focuses on commissary services. Finally, Table 12 focuses on out-of-cell time, exercise/recreation, and conditions during lockdown.

**Table 8. Requirements for Jail Standards on the Physical Environment**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The physical plant of the jail should be clean, well-maintained, and safe for the people who work and reside in it. To promote safety and wellbeing, jail administrators should (1) ensure the jail complies with all relevant health, safety, and building codes and (2) maintain all records of inspections and certifications, and (3) avoid crowding that exceeds the jail’s rated capacity.	<ul style="list-style-type: none"> <li>a) The jail should be (1) clean; (2) appropriately lit, not depriving staff or incarcerated people of natural light, reading light in housing areas, or reasonable darkness during sleeping hours; and (3) free of tobacco smoke or excessive noise.</li> <li>b) The jail should be equipped with an appropriate heating, cooling, and ventilation system. The temperature in all occupied areas of the jail should be seasonally appropriate and kept between 65 degrees Fahrenheit and 85 degrees Fahrenheit.</li> <li>c) The jail should have appropriate housing, laundry, healthcare, food service, recreation, education, and program spaces.</li> <li>d) The jail should be equipped with adequate clean water supplies that allow incarcerated people to have unrestricted access to clean potable drinking water, washbasins, and toilets. The jail’s potable water source and supply should be certified at least</li> </ul>

<sup>28</sup> Jana Söderlund and Peter Newman (2017). “Improving Mental Health in Prisons Through Biophilic Design,” *The Prison Journal*, 97:6.; World Health Organization (2007); “Preventing Suicide in Jails and Prisons,” Department of Mental Health and Substance Abuse, p. 16. [http://www.who.int/mental\\_health/prevention/suicide/resource\\_jails\\_prisons.pdf](http://www.who.int/mental_health/prevention/suicide/resource_jails_prisons.pdf).

#	REQUIREMENT	DETAILS TO INCLUDE
		<p>once per year by an independent, outside source to ensure it adheres to the state sanitary code. The jail administration should also have a plan to address deficiencies, if any, that is approved by the state health officer.</p> <p>e) Jail officials and administrators, in partnership with other governmental authorities, should devise and implement both a plan and strategies to avoid crowding that exceeds the jail's rated capacity, adversely affects the provision of core services, or puts incarcerated people and staff at increased risk of negative health outcomes.</p>
2	<p>Jail administrators should keep the physical plant of local jails in a clean and sanitary condition.</p>	<p>a) Jail administrators should ensure the jail complies with the laws and regulations established by the State Sanitation Officer.</p> <p>b) Jail administrators should ensure that the disposal of liquid, solid, and hazardous materials complies with applicable government regulations.</p> <p>c) Jail administrators should establish and implement a housekeeping plan that provides for the ongoing cleanliness and sanitation of the jail, including living quarters and their associated common spaces.</p> <p>d) Jail administrators should have and implement a plan for the control of vermin and pests.</p> <p>e) Incarcerated people may be asked to clean their own immediate living quarters.</p> <p>f) The jail administration should provide incarcerated people with safe and appropriate cleaning supplies regularly and without charge.</p>
3	<p>All incarcerated individuals should be housed in furnished living quarters of adequate size that (1) allow for privacy consistent with their security classification and (2) provide sufficient unencumbered personal space to allow for free movement around the cell, as well as the storage of their personal belongings.<sup>29</sup></p>	<p>a) All cells/rooms used to house incarcerated people should provide, at a minimum, 25 feet of unencumbered space for occupants. When an incarcerated person's confinement exceeds [10 hours] per day, their cell/room should provide 35 square feet of unencumbered space.<sup>30</sup> Variances may be allowed for a building used as a correctional facility prior to 2023.</p> <p>b) Single occupancy cells should be the preferred housing arrangement. If used, multiple occupancy cells or dormitories should have enough personal space to ensure the safety of those residing in the space.</p>

<sup>29</sup> Adapted from American Bar Association, 2011, §23-3.3.

<sup>30</sup> Adapted from American Correctional Association, 2019, § 5-ACI-2C-01-02, p. 55.

#	REQUIREMENT	DETAILS TO INCLUDE
		<ul style="list-style-type: none"> <li>c) All living quarters, including in restrictive housing units, should be equipped with a mattress above the floor, a closable storage container, and a table or desk space.</li> <li>d) Single occupancy cells should be equipped with a flush toilet and sink with hot and cold drinking water. Multiple occupancy cells or dormitories should have enough flush toilets, showers, and sinks with hot and cold drinking water to accommodate all occupants.</li> <li>e) All incarcerated people, including those in restrictive housing units, medical housing units, and infirmaries, should have access to toilets and sinks with temperature-controlled hot and cold running water 24 hours per day. Incarcerated people can use toilet facilities without staff assistance when they are in their cells or sleeping areas.</li> <li>f) All incarcerated people, including those in restrictive housing units, medical housing units and infirmaries, should have access to showers with temperature-controlled hot and cold water at least once per day.</li> </ul>

**Table 9. Requirements for Jail Standards on Food Services**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The facility's food services should provide adequate amounts of nutritious, healthful, and palatable food for each person in custody. Such services and the jail administration's food budget should also reflect the impact that food has on incarcerated people's behavior, mental health, and emotional well-being.	<ul style="list-style-type: none"> <li>a) Each person in custody should receive three meals, including two hot meals per day.</li> <li>b) Meals should be visually appealing.</li> <li>c) The jail administration should make appropriate accommodations for incarcerated persons with special dietary needs due to age, health, or religion.</li> <li>d) The jail administration should offer sufficient food options to sustain a vegetarian lifestyle.</li> <li>e) The jail administration should provide incarcerated people with ample time to eat for each meal.</li> <li>f) Meals should be provided under staff supervision at regular mealtimes during each 24-hour period, with no more than 14 hours between the evening and breakfast meals. Variations may be allowed based on weekend and holiday food service demands so long as basic nutritional goals are met.</li> <li>g) The jail should provide a tray, plate, and utensil(s) for each meal.</li> <li>h) All meals should be prepared, maintained, and served at the intended temperature and under sanitary conditions that comply with all applicable laws from the State Sanitation Officer and State Fire Marshal.</li> </ul>

#	REQUIREMENT	DETAILS TO INCLUDE
2	Jail administrators and staff should make appropriate accommodations for incarcerated people with special dietary needs due to age, health, or religion.	<p>i) Jail administrators should establish policies, procedures, and practices requiring jail staff to keep accurate records of all meals served. Any incarcerated person’s refusal to eat should be documented.</p> <p>a) The jail administration should have written policy, procedures, and practices to provide special diets as prescribed by appropriate medical or dental personnel.</p> <p>b) The jail administration should provide incarcerated persons with diets of nutritious food consistent with their sincerely held religious beliefs.</p> <p>c) Incarcerated people should be entitled to observe special religious practices, including fasting and special dining hours.</p>
3	Qualified staff should conduct periodic reviews of menus and dietary allowances.	<p>a) Jail dietary allowances should be reviewed at least annually by a qualified nutritionist or dietician to ensure they meet national recommended dietary allowances for basic nutrition for appropriate age groups.</p> <p>b) Jail administrators and staff involved in food preparation and planning should account for nutritional characteristics and caloric adequacy to ensure national recommended nutritional standards are met.</p> <p>c) Jail administrators should establish policies, procedures, and practices requiring food service staff to plan menus and substantially abide by planned menus.</p> <p>d) Menu evaluations should be conducted at least quarterly by food service supervisory staff to verify adherence to established basic daily servings.</p> <p>e) Staff conducting menu evaluations should be required to taste test the meals served to incarcerated people at least [1 time] per week; those staff should photograph the food served on a meal tray to incarcerated people and maintain those photos with the record of their review.</p>
4	The jail should be equipped with appropriate food service areas.	<p>a) The jail should be equipped with sanitary facilities for the storage of all foods; storage facilities should comply with all applicable state and federal guidelines.</p> <p>b) Jail staff should conduct a weekly inspection of all food service areas, including dining and food preparation areas and equipment.</p> <p>c) Food preparation areas should be equipped with toilets and hand basins to accommodate food service personnel.</p> <p>d) Jail administrators should provide adequate protection for all incarcerated people and staff working in food service.</p>

#	REQUIREMENT	DETAILS TO INCLUDE
		<ul style="list-style-type: none"> <li>e) All persons involved in the preparation of food should receive a pre-assignment inspection, by appropriate kitchen staff, to ensure freedom from diarrhea, skin infections, and other illnesses transmissible by food or utensils.</li> <li>f) All persons handling food should be instructed to wash their hands upon reporting to duty and after using toilet facilities.</li> </ul>
5	Jail staff should not withhold food or water from incarcerated people or serve unpalatable food as a disciplinary measure.	<ul style="list-style-type: none"> <li>a) Incarcerated people who are in a restrictive housing setting should receive the same meals as people who are not assigned restrictive housing.</li> <li>b) If incarcerated people have used food or food service equipment to harm themselves or others, they may be served alternative meals, approved by a qualified nutritionist, and/or utensils for a limited period.</li> <li>c) Alternative meals provided to persons in a restrictive housing setting should be healthful, palatable, visually appealing, and meet basic nutritional requirements.</li> </ul>

**Table 10. Requirements for Jail Standards on Necessities**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration should ensure incarcerated people receive sufficient amounts of necessary, gender-responsive hygiene items regularly, in a timely manner, and free of charge.	<ul style="list-style-type: none"> <li>a) Hygiene items issued to incarcerated people should at minimum include a toothbrush, toothpaste, moisturizing soap, shampoo, toilet paper, shaving equipment, shower sandals, and period products for people who menstruate. Hygiene products should meet the needs of a racially diverse population.</li> <li>b) Jail staff should provide incarcerated people with a 30-day supply of hygiene items and reissue these items each month. Toilet paper and period products should be available on an as-needed basis.</li> <li>c) Additional hygiene items should also be available for purchase in the commissary.</li> </ul>
2	Incarcerated people should (1) have regular access to barbershop and hairstyling services and (2) be able to shave their facial hair at least three times per week.	<ul style="list-style-type: none"> <li>a) Jail administrators should establish and implement policies allowing incarcerated people to adopt hair styles, including facial hair styles, of any length and style.</li> <li>b) Should the examination of an incarcerated person’s hair reveal the presence of vermin, medical treatment should be initiated immediately. The cutting of an incarcerated person’s hair should be permitted under these circumstances.</li> <li>c) When the growth or cutting of an incarcerated person’s hair creates an identification concern, jail staff should take a new photograph of the incarcerated person.</li> </ul>

#	REQUIREMENT	DETAILS TO INCLUDE
3	The jail administration should ensure incarcerated people have regular access to operable showers with temperature-controlled hot and cold running water.	<ul style="list-style-type: none"> <li>a) Incarcerated people should have access to showers at reasonable times at least once per day.</li> <li>b) Water for showers should be thermostatically controlled to temperatures ranging between 100 degrees to 120 degrees Fahrenheit.</li> </ul>
4	The jail administration should ensure each incarcerated person is given clean, appropriately-sized shoes and clothing, including underwear and socks, that are suited to the weather and their work assignment.	<ul style="list-style-type: none"> <li>a) Clothing provided by jail staff to incarcerated people should be suited to the incarcerated person's gender identity.</li> <li>b) Jail staff should provide each incarcerated woman with appropriately supportive brassieres.</li> <li>c) Jail staff should provide incarcerated people with enough articles of clothing, including their own sets of underwear and socks, to allow for a daily change of clothes. Underwear and socks should be replaced as necessary.</li> <li>d) Jail staff should provide the clothing, protective equipment, and gear that incarcerated people need to perform their job assignments at no charge.</li> <li>e) The jail's laundry service operations should allow incarcerated people to launder or exchange their clothing at least twice per week and should ensure that each incarcerated person is able to retain their personal set of underwear.</li> <li>f) The jail administration may fulfill its obligation to provide clothing to incarcerated people by permitting incarcerated people to secure and wear their own clothing if they have adequate and sufficient clothing.</li> <li>g) Incarcerated people should be allowed to wash and dry individual items of clothing in their cells without facing disciplinary infractions.</li> </ul>
5	Jail administrators should allow incarcerated people to wear street clothing to court appearances.	<ul style="list-style-type: none"> <li>a) The jail administration should provide street clothing to incarcerated people who do not have clothes that are suitable for court.</li> </ul>
7	The jail administration should ensure each incarcerated person is given clean bedding and linens, which should at minimum include a towel, mattress, set of sheets, pillow, and blanket.	<ul style="list-style-type: none"> <li>a) The jail's laundry service operations should allow incarcerated people to exchange or launder their towels and bedding at least once per week.</li> <li>b) The jail's laundry service operations should allow incarcerated people to exchange or launder their blankets at least once per month.</li> </ul>

**Table 11. Requirements for Jail Standards on Commissary**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration should provide access to commissary or canteen services that offer hygiene items and healthy food items for purchase, including fresh fruits and vegetables, at least once per week.	<ul style="list-style-type: none"> <li>a) The jail administration should provide incarcerated people with a list of commissary items available for purchase.</li> <li>b) Commissary payments should be submitted via order form or receipt for goods received. The jail administration should then deduct the designated amount from an incarcerated person’s account.</li> <li>c) <a href="#">The jail administration should be able to impose a reasonable weekly cap on an incarcerated person’s commissary spending.</a></li> <li>d) Jail staff should allow incarcerated people who have been transferred into a new unit, including restrictive housing units, to access the commissary as soon as practicable.</li> <li>e) The jail administration should adopt policies, practices, and procedures to allow people in the community to put money into incarcerated people’s commissary accounts.</li> </ul>
2	The jail administration should ensure commissary items are affordable for incarcerated people and use any profits from the commissary to support a welfare fund that supports activities and programming for incarcerated people.	<ul style="list-style-type: none"> <li>a) The jail administration should ensure the cost of commissary items, including any digital services or packages, fall below standard community retail prices and are proportional to jail wages.</li> <li>b) The jail administration should appoint a disinterested party to audit the fiscal management of the commissary at least once per year.</li> </ul>

**Table 12. Requirements for Jail Standards on Recreation, Exercise, and Lockdown Conditions**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration should minimize the periods during the day in which residents are required to stay in their cells.	<ul style="list-style-type: none"> <li>a) Jail administrators and staff should maintain, distribute, and implement a schedule for the periods in which incarcerated people are entitled to leave their cells.</li> <li>b) Jail staff should give incarcerated people the option to stay in their cells during the day.</li> </ul>
2	<a href="#">Jail administrators and staff should offer significant opportunities for exercise and recreation that allow incarcerated people to socialize and maintain their physical health and well-being.</a>	<ul style="list-style-type: none"> <li>a) Jail administrators and staff should offer incarcerated people at least an hour of outdoor recreation or exercise daily.<sup>31</sup> <a href="#">Exercise opportunities afforded to incarcerated people should be adequate to ensure major muscle activity.</a></li> <li>b) <a href="#">If jail administrators cannot provide incarcerated people the opportunity to exercise outdoors due to the facility’s location or another legitimate safety or infrastructure concern,</a></li> </ul>

<sup>31</sup> Adapted from American Correctional Association, 2019, § 5-ACI-2E-01, p. 64.

#	REQUIREMENT	DETAILS TO INCLUDE
		<p data-bbox="711 226 1377 291">incarcerated people should be afforded at least an hour of exercise in a dedicated exercise area five days per week.</p> <p data-bbox="664 312 1430 478">c) In addition to outdoor recreation and exercise, jail administrators and staff should regularly afford incarcerated people access to a dayroom in which games and activities can take place. Dayrooms may be used as an alternative to outdoor recreation on inclement weather days.</p> <p data-bbox="664 499 1430 596">d) Outdoor exercise areas should provide, at a minimum, areas of shade and access to water and restrooms, without forfeiting any remaining outdoor time.</p>
3	<p data-bbox="258 632 634 932">All people in restrictive housing settings or in lockdown situations should be provided with meaningful forms of mental, physical, and social stimulation that correspond with the individual’s risks, needs, and reasons for placement in a restrictive housing setting.</p>	<p data-bbox="664 632 1430 762">a) Incarcerated individuals in a restrictive housing setting should be afforded an hour of exercise at least daily, at a reasonable time. Whenever possible, exercise should occur in the presence of others.</p> <p data-bbox="664 783 1430 848">b) Incarcerated individuals in a restrictive housing setting may be afforded additional out-of-cell time.</p> <p data-bbox="664 869 1430 966">c) Incarcerated individuals in a restrictive housing setting may be afforded access to radio, tablets, or television; this access should not serve as a substitute for human contact.</p> <p data-bbox="664 987 1430 1052">d) In-cell programming should be developed for incarcerated individuals who cannot leave their cells.</p> <p data-bbox="664 1073 1430 1234">e) Jail staff should maintain a log that, at a minimum, records (1) the dates and times that recreational opportunities were afforded to people in restrictive housing or on lockdown, (2) whether outdoor or indoor recreation was afforded, and (3) the names of any individuals refusing the recreational opportunity.</p>
4	<p data-bbox="258 1270 634 1640">The jail administration should only order lockdowns, or emergency lock-ins, to (1) restore order; (2) address imminent threats of violence, disorder, or contagion; or (3) to conduct a thorough search of the facility. Lockdowns should last only as long as is necessary to address the immediate justification for its imposition.<sup>32</sup></p>	<p data-bbox="664 1270 1430 1436">a) Jail administrators should limit the scope of each lockdown and have procedures in place to identify incarcerated people who were not involved in the incident that initiated the lockdown and whose access to programs and movement in the facility can be safely restored before the lockdown is lifted.</p> <p data-bbox="664 1457 1430 1623">b) Jail administrators cannot suspend medical services, food services, or the provision of necessities during a lockdown; however, necessary restrictions to these services should be permitted. Any such restrictions should be documented by jail staff.</p> <p data-bbox="664 1644 1430 1778">c) Incarcerated people should have unrestricted access to toilets, washbasins, and drinking water throughout the duration of a lockdown. Water access may be temporarily denied for a limited time when it creates a risk of harm to self, others, or the</p>

<sup>32</sup> Adapted from American Bar Association, 2011, § 23-3.9 and NYC Board of Correction, 2023, §6-06.



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#	REQUIREMENT	DETAILS TO INCLUDE
		physical plant, provided that the water shutdown is targeted to a particular location or person.
		d) If a lockdown exceeds six hours, qualified mental health staff should visit the affected areas to talk with and evaluate the incarcerated people affected by the lockdown.

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## 4. Discipline

Jail officials and staff must maintain safety and security in their facilities. This is a complex undertaking that involves responding to problematic behaviors. Historically, correctional systems have responded to these challenges with punitive disciplinary measures. Research shows that these punitive measures, such as placing people in restrictive housing, have harmful effects on incarcerated people’s health and wellbeing.<sup>33</sup> At the same time, there is no conclusive evidence linking this punitive approach with increased jail safety.<sup>34</sup> To promote safety and accountability while reducing harm to incarcerated people, jail officials should adopt a disciplinary system that establishes proportional sanctions and equips staff to respond to minor infractions using a supportive and solution-oriented response.<sup>35</sup>

**Current status:** The BJG outline three requirements on maintaining discipline in the jails: (1) incarcerated people must receive an orientation that includes information about facility rules and regulations, (2) Sheriffs must transfer sentenced people to DPSC facilities when they believe a loss of good time is appropriate, and (3) the jail administration cannot discipline incarcerated people by denying them food. While these requirements touch on the importance of maintaining discipline and applying due process, Louisiana had the least comprehensive discipline standards compared to all other standards reviewed. All other standards detail several requirements related to the distribution of written rules and regulations; disciplinary sanctions; and the application of due process.

**Goal:** Louisiana should strengthen its regulations on disciplinary policies and practices to ensure understanding of rules and procedures and guide staff on the proper application of discipline.

**Roadmap:** The tables below outline the general requirements and details that should be incorporated into the revised standards on discipline. Table 13 focuses on standards regarding written rules and regulations, Table 14 focuses on standards regarding disciplinary sanctions, and Table 15 focuses on standards related to due process.

**Table 13. Requirements for Jail Standards on Written Rules and Regulations**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration’s written rules should specify prohibited actions, associated sanctions, and due process procedures. The written rules should also outline a plan to address both major and minor rule infractions.	a) The jail administration’s written rules should include the minimum and maximum duration range for each sanction. b) The jail administration’ written rules, associated sanctions, and due process procedures should be reviewed annually.

<sup>33</sup> Digard, Leon, Sullivan, Sara, & Vanko, Elena. (2018, May). *Rethinking Restrictive Housing*. Vera Institute of Justice. <https://www.vera.org/rethinking-restrictive-housing>.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

#	REQUIREMENT	DETAILS TO INCLUDE
		<ul style="list-style-type: none"> <li>c) The jail administration’s written rules should state that incarcerated people cannot be sanctioned for conduct that is a direct result of mental illness and/or a disability.</li> <li>d) Malingering shall not be treated as a disciplinary infraction.</li> <li>e) The jail administration’s written rules should state that incarcerated people cannot be sanctioned more than once for the same infraction arising out of the same event.</li> </ul>
2	The jail administration’s written rules should be accessible to all incarcerated people.	<ul style="list-style-type: none"> <li>a) The rules should be distributed during orientation.</li> <li>b) Assistance should be provided to incarcerated people who cannot read or write for any reason.<sup>36</sup></li> <li>c) A translated copy of the rules should be provided to incarcerated people who do not understand English.</li> <li>d) Copies of the rules should be readily available throughout the jail.</li> <li>e) Incarcerated people should acknowledge the receipt of the rules or have their refusal to sign documented.</li> </ul>

**Table 14. Requirements for Jail Standards Regarding Disciplinary Sanctions**

#	REQUIREMENT	DETAILS TO INCLUDE
1	Discipline should be maintained through the least restrictive means needed to respond to a particular infraction.	<ul style="list-style-type: none"> <li>a) Jail administrators and staff should take a proactive approach to preventing rule infractions, using programming as well as conflict prevention, de-escalation, and mediation strategies to deter conflict and violence.</li> <li>b) Jail staff should receive training on: <ul style="list-style-type: none"> <li>i. disciplinary policies; and,</li> <li>ii. the use of de-escalation, communication, and mediation techniques to resolve minor conflicts.</li> </ul> </li> <li>c) Jail staff should not impose sanctions that would exacerbate someone’s physical or mental health conditions.</li> <li>d) Sanctions should not be intentionally degrading.</li> <li>e) Sanctions should not be retaliatory in nature.</li> <li>f) <b>Sanctions should not include any disciplinary action carried out by incarcerated people.</b></li> <li>g) Sanctions imposed on an incarcerated individual should be reviewed every [7 days] at a minimum; the result of each review should be documented.</li> </ul>

<sup>36</sup> New York City standards specify that assistance should be provided to people “who do not speak English or have limited English Proficiency, are illiterate, or have a disability including, for example, if the person is deaf or hard of hearing, is blind or has low vision, or has an intellectual, psychiatric, or speech disability.”

#	REQUIREMENT	DETAILS TO INCLUDE
2	Sanctions should not include corporal punishment or deprivation of basic rights or necessities.	<ul style="list-style-type: none"> <li>a) Sanctions should not include the use of restraints.</li> <li>b) Sanctions should not include or result in the deprivation of: (1) health and mental health care, (2) food or normal meal procedures, (3) access to water, (4) items necessary to maintain hygiene, (5) clothing or bedding, (5) physical recreation or physical exercise, (6) correspondence, (7) visits, (8) limitations on the exercise of religious beliefs, (9) a healthy room temperature, and (10) sleep.</li> <li>c) Sanctions should not include the use of padded or dry cells.</li> <li>d) As soon as practicable following an incarcerated person’s transfer to a restrictive housing setting, jail staff should afford incarcerated people the opportunity to call people on their approved contact lists.</li> </ul>
3	Sanctions should not include extreme or prolonged isolation.	<ul style="list-style-type: none"> <li>a) Jail administrators should develop a plan that lists a continuum of options for addressing all but the most serious grade of disciplinary offenses without resorting to a placement in a restrictive housing unit.<sup>37</sup> Placements in restrictive housing settings should be made only to address the most serious misconduct, such as violence to others or serious and probable threats to security.</li> <li>b) Sanctions that result in placements in restrictive housing settings should be reviewed every [7 days] at minimum and should not exceed [15 days in a 30-day period].</li> </ul>
4	When any form of restrictive housing is imposed as a sanction, jail staff must ensure the incarcerated person has access to medical and mental health care.	<ul style="list-style-type: none"> <li>a) Jail staff should immediately notify healthcare staff of an incarcerated person’s placement in a restrictive housing setting. Such notifications should be made in writing.<sup>38</sup></li> <li>b) Medical and mental health staff should conduct clinical rounds [daily] to all incarcerated people in restrictive housing settings. Such rounds should be recorded.</li> <li>c) Medical and mental health should not provide clinical treatment cell-side, jail staff should ensure that all incarcerated people placed in a restrictive housing setting are brought to the facility clinic or its equivalent for all scheduled appointments.</li> </ul>

<sup>37</sup> The use of “offense” in this standard is not related to an incarcerated person’s criminal charges, it is used to describe the incident leading to disciplinary intervention.

<sup>38</sup> Details (d) through (f) are adapted from NYC Board of Correction, 2023, §6-21(b)-(d).

**Table 15. Requirements for Standards on Disciplinary Hearings and Due Process<sup>39</sup>**

#	REQUIREMENT	DETAILS TO INCLUDE
1	Staff should give an incarcerated person charged with a rule infraction written notice of the charge(s) against them at least 24 hours prior to the hearing. <sup>40</sup>	<ul style="list-style-type: none"> <li>a) Notices cannot be served by individuals who participated in the incident.</li> <li>b) Notices should include the time and place of the rule infraction charged, as well as a description of events and precisely identify the rule alleged to be violated.</li> <li>c) Notices should include information about the rights of the person charged.</li> <li>d) Assistance should be provided to incarcerated people who are unable to read or understand the notice for any reason. Such assistance should be provided before the incarcerated person signs or refuses to sign the notice of the infraction charge(s) against them.</li> <li>e) The person charged should sign the notice or have their refusal to sign documented.</li> <li>f) Mental health personnel should be notified whenever an incarcerated person diagnosed with a mental illness is charged with a rule infraction.<sup>41</sup></li> </ul>
2	When the incarcerated person is reasonably believed by the jail administration to have conducted a serious violent infraction, staff should conduct investigations promptly, thoroughly, and objectively.	<ul style="list-style-type: none"> <li>a) Investigations should begin within 24 hours of the time the alleged rule infraction was reported.</li> <li>b) Jail staff who reported, participated in, or witnessed the conduct under inspection cannot conduct the investigation.</li> <li>c) Investigations should be documented and should include confidential interviews with witnesses, including other incarcerated people.</li> <li>d) Investigators should review video footage of incidents from fixed cameras, hand-held video cameras, and body cameras, wherever relevant, consistent with Table 35, Requirement 2(c).</li> <li>e) The jail administration can proceed with the adjudication of charges only when there is probable cause to believe the incarcerated person committed the infraction charged.</li> </ul>

<sup>39</sup> The Requirements in Table 15 are adapted from NYC Board of Correction, 2023, §6-24 and American Bar Association, 2011, §23-4.2.

<sup>40</sup> Standards issued by the American Bar Association, Florida, Idaho, Texas, and Utah state that infraction notices should be issued at least 24 hours in advance of any hearing. New York City's requirements vary. Individuals who are in pre-trial detention should receive the notice within 24 hours of the hearing; individuals who are not in pre-hearing detention should receive the notice two (2) business days in advance of the hearing.

<sup>41</sup> New York City requires jail officials to (1) inform mental health services when an individual housed in a special area for mental observation is charged with an infraction and to (2) allow mental health staff to participate in the infraction hearing and review any sanctions taken.

#	REQUIREMENT	DETAILS TO INCLUDE
3	The jail administration should protect incarcerated people's right to a disciplinary hearing, where they can make statements, present evidence, and call witnesses.	<ul style="list-style-type: none"> <li>a) The jail administration has the burden of proof.</li> <li>b) Adjudicators should be impartial; staff involved in recommending the adjudication and/or providing evidence to support the infraction charge cannot serve as adjudicators.</li> <li>c) Before beginning the hearing, adjudicators should check the notice of infraction for due process violations.</li> <li>d) Hearings should commence within [3 days] of the incident.<sup>42</sup></li> <li>e) Hearing adjudicators should advise the person charged of their rights, which include: (1) the right to appear, (2) the right to make statements, (3) the right to present evidence and call witnesses, (4) the right to review the jail official's evidence, (5) the right to an interpreter, (6) the right to an appeal, and, (7) the right to have assistance, including the right to an interpreter, at the hearing.</li> <li>f) When relevant, the adjudicator should inform the person charged (1) that their statements may be used against them in subsequent criminal or disciplinary proceedings and (2) of their right to remain silent and that silence cannot be used against them.</li> <li>g) Incarcerated people and, whenever possible, their advocates should receive a copy of the hearing determination, which should include the finding, evidence relied upon, and sanction, within [2 business days] of the conclusion of the hearing.</li> </ul>
4	Incarcerated people found guilty at a disciplinary hearing can appeal such determinations based on the belief that there was a due process violation, insufficient evidence to support the finding, and/or a lack of impartiality.	<ul style="list-style-type: none"> <li>a) Appeals should not be determined by jail staff who: (1) were involved in the incident underlying the guilty determination, (2) recommended a particular sanction in response to said incident, or (3) presided as the hearing adjudicator.</li> <li>b) Incarcerated people have the right to an interpreter during the appeals process.</li> <li>c) Incarcerated people should file an appeal within [5 business days] of receiving a guilty determination.</li> <li>d) Jail staff should render and deliver a written appeal decision to the incarcerated person within [2 business days] of receiving an appeal.</li> <li>e) Appeals should not lead to prolonged or more severe sanctions.</li> </ul>

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<sup>42</sup> Florida requires hearings to occur within 7 days of the incident, Idaho requires hearings to occur within 5 days of the incident, and New York City requires hearings to occur within 3 days of the incident.

## 5. Grievances and Access to Judicial Process

Jails must protect the legal rights of incarcerated people by facilitating their access to the judicial process. It is also critical for jails to implement fair and efficient grievance procedures to investigate and resolve complaints lodged by incarcerated people. The BJJ nod to this responsibility by requiring local jails to adopt a grievance remedy procedure with at least two levels of review.

**Current Status:** The BJJ support this set of responsibilities. They instruct local jails to adopt policies to ensure people’s access to courts and legal assistance and to provide two levels of review within the grievance remedy procedure. Despite the existence of these requirements, in meetings with PJIL, advocates and formerly incarcerated people raised several concerns about both the grievance system and about barriers to accessing counsel or legal materials while in custody.

**Goal:** Louisiana should build upon the requirements in the BJJ to provide local jail administrators with a basic blueprint of how to (1) better protect the legal rights of incarcerated people and (2) promote fairness and efficiency in jail grievance systems.

**Roadmap:** The tables below outline the general requirements and details that should be incorporated into the standards. Table 16 focuses on the grievance system and Table 17 focuses on access to the judicial system.

**Table 16. Requirements for Jail Standards on Grievances**

#	REQUIREMENT	DETAILS TO INCLUDE
1	Jail administrators and staff should establish an administrative means through which any incarcerated person may seek formal review of a complaint relating to any aspect of that person’s incarceration. Such a system should be designed to instill the trust of incarcerated people and jail staff in the effectiveness and fairness of the system.	<ul style="list-style-type: none"> <li>a) The jail administration should clearly state grievable matters in its grievance policies. <i>At a minimum, grievable matters should include conditions of confinement, personal injuries, medical complaints, staff mistreatment, time computations, the classification process, and challenges to rules, regulations, or policies.</i></li> <li>b) Jail administrators and staff should ensure the grievance system includes safeguards against reprisals.</li> <li>c) Jail administrators and staff should regularly evaluate whether grievance processes elicit the trust of incarcerated people and jail staff.</li> <li>d) Jail administrators should authorize and encourage staff to informally resolve incarcerated people’s complaints provided that the complaints do not involve allegations of sexual abuse or sexual misconduct.</li> <li>e) The jail administration should centrally maintain a log of all grievances filed in the facility. The log should at a minimum include the: (1) grievant’s name, (2) subject of grievance, (3) date the grievance was filed, (4) date the grievance was resolved, (5) the name and position of any staff members who</li> </ul>

#	REQUIREMENT	DETAILS TO INCLUDE
		is the subject of a grievance, (6) any location relevant to the matter grieved, and (7) the resolution.
2	Jail staff should provide written information about how to seek formal review of a complaint to each incarcerated person upon his or her admission to the jail.	a) The information provided by jail staff to incarcerated people upon admission should clearly state grievable matters, include the bases for rejecting a grievance on procedural grounds, describe all applicable timeframes, and detail the potential legal consequences of failing to use the institutional grievance system.
3	Jail administrators and staff should minimize the technical requirements for grievances and allow incarcerated people to initiate the grievance process by briefly describing the nature of the complaint and remedy sought.	<p>a) If the jail administration chooses to use a specific grievance form, it should make the forms, writing utensils, and confidential drop-off boxes readily available to incarcerated people, including people in restrictive housing areas, without need to request forms from staff.</p> <p>b) The jail administration should allow an incarcerated person to initiate the grievance process without using the designated form if it was not readily available to that person.</p> <p>c) The jail administration should ensure that all grievance submission deadlines are reasonable and allow exceptions for unusual circumstances.</p> <p>d) The jail administration should ensure that incarcerated persons can submit grievances confidentially and that staff maintain confidentiality of submitted grievances and outcomes.</p>
4	The jail administration should establish a written procedure to respond in writing to each grievance, including those found to be procedurally improper. Written responses should state the reason for the decision reached. The jail administration should provide meaningful individual remedies and, when apt, systemic remedies for all substantiated grievances.	<p>a) The jail administration should ensure the grievance system includes two levels of review when necessary.</p> <p>b) Jail staff should refer medical grievances to the healthcare provider.</p> <p>c) If jail staff receive any grievances detailing an allegation of sexual abuse or sexual misconduct, jail staff should report the allegation to jail administrators and the PREA coordinator as provided in Table 46, Requirement 1(c) and 5.</p> <p>d) Jail staff should provide grievants with a written response within [7 days].</p> <p>e) Jail staff should expedite their response time frame when responding to emergencies.</p> <p>f) If jail staff do not respond to a grievance within the specified timeframe, jail officials should treat the grievance as denied for purposes of appeal or exhaustion of remedies.</p>
5	The jail administration should produce a monthly aggregate grievance report.	a) The report should identify the number of sustained grievances, the subject matter addressed by all grievances, the length of time to respond to and resolve grievances, and any corrective actions taken in response to grievances.



#	REQUIREMENT	DETAILS TO INCLUDE
		b) The monthly report should be reviewed by the facility leadership and should be shared with the Jail Standards Compliance Unit.

**Table 17. Requirements for Jail Standards on Access to the Judicial Process**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration should ensure incarcerated people access to the full judicial process, implementing policies and practices that facilitate incarcerated people’s access to courts, counsel, and legal materials.	<p>a) The jail administration should allow incarcerated people to purchase, or, if they are indigent, to receive without charge materials to support their communication with counsel, courts, and public officials. These materials should include paper, writing implements, envelopes, and stamps.</p> <p>b) Jail administrators and staff should provide access to copying services, typewriters, or word processing equipment.</p> <p>c) Jail administrators and staff should allow incarcerated people to maintain their own legal files and materials in a banker box and, where applicable, allow secondary storage in the law library.</p>
2	The jail administration should assure incarcerated people access to counsel, implementing policies and practices that facilitate confidential communication with counsel and an incarcerated person who is a client, prospective client, or witness via mail, telephone, and during in-person visits.	<p>a) The right of access to counsel should apply in connection with all legal matters, regardless of the type or subject matter of the representation or whether litigation is pending, or the representation has commenced. Jail staff should not inquire as to the nature of the legal matter.</p> <p>b) The jail administration should allow law students, legal paraprofessionals, and other attorney assistants working under the supervision of an attorney to communicate with the supervising attorney’s client, prospective client, or witness to the same extent and under the same conditions that the supervising attorney may do so.</p> <p>c) The jail administration should allow an incarcerated person to engage with counsel of the incarcerated person’s choice.</p> <p>d) Jail staff should not read the letters or documents sent or passed between counsel and incarcerated people. Jail staff should only search letters or documents sent or passed between counsel and incarcerated people for physical contraband in the presence of the incarcerated person to whom or from whom the letter or document is addressed.</p> <p>e) Rules governing counsel visits should be as flexible as practicable in allowing counsel adequate time to meet with an incarcerated person who is a client, prospective client, or witness during any reasonable time of day or day of the week; this flexibility should apply to an incarcerated person who is for any reason in a restrictive housing setting.</p>

#	REQUIREMENT	DETAILS TO INCLUDE
		<ul style="list-style-type: none"> <li>f) The jail administration should not count the time an incarcerated person spends with meeting with counsel as personal visiting time.</li> <li>g) Absent an individualized finding that requires otherwise, the jail administration should allow counsel to have direct contact with an incarcerated person who is a client, prospective client, or witness during in-person visits. Unless counsel requests otherwise, jail staff should remove an incarcerated person's restraints for the duration of the visit.</li> <li>h) During a meeting with an incarcerated person, jail staff should allow counsel to pass previously searched papers to and from the incarcerated person without the immediate handling of those papers by staff.</li> <li>i) The jail administration should not audio record or monitor meetings between counsel and an incarcerated person.</li> <li>j) The jail administration should not monitor or record telephone conversations between counsel and an incarcerated person who is a client, prospective client, or witness.</li> <li>k) The jail administration should provide stamps for legal mail to any incarcerated person who is indigent.</li> </ul>
3	<p>The jail administration should implement policies and practices that facilitate incarcerated people's confidential communication with courts or administrative agencies and, upon request by a court, full in-person, or remote participation in legal proceedings.</p>	<ul style="list-style-type: none"> <li>a) The jail administration should provide timely transportation to people scheduled to appear before courts or administrative agencies.</li> <li>b) The jail administration should house an incarcerated person with a pending criminal charge or removal action in a jail sufficiently close to the courthouse where the case will be heard so that the preparation of the incarcerated person's defense is not unreasonably impaired.</li> <li>c) The jail administration should allow incarcerated people to prepare, receive, and send legal documents to court and administrative agencies; such correspondence should be considered privileged correspondence.</li> <li>d) The jail administration should not unreasonably delay correspondence from incarcerated people to courts or administrative agencies.</li> <li>e) The jail administration should not restrict communication between an incarcerated person and courts or administrative agencies except pursuant to court order.</li> </ul>
4	<p>The jail administration should provide incarcerated people reasonable access to up-to-date legal research relevant to the common legal needs of</p>	<ul style="list-style-type: none"> <li>a) The jail administration should provide access to legal resources to all incarcerated people, including those who have external legal counsel.</li> </ul>

#	REQUIREMENT	DETAILS TO INCLUDE
	<p>incarcerated people, like an appropriate collection of primary <a href="#">legal materials</a>, secondary sources such as treatises and self-help manuals, applicable court rules, and legal forms. Such resources should be provided in either a law library or in electronic form.</p>	<ul style="list-style-type: none"> <li data-bbox="667 233 1438 394">b) Incarcerated people who are unable to access legal resources because of housing restrictions, language or reading skills, or for other reasons, should be provided with an alternative to such access, including assistance by incarcerated people with legal research skills.</li> <li data-bbox="667 415 1438 615">c) The jail administration should allow incarcerated people to acquire personal law books or other legal research materials and to prepare and retain such documents. Regulations related to the storage of legal materials in living quarters or other areas should be only for purposes of safety or security and should not interfere with access to or use of these materials.</li> <li data-bbox="667 636 1438 867">d) Jail staff should not read, censor, alter, disrupt, or destroy legal materials received or retained by an incarcerated person during a search for physical contraband. If correctional authorities have a reasonable suspicion that an incarcerated person’s legal materials contain non-legal material that violates written policy, jail staff should be permitted to read the materials only to the extent necessary to determine whether they are legal in nature.</li> <li data-bbox="667 888 1438 993">e) The jail administration should provide programs for the education and training of incarcerated people who can help other incarcerated people with legal matters.</li> <li data-bbox="667 1014 1438 1140">f) Incarcerated people should be allowed to help each other with their legal work and the right of confidentiality of materials should be protected even if the legal materials are within another incarcerated person’s possession.</li> </ul>

## 6. Notification of Death, Serious Injury, and Serious Illness

Standards on deaths in custody are critical to promoting transparency and maintaining institutional credibility. Without them, families may be traumatized by the lack of information about their loved ones. Additionally, data collection and reporting can vary dramatically from jail to jail, leaving the public in the dark with little to no information about the frequency and nature of deaths or near-deaths in custody.

**Current Status:** Currently, the BJG only require local jails to report deaths (1) to DPSC, (2) to the local coroner, and (3) internally as a critical incident. The BJG do not require local jail officials to notify an incarcerated person’s next of kin or emergency contact of their loved one’s passing. Yet this requirement appears in eight of the nine standards we reviewed issued by other jurisdictions or organizations.

**Goal:** Louisiana should draft new, more robust guidelines on notifications of and reporting on deaths in custody, as well as cases of serious illness or injury in custody. These standards should systematize reporting practices and, critically, center the dignity of incarcerated people and recognize the needs of their loved ones.

**Roadmap:** The tables below outline the general requirements and details that should be worked into these standards. Table 18 focuses on standards related to notifications of and reporting on deaths in custody. Table 19 focuses on standards related to notifications of and reporting on cases of serious illness and serious injury.

**Table 18. Requirements for Jail Standards on Deaths in Custody**

#	REQUIREMENT	DETAILS TO INCLUDE
1	When an incarcerated person dies, the jail officials should immediately notify the jurisdiction’s coroner or medical examiner, and DPSC.	<ul style="list-style-type: none"> <li>a) Jail staff should thoroughly document any attempts to contact the coroner or medical examiner.</li> <li>b) Jail officials should provide the coroner or medical examiner with all known circumstances surrounding the death.</li> <li>c) DPSC should immediately appoint an independent investigator or investigative entity to examine the circumstances of the death and to pursue any necessary charges.</li> <li>d) The Jail Standards Compliance Unit should review any systemic issues that may have contributed to the death and release a public report with recommendations for preventative measures going forward.</li> <li>e) The Jail Standards Compliance Unit should work in coordination with the Health Authority to assess the quality of medical care provided to any person who was receiving medical treatment for an issue related to the cause of death.</li> </ul>

#	REQUIREMENT	DETAILS TO INCLUDE
2	When an incarcerated person dies, jail officials should promptly notify the deceased person's next of kin or any other designated individuals in a compassionate and professional manner.	<ul style="list-style-type: none"> <li>a) Jail officials should ensure that the notification occurs no later than [12 hours] after the declaration of death. Notification should not occur between the hours of midnight and 6:00 am local time.<sup>43</sup></li> <li>b) Immediately following the notification, jail officials should share with the designated individual a written letter of condolence that includes the circumstances of the death and the available information.<sup>44</sup></li> <li>c) No one involved in any act connected to a death or serious injury of an incarcerated person should be involved in notifying the deceased person's next of kin or any other designated individuals about that person's death.</li> <li>d) No one connected to a death or serious injury in custody should have any contact with the deceased or injured person's family or loved ones.</li> </ul>
3	The jail administration should make mental health counseling available to: (1) all incarcerated people who were housed with the deceased when the death occurred and (2) all staff assigned to the deceased's living quarters.	N/A
4	Jail officials should prepare a publicly available report providing descriptive information about each death in custody within [30 days] of the death.	<ul style="list-style-type: none"> <li>a) Jail staff should issue a preliminary report for each death in custody in accordance with the jail administration's critical incident reporting requirements. The jail administration should share this report with the deceased's family members or designated emergency contacts free of charge.</li> <li>b) Jail officials should submit the descriptive report to the Jail Standards Compliance Unit and share a link to the report on its website.</li> <li>c) The descriptive report should at a minimum include such information as the person's name, age, race, gender, date and time of death, facility and housing area at time of death, preliminary cause of death, and brief statement of the circumstances that led to the incarcerated person's death. The descriptive report should also identify which independent agency is investigating the death.</li> </ul>

<sup>43</sup> Adapted from Text - S.4284 - 117th Congress (2021-2022): Family Notification of Death, Injury, or Illness in Custody Act of 2022. (2022, May 19). <https://www.congress.gov/bill/117th-congress/senate-bill/4284/text>

<sup>44</sup> Ibid.

#	REQUIREMENT	DETAILS TO INCLUDE
5	The DPSC and the Sheriff's Association should annually produce a joint, public report analyzing and summarizing aggregate data about deaths in custody.	<ul style="list-style-type: none"> <li>a) All data on deaths in custody should be collected by jail staff in a timely fashion and using standardized instruments.</li> <li>b) Public reports on deaths in custody should at a minimum include the number of deaths in custody in total, disaggregated by facility, and further disaggregated by race, gender, age, conviction status, cause of death, date of death, and length of stay.</li> <li>c) The annual report on deaths in custody should be published on the website of the DPSC and each jail in the state.</li> </ul>

**Table 19. Requirements for Jail Standards on Notifications of Serious Illness or Injury**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration should give incarcerated people the right, ability, and means to inform their family members and other contacts of any serious illness or injury.	<ul style="list-style-type: none"> <li>a) Health care personnel or jail staff should provide information about the incarcerated person's health to their family or other persons designated by the incarcerated individual if the incarcerated person consents to disclosure.</li> <li>b) Jail officials should ensure that the notification occurs in a timely manner and not between the hours of midnight and 6:00 am local time.<sup>45</sup></li> </ul>
2	The jail administration should work with the relevant governmental authorities to provide judicial and administrative mechanisms to accomplish the early release of an incarcerated person in exceptional individual health circumstances. Jail officials should report such releases to DPSC and the Jail Standards Compliance Unit. DPSC and the Sheriff's Association should produce a joint, public report summarizing information about releases in exceptional individual health circumstances. <sup>46</sup>	<ul style="list-style-type: none"> <li>a) All data on the release of incarcerated people in exceptional individual health circumstances should be collected by jail staff in a timely fashion and using standardized instruments.</li> <li>b) Public reports on releases in exceptional individual health circumstances should at minimum include the number of releases in total and disaggregated by facility and further disaggregated by race, gender, age, conviction status, reason for release, date of release, length of stay in facility, and person/organization receiving the released person (e.g., hospital, nursing home, etc.).</li> </ul>

<sup>45</sup> Adapted from Text - S.4284 - 117th Congress (2021-2022): Family Notification of Death, Injury, or Illness in Custody Act of 2022. (2022, May 19). <https://www.congress.gov/bill/117th-congress/senate-bill/4284/text>

<sup>46</sup> Adapted from American Bar Association, 2010, §23-8.9(g).

## 7. Establishing and Maintaining Personal Connections: Visitation and Furloughs

A large body of research has shown that in-person visits can help strengthen family relationships during incarceration. Positive family relationships can provide critical support to individuals after their release and in-person visits are the most effective means of maintaining those relationships. In addition to strengthening family relationships, in-person visits can play an important role in reducing disciplinary infractions and assaults at a facility.<sup>47</sup> At the same time, jail administrators need to regulate visits to ensure the safety of people who live and work at the jail as well as the loved ones of people in custody. Enhancing the BFG’s visitation standards will provide people in custody with an opportunity to maintain family and community ties while continuing to ensure the safety and security of jail facilities.

**Current Status:** In the years following the passage of the Louisiana Justice Reinvestment Package, LSA and DPSC have revised the BJJ to affirm their commitment to reduce recidivism and support incarcerated people through their transition out of jail and back into their communities. The BJJ currently require local jails to have policies, procedures, and practices that govern visitation in two areas: 1) the frequency and duration of visits; and 2) who is allowed to visit people in custody and under what conditions visitors may be restricted from visiting their loved ones. The BJJ also allow jail administrators to provide special visits pursuant to Department Regulation OP-C-9.

**Goal:** Most of the standards we reviewed—six out of the nine standards issued by other jurisdictions or entities—provide more specific direction to jail officials. Often, these more detailed standards outlined ways to make visitation more accessible to visitors. Louisiana can follow suit and enhance its visitation standards to align them more explicitly with its goals related to rehabilitation and reintegration.

**Roadmap:** The tables below outline the general requirements and details that should be worked into visitation standards. Table 20 focuses on standards related to on-site visitation and Table 21 focuses on special visits, temporary absences, and furloughs.

**Table 20. Requirements for On-Site Visitation**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration should have visitation policies and procedures that help incarcerated people establish and maintain relationships with family members, including their	a) Whenever possible, correctional officials should ensure incarcerated people are assigned to a jail located within a reasonable distance of their family or usual residence. b) Jail administrators and staff should promote visitation by providing travel guidance, directions, scheduling information, dress codes, and other rules to visitors. If the jail is inaccessible

<sup>47</sup> De Claire, K., & Dixon, L. (2017). The Effects of Prison Visits From Family Members on Prisoners’ Well-Being, Prison Rule Breaking, and Recidivism: A Review of Research Since 1991. *Trauma, Violence, & Abuse*, 18(2), 185–199. <https://doi.org/10.1177/1524838015603209>.

#	REQUIREMENT	DETAILS TO INCLUDE
	<p>minor children, and other people with whom they have close personal connections. Jail staff should treat all visitors with respect and accommodate their visits to the extent practicable.<sup>48</sup></p>	<p>via public transportation, jail officials should work with transportation authorities to facilitate transportation services to the jail for visitors.</p> <p>c) The jail administration’s visitation policies and procedures should construe the term “family” broadly to reflect a diversity of familial structures and the varied types of relationships that connect an incarcerated person to others.<sup>49</sup></p> <p>d) The jail administration should offer incarcerated people an opportunity for contact visitation, subject to Requirement 2(c).</p> <p>e) Subject to Requirement 2(c), the jail administration should allow physical contact between incarcerated people and their visitors. At a minimum, the jail administration should allow a brief hug and kiss between the incarcerated person and their visitor at both the beginning and end of the visitation period. People in custody should also be permitted to (1) hold children in their families who are ages fourteen (14) and younger throughout the visitation period and (2) hold hands with any visitor throughout the visitation period.<sup>50</sup></p> <p>f) The jail administration should offer video visitation as a supplement to in-person visits; however, the jail may not eliminate in-person visits in favor of video visits. The jail administration should not charge incarcerated people or their families for video visitation services.</p>
2	<p><b>Jail staff may temporarily limit or deny an incarcerated person’s right to meet with a particular visitor or visitors generally only when it is determined that exercising that right actively threatens the safety and security of the jail facility.</b> The restriction issued by jail staff should go no further than necessary to address the specific threat. Jail staff should not deny visits from a particular visitor solely because of that visitor’s prior criminal conviction.</p>	<p>a) Any determination by jail staff to limit or deny the visitation rights of an incarcerated person with a particular visitor should be based on: (1) specific acts committed by the visitor during a prior visit to the jail, either during the registration process or the visit; (2) specific and verified information that the visitor plans to engage in acts that threaten the safety and security of the jail during a future visit; or (3) a no contact order.</p> <p>b) Any determination by jail staff to temporarily limit the visitation rights of an incarcerated person should be based on specific acts committed or intelligence obtained under the present charge or sentence that demonstrate a threat to the safety and security of the facility. The denial of visitation rights should not be based solely on an incarcerated person’s housing assignment.</p> <p>c) When there is any determination to temporarily limit an incarcerated person’s right to contact visits in a usual manner, the jail administration should make alternative arrangements</p>

<sup>48</sup> Requirement 1 and the corresponding details are adapted from American Bar Association, 2011, §23-8.5(a), except where otherwise indicated.

<sup>49</sup> Adapted from NYC Board of Correction, 2023, §1-09(a).

<sup>50</sup> Adapted from NYC Board of Correction, 2023, §1-09(f).



#	REQUIREMENT	DETAILS TO INCLUDE
		<p>for affording the individual the requisite number of visits. Alternative arrangements may include, but are not limited to, non-contact visits and video visits.</p> <p>d) The jail administration should temporarily deny the visitation rights of an incarcerated person with a particular visitor only when it is determined that revoking the right to a contact visit, in lieu of a non-contact or video visit, would not suffice to reduce the specific threat to the safety and security of the facility.</p> <p>e) Jail staff should document all limitations or denials of visits, detailing the reason for and nature of the restriction.</p> <p>f) Jail staff should provide the visitor and the incarcerated person with a written notification of the determination detailing the specific reasons for the restriction, including the specific rule violation, and explaining the nature of the restriction.</p> <p>g) The jail administration should establish a system to allow any person affected by such determination to appeal the determination.</p>
4	<p>The jail administration should adopt a visitation schedule that is convenient and suitable for incarcerated people and visitors, including time on weekends, evenings, and holidays.</p>	<p>a) The number of visitors a person in custody can receive and the length of visits are limited only by the jail's schedule, space, and personnel constraints or when there are substantial reasons to justify such limitations. Conditions under which visits can be denied should be defined in writing.</p> <p>b) The jail administration should afford each incarcerated person an initial non-contact visit within [24 hours] of their admission to the jail facility. Once intake proceedings are complete, the jail administration should afford each incarcerated person at least [2] visitation days per week, with at least [1] day on the weekend or during the evening.</p> <p>c) The jail administration should afford incarcerated people at least [1 hour] for each visit. The allotted period should begin once the incarcerated person and their visitor(s) meet in the visiting area.</p> <p>d) Jail staff should not count visits with religious advisors and counsel towards an incarcerated person's allotted visiting time. Such visits should ordinarily be unlimited in frequency and duration.</p> <p>e) The jail administration should distribute the visitation schedule to incarcerated people and post it prominently throughout the facility.</p> <p>f) The jail administration should accommodate visitors to the extent practicable, especially if a prospective visitor has</p>

#	REQUIREMENT	DETAILS TO INCLUDE
		traveled a significant distance, with a longer visit or with a flexible visit outside the jail facility’s visitation schedule.
5	The jail facility should be equipped with child-friendly, comfortable visitor reception, waiting, and visiting areas that are both accessible to and usable by people with disabilities. The visiting area should have sufficient and appropriate space for visiting and be designed to allow physical contact between incarcerated people and their visitors.	<ul style="list-style-type: none"> <li>a) The visitor waiting area should have informational posters that display all visiting rules, regulations, and hours.</li> <li>b) Waiting and visiting areas should be equipped with child-sized furniture, toys, books, and child-oriented decorations.</li> <li>c) Comforts provided to visitors should include, at a minimum: (1) sufficient and comfortable seating; (2) access to bathroom facilities and drinking water; and (3) access to vending machines for beverages and food snacks.<sup>51</sup></li> <li>d) The jail administration should ensure there is a staff member or volunteer in the waiting area who can greet visitors and be a resource for them, sharing relevant information and providing language assistance where needed.<sup>52</sup></li> <li>e) The jail administration should be encouraged to facilitate visits in outdoor visiting areas for incarcerated people and their families.<sup>53</sup></li> </ul>
6	Jail staff should identify and register all prospective visitors. Before a visit, jail staff should inform the incarcerated person of their visitor’s identity and the incarcerated person should then consent to the visit.	<ul style="list-style-type: none"> <li>a) The jail administration should not allow a refusal by an incarcerated person to meet with a particular visitor to affect their right to meet with any other visitor or with the refused visitor during a subsequent period.</li> <li>a) Jail staff should document in writing all refusals by an incarcerated person to meet with a particular visitor.</li> </ul>
7	Any search of visitors should be conducted respectfully and with the least intrusive methods necessary, using electronic detection devices and, where needed, pat-searches to ensure visitors do not possess contraband. <sup>54</sup>	<ul style="list-style-type: none"> <li>b) The jail facility should have an adequately designed reception space for the screening and, when needed, searching of visitors that affords them privacy during any search.</li> <li>c) Jail staff should search the property visitors bring inside the jail.</li> <li>d) The jail facility’s reception space should include an area where visitors can safely store belongings that are not allowed in the visiting area.</li> <li>e) Jail staff should post signs informing visitors of search procedures prominently throughout the visitor reception area.</li> <li>f) A visitor should be pat-searched only if they have set off an electronic detection device. Jail staff should not conduct cross-gender pat searches of visitors.</li> </ul>

<sup>51</sup> Adapted from NYC Board of Correction, 2023, §1-09(b).

<sup>52</sup> Ibid.

<sup>53</sup> Ibid.

<sup>54</sup> Adapted from NYC Board of Correction, 2023, §1-09(h).

#	REQUIREMENT	DETAILS TO INCLUDE
		<p>g) Jail staff should not conduct cross-gender pat-down searches except in exigent circumstances; all exigent situations should be documented and reported to the jail administration. Transgender individuals should be entitled to express a preference for searches to be conducted by jail staff of a particular gender.</p> <p>h) Jail staff should not conduct pat-searches of any child below the age of eighteen.</p> <p>i) Jail staff should not conduct strip-searches of any visitor.</p> <p>j) The jail's rules about appropriate dress for visitors and prohibited items should be readily available on the jail's website.</p>
8	Jail staff should search incarcerated people before and after each visit.	<p>a) Jail staff should search the incarcerated person only after the incarcerated person has consented to the visit.</p> <p>b) Jail staff should conduct all searches of incarcerated people in accordance with the requirements in Table 39.</p>

**Table 21. Requirements for Special Visits, Temporary Absences, and Furloughs**

#	REQUIREMENT	DETAILS TO INCLUDE
1	When practicable and consistent with public safety, jail officials should allow incarcerated people to leave the jail for a compelling humanitarian reason such as visits to a dying parent, spouse, or child. Such absences may occur with or without escort, depending on security and public safety needs.	N/A
2	Immediate family members may visit an incarcerated person who is admitted to the intensive care unit (ICU) or trauma center for the duration of the incarcerated person's stay in the ICU or trauma center.	<p>a) If jail officials and staff restrict visitation in a trauma center or ICU, they should issue the restriction and provide written notice to the expected visitors within 6 hours of the incarcerated person's admission to the ICU or trauma center, pursuant to La. R.S. 15:833(A) and Department Regulation C-02-008. Written notices provided to expected visitors should explain why visitation cannot be granted.</p> <p>b) Jail officials or staff may extend the definition of an offender's immediate family member.</p>
3	Governmental authorities should establish home furlough programs, giving due regard to	N/A

#	REQUIREMENT	DETAILS TO INCLUDE
	institutional security and community safety, to enable prisoners to maintain and strengthen family and community ties, look for employment, and connect with social services. <sup>55</sup>	
4	The jail administration should be encouraged to establish policies, procedures, and practices to facilitate conjugal visits. Wherever conjugal visits are established, they should be equally available to men and women who are incarcerated. <sup>56</sup>	N/A

<sup>55</sup> Adapted from the American Bar Association, 2010, §23-8.5(g).

<sup>56</sup> Adapted from the Nelson Mandela Rules, 2015, §55-2.

## 8. Packages and Written, Video, and Phone Correspondence

Physical mail, phone, and video conferencing are critical tools for assisting people in custody with maintaining family and community ties. Well-established social science research shows strong associations between communicating with family during incarceration. Maintaining communication between parents and children, for example, can have positive effects on parent-child attachment and relationship quality.<sup>57</sup> Moreover, allowing people in custody to maintain communication with family and community ties can make prisons and jails more safe. Studies have shown that in facilities where in-person visitation has been banned and other forms of communication have been disrupted, assaults between incarcerated people, assaults on staff, and disciplinary infractions increased.<sup>58</sup> However, mail must be regulated and handled in a manner that does not compromise the safety and security of the facility.

**Current Status:** The BJJ contain limited rules to regulate mail operations; however, they contain no guidance on the use of phones or electronic communications in the facility. The Minimum Jail Standards contain some limited guidance on the use of phones and electronic communications.

**Goal:** Louisiana should preserve its mail services and enhance its correspondence standards to protect incarcerated people’s access to written, video, and phone communication.

**Roadmap:** The tables below outline the general requirements and details that (1) should continue to be features of the BJJ or (2) should be worked in as enhancements. Table 22 focuses on standards related to mail, which includes written correspondence as well as packages, and Table 23 focuses on standards related to telephonic services.

**Table 22. Requirements for Mail: Written Correspondence and Packages**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration should establish and adopt policies and procedures that facilitate an incarcerated person’s ability to correspond with and send or receive packages on a regular basis from family, friends, and external organizations, including media organizations. Packages sent to incarcerated people may	<p>a) The jail administration should allow incarcerated people to send as many letters of as many pages as they desire, to whomever they desire unless the recipient has requested no further contact from a particular incarcerated person. Where legitimate and individualized safety and security concerns exist, the jail administration may limit correspondence between incarcerated people.</p> <p>b) The jail administration should not require that incoming mail be sent using particular rates or means of payment.</p>

<sup>57</sup> Haverkate, D. and Wright, K.A. (2020). *The Differential Effects of Prison Contact on Parent-Child Relationship Quality and Child Behavioral Changes*. *Corrections: Policy, Practice, & Research*, 5(3), pp. 222-224, <https://doi.org/10.1080/23774657.2018.1485529>.

<sup>58</sup> Lee, L. (2019). *Far From Home and All Alone: The Impact of Prison Visitation on Recidivism*, *American Law and Economics Review*, 21(2), pp. 431-481, <https://doi.org/10.1093/aler/ahz011>.

#	REQUIREMENT	DETAILS TO INCLUDE
	contain photos and publications, which include magazines, soft- or hard-cover books, newspapers, and other written materials, including documents printed from the internet.	<ul style="list-style-type: none"> <li>c) Jail staff should handle incarcerated people’s mail in a timely manner, delivering the original documents without unnecessary delay.</li> <li>d) The jail administration should establish and adopt policies and practices to assist incarcerated people who cannot read or write with correspondence; assistance may be provided by jail staff or other incarcerated people.</li> <li>e) If electronic communication services are provided in the jail, the jail administration should develop relevant policies that consider an incarcerated person’s interest in ready communication and ability to pay for services, as well as public safety, and institutional security. Electronic communication services may supplement but cannot substitute for mail services.</li> <li>f) Electronic communication services offered by the jail administration should include an appropriate range of options at the lowest possible rate. These services should allow incarcerated people to print mail and pictures received electronically.</li> </ul>
2	The jail administration should (1) allow incarcerated people to keep a reasonable amount of stationary, postage, and correspondence and (2) provide sufficient writing utensils, papers, envelopes, and postage stamps to incarcerated people who are indigent.	<ul style="list-style-type: none"> <li>a) Indigent incarcerated people should receive from the jail administration enough free stationery and postage to correspond with attorneys, courts, oversight bodies, and administrative agencies.</li> <li>b) Indigent incarcerated people should receive from the jail administration enough free stationery and postage to send [2] personal letters per week.</li> </ul>
3	The jail administration should adopt policies and procedures to inspect incoming and outgoing envelopes, packages, or containers to determine if they contain contraband or other prohibited material. Jail officials should not read privileged mail and should inspect privileged mail for contraband only in the presence of the incarcerated recipient/sender.	<ul style="list-style-type: none"> <li>a) The jail administration should consider any exchange between an incarcerated person and the following to be privileged: (1) federal, state, and local court officials, (2) federal, state, and local elected and appointed officials, (3) identifiable attorneys, (4) identifiable probation and parole officers, as well as the Board of Pardons and Committee on Parole, (5) state and local chief executive officers, (6) administrators of the grievance system, (7) members of the Jail Standards Compliance Unit, (8) local, state, or federal law enforcement agencies and officials, (9) PREA officials, and (10) the news media.</li> <li>b) Both incoming and outgoing privileged mail may be inspected outside the presence of the incarcerated recipient only in the following circumstances: 1) letters that are leaking, stained, or emitting a strange or unusual odor or have powdery residue, and/or 2) when reasonable suspicion of illicit activity has</li> </ul>

#	REQUIREMENT	DETAILS TO INCLUDE
		<p data-bbox="711 226 1430 296">resulted in a formal investigation and such inspection has been authorized by the Secretary or designee.</p> <p data-bbox="664 310 1442 512">c) During intake, the jail administration should provide an incarcerated person written guidelines regarding items that may be sent or received in correspondence. The jail administration should also post this list prominently throughout a jail's living quarters. The list should include any publications that are prohibited under Requirement 4(h).</p>
4	<p data-bbox="258 548 634 1087">The jail administration should be permitted to restrict outgoing and incoming envelopes, packages, or containers to the extent necessary to maintain order, safety, and security in the jail; prevent criminal offenses; continue criminal investigations; and protect victims of crime. The jail administration should not restrict outgoing or incoming mail based on the amount of correspondence sent or received, or the language in which the correspondence is written.</p>	<p data-bbox="664 548 1406 749">a) The jail administration should restrict outgoing and incoming materials only when they contain threats of physical harm, threats of blackmail or extortion, escape plans, or other material that would create a clear and present danger to any person inside or outside the jail facility or a threat to the security of the institution.</p> <p data-bbox="664 764 1442 966">b) The jail administration should deny an incarcerated person permission to send or receive any piece of correspondence only when the correspondence violates the jail's written policies and procedures. <b>The incarcerated person</b> and the sender <b>should receive from the jail staff written notice of the rejection</b> with the specific reason for the refusal and the name of the sender.</p> <p data-bbox="664 980 1446 1121">c) If a piece of correspondence contains material that violates the jail's written guidelines, jail staff should make reasonable efforts to deny only those segregable portions of the correspondence that present concerns.</p> <p data-bbox="664 1136 1422 1241">d) If the material that violates the jail's written guidelines cannot be separated, jail staff should return the item to the sender, along with a notice of the rejection.</p> <p data-bbox="664 1255 1422 1360">e) Any determination to temporarily restrict a particular sender's ability to correspond via physical mail should be based on an individualized determination of good cause.</p> <p data-bbox="664 1375 1446 1751">f) When there is any determination to temporarily limit a sender's right to send physical mail, the jail administration should make alternative arrangements to allow the person to communicate. Alternative arrangements may include, but are not limited to, scanned mail and electronic mail. Jail administration may deny a sender's use of alternative arrangements only if the correspondence contains threats of physical harm, threats of blackmail or extortion, escape plans, or other material that would create a clear and present danger to any person inside or outside the jail facility or a threat to the security of the institution.</p> <p data-bbox="664 1766 1406 1871">g) The jail administration should establish a system to allow incarcerated people to appeal restrictions to an impartial jail administrator.</p>

#	REQUIREMENT	DETAILS TO INCLUDE
		<ul style="list-style-type: none"> <li>h) The jail administration should not censor or delay incoming publications unless they contain specific instructions on the manufacture or use of dangerous weapons or explosives, plans for escape, or other material that may compromise the safety and security of the facility. Jail staff should provide a clear reason in writing for such censorship decisions and allow incarcerated people to appeal the decision to a neutral administrator.</li> <li>i) Copies of all written decisions to censor an item should be forwarded to the DPSC. The DPSC should maintain, update, and publish an aggregated list of all censored publications and the institutions that have censored them.</li> <li>j) The jail administration should not subject incarcerated people to retaliation or disciplinary action based on their constitutionally protected communication and expression.</li> </ul>

**Table 23. Requirements for Phones**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration should afford incarcerated people a reasonable opportunity to maintain telephonic communications with people and organizations in the community. Telephone services offered by the jail administration should include an appropriate range of options at the lowest possible rate.	<ul style="list-style-type: none"> <li>a) The jail administration should provide incarcerated people with hearing or speech impairments ready access to telecommunications devices for the deaf and telephones with volume control.</li> <li>b) The jail administration should use revenue from telephone services only to subsidize the welfare fund described in Table 11.</li> </ul>
2	Jail administrators and staff should be permitted to monitor or record telephonic communications subject to the restrictions set forth in the standards relating to privileged communications with counsel and other persons.	<ul style="list-style-type: none"> <li>a) The jail administration should inform incarcerated people that calls—except with attorneys, media representatives, policymakers, oversight bodies, and courts—are subject to monitoring and recording.</li> </ul>



## 9. Programs and Services

Jail programs contribute to the safety of jails by providing people in custody with activities to keep them engaged during the day, thereby reducing idleness and ultimately resulting in a more orderly and secure environment. Programs and services also provide people in custody with an opportunity to address their unmet needs, which may have contributed to their arrest, and develop connections with community-based service providers who can also support their successful reintegration into the community. However, because jails vary by size and location, there is no one-size-fits-all approach to expanding programs and services in jails.

**Current Status:** Currently, the BJG require local jails to have policies, procedures, and practices to deliver programs, services, and counseling. The BJG also state that those policies, procedures, and practices should, at a minimum, assist incarcerated people in obtaining individualized educational program instruction. The BJG is among three of the nine sets of standards we reviewed that alludes to an individualized approach to education programming, a recognized best practice.<sup>59</sup> Still, there is an opportunity to build upon this expressed commitment by drafting standards that more explicitly address the role jail programs and services play in promoting an incarcerated person’s positive reintegration.

**Goal:** Louisiana should expand its use of individualized programming and codify its commitment to this approach in a set of revised jail standards on programs and services. These standards should articulate a holistic and coordinated approach to program and service delivery, rather than simply outlining a definitive list of programs and services that should be offered in the jail.

**Roadmap:** The tables below outline the general requirements and details that should be worked into such standards. Table 24 focuses on standards related to rehabilitative and technical programs. Table 25 focuses on educational programs and non-legal library services. Table 26 focuses on work programs. Table 27 focuses on religious services. Finally, Table 28 focuses on civic programs and services.

**Table 24. Rehabilitative Programs**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration should offer a range of rehabilitative services and programs, free of charge, for each person in custody to ensure they are engaged in constructive activities during the day, that help develop their skills, that are responsive to their needs, that can support their well-being, and	<p>a) The jail administration should designate at least one facility employee to be responsible for assessing the needs of incarcerated people, using a validated needs assessment, coordinating the delivery of services and programs to people in custody, and developing local resources.</p> <p>b) The types of programs offered at the jail should address areas of need that are common among people in custody. Types of programs may include counseling, substance use treatment, education, vocational training, parent education, arts programming, and wellness.</p>

<sup>59</sup> Act No. 241, 2019 Reg. Sess. (La. 2019). See <https://www.legis.la.gov/legis/ViewDocument.aspx?d=1144110>.

#	REQUIREMENT	DETAILS TO INCLUDE
	that can help prepare them for their eventual release.	<p>c) The jail administration should utilize, to the extent possible, services and resources available in the community for program delivery. <a href="#">The jail administration should develop formal community partnerships with local providers (e.g., mental health centers, substance use treatment programs, family service agencies, vocational and employment services, healthcare professionals, self-help groups, etc.) to develop programs and services that are responsive to the needs of incarcerated people.</a><sup>60</sup></p> <p>d) The programs provided to an incarcerated person should match the person’s needs as determined by their needs assessment (see Table 3, Requirement 3), The programs provided to the person should be rematched after each subsequent needs assessment.</p> <p>e) Incarcerated women should have substantially similar opportunities as incarcerated men to participate in rehabilitative programs and services.</p> <p>f) Jail officials should provide incarcerated people with periodic opportunities to provide feedback on program offerings and to suggest areas for improvement.</p> <p>g) The jail administration should prioritize the provision of on-site programs and offer online courses to supplement, but not replace, in-person programming.</p> <p>h) <a href="#">The jail administration should</a> regularly distribute and <a href="#">post</a> an up-to-date <a href="#">schedule of programs</a> available to incarcerated people.</p> <p>i) <a href="#">Every person in custody should be offered an opportunity to participate in programs and services but should not be required to participate. The jail administration, in coordination with program providers, should</a> establish attendance policies. Program providers should <a href="#">record attendance for each program session offered.</a></p> <p>j) The jail administration should maintain a class file for all DPSC approved programming. Class files should include: (1) a copy of the incarcerated person’s screening for program placement, (2) the incarcerated person’s application to the program, (3) program sign-in sheets and/or attendance rosters, (4) student education records, (5) copies of certificate of program completion, skills certification, etc., (6) signed copies of CTRP credit forms; (7) documentation for staff oversight if the program is not administered and/or overseen by DPSC staff; and/or (8) a signed re-entry preparation refusal form if the sentenced individual refused programming.</p>

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<sup>60</sup> Additional recommendations for standards on mental health and substance use treatment programs are outlined in the section on health and mental health.

#	REQUIREMENT	DETAILS TO INCLUDE
2	The jail administration should develop a plan to provide people in restrictive housing settings with opportunities to participate in programs and services.	a) Programming options available to an incarcerated person housed in a restrictive housing setting may include virtual options and should be provided free of charge.
3	The jail administration should allow incarcerated people to (1) produce newspapers or other forms of media, and (2) circulate these newspapers and other forms of media within and outside of the jail.	<p>a) Whenever practicable, the jail administration should provide space, institutional support, and funding to aid newspapers and media run by incarcerated people. The jail administration should also allow incarcerated people to run independently-funded publications.</p> <p>b) The jail administration may require that incarcerated people's publications be submitted for review by a jail staff member prior to circulation. This staff member should review the material to ensure that it is not obscene and does not pose a threat to the security of the jail facility or to any person.</p> <p>b) The jail administration should be permitted to censor material that is obscene or poses a threat to the security of the facility or to any individual. Jail staff should provide a clear reason in writing for all censorship decisions and should allow incarcerated people to appeal the decision to a neutral administrator.</p>
4	The jail administration should allow incarcerated people to create works of artistic expression.	c) The jail administration should establish policies that allow incarcerated people to submit their works of artistic expression for publication, to display at art shows and contests, and to media outside the facility under their own name.

**Table 25. Educational Programs and Library Service**

	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration should afford all incarcerated people opportunities for basic education, including the opportunity to build basic literacy, numeracy, and vocational skills. The jail administration should offer incarcerated people high school equivalency classes and, if feasible, post-secondary degree education.	<p>a) Jail officials should coordinate with local public school districts, colleges, and universities to develop educational programs to meet the specific requirements of incarcerated people.</p> <p>b) The jail administration should ensure that every incarcerated person below age 22 is offered educational programming.</p> <p>c) Incarcerated women should have substantially similar opportunities as incarcerated men to participate in educational programming and apprenticeships.</p>

REQUIREMENT	DETAILS TO INCLUDE
2 The jail administration should offer incarcerated people apprenticeships and similar programs designed to facilitate re-entry into the workforce upon release.	<ul style="list-style-type: none"> <li>a) Jail officials should coordinate with colleges and universities to develop apprenticeship programs to meet the specific requirements of incarcerated people.</li> <li>b) Incarcerated women should have substantially similar opportunities as incarcerated men to participate in apprenticeships.</li> </ul>
3 The jail administration should facilitate access to library materials for all incarcerated people, including people in restricted housing.	<ul style="list-style-type: none"> <li>a) The jail's non-legal library service should facilitate incarcerated people's timely access to a wide range of recreational and instructional reading material, current newspapers or other periodicals, and varied broadcast media.</li> <li>b) Library materials should be responsive to the interests and educational needs of incarcerated people.</li> <li>c) Library materials should be available to incarcerated people daily.</li> </ul>

**Table 26. Work Programs**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration should afford incarcerated people the opportunity to do work that teaches vocational skills, helps people find work upon release, and respects their human dignity. Sentenced individuals should be employed substantially full-time or enrolled in education or rehabilitative programs. People held pretrial should not be required to work, but should be afforded the opportunity if they choose.	<ul style="list-style-type: none"> <li>a) Work assignments made by the jail administration should not discriminate based on race, national origin, gender identity, ethnicity, or disability.</li> <li>b) The jail administration should not use sentence length as a determining factor when making work assignments.</li> <li>c) The jail administration should provide incarcerated women job opportunities that are reasonably similar in nature and scope to those provided to incarcerated men.</li> <li>d) The jail administration should not require unsentenced people to work, except to perform routine housekeeping duties in their personal living space.</li> <li>e) The jail administration's work assignment should contribute to the person's individualized re-entry plan. Sentenced people who are within one year of release should be connected to DPSC's Regional Re-entry Programs.</li> <li>f) In conjunction with the preliminary medical screening conducted at admission (see Table 29, Requirement 2), the jail's healthcare provider should issue each incarcerated person a medical clearance for work. The clearance should include any setting-specific limitations due to an incarcerated person's medical status. If there is a change in medical status, the provider should update the incarcerated person's clearance.</li> </ul>

#	REQUIREMENT	DETAILS TO INCLUDE
		g) The jail administration should allow individuals with a disability to work if they choose to do so, consistent with any limitations set by the jail’s healthcare provider.
2	The jail administration should ensure that the organization and conditions of work in the jail reflect as closely as possible those of similar work conducted outside of the criminal legal system.	<p>a) All assigned work within or on the grounds of the facility should be in safe conditions, with appropriate safety or protective equipment and gear provided at no charge to the incarcerated person (see Table 10, Requirement 4(d)).</p> <p>b) Incarcerated people should receive appropriate training before assuming their work duties.</p> <p>c) To the extent possible, incarcerated people should be encouraged to apply for, and be allowed a choice in, their work assignments.</p> <p>d) Refusal to work due to safety or health concerns should not be considered a disciplinary infraction.</p> <p>e) If the jail administration contracts with for-profit firms to establish transitional work programs to employ incarcerated people held within the jail, the jail administration should ensure that incarcerated people are paid a fair wage.</p> <p>f) The jail administration should ensure incarcerated people do not work more than [40] hours per week and are afforded at least [2] days of rest per week as well as sufficient time away from work to participate in education programs and other activities.</p> <p>g) The jail administration should ensure all work assignments, including transitional work assignments, comply with all local and state laws and regulations (L.A. R.S. 15:708 and L.A. R.S. 15:711).</p> <p>h) The jail administration should offer incarcerated people who are held pretrial the opportunity to continue their regular employment as authorized by the sentencing court.</p>

**Table 27. Religious Services**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration should permit incarcerated people to practice any lawful and sincerely held religious belief; the jail administration should also respect the right of incarcerated people to refrain from the exercise of any religious belief.	<p>a) The jail administration should allow incarcerated people to congregate for the purpose of religious worship and to participate in religious activities or services provided in the jail subject to the need to maintain security. The jail administration should allow incarcerated people in restrictive housing to worship privately.</p> <p>b) The jail administration should allow incarcerated people to practice their religion via modes of dress or appearance, including wearing religious clothing, headpieces, hairstyles, facial hair, jewelry, and other symbols subject to the need to</p>

#	REQUIREMENT	DETAILS TO INCLUDE
		<p data-bbox="711 233 1393 359">maintain security and identify incarcerated people. The jail administration should ensure that garments, accessories, or headpieces worn for religious purposes are available for purchase in the commissary.</p> <p data-bbox="667 384 1349 453">c) The jail administration shall not require certain religious programming or participation by incarcerated people.</p>
2	<p data-bbox="261 489 630 758">If the jail houses enough incarcerated people from the same religion, the jail administration should work with local faith-based leaders from that religion to coordinate the provision of religious services in the jail.</p>	<p data-bbox="667 489 1442 615">a) The jail administration should allow faith-based leaders to conduct congregate religious activities as well as confidential consultations with incarcerated people, including confidential phone calls.</p> <p data-bbox="667 640 1442 758">b) The jail administration should not deprive incarcerated people, including incarcerated people housed in restrictive housing settings, of the ability to hold confidential meetings with faith-based leaders.</p>

## 10. Health and Mental Health

The provision of healthcare in a carceral setting is a complex undertaking. Medical and correctional professionals must work together to administer a healthcare program in an environment that is not designed for that purpose.<sup>61</sup> Compounding this challenge is the fact that people in jail are more likely to have a serious chronic health condition than their counterparts in the community.<sup>62</sup> Still, incarcerated people have a right to the same standard of care as people in the community; and, caring for incarcerated patients—especially those who lack health coverage—is a critical task affecting people residing and working in jails, as well as communities at large.

**Current Status:** Louisiana’s existing guidance on health and mental health care address access to care, routine services, staffing, and mental health care. However, the standards lack detail compared to the other sets of standards we reviewed.

**Goal:** The standards should be enhanced to provide additional details to (1) help achieve the best outcomes in a cost-efficient and effective manner and (2) articulate the principles that should guide the delivery of care in a jail setting.

**Roadmap:** The six tables included in this section outline recommended enhancements to the BJG. Table 28 focuses on the accessibility of health care. Table 29 focuses on the delivery of routine, urgent, and emergency services. Table 30 focuses on the staff, facilities, and equipment needed to carry out effective care. Table 31 focuses on informed consent and confidentiality. Table 32 focuses on mental health care. Finally, Table 33 focuses on care during pregnancy and following labor.

**Table 28. Access to Health Care**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration should appoint a qualified healthcare professional to oversee and direct the provision of healthcare in a jail facility. The jail’s healthcare services should be consistent with community healthcare standards, including standards relating to privacy and informed consent.	<ul style="list-style-type: none"><li>a) The jail administration should be encouraged to seek and maintain accreditation by the National Commission on Correctional Healthcare (NCCHC).</li><li>b) Any qualified healthcare professional working at the jail should be fully licensed to practice in the community and not restricted to practice only on an institutional permit.</li><li>c) The jail administration should provide space, equipment, supplies, and materials to provide medical care services.</li></ul>

<sup>61</sup> *Physician’s role in correctional medicine*. Physician’s Role in Correctional Medicine - American College of Correctional Physicians. [https://accpmed.org/physicians\\_role\\_in\\_correction.php](https://accpmed.org/physicians_role_in_correction.php)

<sup>62</sup> Maruschak, Laura, Berzofsky, Marcus, & Unangst, Jennifer. (2016). *Medical Problems of State and Federal Prisoners and Jail Inmates, 2011-12*. U.S. Department of Justice Office of Justice Programs Bureau of Justice Statistics. <https://bjs.ojp.gov/content/pub/pdf/mpsfjji1112.pdf>

#	REQUIREMENT	DETAILS TO INCLUDE
2	Medical staff, in coordination with the jail administration, should provide necessary health care throughout a person's time in custody regardless of the incarcerated patient's ability to pay, the size of the jail facility, or the duration of their incarceration.	<ul style="list-style-type: none"> <li>a) Health care provided to people in custody should be based only on the judgments of qualified healthcare professionals.</li> <li>b) <a href="#">The jail administration</a> should not impose a fee for accessing healthcare and prescriptions that exceeds the <a href="#">approved rates outlined in DPSC Regulation HCP14</a>. <a href="#">Jail officials and healthcare staff should inform eligible individuals of the Department's indigence waiver for healthcare and prescription fees.</a></li> </ul>
3	Jail administration should have a process in place for the medical screening of all arrestees during the booking process, and no more than two to four hours after arrival, to identify health conditions, mental health challenges, medication use, drug use, intoxication or withdrawal, communicable diseases, disability, and <a href="#">risk of suicide, as provided in Table 1, Requirement 2</a> . <sup>63</sup>	<ul style="list-style-type: none"> <li>a) Every person in custody should receive a two-part receiving screening, as provided in Table 1, Requirement 2: 1) Medical clearance should be conducted immediately upon arrival to determine if the person is too incapacitated, injured, or ill to wait for the routine screening to be conducted or to be admitted at the jail; 2) A further assessment should be conducted to identify current and past illnesses, health conditions, suicidal ideation, or special health requirements and observation (e.g. appearance, behavior, etc.).</li> <li>b) Screenings should be conducted by qualified health care professionals or correctional staff who are trained to identify health concerns.</li> <li>c) Information obtained during the screening process should result in a person's timely referral to appropriate medical care services and should be used to determine their housing assignment.</li> </ul>
4	The jail administration should have a process in place to ensure that each incarcerated person receives a comprehensive health assessment conducted by qualified medical and mental healthcare professionals no later than [14 days] of admission. The assessment should include: 1) reviewing information gathered during an individual's medical screening; 2) collecting additional information to complete an individual's medical, dental, mental health,	<ul style="list-style-type: none"> <li>a) Physical exams should include laboratory and/or diagnostic testing, including tests for communicable infections and diseases, as needed.</li> <li>b) Women should receive gender-appropriate routine preventive care.</li> <li>c) Medical staff should use the information collected during an individual's medical assessment to develop a treatment plan for ongoing care that details the frequency and content of care and of periodic follow-up health assessments. Information collected during an assessment and an individual's treatment plan should be stored in the individual's medical record.<sup>65</sup></li> <li>d) Medical staff should ensure incarcerated people immediately receive treatment for conditions identified during their medical assessment as well as follow-up care.</li> </ul>

<sup>63</sup> Timeline for screening should follow NCCHC's E-02 Standard, "Receiving Screening Standard," <https://www.ncchc.org/spotlight-on-the-standards-25-1>.

<sup>65</sup> See NCCHC's E-12 Standard, "Continuity and Coordination of Care During Incarceration," <https://www.ncchc.org/continuity-and-coordination-of-care-during-incarceration>.



#	REQUIREMENT	DETAILS TO INCLUDE
	and immunization histories; 3) administering a medical exam. <sup>64</sup>	<p>e) Jail staff should not impede or unreasonably delay an incarcerated person’s access to health care staff or treatment.</p> <p>f) The frequency of follow-up medical and mental health assessments should align with community healthcare standards, accounting for the age and health condition of each incarcerated person.<sup>66</sup></p> <p>d) Incarcerated people who have been transferred to the facility and have received a medical and mental health assessment within the past [6 months] do not need to receive a comprehensive health assessment unless it is medically necessary or if the person’s records are not available.</p>
5	The jail administration should ensure each incarcerated person's continuity of care, including with respect to medication, upon entry to the correctional system, during confinement, upon transfers, and upon release.	<p>a) The jail administration and jail staff should ensure that an incarcerated person's medical records and medication should travel with the individual in the event of a transfer to a different facility, and they should receive a copy when they are released to the community.</p> <p>b) The jail administration should allow incarcerated people who are taking medication prescribed to them by a healthcare provider or undergoing healthcare treatment when they enter the jail facility to continue their prescription or treatment course unless a qualified healthcare professional determines otherwise.</p> <p>c) The jail administration should allow incarcerated people who are taking medication prescribed to them by a healthcare provider when they enter the jail facility to receive a supply of that medication from a family member or other contact, provided that the medication is in its original packaging with a prescription.</p> <p>d) The jail administration should ensure that, upon release from the jail into the community, an incarcerated person who is taking medication prescribed to them by the jail’s healthcare provider receives a sufficient supply of that medication to meet their needs until they can be seen by a community healthcare provider.</p>
6	The healthcare services provided in the jail facility should include an ongoing evaluation process to improve the healthcare provided to incarcerated people and to	<p>a) The jail administration and health authority should develop quality assurance policies and procedures to identify and evaluate critical incidents related to health care, including deaths, preventable or adverse outcomes and serious medication errors.</p>

<sup>64</sup> See NCCHC Standard E-04 (<https://www.ncchc.org/initial-health-assessment-30-4>), Option One: Full Population Assessment.

<sup>66</sup> See NCCHC’s E-12 Standard, “Continuity and Coordination of Care During Incarceration,” <https://www.ncchc.org/continuity-and-coordination-of-care-during-incarceration>.

#	REQUIREMENT	DETAILS TO INCLUDE
	enable healthcare staff to institute corrective care or other action as needed. The evaluation process should include formal opportunities by which incarcerated people can provide feedback about their care.	b) The health authority and jail administrator should meet at least quarterly to review the jail's healthcare services.

**Table 29. Routine, Urgent, and Emergency Health Care Services**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The health authority, in coordination with the jail administration provide routine, urgent, and emergency care to people incarcerated in the jail facility. When appropriate, the health authority should use specially designed healthcare protocols for women and for people who have a physical or mental disability, are pregnant, or are under the age of eighteen or geriatric.	N/A
2	The health authority, in coordination with the jail administration, should provide dental care to treat people's dental pain and pathology and preserve their ability to chew.	<p>a) The dental services offered in the jail should include, but not be limited to, diagnostic x-rays, treatment of dental pain, fillings, development of individual treatment plans, extractions of non-restorable teeth, dentures, and referrals to dental specialists, including oral surgeons.</p> <p>b) Incarcerated people whose confinement may exceed a year should receive routine preventive dental care as well as education about oral health care. Incarcerated people who may be confined for more than a year should receive a dental examination within [90 days] of admission unless a dental emergency requires more immediate care.</p> <p>c) Jail staff and healthcare professionals should refer any complaints about dental pain to a qualified, licensed dental professional who should begin treatment immediately.</p>
4	The jail administration and health authority should implement a system to allow all incarcerated people to communicate their healthcare needs in a timely and confidential manner to healthcare professionals, who should evaluate their situation	<p>a) The jail facility's system for accessing healthcare should allow all incarcerated people to initiate confidential requests for health services daily.</p> <p>b) Health care professionals should be available to consult with incarcerated people each week during sick call. The jail administration should provide incarcerated people with access to sick call regularly. Jail facilities with a capacity below 100 beds should offer sick call at least [1] time per week, jail facilities with a capacity of 100 to 300 beds should offer sick call</p>

#	REQUIREMENT	DETAILS TO INCLUDE
	and assess its urgency. Healthcare and jail staff should follow-up on all requests for care.	<p data-bbox="711 226 1442 359">at least [3] times per week, jail facilities with a capacity of 300-500 beds should offer sick call at least [4] times per week, and jail facilities with a capacity of 500 or more should offer sick call [6] days a week.</p> <p data-bbox="662 380 1442 579">c) If an incarcerated person’s custody status precludes their attendance at sick call, then arrangements shall be made to have health professionals conduct medical rounds in the place of the incarcerated person’s detention. If medical rounds are conducted cell side, the jail administration should have a plan to ensure privacy of medical communications and exams.</p> <p data-bbox="662 600 1442 737">d) Incarcerated people whose confinement may exceed a year should receive routine preventive medical exams annually as well as any age- or gender-appropriate recommended screenings.</p> <p data-bbox="662 758 1442 989">e) Healthcare professionals shall not be involved in disciplinary proceedings or the imposition of punishments. However, healthcare professionals should monitor the health and welfare of any individual subjected to restraints or placement in restrictive housing. Jail staff should comply whenever a healthcare professional determines that a method of restraint should be lifted or discontinued.</p> <p data-bbox="662 1010 1442 1073">f) Medical staff should not refuse to assess or treat an individual because of a belief that the individual is malingering.</p>
5	The jail administration and health authority should provide for the voluntary and medically appropriate testing of all incarcerated people for widespread chronic and serious communicable diseases and for appropriate treatment.	<p data-bbox="662 1104 1442 1241">a) The jail administration should not discriminate against an incarcerated person in housing, programs, or other activities or services because the incarcerated person has a chronic or communicable disease.</p> <p data-bbox="662 1262 1442 1524">b) When medically necessary, the jail administration should be permitted to place an incarcerated person with a readily transmissible contagious disease in appropriate medical isolation to prevent the contagion of other people residing and working in the jail. Medical isolation is not punishment and should be clearly distinct from restrictive housing. People placed in medical isolation should still have access to reading materials, phone calls, and programming.</p> <p data-bbox="662 1545 1442 1682">c) Any accommodation made by the jail administration and health authority to address the special needs or risks of an incarcerated person with a communicable disease should not unnecessarily reveal the affected person’s health condition.</p> <p data-bbox="662 1703 1442 1860">d) Health care professionals should monitor and conduct periodic evaluations for people with chronic conditions, including but not limited to, diabetes, hypertension, congestive heart failure, asthma, HIV, epilepsy, conditions requiring Coumadin therapy, or a mental illness.</p>

#	REQUIREMENT	DETAILS TO INCLUDE
6	The health authority should test or evaluate all incarcerated people for tuberculosis upon intake and on an annual basis; such testing or evaluations should be provided at no cost to incarcerated people.	a) If an incarcerated person tests positive for or displays signs and/or symptoms of tuberculosis or other communicable diseases, the health authority should notify the DPSC Medical Director, who will determine if the incarcerated person requires additional evaluation by a healthcare professional.
7	The jail administration and health authority should ensure that incarcerated people have access to 24-hour emergency medical, dental, and mental health services, including on-site first aid, basic life support, and transfer to community-based services.	<p>a) The jail administration and health authority should establish a partnership with a local state or private hospital, on-call qualified healthcare professionals, or on-duty qualified healthcare personnel to ensure 24-hour care is available.</p> <p>b) Jail staff should provide emergency first aid or CPR according to their training and should consult with a healthcare professional to obtain emergency health care services for an incarcerated person in need of such services.</p> <p>c) Jail staff should notify an incarcerated person’s emergency contact in the event of transfer to hospital or other inpatient medical facility as provided in Table 19.</p>

**Table 30. Staff, Facilities, and Equipment**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration, in coordination with the health authority, should employ or contract with a sufficient number of qualified medical, dental, and mental health professionals to render preventative, routine, chronic, urgent, and emergency health care in a timely manner.	<p>a) All healthcare professionals should be fully licensed. The jail administration should employ or contract with healthcare professionals whose licenses are consistent with the licensing requirements for healthcare professionals in the community.</p> <p>b) Healthcare professionals should be permitted to practice only what is permissible given their license, qualifications, and job descriptions approved by the health authority.</p> <p>c) Jail staff who do not have healthcare services licenses may perform limited patient care only as authorized by the responsible health authority and in accordance with appropriate training. Care provided by non-licensed staff should be limited to carrying out first aid/CPR per POST training and following standing orders authorized by the health authority.</p> <p>d) All healthcare evaluation and treatment decisions should be made by healthcare professionals. Jail staff should not countermand or interfere with access to the care recommended by healthcare professionals.</p>
2	The jail administration and health authority should ensure healthcare areas in the jail facility are safe, sanitary, and equipped with private areas	<p>a) Hospital wings and infirmaries operated by or within the jail facility should meet the licensing standards applicable to similar, non-prison hospital wings or infirmaries.</p> <p>b) If the jail administration and health authority provide infirmary care on-site, their infirmaries should be equipped to provide 24-</p>

#	REQUIREMENT	DETAILS TO INCLUDE
	appropriate for examination, treatment, and confidential discussions. The jail facility's healthcare areas should include an adequately supplied pharmacy to provide incarcerated people with medication as prescribed by healthcare professionals.	<p>hour emergency on-call consultation with a physician, dentist, and behavioral professional.</p> <p>c) Jail facilities should have emergency life-saving equipment on site, such as Narcan and a defibrillator. All healthcare equipment throughout the facility should be maintained and should be periodically checked for adequate performance and all prescription medications should be unexpired.</p> <p>d) All custodial jail staff should be trained on the use of emergency healthcare equipment and Narcan.</p>
3	The jail administration should establish policies, procedures, and practices to address the needs of any incarcerated individual who requires medical, dental, or behavioral healthcare that is not readily available at the facility.	<p>a) The jail administration, health authority, and DPSC should ensure individuals needing care that is not available in the facility are immediately transferred to a DPSC facility or a community-based healthcare facility. Transfer requests made by the jail administration should include the incarcerated person's screening and other relevant, supporting documentation.</p> <p>b) The jail administration should transport incarcerated people to or from medical facilities only in vehicles equipped with emergency medical equipment and provisions for people with special needs.</p> <p>c) Incarcerated people traveling in transportation vehicles to medical facilities should not be shackled to other individuals, and provision should be made for individuals to use toilets while traveling.</p> <p>d) Incarcerated people should not be charged for transfers or for services provided in facilities outside the jail.</p>
4	The jail administration should provide medical prosthetic devices or other impairment-related aids, such as eyeglasses, hearing aids, wheelchairs, mobility devices, or dentures to incarcerated people whose health or quality of life would otherwise be adversely affected.	<p>a) If a qualified healthcare professional deems the use of a specific aid to be reasonably necessary and the aid is deemed inappropriate for security or safety reasons, jail administrators and staff, in consultation with healthcare professionals, should propose an alternative that meets the health needs of the incarcerated person.</p>

**Table 31. Informed Consent and Confidentiality**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration and health authority should implement policies, procedures, and practices to require	<p>a) The jail administration and health authority should provide incarcerated people in writing and orally of all health care options available to them and establish a policy to assist incarcerated people with identifying and signing medical</p>

#	REQUIREMENT	DETAILS TO INCLUDE
	<p><b>informed consent</b> prior to an incarcerated person’s healthcare examination, testing, or treatment, except as otherwise provided in these standards. Healthcare professionals may proceed with involuntary testing or treatment only if there is a significant risk of the spread of a communicable disease, no less intrusive alternative is available, or involuntary testing or treatment would accord with applicable law for a non-incarcerated person.</p>	<p>releases to facilitate healthcare professionals in sharing information.</p> <ul style="list-style-type: none"> <li>b) An incarcerated person who lacks the capacity to make decisions consenting or withholding consent to care should have a surrogate decision-maker designated according to applicable law.</li> <li>c) If an incarcerated person refuses examination, testing, or treatment, a qualified healthcare professional should discuss the matter with the individual and document in the healthcare record both the discussion and the refusal, with the incarcerated person’s signature or refusal to sign.</li> <li>d) A qualified healthcare professional should investigate any claim that an incarcerated person is refusing testing or treatment for a serious medical or mental health condition to ensure the refusal is informed and voluntary.</li> <li>e) The jail administration should house an incarcerated person who refuses testing or treatment for a serious communicable disease in a medically appropriate and non-punitive setting until a qualified healthcare professional can ascertain whether the individual is contagious.</li> </ul>
2	<p>The health authority and jail administration should compile, maintain, and keep an incarcerated person’s health records confidential and in accordance with accepted healthcare practice and standards.</p>	<ul style="list-style-type: none"> <li>a) The health authority should share information about a particular incarcerated person's health condition only to the extent required for the health of the person, the administration and maintenance of the jail, and quality improvement.</li> <li>b) If an incarcerated person consents, healthcare professionals or jail staff should provide information about an incarcerated person’s health condition to their family or other persons designated by the incarcerated person.</li> <li>c) The health authority and jail administration should control access to incarcerated peoples’ health records. <b>Health care records should be made available to healthcare staff, who should use records for documentation</b>, to the incarcerated person who is the subject of the records, and to anyone authorized by the incarcerated person to receive those records. Any external oversight body investigating the provision of healthcare in the facility or a death in custody should also have access to health records.</li> <li>d) <b>The health authority and the jail administration should keep healthcare records separate from non-health-care records, including the confinement case records.</b></li> </ul>
3	<p>The jail administration and health authority should prohibit the involvement of incarcerated</p>	<ul style="list-style-type: none"> <li>a) This requirement should not preclude the incarcerated person’s ability to participate in a medical trial to address his or her specific health needs.</li> </ul>

#	REQUIREMENT	DETAILS TO INCLUDE
	people in medical, pharmaceutical, or cosmetic experiments.	

**Table 32. Mental Health**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration, in cooperation with the health authority, should establish policies and procedures to provide individualized mental health treatment and services to incarcerated people who are living with a mental illness, intellectual disability, or cognitive impairment.	<ul style="list-style-type: none"> <li>a) A mental health care provider should oversee the mental health services provided to incarcerated people. These services should include but not be limited to mental health treatment programs provided by qualified staff, crisis intervention services, and medication support services.</li> <li>b) The information collected during the medical screening and health assessment described in Table 28 Requirement 3(a) and 3(b) should be used to develop an individualized mental health treatment plan. The treatment plan should identify any prescribed medication and dosage and the required frequency of mental health treatment programs, crisis intervention services, and medication support services.</li> <li>c) The jail administration, in cooperation with the health authority, should establish policies and procedures that allow for the provision of mental health services through telehealth.</li> </ul>
2	The jail administration and health authority should coordinate to provide incarcerated people with mental illness, intellectual disability, or cognitive impairment with housing in accordance with their diagnoses, vulnerabilities, functional impairments, and treatment or rehabilitation plans.	<ul style="list-style-type: none"> <li>a) When appropriate for the purposes of evaluation or treatment, jail administrators and staff should be permitted to separate from the general population incarcerated people diagnosed with a mental illness, intellectual disability, or other cognitive impairments if the conditions of general population exacerbate mental health challenges or pose a security risk for themselves or others in general population living quarters.</li> <li>b) The jail administration should not house incarcerated people who are diagnosed with a mental illness, intellectual disability, or other cognitive impairment in settings that exacerbate their mental health challenges or suicide risk, particularly in settings involving sensory deprivation or isolation.</li> </ul>
3	The jail administration and health authority should coordinate to provide incarcerated people with mental illness, intellectual disability, or cognitive impairment with programming opportunities in accordance with their diagnoses, vulnerabilities, functional impairments, and treatment or rehabilitation plans.	N/A

#	REQUIREMENT	DETAILS TO INCLUDE
4	<p>The jail administration in collaboration with mental healthcare professionals should establish procedures to identify incarcerated people who are at risk of suicide and to address suicidal thoughts and behaviors using appropriate prevention and protective interventions and strategies. All jail staff and healthcare professionals should be trained on these procedures annually.</p>	<ul style="list-style-type: none"> <li>a) When an initial screening or any other subsequent observation determines that an incarcerated person is at risk of suicide, the incarcerated person should be placed in a safe setting and be promptly evaluated by a qualified mental health professional who should determine the degree of risk, appropriate level of supervision, and the suitable course of mental health treatment.</li> <li>b) The jail administration should be allowed to use the following measures only as a last resort or if an individual medical determination finds that they are necessary: (1) the removal of an incarcerated person’s clothing and (2) the use of physical restraints as a suicide prevention method following a consultation with a mental healthcare professional as provided in Table 28 Requirement 3. If jail staff remove an incarcerated person’s institutional clothing, they should provide the affected incarcerated person with suicide resistant garments that are sanitary, modest, and adequate for the temperature.</li> <li>c) If restraints are medically authorized, staff should: <ul style="list-style-type: none"> <li>iii. Use the least restrictive restraints that allow for the safety of the person and staff as provided in Table 41; and,</li> <li>iv. Perform regular checks to ensure proper circulation, respiration, and positioning, and to ensure that restraints do not aggravate any other medical conditions as provided in Table 41.</li> </ul> </li> <li>d) The jail administration should not isolate incarcerated people at risk of suicide; the jail administration should ensure that living quarters for people at risk of suicide are designed to be suicide resistant and provide jail staff with a full and unobstructed view of the incarcerated people housed there.</li> <li>e) Jail staff should observe incarcerated people at risk of suicide face-to-face at irregular intervals of no more than 15 minutes; all such observations should be logged.</li> <li>f) Jail staff should continuously observe face-to-face incarcerated people who are threatening or actively engaging in suicidal behaviors until a qualified mental health professional evaluates the affected individual and concludes that such observation is no longer necessary.</li> </ul>
5	<p>If jail staff observe an incarcerated person who appears to have attempted suicide, jail staff should immediately administer appropriate first-aid measures and call medical personnel; first-</p>	<ul style="list-style-type: none"> <li>a) Jail staff posted to any of the jail’s living quarters should have access to cut-down tools and be trained in first aid, cardiopulmonary resuscitation, cut-down techniques, and emergency notification procedures.</li> </ul>



#	REQUIREMENT	DETAILS TO INCLUDE
	aid should continue until medical personnel arrive. Jail staff should immediately notify the medical authority and Jail Standards Compliance Unit of all deaths by suicide and suicide attempts. More complete reports should be issued according to the critical incident reporting procedures in Table 51.	<ul style="list-style-type: none"> <li>b) Incarcerated people who attempt suicide or serious self-harm should not be criminally charged with LA R.S. 14:404 (self-mutilation of a prisoner).</li> <li>c) Incarcerated people who attempt suicide or serious self-harm should receive priority access to mental health treatment within [24 hours] of the event.</li> </ul>
6	The jail administration and health authority should provide appropriate treatment for incarcerated individuals diagnosed with gender dysphoria.	<ul style="list-style-type: none"> <li>a) People who have begun or completed a gender transition prior to their admission to the jail facility should be offered treatment necessary to maintain the individual at the stage of transition reached at the time of admission, unless a qualified healthcare professional determines that such treatment is medically inadvisable.</li> </ul>

**Table 33. Care During Pregnancy and Postpartum Recovery**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The health authority and jail administration should provide necessary prenatal, peripartum, and postpartum care and treatment, including appropriate diets, prescriptions, clothing, living accommodations, and counseling services, to pregnant people housed in local jails.	<ul style="list-style-type: none"> <li>a) Pregnant people should receive information about all lawful pregnancy-related medical services and should not be limited in receiving access to those services.</li> <li>b) Any incarcerated person who is in labor or experiencing pregnancy distress should be taken to an appropriate medical facility without delay.</li> <li>c) Incarcerated persons should not be restrained while in labor, including during transport. See Table 42 for additional guidance.</li> </ul>
2	The health authority and jail administrators should strive to meet the needs of new mothers and their infants, including a mother's desire to breastfeed her child.	<ul style="list-style-type: none"> <li>a) The jail administration should strive to allow new mothers to remain in the community with their infants for a reasonable time.</li> <li>b) If it is not feasible for the new mother to remain in the community, the jail administration should be encouraged to set up a nursery staffed by qualified persons that permits the mother to remain with her infant for a period of time.</li> <li>c) If long-term incarceration is anticipated, the incarcerated mother should be helped to develop necessary plans for alternative care for the infant; this assistance should include education about the mother's parental rights, as well as counseling and mental health support in the time leading up to and following her separation from the infant.</li> <li>d) If a new mother is separated from her infant but desires to breastfeed, the jail administration should facilitate her ability to</li> </ul>

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#	REQUIREMENT	DETAILS TO INCLUDE
		pump and to make arrangements to deliver breast milk to her child's caretaker.

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## 11. Security, Safety, and Harm Reduction

Correctional officials are responsible for keeping incarcerated people and staff physically and psychologically safe. Some jurisdictions emphasize control and security as the primary means of keeping people safe. However, in addition to keeping the correctional environment secure, jail administrators must also respect the people it holds in custody and honor their dignity, and those two priorities can feel in tension with one another.

Ideally, to ensure safety, a proper balance should be maintained between physical security (e.g., locks on doors, alarm systems, security cameras, etc.), procedural security (e.g., the use of video footage, the movement of people in custody around the facility, possessions people in custody may keep, searches of people in custody, etc.), and dynamic security (e.g., interactions between staff and people in custody, prioritizing prevention, etc.).<sup>67</sup> This balance should be applied to everyone in custody, including those deemed high-risk. Of course, the ability to strike the right balance between these types of security will depend on several factors such as the size and complexity of the facility. For that reason, policies and procedures that provide clear guidance to jail officials and staff about how to operate and manage the security and safety are essential.

**Current Status:** The BJG cover a wide range of important security and safety issues but the standards that correspond to these issues vary notably in their level of detail. For example, the BJG includes detailed standards about restraints on pregnant people while the standards on restraints, generally, provide little guidance. There is similarly very little detail or guidance on use of force. Without such specificity, jail administrators and staff do not have the guidance they need about how to avoid unnecessary harm.

**Goal:** The revised safety and security standards should offer consistently detailed guidance to enhance the safety of both incarcerated and staff.

**Roadmap:** The eleven tables in this section outline recommendations for enhancements to the BJG's security and safety requirements. Table 34 focuses on the jail administration's duty to protect people from harm. Table 35 focuses on security systems. Table 36 focuses on emergency preparedness. Table 37 focuses on staff supervision of people in custody. Table 38 and 39 focus on searches. Table 40 focuses on limiting the use of force by staff. Tables 41 and 42 focus on limiting the use of restraints. Table 43 focuses on protective custody housing placements. Finally, Table 44 focuses on the prevention and response to sexual assault and sexual abuse.

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<sup>67</sup> United Nations Office on Drugs and Crime (2015). *Handbook on Dynamic Security and Prison Intelligence*, p.5-6, [https://www.unodc.org/documents/justice-and-prison-reform/UNODC\\_Handbook\\_on\\_Dynamic\\_Security\\_and\\_Prison\\_Intelligence.pdf](https://www.unodc.org/documents/justice-and-prison-reform/UNODC_Handbook_on_Dynamic_Security_and_Prison_Intelligence.pdf)

**Table 34. Protection from Harm**

#	REQUIREMENT	DETAILS TO INCLUDE
1	Jail officials and staff should protect the safety of incarcerated people, other staff, service providers, and visitors at all times, including protecting them from abuse, personal injury, sexual assault, extortion, and harassment, among other harms.	<ul style="list-style-type: none"> <li>b) The jail administration and staff should take all practicable steps to reduce the potential for violence in correctional facilities and during transport, including: <ul style="list-style-type: none"> <li>i. using a validated and objective classification system as provided in Tables 2 and 3;</li> <li>ii. avoiding crowding as provided in Table 8;</li> <li>iii. adequately and appropriately supervising people in custody as provided in Table 37;</li> <li>iv. training volunteers and staff as provided in Tables 46 and 47;</li> <li>v. having an effective staff discipline system that ensures accountability for abuse or harassment of incarcerated people as provided in Tables 45, 48 and 49;</li> <li>vi. preventing opportunities for incarcerated people to coerce or control others;</li> <li>vii. preventing opportunities for gangs to gain power;</li> <li>viii. rapidly separating incarcerated people when one may pose a danger to another;</li> <li>ix. prohibiting and preventing staff from tolerating, condoning, or implicitly or explicitly encouraging fighting, violence, bullying, or extortion;</li> <li>x. regularly assessing incarcerated people’s level of fear of violence and responding accordingly to their concerns; and,</li> <li>xi. preventing idleness by offering constructive activities for all people in custody as provided by Tables 24 through 27.</li> </ul> </li> </ul>

**Table 35. Security Systems**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration should ensure that the jail’s perimeter is controlled by appropriate means in order to keep incarcerated people safe, prevent escapes, prevent the introduction of contraband, and ensure that the	N/A

#	REQUIREMENT	DETAILS TO INCLUDE
	general public only accesses the jail in a regulated manner.	
2	The jail administration should ensure that the jail's security, life safety, and communications systems are operational and monitored on a 24-hour basis.	<ul style="list-style-type: none"> <li>a) Fixed cameras, hand-held video cameras, and body cameras should be fully functional at all times.</li> <li>b) Recordings from fixed cameras, hand-held cameras, and body cameras should be preserved for a minimum of [90]days, and should be preserved indefinitely in cases where litigation may be reasonably anticipated, such as when there is a death in custody or a serious injury, or when a use of force occurs.<sup>68</sup></li> <li>c) In addition to monitoring video from fixed cameras in real time, staff should review footage from all cameras following any critical incident to gather information about the event.</li> <li>d) Footage from videos of incidents should be used for staff training purposes.</li> </ul>
3	The jail administration should ensure the jail is equipped with a record system that is updated daily and includes individual records for key processes, like admission processing (as provided in Table 5), access to programs and services, and release (as provided in Table 7).	N/A
4	Jail staff should maintain a permanent log and prepare shift reports that record routine information, emergency situations, and critical incidents, as provided in Table 51 .	<ul style="list-style-type: none"> <li>a) Permanent logs and shift reports should include the following information: (1) personnel on duty; (2) the incarcerated population; (3) admissions and releases; (4) shift activities; (5) the entry and exit of all visitors, including legal or medical professionals; (6) critical occurrences or facility emergencies.</li> </ul>
5	The jail administration should have written policy, procedures, and practices to keep an inventory and control the use of keys, tools, culinary equipment, medical instruments, and dental instruments.	<ul style="list-style-type: none"> <li>a) Such policies and procedures in each local facility providing vocational programming and equipment funded and purchased by DPSC shall abide by the terms of a Memorandum of Understanding (MOU) established with the DPSC Re-entry Division.</li> </ul>

<sup>68</sup> Mark Chamberlain, "Managing Risk Associated with Videos in Today's Jails," *Lexipol*, April 20, 2020, available: <https://www.lexipol.com/resources/blog/managing-risk-associated-with-video-in-todays-jails/>; see also, Noelle Phillips, "Denver adopts new policy to save more jail video and for longer periods," *Denver Post*, March 17, 2015, available: <https://www.denverpost.com/2015/03/17/denver-adopts-new-policy-to-save-more-jail-video-and-for-longer-periods/>.

#	REQUIREMENT	DETAILS TO INCLUDE
		b) Jail staff should maintain a written report of malfunctioning locks, broken or lost keys, and other key-related security hazards.
6	The jail administration should have written policy, procedures, and practices to control the maintenance and use of firearms. All firearms should be subject to stringent safety regulations and inspections. Jail staff should only use firearms as provided in Table 40.	<p>a) The jail administration should store authorized weapons in a secure weapons locker outside the secure perimeter of the facility.</p> <p>b) Authorized weapons, including firearms, are permitted only in designated areas to which incarcerated people have no access.</p> <p>c) Jail staff supervising incarcerated people outside the facility perimeter should follow procedures for the security of weapons.</p> <p>d) All firearms and security equipment used by jail staff on duty should be approved by the jail administrator.</p> <p>e) The jail administration should provide jail staff with appropriate equipment to facilitate the safe unloading and loading of firearms.</p>
7	The jail administration should permit the use of canines only for searches and only when incarcerated people have been moved away from the area being searched. The jail administration should forbid the use of canines for the purposes of intimidation or control of incarcerated people, including during cell extractions.	N/A

**Table 36. Emergency Preparedness**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration should have a written plan that specifies the procedures that should be followed in emergency situations. Emergency situations include incidents that threaten facility safety, such as riots, hunger strikes, the taking of hostages, and natural and man-made disasters.	<p>a) The jail administration's emergency plan should include a means of maintaining essential life-sustaining, electrical, and light functions in the event of an emergency.</p> <p>b) The jail administration's emergency plan should state that emergency lockdowns should last no longer than necessary to address the immediate justification for its imposition as provided in Table 11.</p> <p>c) The jail administration should review the emergency plan annually and update it as needed.</p> <p>d) The jail administration should distribute the emergency plan and associated policies to jail staff.</p>

#	REQUIREMENT	DETAILS TO INCLUDE
		<ul style="list-style-type: none"> <li>e) Jail staff should be trained on the jail’s emergency plan as provided in Table 47.</li> <li>f) The jail administration should immediately report emergency situations to the DPSC Jail Standards Compliance Unit. If the emergency situation involves people serving a state sentence, the jail administration should also immediately notify DPSC Office of Adult Services or the control center Elayn Hunt Correctional Center.</li> <li>g) The jail administration should report emergency situations according to its critical incident reporting procedures.</li> </ul>
2	The jail administration should ensure there is a means of immediately releasing incarcerated people from locked areas in the event of an emergency, as well as a backup plan. The jail administration should outline these procedures in a written evacuation plan. The evacuation plan should identify alternative accommodation for incarcerated people in case of a mandatory evacuation.	<ul style="list-style-type: none"> <li>a) The evacuation plan should be reviewed and approved by the state fire marshal.</li> <li>b) The jail administration should review the evacuation plan annually and update it as needed.</li> <li>c) The jail administration should distribute the evacuation plan and associated policies to jail staff.</li> <li>d) The jail administration should ensure that emergency exits are properly positioned, clear from obstruction, and distinctly and permanently marked to ensure the timely evacuation of incarcerated people and staff in the event of a fire or emergency.</li> <li>e) Jail staff should be knowledgeable of evacuation routes.</li> <li>f) Jails should evacuate incarcerated populations when the jurisdiction in which the facility is located orders a mandatory evacuation. Jails may evacuate under voluntary evacuation orders and should evaluate the availability of (1) staff and (2) alternative accommodations for incarcerated populations during a voluntary evacuation in its decision making.</li> </ul>
3	The jail administration should ensure that jail staff and incarcerated people have access to an emergency communication system.	<ul style="list-style-type: none"> <li>a) Jail staff who work directly with incarcerated people should have access at all times to an emergency communication system with central control.</li> <li>b) Incarcerated people should be able to communicate at all times with a staff member equipped with emergency and alarm capacity.</li> </ul>

**Table 37. Supervision & Counts**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration should facilitate personal interactions between staff and incarcerated people as provided in Table 46, Requirement 1.	N/A

#	REQUIREMENT	DETAILS TO INCLUDE
2	The jail administration should ensure that people in custody are adequately and appropriately supervised in all areas of the jail and during transport.	<ul style="list-style-type: none"> <li>a) Jail staff should conduct regular, face-to-face observations of incarcerated people.</li> <li>b) The schedule for face-to-face observations should be tailored to the needs and classification of the incarcerated individuals in a particular housing area.</li> <li>c) Jail staff should observe incarcerated people with a medium- or maximum-security classification twice per hour on an irregular schedule, with no more than [30 minutes] between each observation.</li> <li>d) Jail staff should observe incarcerated people with a minimum or low security classification at least every [60 minutes] on an irregular schedule.</li> <li>e) Jail staff should observe incarcerated people who are at risk of suicide at least every 15 minutes as provided in Table 32, Requirement 4(e).</li> <li>f) If an incarcerated person shows signs of mental illness or of violent behavior, a qualified medical professional should assess the individual to determine the level of supervision needed.</li> <li>g) Jail staff should create a written record of all face-to-face observations conducted during a shift.</li> <li>h) Whenever possible given the design of the jail, jail staff should use a direct supervision approach when observing people in congregate areas.</li> </ul>
3	The jail administration and jail staff should have a system to count people in custody.	<ul style="list-style-type: none"> <li>a) Jail staff should conduct at least one count per shift, with a total of three counts daily.</li> <li>b) When conducting counts, jail staff should account for people in custody who may be absent from the jail due to their work release, educational release, medical treatment, or any other form of temporary leave from their housing assignment.</li> <li>c) Wherever possible during nighttime hours, jail staff should not wake incarcerated people for the purposes of counts, assuming signs of life can be otherwise determined.</li> <li>d) Jail staff should create a written record of all formal counts conducted during a shift.</li> </ul>

**Table 38. Searches of Jail Facilities**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration should have written policies, procedures, and practices to control contraband that are	<ul style="list-style-type: none"> <li>a) The jail's search policies, including a list of items designated as contraband, should be distributed to jail staff and incarcerated people.</li> </ul>



#	REQUIREMENT	DETAILS TO INCLUDE
	grounded in the principles of proportionality, legality, and necessity. These policies, procedures, and practices should ensure that jail staff conduct facility searches in a manner that minimizes disorganization or damage to the property of incarcerated people and unnecessary invasions of privacy.	<ul style="list-style-type: none"> <li>b) When practicable, jail staff should prevent incarcerated people from observing searches of other people’s cells and property.</li> <li>c) The jail administration should allow incarcerated people to keep documents relating to their legal proceedings as provided in Table 17, Requirement 1(c). Jail staff should respect the confidentiality of these documents when conducting searches.</li> </ul>
2	Jail staff should maintain a record of all facility searches. Search documentation should describe the circumstances of the search, the staff involved, and the nature of any contraband items that were found and/or confiscated.	<ul style="list-style-type: none"> <li>a) If property is confiscated during a search, jail staff should provide the incarcerated person with written documentation of this information as soon as is practicable. If non-dangerous property is confiscated, it should be stored in the facility’s property room for the person to retrieve upon release or transfer from the jail.</li> <li>b) Confiscated monies should be deposited into the incarcerated person’s commissary account.</li> <li>c) Jail administration should periodically review these records to identify methods to prevent future entry of contraband.</li> </ul>

**Table 39. Searches of Incarcerated People’s Bodies**

#	REQUIREMENT	DETAILS TO INCLUDE
1	All <a href="#">searches</a> of incarcerated people’s bodies <a href="#">should follow a written protocol</a> that is grounded in the principles of proportionality, legality, and necessity. Jail staff should conduct searches using the least intrusive means necessary and in a manner that preserves the dignity and privacy of the incarcerated person being searched.	N/A
2	Except in exigent situations, pat-down and visual body searches should be conducted only by jail staff of the same gender as the individual being searched. Whenever practicable, jail staff should use non-intensive sensors and other search techniques in the place of pat-down and visual body searches.	<ul style="list-style-type: none"> <li>a) Transgender individuals should be entitled to express a preference for searches to be conducted by jail staff of a particular gender.</li> <li>b) Jail staff should be trained on how to conduct cross-gender searches, including searches of transgender people.</li> <li>c) Jail staff should create a record of all cross-gender searches; search records should describe the circumstances of each search and note the staff members involved.</li> </ul>

#	REQUIREMENT	DETAILS TO INCLUDE
		d) Jail staff should not restrict incarcerated women and transgender people’s access to regularly available programming or out-of-cell activities solely to comply with this requirement regarding cross-gender searches.
3	Jail staff should conduct pat-down searches in a brief and respectful manner, communicating the steps in the process, and avoiding unnecessary force, embarrassment, and indignity to the incarcerated person being searched.	N/A
4	Jail staff should conduct visual searches of an incarcerated person’s private body parts only upon: (1) receiving reliable information that the individual possesses contraband; (2) discovering contraband in the individual’s living space; (3) the individual’s involvement in a serious incident; or (4) the individual’s return from being outside of the jail’s secure perimeter for reasons other than medical appointments, court appointments, or work assignments.	<p>a) Such searches should be conducted in a private, sanitary place.</p> <p>b) Such searches should be conducted only by specially trained jail staff, though the individual being searched may request the presence of another staff member during the search.</p> <p>c) Jail staff should create a record of all visual searches; search records should describe the circumstances of each search and note the staff members involved.</p>
5	Digital, manual, and instrumental searches of an incarcerated person’s body cavities should only be conducted (1) pursuant to court order or (2) as required in exigent circumstances and jail staff receive approval from the jail administrator.	<p>a) Such searches should be conducted only by a trained healthcare professional who does not have a patient-provider relationship with the individual being searched.</p> <p>b) Jail and healthcare staff should allow the individual being searched to request the presence of another staff member during the search.</p> <p>c) Such searches should only be conducted in a private area devoted to the provision of medical care.</p> <p>d) Staff should create a record of all cavity searches; search records should describe the circumstances of each search and note the staff members involved.</p>

**Table 40. Use of Force**

#	REQUIREMENT	DETAILS TO INCLUDE
1	<p>The jail administration should implement reasonable policies to regulate staff use of force against incarcerated people. These policies should establish a range of force options and explicitly prohibit premature, unnecessary, and excessive force and should express a preference for use of de-escalation techniques prior to use of force.</p>	N/A
2	<p><b>Jail staff should use force against a person in custody only: (1) to protect others, to prevent serious property damage, or to prevent escape; (2) if jail officials reasonably believe the benefits of force outweigh the risks to incarcerated people and staff; and (3) as a last alternative after other reasonable attempts to resolve the situation have failed.</b></p>	<ul style="list-style-type: none"> <li>a) With the exception of emergencies, jail staff should use force only when authorized by a supervisory official.</li> <li>b) When practicable, jail staff should seek intervention and advice from qualified mental healthcare professionals prior to planned or predictable use of force against a person who has a history of mental illness or who is exhibiting symptoms of a mental illness or behavioral disorder.</li> <li>c) Jail staff should never use force to enforce an institutional rule or order, gratuitously inflict pain, as punishment, as a deterrent to future conduct, to gain information, or after the risk that justified the use of force no longer exists.</li> <li>d) Jail staff should never use types of force that carry a high risk of injury, such as punches, kicks, or strikes to the head, except in highly unusual circumstances in which a person in custody poses an imminent threat of serious bodily harm to others.</li> </ul>
3	<p><b>The jail administration should develop and implement policies to control the use of chemical agents and electronic weapons.</b> The jail administration’s policy should outline requirements for testing and training, the medical and tactical circumstances in which the use of such weapons is inappropriate or unsafe, and clarify that all such weapons should be used only in specific circumstances and as a last resort after the failure of other reasonable conflict resolution techniques. The policy should also require jail staff to report the use of electronic weapons or</p>	<ul style="list-style-type: none"> <li>a) The jail administration should train jail staff on proper use of chemical agents and electronic weapons; jail staff who have not completed such training should not administer chemical agents or use electronic weapons.</li> <li>b) The jail administration should forbid the use of chemical agents and electronic weaponry on people with any contraindicated medical conditions, including but not limited to mental health conditions, heart conditions, respiratory conditions, intoxication, or pregnancy.</li> <li>c) The jail administration should prohibit the use of electro-shock stun belts.</li> <li>d) The jail administration should forbid the use of chemical or electronic weaponry for the purpose of punishment, as a prod, for cell extractions, against an incarcerated person using passive resistance when there is no immediate threat of bodily</li> </ul>

#	REQUIREMENT	DETAILS TO INCLUDE
	chemical spray, including amounts where relevant. <sup>69</sup>	<p>harm, or to enforce an order after a threat has been neutralized or an incarcerated person has been immobilized.</p> <p>e) The jail administration should forbid the use of chemical agents and electronic weaponry on vital body parts, including genitals. Electronic weaponry should not be used on an incarcerated person’s eyes, mouth, or neck. The jail administration should forbid the use of electronic weaponry in drive-stun or direct contact mode.</p> <p>f) When chemical or electronic weapons are deployed, their use should be targeted and individualized and should not put other nearby incarcerated people at risk.</p>
4	<p>All security and custody staff should undergo use of force training prior to assuming their duties. Training should cover approved methods of self-defense and the use of force as a last resort.</p>	<p>a) All security and custody staff should be periodically evaluated to ensure they are physically and psychologically fit for duties that may involve the use of force.</p>
5	<p>The jail administration should implement reasonable policies to facilitate the removal of an uncooperative incarcerated person from an area using the least amount of force necessary. These policies should specify the roles staff play prior to, during, and after a forced removal is authorized.</p>	<p>a) The jail administration should build specialized teams that are trained to de-escalate situations and foster cooperation from incarcerated people. Such teams may not include the use of canines, per Table 35, Requirement 7.</p> <p>b) The jail administration should build specialized teams that are trained on safe removal strategies. The jail administration should ensure that this team has appropriate protective equipment for the forced removal of an incarcerated person.</p> <p>c) Jail staff should make every effort to gain the incarcerated person’s cooperation prior to a planned removal; such efforts should involve the participation of various kinds of staff members, such as religious advisors, housing unit managers, healthcare staff, and/or trained negotiators.</p> <p>d) Jail staff should notify and consult with qualified healthcare staff prior to any planned removal of an incarcerated person. Health care staff should be readily available during and after the removal.</p>
6	<p>After each incident in which staff use force against an incarcerated person, healthcare staff should examine and, when necessary, treat the incarcerated person</p>	N/A

<sup>69</sup> Requirement 3 and associated details are adapted from American Bar Association, *Treatment of Prisoners Standards*, Standard 23-5.8.

#	REQUIREMENT	DETAILS TO INCLUDE
	involved in the incident, and document any injuries sustained.	
7	“Deadly force” refers to force that creates or is intended to create the substantial risk of death or serious bodily harm. The jail administration’s policies and procedures should authorize the use of deadly force only by security staff trained in the use of deadly force and only when jail authorities reasonably believe that deadly force is necessary to prevent imminent death or serious bodily harm or to prevent escape from a secure jail, subject to the qualifications in detail (a) of this requirement.	<ul style="list-style-type: none"> <li>a) Deadly force to prevent an escape should be permitted only when an incarcerated person is leaving the secure perimeter of the jail without authorization, or, if the incarcerated person is permitted to be on the grounds outside the secure perimeter, the incarcerated person is leaving the facility grounds without authorization.</li> <li>b) Before staff use a firearm to prevent escape, they should shout a warning and, if time and circumstances allow, summon other staff to regain control without shooting. Staff should consider incarcerated people in transit to or from a jail to be within the perimeter of the jail.</li> </ul>
8	Jail staff should document all uses of force, including deadly force, and submit a report to the jail administrator as soon as practicable. Such reports should document the names of staff members and others who were involved and describe the nature of the incident, including a log of chemical agent amounts used when applicable.	<ul style="list-style-type: none"> <li>a) The jail administrator should maintain records of all uses of force, including witness statements, video footage, and medical records for both incarcerated people and staff.</li> <li>b) When the use of force by staff results in death or major traumatic injury, the jail administrator should forward reports to outside entities as provided in Table 18.</li> </ul>
9	The jail administration should implement policies to ensure full staff accountability for all uses of force, including deadly force.	<ul style="list-style-type: none"> <li>a) The jail administration should retain and review use of force reports and relevant video records for the purposes of management, staff discipline, training, and the identification of trends.</li> <li>b) The jail administration and staff should facilitate and participate in reviews of incidents in which staff used force. Such reviews shall be conducted by staff who were not involved in the incident</li> </ul>
10	The jail administration should prepare a monthly public report on use of force.	<ul style="list-style-type: none"> <li>a) The report should include, at a minimum: <ul style="list-style-type: none"> <li>i. the number of use of force incidents, reported disaggregated by: (1) the type of force deployed (e.g., chemical agent, firearm, chokehold or similar restraint, etc.), (2) the type of circumstance (i.e., responding to a disturbance, discovery/removal of contraband, attempted escape, assault, etc.), (3) whether the incident resulted in</li> </ul> </li> </ul>

#	REQUIREMENT	DETAILS TO INCLUDE
		<p>serious bodily injury or death, and (4) the number of incarcerated people and officers involved.</p> <p>ii. the number of incarcerated people involved in each type of use of force incident, reported disaggregated by: (1) age, (2) gender identity, and (3) race and ethnicity.</p> <p>iii. the number of officers involved in each type of use of force incident, reported disaggregated by: (1) age, (2) gender-identity, and (3) race and ethnicity.</p> <p>b) The jail administration should share the report with the Jail Standards Compliance Unit each month, along with the underlying data.</p>

**Table 41. Restraints**

#	REQUIREMENT	DETAILS TO INCLUDE
1	Jail staff should not use restraints except to control an incarcerated person who presents an immediate risk of self-injury or injury to others, to prevent serious property damage, as a security precaution during transport, or as directed by medical staff. When restraints are deemed necessary, jail staff should use the least restrictive means for only as long as the need exists. Jail staff should never use restraints as a form of punishment or retaliation.	<p>a) Jail staff should never use restraints as a condition of out-of-cell time based solely on an incarcerated person’s placement in a restrictive housing unit.</p> <p>b) Jail staff should make every effort to avoid co-mingling restrained and unrestrained incarcerated people.</p> <p>c) Jail staff should not use restraints in an incarcerated person’s cell except immediately preceding an out-of-cell movement.</p> <p>d) Restraints should be used during movement only when no lesser form of control would be effective in addressing the risks posed by unrestricted movement.</p> <p>e) When using restraints during movement, jail staff should take reasonable steps to avoid accidental injury, such as never using restraints to pull or lead an incarcerated person.</p> <p>f) If medical staff, upon reaching the conclusion that less intrusive measures are not a viable alternative, direct that restraints be used, the use of restraints should be approved by a medical supervisor and the restrained person should be, whenever practicable, placed in an area devoted to the provision of medical care.</p>
2	Jail staff should use precautions to prevent injuring people who are restrained. Jail staff should never use restraints in a manner that: (1) causes physical pain or extreme discomfort or (2) restricts blood circulation or obstructs breathing pathways.	<p>a) Jail staff should never use hog-tying as a method of restraining a person in custody.</p> <p>b) Jail staff should never restrain an incarcerated person in the fetal or facedown position.</p>

#	REQUIREMENT	DETAILS TO INCLUDE
3	The jail administration's policy on the use of restraints should take into consideration the needs of incarcerated people who have a physical or mental disability and those who are under the age of eighteen or geriatric.	<ul style="list-style-type: none"> <li>a) Healthcare professionals should notify staff when an incarcerated person is found to have functional needs or impairments that contraindicate the imposition of one or more of the jail's permitted restraint mechanisms.</li> <li>b) Incarcerated people who use a wheelchair or have serious mobility issues should be handcuffed only in front.</li> <li>c) People who are deaf or hearing impaired, or who have impaired speech and communicate with their hands, should be restrained only under controlled conditions and in a manner that allows for communication without jeopardizing safety.</li> </ul>
4	Four-point restraints should be used only if: (1) an incarcerated person presents an immediate and extreme risk of self-injury or injury to others and (2) the jail administrator finds that less restrictive forms of restraint would be ineffective to control the risk. Four-point restraints should be applied only for a short period of time per detail (d) of this requirement. The use of five-point restraints is prohibited.	<ul style="list-style-type: none"> <li>a) Whenever practicable, a healthcare professional should work with jail staff to avoid the use of four-point restraints. Health care and jail staff should consider an incarcerated individual's physical condition and health prior when deciding whether to apply four-point restraints.</li> <li>b) If it is necessary for jail staff to apply four-point restraints without coordinating with a healthcare professional because the situation is an emergency and no healthcare professionals are available, a healthcare professional should review the situation as soon as possible and assess whether the restraints are appropriate.</li> <li>c) If a healthcare professional disagrees with the emergency application of four-point restraints, jail staff should notify the jail administrator who should promptly decide if the use of such restraints should continue.</li> <li>d) If jail staff determine there is a need to keep an individual in a four-point restraint for a period that exceeds [2 hours], they should obtain approval from healthcare staff. No incarcerated person may be subject to four-point restraints for more than [4] continuous hours. If, after [4] continuous hours, an incarcerated person is too agitated to be released, the inmate shall be moved to a municipal hospital.</li> </ul>

#	REQUIREMENT	DETAILS TO INCLUDE
5	Whenever an incarcerated person is restrained in a four-point position, staff should follow established guidelines to: (1) monitor the restrained person's health and safety and (2) provide adequate nutrition, hydration, and toileting.	<ul style="list-style-type: none"> <li>a) A healthcare professional should conduct an immediate assessment of the restrained person's medical and mental health condition to determine whether the restrained person should be transferred to a medical or mental health unit or facility for emergency treatment.</li> <li>b) Until the initial medical assessment, jail staff should conduct continuous face-to-face observations of the restrained person.</li> <li>c) After the initial medical assessment, medically trained staff should conduct continuous visual observations and medical checks, including respiration and circulation checks, of the restrained person to evaluate the continued need for restraint. Medical checks should occur at least every 15 minutes and be logged.</li> <li>d) At least every [1] hour, qualified healthcare staff should check the restrained person's range of motions and review all prior medical checks.</li> <li>e) At least every [2] hours, a medical professional should conduct a complete in-person medical evaluation to determine if continued restraint or transfer to a medical or mental health facility is required.</li> </ul>

**Table 42. Nonuse of Restraints for Pregnant and Postpartum Individuals**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration should ensure that staff do not use restraints throughout pregnancy when it is known an incarcerated person is pregnant, except when necessary because the individual poses a serious threat of physical harm to self or others. If restraining a pregnant person who is not in active labor or delivery is deemed necessary due to a serious and credible threat of self-injury or injury to others, jail staff should use the least restrictive means in a manner that mitigates adverse clinical consequences and only as long as the need exists.	<ul style="list-style-type: none"> <li>a) Jail staff should not use abdominal restraints, including electronic restraint belts, which directly constrict the abdomen.</li> <li>b) Jail staff should not place pregnant people in a facedown position or in four- or five-point restraint.</li> <li>c) Jail staff should not place pregnant people in leg and ankle restraints.</li> <li>d) Jail staff should not chain pregnant people to other incarcerated people.</li> <li>e) If deemed necessary, wrist restraints should be applied only in the front of the body and in such a way that the pregnant person may be able to protect herself and the fetus in the event of a forward fall.</li> <li>f) If a healthcare professional treating the pregnant person requests, based on their professional medical judgment, that restraints not be used, the jail staff accompanying the pregnant person shall immediately remove all restraints.</li> </ul>
2	The jail administration should ensure that staff never use restraints on incarcerated	<ul style="list-style-type: none"> <li>a) Jail staff should not restrain an incarcerated person during childbirth or transfer to or from treatment for any medical-</li> </ul>



#	REQUIREMENT	DETAILS TO INCLUDE
	people who are in active labor and delivery or experiencing any medical distress during pregnancy. <sup>70</sup>	related distress, except where necessary because the individual poses a serious threat of physical harm to self or others.
3	The jail administration and staff should not use restraints on a person during the postpartum recovery period, except when necessary because the individual poses a serious threat of physical harm to self or others.	<ul style="list-style-type: none"> <li>a) If restraints are deemed necessary, jail staff should use the least restrictive means in a manner that mitigates adverse clinical consequences and only as long as the need exists.</li> <li>b) If restraints are deemed necessary, they should allow for the mother’s safe handling of her infant and for mother-infant bonding.</li> <li>c) If the healthcare professional monitoring the pregnant person during recovery, based on their professional medical judgment, requests that restraints not be used, the jail staff accompanying the pregnant person shall immediately remove all restraints.</li> </ul>
4	If restraints are used on a pregnant person, jail staff should make a written record within [48 hours]. At a minimum, the record should describe the types of restraints used, circumstances that necessitated the use of restraints, and length of time the restraints were used.	<ul style="list-style-type: none"> <li>a) The written record should be kept in the incarcerated person’s master record for a minimum of five years and shall not constitute a medical record.</li> <li>b) The written record should be made available as a public records request with the incarcerated person’s identifying information redacted, unless the incarcerated person gives prior written consent for the public release of the record.</li> </ul>

**Table 43. Protective Custody**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration may place incarcerated people in protective custody to protect the individual from harm. Such placements should occur only when there is documentation that protective custody is warranted, when there are no reasonable housing alternatives available, and for short periods of time.	<ul style="list-style-type: none"> <li>a) The jail administration should implement procedures for identifying and protecting incarcerated people who are vulnerable to physical or sexual abuse, manipulation, or psychologically harmful verbal abuse by other incarcerated people or for staff as provided in Table 3.</li> <li>b) Jail staff should immediately inform healthcare personnel whenever an incarcerated person is placed in protective custody housing so healthcare personnel can provide assessment and review per the protocols established by the healthcare provider.</li> </ul>

<sup>70</sup> The BJC currently carve out an exception for people who “present an immediate and serious threat of physical harm to [themselves], staff, or others; or, a substantial flight and cannot be [...] reasonably contained by other means.” We recommend eliminating these exceptions per guidance provided by the National Commission on Correctional Health Care. See <https://www.ncchc.org/position-statements/nonuse-of-restraints-for-pregnant-and-postpartum-incarcerated-individuals-2020/#:~:text=Restraints%20must%20not%20be%20used,security%20concern%20or%20flight%20risk>.

#	REQUIREMENT	DETAILS TO INCLUDE
		<ul style="list-style-type: none"> <li>c) The jail administration should establish channels through which incarcerated people may request additional protection.</li> <li>d) The jail’s classification staff and supervisory officials should review incarcerated people’s placements in protective custody every [15 days] to determine whether continued placement is needed.</li> </ul>
2	The jail administration should ensure that the conditions in protective custody resemble those in the general population; the jail administration and staff should minimize the extent to which people in protective custody are subject to conditions that a reasonable person would experience as punitive. Jail staff should ensure that people in protective custody have the same level of access to healthcare, programming, visitation, outdoor recreation, and out-of-cell time as people assigned to general housing as provided in Tables 8-12 and 20-29, and 32.	N/A

**Table 44. Prevention of Sexual Abuse and Harassment**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration and staff should protect incarcerated people from sexual abuse, including sexual assault and sexual harassment. The jail administration should: (1) establish policies and procedures to prevent, detect, and respond to incidents of sexual assault, sexual abuse, and the threat of sexual abuse; and (2) foster an institutional culture in which sexual abuse is not tolerated or made light of.	<ul style="list-style-type: none"> <li>a) The jail administration and staff should protect incarcerated people from any sexual contact or sexual exploitation by staff, volunteers, contract personnel, or other incarcerated people.</li> <li>b) The jail administration should prohibit sexual contact between staff and incarcerated people.</li> <li>c) Jail staff should report immediately to the jail administrator or, where applicable, to the PREA coordinator: <ul style="list-style-type: none"> <li>i. any knowledge, suspicion, or information regarding incidents of sexual assault or sexual abuse that occurred in any correctional facility.</li> <li>ii. any staff neglect or violation of responsibilities that may have contributed to an incident.</li> </ul> </li> <li>d) Jail staff should not presume that sexual activity among incarcerated people is consensual.</li> </ul>

#	REQUIREMENT	DETAILS TO INCLUDE
		<ul style="list-style-type: none"> <li>e) The jail administration should take appropriate steps to ensure that incarcerated people with disabilities and non-native English speakers have an equal opportunity to learn about and participate in the jail's efforts to prevent, detect, and respond to sexual assault and sexual abuse.</li> <li>f) The jail administration should comply with the requirements of the Prison Rape Elimination Act, including periodic and regular audits.</li> </ul>
2	The jail administration and staff should protect incarcerated people from retaliation for reporting an instance of sexual abuse or participating in a sexual abuse investigation.	<ul style="list-style-type: none"> <li>a) Jail staff should report immediately and according to agency policy: any retaliation against incarcerated people or staff who reported such an incident; or any staff neglect or violation of responsibilities that may have contributed to retaliation.</li> </ul>
2	Jail staff, healthcare staff, volunteers, and contract personnel should receive an orientation and subsequent refresher trainings on: (1) recognizing the physical, behavioral, and emotional signs of sexual assault and sexual abuse; (2) sexual abuse prevention techniques; (3) understanding the jail's identification and response procedures when an alleged abuse occurs; and (4) responding to allegations of sexual abuse.	<ul style="list-style-type: none"> <li>a) Training for staff, volunteers, and contract personnel should be tailored to reflect their responsibilities and level of contact with incarcerated people.</li> <li>b) The jail administration and healthcare provider should maintain documentation that staff have received the appropriate training.</li> <li>c) Health care personnel, including medical and mental health practitioners, should receive additional specialized training on trauma-informed interviews and how to preserve physical evidence of sexual abuse.</li> <li>d) Investigators should receive additional specialized training on conducting sexual abuse investigations in correctional settings; such training should include techniques for trauma-informed interviewing victims of sexual abuse, proper use of Miranda and Garrity warnings for suspects, evidence collection, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.</li> </ul>
3	The jail administration should ensure that incarcerated people are aware of their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for	<ul style="list-style-type: none"> <li>a) <a href="#">During the intake process, jail staff should brief and provide written materials to incarcerated people on the jail's zero-tolerance policy for sexual assault and sexual abuse, including pressure by others to engage in sexual acts.</a></li> <li>b) <a href="#">The information provided at intake to incarcerated people should cover:</a> <ul style="list-style-type: none"> <li>i. <a href="#">The jail's and DPSC's zero-tolerance policy;</a></li> </ul> </li> </ul>

#	REQUIREMENT	DETAILS TO INCLUDE
	reporting during the intake process.	<ul style="list-style-type: none"> <li>ii. Methods incarcerated people can use to protect themselves from sexual assault and sexual misconduct;</li> <li>iii. Channels incarcerated people can use to confidentially report incidents of sexual assault and/or sexual misconduct;</li> <li>iv. Protections from retaliation available to victims and others who may report incidents of sexual assault and/or sexual misconduct or participate in investigations into incidents of sexual assault and/or sexual misconduct;</li> <li>v. Treatment and counseling services available to victims.</li> </ul> <ul style="list-style-type: none"> <li>c) The jail administration should supplement the information provided at intake with a follow-up video or information session on the jail's policies and procedures for responding to incidents of sexual assault and sexual abuse.</li> <li>d) In addition to providing information to incarcerated people at intake and orientation, the jail administration should ensure that key information is continuously and readily available or visible to incarcerated people through posters, handbooks, or other written formats.</li> </ul>
4	The jail administration should establish multiple channels for incarcerated people, staff, and third parties to confidentially report sexual assault, sexual harassment, the threat of sexual abuse, and retaliation for reporting an instance or threat of sexual abuse.	<ul style="list-style-type: none"> <li>a) The jail administration should establish and make available ways for incarcerated people to confidentially report to an external agency or office, such as free and unmonitored phone calls to a designated number.</li> <li>b) Jail staff should accept, and promptly document, all reports, including those made verbally, in writing, anonymously, or by third parties.</li> </ul>
5	The jail administration should have a written plan to coordinate action to be taken by jail staff, healthcare personnel, and administrators following an incident of alleged sexual assault or sexual abuse.	<ul style="list-style-type: none"> <li>a) Jail staff should report all allegations of sexual assault or sexual abuse to the jail administrator or, where applicable, the jail's PREA coordinator. Apart from reporting to designated supervisors or officials, jail staff should not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions.</li> <li>b) The jail administration should immediately report the allegation to DPSC.</li> <li>c) The first security staff member to respond to the allegation or report of a credible threat of sexual abuse should take immediate action to protect incarcerated people by: <ul style="list-style-type: none"> <li>i. Immediately notifying medical and mental health personnel of any report of recent abuse;</li> </ul> </li> </ul>

#	REQUIREMENT	DETAILS TO INCLUDE
		<ul style="list-style-type: none"> <li>ii. Separating the complaining individual from the subject of the complaint;</li> <li>iii. When applicable, preserving and protecting the scene until evidence can be collected; and</li> <li>iv. When applicable, respectfully advising the complaining individual not to take any actions that could destroy physical evidence if the incident is alleged to have occurred within a time period that still allows for the collection of evidence.</li> </ul> <p>d) If the first staff member to respond to the allegation is not a security staff member, he or she should promptly notify a security staff member.</p>
6	<p>Incarcerated people who are victims of sexual assault or abuse should receive timely, unimpeded access to emergency medical treatment, counseling, and crisis intervention services, as well as ongoing medical and mental health services. The jail administration and healthcare provider should provide all such services according to professionally accepted standards of care and at no cost to victims of sexual assault or abuse.</p>	<ul style="list-style-type: none"> <li>a) <a href="#">The healthcare provider should have a protocol for providing victims with a thorough forensic examination performed by an appropriately trained and qualified medical professional.</a></li> <li>b) Victims of sexual assault or abuse should be offered timely information about and access to emergency contraception, pregnancy tests, and tests for sexually transmitted infection prophylaxis, in accordance with professionally accepted standards of care.</li> <li>c) All pregnant people in jail should receive information about all lawful pregnancy-related medical services as provided in Table 33.</li> <li>d) Ongoing medical and mental health treatment for victims should include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following an incarcerated person’s transfer to another facility or release from custody.</li> </ul>
7	<p><a href="#">The jail administration should ensure that all allegations of sexual assault and sexual abuse and credible threats of sexual abuse are investigated promptly, thoroughly, and objectively by investigators who have received special training in sexual abuse investigations. All investigations should be complete no later than [30 days] from the date the incident was reported, absent extenuating circumstances, and <a href="#">investigative reports should be submitted to DPSC’s Jail Standards Compliance Unit.</a></a></p>	<ul style="list-style-type: none"> <li>a) Internal investigators should gather and preserve evidence, conduct interviews, and review prior complaints involving the subject of the most recent complaint.</li> <li>b) <a href="#">All investigations should be documented in written reports</a> that include a description of the evidence, reasoning behind credibility assessments, and investigative facts and findings.</li> <li>c) Investigators should make all requests for an incarcerated person’s statement or interview privately, not within sight or hearing of other incarcerated people or staff. Interviews should be conducted in a private and confidential setting.</li> <li>d) Internal investigators should interview the complaining individual within 72 hours of receiving the report of the alleged incident.</li> </ul>

#	REQUIREMENT	DETAILS TO INCLUDE
		<ul style="list-style-type: none"> <li data-bbox="664 226 1438 331">e) Jail staff should inform the complaining individual whether his or her allegation was determined to be substantiated, unsubstantiated, unfounded, or awaiting DNA testing.</li> <li data-bbox="664 352 1438 562">f) The jail administration should conduct an initial evaluation as to whether any staff member who is named in a sexual assault or sexual abuse complaint should be suspended, placed on modified duty, or re-assigned. There should be a presumption that a staff member charged with sexual misconduct should not be allowed to supervise a complaining victim.</li> <li data-bbox="664 583 1438 846">g) Neither the agency nor any other governmental entity responsible for collective bargaining on the agency's behalf shall enter into or renew any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any incarcerated people pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.</li> <li data-bbox="664 867 1438 1071">h) If the investigation is conducted by an outside entity, the jail administration should cooperate and make every effort to remain informed on the progress of the investigation. Once the investigation is complete, the jail administration should request relevant information from the investigative agency in order to inform the complaining individual of the determination.</li> </ul>
8	<p>The jail administration should collect data for each alleged incident of sexual abuse and review its incident data to assess and improve the effectiveness of its sexual abuse and sexual harassment prevention, detection, and response policies, practices, and training.</p>	<ul style="list-style-type: none"> <li data-bbox="664 1102 1438 1207">a) The jail administration should collect data using standardized instruments, including incident-based documents and databases.</li> </ul>

## 12. Administration and Staffing

Staff are central to the successful operation of any correctional facility. They are the backbone of the facility and set the tone for everything that happens inside. Accordingly, the policies and procedures that jail administration develops about the ways staff should be selected and assessed should reflect the culture that the jail administration wants at its facility.

Creating a safe facility begins with staff selection and training, and ensuring a sufficient number of qualified staff are available. Staff should be specially selected and trained to work with people in custody. Trainings should emphasize the significance of interpersonal skills, communication skills, and relationship building. For example, because a significant percentage of the jail population may present a complex and challenging range of risk and needs, staff need to be trained to work closely with people in custody and to respond appropriately to their complex risks and needs. Staff should also receive specialized training to work in specific roles in the facility.

Staff also need to be held accountable for misconduct, to ensure the safety of the incarcerated population and to uphold a culture that values adherence to policy and the proper treatment of people in custody.

There should also be an emphasis on enhancing staff morale, through opportunities for staff input into the jail's processes and support for staff well-being.

**Current status:** The BJJ requirements related to jail administration and staffing resembled the requirements in most of the other sets of standards we reviewed.

**Goal:** We recommend building upon the existing guidelines to more directly acknowledge the role that jail administrators and staff play in setting the tone for the jail's culture. This recommendation builds upon the ABA and ACA standards, which explicitly reference staff's role in setting institutional culture. Moreover, the ABA standards include strong requirements for adequate staffing; they state that the jail should be appropriately staffed, not just to promote the safety and security of people in custody and staff, but to also "allow the full operation of all programs and services and a reasonable work schedule for each staff member."

**Roadmap:** The tables below outline our recommendations for revised standards on administration and staffing.<sup>71</sup> Table 45 focuses on jail administration, Table 46 focuses on work culture and staffing, Table 47 focuses on staff training and orientation, and Table 48 focuses on staff conduct.

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<sup>71</sup> The tables also reflect our recommended changes to the organization of the standards. The current BJJ standards on "administration and management" contain requirements that we recommend moving to a new section of the standards dedicated to "inspections and compliance" (e.g. financial audit, annual compliance statement, and fire safety, etc.) as well as some requirements that we recommend moving to a section dedicated to "data and reporting" (e.g. records security and monthly reporting requirements).

**Table 45. Jail Administration**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail facility and its parent agency should have clear written statements of its mission, values, and goals.	N/A
2	A statute or constitutional provision should authorize the establishment of the local jail facility or its parent agency.	N/A
3	The jail administration should maintain written policy and procedures describing all facets of jail operations, maintenance, administration, and communications. All jail policy and procedures should be based on these standards and legal requirements, and should be updated as necessary.	<ul style="list-style-type: none"> <li>a) The jail administration should ensure that people in custody receive equal treatment under all institutional policies and procedures.</li> <li>b) The jail administration should review policies and procedures at least annually and update them as needed, archiving all superseded directives.</li> <li>c) The jail administration should have a process to disseminate policies and procedures, including those that are newly updated, to all jail staff.</li> <li>d) Jail staff should include relevant portions of institutional policies and procedures in the handbook provided to incarcerated people at intake as provided in Table 1.</li> </ul>
4	The jail facility should have a designated administrator who is responsible for overseeing all jail operations. The jail administrator should foster an institutional culture that promotes safety and security, a safe and respectful workplace for staff, the humane and respectful treatment of incarcerated people, adherence to institutional policies and procedures, professional standards, and ethical conduct.	<ul style="list-style-type: none"> <li>a) The jail administrator should maintain a written organizational chart describing the jail's structure and chain of command. The jail administrator should review the organizational chart annually and update it as needed.</li> <li>b) The jail administrator should maintain written orders for every correctional officer post. Correctional officers should receive from the jail administrator the orders that correspond to their assigned posts. The jail administrator should ensure that correctional officers acknowledge in writing that they have read and understood their orders.</li> </ul>

**Table 46. Work Culture and Staffing**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail's workplace culture should align with rehabilitative goals. The jail administration should encourage positive verbal	<ul style="list-style-type: none"> <li>a) When interacting with incarcerated people, jail staff should model fair, respectful, and constructive behavior; take a proactive approach to problem-solving; and communicate effectively and respectfully.</li> </ul>



#	REQUIREMENT	DETAILS TO INCLUDE
	interactions between jail staff and people in custody.	b) The jail administrator should visit the jail's living quarters and activity areas regularly to encourage informal and positive interactions between staff and people in custody.
2	The jail administration should implement a recruitment and selection process that ensures all staff are professionally qualified, psychologically fit, and fully and appropriately licensed.	<p>a) A criminal record check should be conducted on all new employees, contractors, and volunteers prior to their assuming duties to identify if there are criminal convictions that have a specific relationship to job performance. This record check should include comprehensive identifier information to be collected and run against law enforcement indices.</p> <p>b) If a new employee's criminal record check returns information indicating a potential connection to terrorism, the jail administration should forward the information to the local Joint Terrorism Task Force (JTTF) or another similar agency.</p> <p>c) The administration should check prospective employees against accountability databases that track allegations of misconduct, such as the Louisiana Law Enforcement Accountability Database.</p>
3	The jail administration should not hire or promote any staff member who: (1) have engaged in sexual abuse in a correctional facility; (2) have been convicted of engaging in sexual activity in the community that was facilitated by force or the threat of force, or nonconsensual; or (3) have been civilly or administratively adjudicated to have engaged in such behavior.	<p>a) Consistent with federal, state, and local law, the jail administration should contact all prior employers to determine whether a prospective employee had any substantiated allegations of sexual abuse or any resignation during a pending investigation of alleged sexual abuse.</p> <p>b) The jail administration should review and take into account a person's history of sexual misconduct or harassment when determining whether to hire, promote, or enlist the services of someone who may have contact with incarcerated people, even if that history does not bar employment under Requirement 3.</p>
4	The jail administration should strive to employ a workforce that reflects the racial and ethnic demographics of the jail population.	<p>a) The jail administration should engage in outreach and recruiting efforts to increase the pool of qualified applicants from underrepresented groups.</p> <p>b) The jail administration should implement strategies for retaining staff.</p>
5	The jail should be appropriately staffed at all times to promote the safety and security of all staff; fully operate programs and services; comply with all standards; and ensure jail staff have a reasonable work schedule.	<p>a) Staffing requirements should be determined based on more than population counts and should include a review of staffing needs for healthcare, academic, vocational, library, recreation, and religious programs and services.</p> <p>b) The jail administration should employ enough men and women to comply with Requirement 4 in Table 1, Requirement 1 in Table 4, and Requirement 2 in Table 39.</p> <p>c) The jail administration should submit a monthly staffing report to the Jail Standards Compliance Unit. The report should</p>

#	REQUIREMENT	DETAILS TO INCLUDE
		include, but not necessarily be limited to, the jail's monthly rates of retention, turnover, vacancy, and absenteeism.
		d) The staffing report should be submitted to the Jail Standards Compliance Unit in a machine-readable format.
6	The jail administration should strive to ensure a positive morale among staff.	<p>a) The jail administration should ensure that staff have access to wellness programs and receive referrals to counseling when they are exposed to traumatic experiences in the jail.</p> <p>b) The jail administration should create opportunities for staff to make suggestions, express concerns, innovate, and contribute to the development of jail policies and processes.</p>

**Table 47. Staff Orientation and Training**

#	REQUIREMENT	DETAILS TO INCLUDE
1	Jail administrators should provide all staff, contractors, and volunteers with role-specific orientations before they assume their respective duties. The goal of the orientation should be to familiarize new employees, contractors, and volunteers with their respective roles, work environments, and obligations.	<p>a) The orientations provided to staff, volunteers, and contractors should be based on their respective roles.</p> <p>b) The orientations provided to staff, volunteers, and contractors should complement, but not serve as a substitute for, any of their respective pre-service training requirements.</p> <p>c) The orientations provided to staff, volunteers, and contractors should familiarize new employees with their work setting and address working conditions, the code of conduct, the rights of employees and incarcerated people, an overview of the criminal justice system, institutional goals, staff rules, and the specific circumstances and methods for jail officials and staff to obtain legal assistance.</p> <p>d) The level and type of training provided to volunteers and contractors should be based on the services they provide and the level of contact they have with people in custody.</p> <p>e) At a minimum, training for volunteers and contractors should address how to detect, prevent, and report inappropriate conduct, including sexual harassment and sexual abuse.</p>
2	The jail administration should provide incoming staff with a comprehensive pre-service training program to prepare new staff to: meet security requirements, use non-force techniques to de-escalate situations, respond to emergencies, identify the signs and symptoms of mental health conditions and suicide risk, avoid	<p>a) Pre-service training plans should cover: (1) security procedures, including hostage procedures; (2) fire and emergency plans and procedures; (3) suicide prevention; (4) use of force policies; (5) non-force techniques, including de-escalation techniques and conflict resolution, (6) the jail administration's written rules for people in custody; (7) CPR and first aid procedures; (8) the requirements of the Prison Rape Elimination Act (PREA); (9) implicit bias; (10) staff wellness and self-care.</p> <p>b) Staff whose duties involve caring for, overseeing, and managing people in custody should complete the Peace Officers Standards</p>

#	REQUIREMENT	DETAILS TO INCLUDE
	inappropriate relationships with people in custody, and understand the rights of people in custody.	and Training (POST) Level 3 certification training program before performing any duties as correctional officers.
3	The jail administration should provide employees with regular in-service training and professional development opportunities that build upon the goals of pre-service training and focus on critical areas of operation. <sup>72</sup>	a) The jail administration should ensure that all staff members' POST certifications are current at all times.
4	The jail administration should provide regular, specialized training opportunities for staff.	a) The jail administration should ensure that specialized trainings prepare staff to address the physical, social, and psychological needs of people in custody, including women, people who face communication barriers, people with a mental or physical disability, people under the age of 18, people who are geriatric, and people who have spent time in restrictive housing settings. b) The jail administration should ensure that all staff authorized to use firearms and less-than-lethal weapons demonstrate competence in using these weapons at least once per year.

**Table 48. Staff Conduct**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration should have a clear code of conduct for staff, as well as guidelines for investigations and disciplinary sanctions.	a) The jail administration's disciplinary sanctions should include progressive sanctions for repeated misconduct against people in custody. b) The jail administrator and supervisory staff should receive reports of all cases in which staff are found to have engaged in misconduct and determine the appropriate sanction. c) If jail officials determine that an allegation of serious misconduct involving a person in custody is credible, the staff member who is the subject of the allegation should be removed from a position of trust and placed on administrative leave or in a position that does not involve contact with people in custody or the supervision of staff who have contact with people in custody. Staff members removed from their positions for credible allegations of serious misconduct should be referred for prosecution.

<sup>72</sup> See the following tables for specific in-service training requirements: Table 32 for suicide prevention training and Table 44 for training on the prevention, detection, and response to sexual abuse allegations.

#	REQUIREMENT	DETAILS TO INCLUDE
		<ul style="list-style-type: none"> <li>d) The code of conduct should require staff who are arrested with a misdemeanor or felony charge to report that fact promptly to their supervisor.</li> <li>e) The jail administration should forward reports of staff who are arrested with a misdemeanor or felony charge to the Jail Standards Compliance Unit.</li> </ul>
2	<p>Jail staff should issue an immediate report to their supervisor if they discover a breach of security or some other real or threatened harm to people in custody, staff, or public safety.</p>	<ul style="list-style-type: none"> <li>a) Jail staff should report any information relating to corrupt or criminal conduct by other staff directly to the jail administrator or to an independent government entity with responsibility to investigate such misconduct.</li> <li>b) Jail staff should provide any investigator with full and candid information about observed misconduct.</li> </ul>
3	<p>All jail and healthcare staff should be subject to disciplinary sanctions for violating agency sexual abuse or sexual harassment policies, including failing to report an incident of alleged sexual misconduct on the part of another employee, contractor, or volunteer.</p>	<ul style="list-style-type: none"> <li>a) Termination should be the presumptive disciplinary sanction for all jail and healthcare staff who have engaged in sexual abuse.</li> <li>b) Disciplinary sanctions for violations of the jail’s policy relating to sexual abuse and harassment (other than actually engaging in sexual abuse) should be commensurate with the nature and circumstances of the acts committed and the staff member’s disciplinary history.</li> <li>c) All terminations for violations of sexual abuse and harassment policies and resignations by staff who would have been terminated for sexual misconduct if not for their resignation, should be reported to law enforcement agencies, the Jail Standards Compliance Unit, relevant licensing bodies, and the Louisiana Law Enforcement Accountability Database.</li> </ul>

### 13. Data Systems and Reporting

Strong data collection, information management, and reporting practices are essential to understanding and evaluating individual jails and jail systems. Getting a comprehensive view of the state's pretrial system is challenging because there is no existing guidance to help jails standardize their data.<sup>73</sup> In addition to increasing the transparency of the pretrial system, standardization can help jail administrators exchange information, compare their jail to others in the state, and meet regulatory and oversight requirements more efficiently.

**Current Status:** Under the current BJJ requirements, jails that house state populations must continuously keep records of routine jail operations, record critical incidents, have a data security plan, and generate monthly data reports to submit to DPSC's BJJ Team. These are fundamental record-keeping, data management, and reporting practices. However, the current BJJ guidelines contain limited information on how these practices are intertwined and essential for operational effectiveness.

**Goal:** We recommend expanding the BJJ's guidance on effective record-keeping, data management, and reporting practices. Doing so will advance two interrelated goals. First, strong data and reporting standards can increase jail administrators' capacity to make strategic decisions by giving them continuous access to information about the status of their jails and by creating an infrastructure that increases their capacity to either conduct research or collaborate with outside researchers. As the ACA points out in its 2019 Performance Standards, research can yield new knowledge that contributes to more efficient and effective institutional operations; and, because conducting research can be time and resource intensive, institutions can partner with outside professionals to carry out needed research.<sup>74</sup> Second, strong data and reporting standards can help the state maintain standardized data on its pretrial system.<sup>75</sup>

**Roadmap:** Tables 49 to 52 below outline our recommendations for revised standards on record-keeping, data management, and reporting: Table 49 focuses on case record management; Table 50 focuses on information systems; Table 51 focuses on reporting; and, Table 52 focuses on evaluation and research.

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<sup>73</sup> Andrea C Armstrong. (2014). No Prisoner Left Behind? Enhancing Public Transparency of Penal Institutions. *Stanford Law & Policy Review* (25), p.462, <https://law.stanford.edu/wp-content/uploads/2018/03/armstrong.pdf>

<sup>74</sup> American Correctional Association, 2019, § 5-ACI-1F-13, p. 45.

<sup>75</sup> Armstrong, 2014.

**Table 49. Case Record Management**

#	REQUIREMENT	DETAILS TO INCLUDE
1	<p>The jail administration should establish policies and procedures on case record management to help facilitate (1) program and service delivery and (2) the transfer of information to courts, criminal justice agencies, and service providers. Case record policies and procedures should, at a minimum, cover the contents to include in individual records, which staff should have access to records, the right to privacy of incarcerated people, safe storage and management techniques, and the schedule for retiring or destroying inactive records.<sup>76</sup></p>	<ul style="list-style-type: none"> <li>a) Jail staff should calculate and record “good time” earned or time forfeited accurately and in accordance with applicable statutes and regulations. Each incarcerated person’s case file should include an up-to-date record of his or her time served, time remaining, and estimated release date.</li> <li>b) When an incarcerated person is transferred from one facility to another, jail staff should ensure that their case file is transferred simultaneously.</li> <li>c) The case files of state-sentenced people should include, but not be limited to:               <ul style="list-style-type: none"> <li>i. The master prison form;</li> <li>ii. The Bill of Information and Court Minutes or Uniform Commitment Order;</li> <li>iii. An up-to-date photograph;</li> <li>iv. Reports of disciplinary infractions, grievances, incidents, or, when applicable, crimes committed while in custody;</li> <li>v. Program participation records, work assignments, and classification status and actions, including separation orders, Security Risk Group affiliations, and assessment of vulnerability;</li> <li>vi. Government-issued identification;</li> <li>vii. Cash and property receipts.</li> </ul> </li> </ul>
2	<p>The jail administration should allow incarcerated people to access and copy, free of charge, information from their case records.</p>	<ul style="list-style-type: none"> <li>a) The jail administration may withhold:               <ul style="list-style-type: none"> <li>i. Diagnostic opinions that might disrupt an incarcerated person’s rehabilitation;</li> <li>ii. Sources of information obtained upon a promise of confidentiality, including as much of the information itself as risks disclosing the source;</li> <li>iii. Information that, if disclosed, could result in harm to any person; and,</li> <li>iv. Any other information that is reasonably believed to jeopardize institutional security if disclosed.</li> </ul> </li> </ul>
3	<p>Where consistent with applicable laws, the jail administration should be permitted to release without an</p>	<ul style="list-style-type: none"> <li>a) The jail administration uses a “release of information consent form” that complies with applicable state and federal regulations.</li> </ul>

<sup>76</sup> Adapted from American Correctional Association, 2019, §5-ACI-1E-01-04, pp. 39-40.

#	REQUIREMENT	DETAILS TO INCLUDE
	incarcerated person’s consent basic identifying information or otherwise publicly available information about the incarcerated person, such as their charge, date of admission, days in custody, sentence length, place of incarceration, and release or transfer date. Any private individual information should be disclosed only upon the incarcerated person’s written consent. <sup>77</sup>	<ul style="list-style-type: none"> <li>b) The consent form should include: <ul style="list-style-type: none"> <li>i. The name of the person, agency, or organization requesting the information;</li> <li>ii. The name of the jail releasing the information;</li> <li>iii. A description of the information to be disclosed and the purpose of the disclosure;</li> <li>iv. The incarcerated person’s signature and the date of signature; and,</li> <li>v. A witness signature from a jail staff member.</li> </ul> </li> <li>c) The jail administration should ask incarcerated people to sign consent forms prior to the release of information. Signed consent forms should be maintained in the incarcerated person’s case record.</li> </ul>

**Table 50. Case Information Systems**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration should use an organized electronic information management system to support research, generate reports, facilitate decision-making, address the needs of incarcerated people, and respond to outside inquiries.	<ul style="list-style-type: none"> <li>a) The information management system should lay out procedures for the access, storage, retrieval, and review of information.</li> <li>b) The jail administration should assess the effectiveness of its information management system at least annually.</li> <li>c) The jail administration should use computers and software that are up to date for its information management system.</li> </ul>
2	The jail administration should have written data security policy, procedures, and practices to ensure that sensitive or confidential data are stored, accessed, used, and transferred securely and according to best practices. Such procedures should cover sensitive or confidential data contained in paper, physical, or electronic format.	<ul style="list-style-type: none"> <li>a) The data security policy should include a written technology incident response and management plan to be followed if the jail experiences an information technology breach. The plan should detail: reporting procedures, staff roles and responsibilities, investigation procedures, remediation procedures, post-incident review procedures, and guidance on preventative planning.</li> <li>b) The data security policy should be approved by the jail’s Chief Information Officer or equivalent, reviewed annually and updated as needed, and communicated to all staff.</li> <li>c) The jail administration should ensure that all staff with direct access to the information in the information system get proper authorization, have access tailored to their job duties, and receive training on the system’s security requirements.</li> </ul>

<sup>77</sup> Adapted from American Bar Association, 2010, §23-7.7; American Correctional Association, 2019, §5-ACI-1E-05.

#	REQUIREMENT	DETAILS TO INCLUDE
		d) Jail staff with direct access to the jail's information systems should ensure the security of equipment and data by preventing unauthorized access.
3	The jail administration should use its information management system to produce a single master index identifying all incarcerated people who are assigned to the jail.	<p>a) The index should include the status and location of each incarcerated person, including those who are temporarily off the jail grounds (e.g. in medical facilities, work release programs, or satellite units) or escapees.</p> <p>b) The index should be readily available to administrative and supervisory personnel.</p>
4	The jail administration should collaborate with criminal justice and service agencies in gathering, exchanging, and standardizing information to facilitate effective management and timely decision-making.	N/A

**Table 51. Management Information Systems and Reporting<sup>78</sup>**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration should use a management information system to determine the facility's internal performance and to identify systemic issues. The management information system should track over time specific metrics that are defined in writing.	a) The information management system should track, but not be limited to, the following: deaths in custody; critical incidents, including use of force and attempted suicides; and grievances.
2	Jail staff should prepare shift reports that record routine information, emergency situations, and unusual incidents and compile this information in a permanent log.	<p>a) Shift reports recording critical incidents should, at a minimum, detail the personnel on duty, the incarcerated individuals affected, the location and time of the incident, and a summary of the incident, as indicated in Table 35.</p> <p>b) Written reports detailing critical incidents should be submitted to the jail administrator or their designee no later than the conclusion of the tour of duty when any of the following occur:</p> <ul style="list-style-type: none"> <li>i. Disruptions in essential services;</li> <li>ii. The admission of a person who is age 18 or younger;</li> <li>iii. The discharge of a firearm or weapon;</li> </ul>

<sup>78</sup> The requirements in Table 53 are adapted from American Correctional Association, 2019, 5-ACI-1F-01-11, pp. 43-44.



#	REQUIREMENT	DETAILS TO INCLUDE
		<ul style="list-style-type: none"> <li>iv. Escapes and attempted escapes;</li> <li>v. Riots, strikes, hunger strikes, demonstrations, and disturbances;</li> <li>vi. The use of less-than-lethal devices;</li> <li>vii. Use of force;</li> <li>viii. Severe assaults of any person;</li> <li>ix. Arrest of staff;</li> <li>x. Use of four-point restraints;</li> <li>xi. Use of restraints on pregnant people;</li> <li>xii. Any incident resulting in a serious injury;</li> <li>xiii. Allegations of sexual harassment or sexual assault;</li> <li>xiv. Self-harm, including suicide attempts;</li> <li>xv. Death of an incarcerated person;</li> <li>xvi. Emergency distribution of security equipment;</li> <li>xvii. Major equipment or infrastructure breakdowns;</li> <li>xviii. Lockdowns; and,</li> <li>xix. Emergency evacuations.</li> </ul>
3	The jail administration should regularly generate descriptive aggregate reports about various aspects of jail operations.	<ul style="list-style-type: none"> <li>a) The jail administration should issue and review with the jail's leadership team on either a daily or monthly basis: <ul style="list-style-type: none"> <li>i. Internal daily population reports detailing the number of incarcerated people housed in the jail and their names, identifying numbers, custody status (i.e. pretrial or convicted and being held for DPSC), and housing assignments;</li> <li>ii. Internal daily movement report detailing the number and types of admissions and releases each day;</li> <li>iii. Monthly population reports detailing the average daily population in the jail, disaggregated by type of housing assignment (i.e. general population, protective custody, medical, etc.);</li> <li>iv. Monthly grievance reports as provided in Table 16, Requirement 5;</li> <li>v. Monthly serious incident reports, including information described in Table 51, Requirement 2(b);</li> <li>vi. Monthly staffing reports as provided in Table 46, Requirement 5(c);</li> <li>vii. Monthly use of force reports as provided in Table 40, Requirement 10;</li> </ul> </li> </ul>

#	REQUIREMENT	DETAILS TO INCLUDE
		<ul style="list-style-type: none"> <li>viii. Death in custody reports as provided in Table 18, Requirement 5;</li> <li>ix. Reports on releases in exceptional individual health circumstances as provided in Table 19, Requirement 2;</li> <li>x. All reports mandated by the Jail Standards Compliance Unit.</li> </ul> <p>b) The jail administration should send a copy of all monthly reports to the Jail Standards Compliance Unit.</p>

**Table 52. Evaluation and Research<sup>79</sup>**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration should support and cooperate with internal and external research professionals to carry out research activities that are relevant to the jail's programs, services, and operations. The jail administration should use research findings to assist in strategic planning and goal-setting.	<ul style="list-style-type: none"> <li>a) The jail administration should analyze and evaluate institutional programs at least every two years to assess short-term and long-term outcomes, as well as whether programs are accessible. The jail administration should use the evaluation to identify needed changes and/or re-prioritization (e.g. changes to eligibility requirements, size, or accessibility of the program).</li> <li>b) The jail administration should adopt policies and procedures to ensure that research is conducted in accordance with professional and scientific ethics as well as state and federal guidance.</li> <li>c) The jail administration should adopt written policies and procedures to govern incarcerated people's voluntary participation in non-medical, non-pharmaceutical, and non-cosmetic research programs. As specified in Table 31, <a href="#">the jail administration and health authority should prohibit the involvement of incarcerated people in medical, pharmaceutical, or cosmetic experiments.</a></li> <li>d) Whenever the jail administration works with outside professionals to conduct needed research: <ul style="list-style-type: none"> <li>i. The jail administrator should review all research proposals and/or designs prior to implementation; and,</li> <li>ii. Jail staff should assist researchers in carrying out research or evaluation activities.</li> </ul> </li> </ul>

<sup>79</sup> Adapted from American Correctional Association, 2019, 5-ACI-1F-13-18, pp. 45-46.

## 14. Ensuring Transparency and Compliance with Standards

Transparency about conditions of confinement helps protect the rights of people incarcerated in jails.<sup>80</sup> Moreover, holding administrators and staff accountable for compliance with standards helps the agency develop an ongoing commitment to improvement. Jail officials can play an active role in making their facilities more transparent and accountable. Doing so can help jail officials maintain credibility and advocate for additional resources or legislative changes.<sup>81</sup>

**Current Status:** The requirements in the BJG instruct jail administrators to periodically assess compliance with the existing standards. The BJG specify that local jails must submit monthly reports and an annual compliance statement to DPSC. However, compared to other sets of standards, such as those issued by Florida, Texas, New York City, the ABA, and the ACA, the BJG requirements on promoting transparency and ensuring compliance with standards are relatively narrow. For example, the Florida, Texas, and New York City standards contain guidance on how jail administrators should work with oversight entities to address deficiencies. Additionally, the ACA and ABA encourage the jail administration to foster transparency by remaining responsive to the media, government officials, and the general public.

**Goal:** We recommend expanding the BJG’s guidance on promoting transparency and ensuring compliance with standards. The enhanced set of standards should help jail administrators take a proactive approach to compliance and maintain productive relationships with oversight, legislative, and executive offices.

**Roadmap:** Tables 53 to 57 below outline our recommendations for revised standards on promoting transparency and ensuring compliance with standards. Table 53 focuses on internal accountability mechanisms, such as self-audits. Table 54 focuses on facilitating external inspections, visits, and inquiries. Table 55 focuses on inspections conducted by the Jail Standards Compliance Unit. Table 56 focuses on variance procedures. Table 57 focuses on the media’s access to the facility.

**Table 53. Internal Accountability Mechanisms**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration should establish systems to monitor operations and programs through self-audit inspections and reviews. Self-audits of the jail should assess compliance	<ul style="list-style-type: none"><li>a) Self-audits should be conducted by the jail administrator or designee at least annually.</li><li>b) Self-audits should be separate from any inspection or monitoring activities conducted by external organizations.</li><li>c) <a href="#">The jail administrator should submit a written copy of the audit findings, including a compliance statement, to the Jail Standards</a></li></ul>

<sup>80</sup> Deitch, Michele. (2020). But Who Oversees the Overseers?: The Status of Prison and Jail Oversight in the United States. *American Journal of Criminal Law* (47), pp. 218-220. <https://law.utexas.edu/faculty/publications/2020-but-who-oversees-the-overseers-the-status-of-prison-and-jail-oversight-in-the-united-stat/download>.

<sup>81</sup> Ibid; American Correctional Association, 2019, p. 8.

#	REQUIREMENT	DETAILS TO INCLUDE
	with policy, procedure, and minimum standards. <sup>82</sup>	<p>Compliance Unit each year. The compliance statement shall include, but not be limited to:</p> <ul style="list-style-type: none"> <li>i. A copy of the current Fire Marshal Report;</li> <li>ii. A copy of the current Health Inspection Report;</li> <li>iii. Any proposed or projected expansion;</li> <li>iv. Information about available rehabilitative programs; and,</li> <li>v. Information about available re-entry programs and initiatives.</li> </ul> <p>d) Jail administrators should bring in professionals not affiliated with the jail to conduct financial audits and evaluate programs and services</p>
2	The jail administration is encouraged to seek accreditation of its facility and certification of staff from national organizations whose standards reflect best practices in corrections or correctional subspecialties. <sup>83</sup>	N/A

**Table 54. Facilitating External Inspections, Visits, and Inquiries**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration should facilitate the access of outside agencies that are lawfully authorized to inspect the jail. Such policies should enable independent governmental entities responsible for such matters as fire safety, sanitation, environmental quality, food safety, education, health, and the treatment of incarcerated individuals to regulate, inspect, and enforce regulations in the jail, and to speak confidentially with incarcerated people and staff.	<ul style="list-style-type: none"> <li>a) The jail should be subject to the same enforcement penalties and procedures that apply to other institutions subject to such regulations.</li> <li>b) The jail administration should maintain inspection reports from outside entities and publish these reports on the jail’s website.</li> <li>c) Whenever authorized government entities conduct an investigation relating to the jail facility or its staff, the jail administration should cooperate fully in the investigation.</li> <li>d) The jail administration should allow these outside inspectors to access the jail at any time, without prior notice, and to visit any part of the facility to conduct their work.</li> </ul>

<sup>82</sup> Adapted from ACA Standard 5-ACI-1A-17, p. 7.

<sup>83</sup> Adapted from ABA Standard 23-11.1(d).

#	REQUIREMENT	DETAILS TO INCLUDE
2	The jail administration should encourage and accommodate visits by judges, lawmakers, and members of faith-based groups, local businesses, institutions of higher learning, and any other groups with an interest in correctional issues.	a) The jail administration should allow the staff of judges and lawmakers to participate in jail visits.
3	The jail administration should ensure that requests from federal, state, and local legislators and executives for information about operations or specific incarcerated individuals are responded to promptly by facility staff and with due regard to privacy protection statutes.	N/A

**Table 55. Jail Standards Compliance Unit Monitoring and Inspection**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration should allow the Jail Standards Compliance Unit to conduct unannounced visits, examine every part of the jail, conduct confidential interviews with incarcerated people and jail staff, and review all records.	a) The jail administration should share with the Jail Standards Compliance Unit any information requested by the Unit to enable them to conduct their review, including the reports described in Table 51, Requirement 3, which should be submitted monthly.
2	In response to any Jail Standards Compliance Unit report and recommendations, the jail administration should issue a public response, including an action plan to address deficiencies. The jail administration should initiate the corrective measures specified in action plans and work with the Jail Standards Compliance Unit to achieve full compliance with the relevant minimum standards.	<p>a) The jail administration should issue its response to the inspection summary report as soon as possible, within a period that should not exceed [30 days].</p> <p>b) Within [30 days] of issuing the response, the jail administration should report to the Jail Standards Compliance Unit the corrective measures initiated and/or completed.</p>

**Table 56. Variances**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration should be permitted to apply for a temporary variance from a specific subdivision or section of the minimum standards only when: (1) despite its best efforts, and that of other local and state officials and agencies, full compliance with the subdivision or section cannot be achieved; or (2) compliance is to be achieved for a limited period in a manner other than specified in the standards. The Jail Standards Compliance Unit should grant a variance only if it is presented with convincing evidence that the variance is necessary and justified and does not put incarcerated people or staff at risk of harm.	<ul style="list-style-type: none"> <li>a) The jail administration should submit a public application to the Jail Standards Compliance Unit a written application for a variance as soon as there is a determination that continued compliance is not possible.</li> <li>b) The jail administration should include the following in its application for a variance: <ul style="list-style-type: none"> <li>i. The subdivision or section at issue;</li> <li>ii. The requested commencement date and expiration date of the variance;</li> <li>iii. The efforts undertaken by the Sheriff's Office to achieve compliance up until the time of writing;</li> <li>iv. The specific facts or reasons inhibiting full compliance and when these facts or reasons became apparent;</li> <li>v. The specific plans for serving the purpose of the subdivision for the period that strict or full compliance is not possible; and,</li> <li>vi. A description of the specific plans to achieve compliance.</li> </ul> </li> </ul>
2	If an emergency situation prevents continued compliance with a particular subdivision or section of the standards, the jail administration should request a public emergency variance.	<ul style="list-style-type: none"> <li>a) The jail administration should immediately notify the Jail Standards Compliance Unit of the emergency situation and the need for an emergency variance.</li> <li>b) An emergency variance should not typically extend for a period in excess of [24 hours].</li> </ul>

**Table 57. Facilitating Media Access**

#	REQUIREMENT	DETAILS TO INCLUDE
1	The jail administration should establish policies, procedures, and practices affirming the facility's commitment to informing the public and media about jail conditions, critical incidents, and deaths in custody, and allowing communication between incarcerated people and the media.	<ul style="list-style-type: none"> <li>a) The jail administration should designate a staff member to serve as the contact person for routine information and visit requests by representatives of the media.</li> <li>b) The jail administration should accommodate professionally accredited journalists who request permission to visit the jail or a particular incarcerated person.</li> <li>c) The jail administration should establish an appeal process when requests for visits by accredited journalists are denied.</li> <li>d) The jail administration should identify areas in the jail that are accessible to media representatives; these areas should preserve the privacy and dignity of incarcerated people.</li> </ul>

#	REQUIREMENT	DETAILS TO INCLUDE
		<ul style="list-style-type: none"> <li data-bbox="667 233 1419 327">e) The jail administration should allow professionally accredited journalists reasonable use of notebooks, writing implements, video and still cameras, and audio recorders.</li> <li data-bbox="667 359 1419 485">f) The jail administration should afford incarcerated people a reasonable opportunity to communicate with members of the media in-person, by phone, in writing, and, where available, electronically.</li> <li data-bbox="667 516 1419 642">g) Per the requirements in Tables 23 and 24, jail administrators and staff should not monitor or record written, phone, electronic, or in-person conversations between incarcerated people and members of the media.</li> </ul>
2	<p>The jail administration should notify incarcerated people of their right to refuse requests for interviews, allow incarcerated people to consult with counsel prior to an interview, and ensure that no incarcerated person is subject to retaliation due to their lawful communication with a member of the media.</p>	N/A

## IV. Recommendations for Strengthening Systems of Oversight and Enforcement

The recommended modifications to the Basic Jail Guidelines detailed above will significantly expand the scope of DPSC's compliance and enforcement work. Accordingly, we propose increasing the capacity of DPSC's BJG Monitoring Team. Currently, this team conducts inspections of local jails that hold people in state custody and, when necessary, works with jail leaders to help facilities come into compliance with the BJG. We propose transforming the BJG Team into the Jail Standards Compliance Unit, a unit within the DPSC with dedicated, full-time staff and a larger set of responsibilities.

Our recommendations are based on: (1) our research on correctional oversight models and best practices across the country; and (2) our understanding of current DPSC policy and practice.

PJIL has developed an extensive set of materials about correctional oversight bodies in the United States.<sup>84</sup> This resource contains detailed information about every known correctional oversight agency in the United States. To be included in this resource, oversight bodies are assessed according to criteria identified in the [ABA's Resolution on Independent Correctional Oversight](#).<sup>85</sup> These criteria are used to assess an entity's independence, functions, access to correctional facilities, and level of activity. Moreover, the entity must have an obligation to address the treatment of *all* people in custody in that jurisdiction, as opposed to having responsibility for just a segment of the population. If an entity meets the criteria for inclusion, the PJIL team develops its individual profile, which is based on interviews with practitioners, statutory research, news coverage, official website content, and publications. Each profile summarizes the oversight body's authority, history, activities, staffing, budget, accomplishments, and challenges. This resource material will be posted on a soon-to-launch website operated by PJIL called the National Resource Center for Correctional Oversight (expected to launch in November 2023), and the material on the website will be continually updated as correctional oversight bodies are established and/or change.

The research we conducted about these oversight bodies and specifically about jail oversight entities has informed our knowledge of best practices and strategies for ensuring compliance with standards.

To learn more about existing compliance and enforcement functions carried out by DPSC, we met with correctional officials who oversee BJG monitoring activities and reviewed a sampling

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<sup>84</sup> See Deitch, Michele. (2020). But Who Oversees the Overseers?: The Status of Prison and Jail Oversight in the United States. *American Journal of Criminal Law* (47), pp. 241-268, which describes and synthesizes this information about correctional oversight entities. Available: <https://law.utexas.edu/faculty/publications/2020-but-who-oversees-the-overseers--the-status-of-prison-and-jail-oversight-in-the-united-stat/download>.

<sup>85</sup> American Bar Association, Criminal Justice Section, Key Requirements for the Effective Monitoring of Correctional and Detention Facilities 1 (August 2008), available: <http://www.ongov.net/jcoc/documents/ABAResolutionandOversight104b.Final.2008.pdf>.



of inspection reports carried out by the team. We also learned about Louisiana laws establishing Sheriffs as constitutional actors and how that authority might impact the design of oversight structures.

This section of our report begins with an overview of the existing system of jail oversight in Louisiana, continues with an overview of state-level jail oversight models found throughout the United States, and concludes with a summary of our proposed changes to Louisiana’s current structure. Our recommendations outline the Jail Standards Compliance Unit’s functions, enforcement strategies, and incentives to promote the continuous improvement of jail conditions.

### *A. Current Jail Oversight Practices in Louisiana*

DPSC created the BJC in 1996 as part of a settlement that ended more than 20 years of court oversight and consent decrees involving nearly all of Louisiana’s jails and prisons. This history contributes to the distinct nature of jail oversight in Louisiana, which applies only to local jails that hold people in state custody rather than to all local jails in the state.

Importantly, one of the reasons for establishing the existing model of jail oversight is that there is clear Louisiana law establishing that sheriffs are constitutional actors and the final authority on policymaking in their jails.<sup>86</sup> Absent a state interest in what is happening in the jail, such as the incarceration of state-sentenced individuals, it is unclear whether the state can assert a role in jail oversight. That said, state agencies such as the Office of the State Fire Marshal and the Louisiana Department of Health routinely inspect the local jails, seemingly without controversy.

The project team met with DPSC officials and reviewed a sampling of inspection reports to learn about Louisiana’s mechanisms for ensuring compliance with the BJC, a set of rules that local jails must follow to be able to house people in DPSC custody. Currently, the monitoring team is located within DPSC’s operations division. BJC compliance monitoring and enforcement work is spearheaded by BJC Team Leaders, who typically have other jobs within DPSC and additional compensation to conduct BJC monitoring duties. Team Leaders are responsible for assessing whether local jails that (1) hold state-sentenced individuals and (2) are located within a particular region are in compliance with the BJC. This work involves coordinating inspections, issuing official reports, and working with local jail officials to address deficiencies.

Team Leaders develop their inspection schedules at the beginning of the year. Prior to each inspection, Team Leaders must assemble an audit team; whenever possible, such teams include seasoned correctional professionals of varied backgrounds, such as security, healthcare, and administration. Audit teams begin each inspection by reviewing jail records. Subsequently, the teams visit the jail facility—dorms, kitchen, maintenance rooms, and, where applicable, medical units or infirmaries—where they may have informal conversations with incarcerated people and jail staff. Teams share their findings with jail leaders immediately following each visit and issue an official, internal report within 70 days of the inspection.

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<sup>86</sup> LA Rev Stat § 15:704 (2017); see also *O’Quinn v. Manuel*, 773 F.2d 605 (5th Cir. 1985).

According to staff, the BJJ monitoring team must inspect jails annually and conduct in-depth recertification inspections every three years. The BJJ Monitoring Team also reports conducting targeted inspections in response to particular incidents or issues, and then works with jail officials to remedy deficiencies.<sup>87</sup> Historically, the BJJ Monitoring Team have faced staffing and resourcing constraints, which have limited their ability to proactively monitor conditions or keep up with the annual audits. It is unclear whether the annual inspections are in fact currently happening, or whether the limited resources have resulted in a focus on the three-year certifications instead. The BJJ Monitoring Team also lacks a protocol for handling and tracking individual complaints, although the team occasionally looks into complaints.

### *B. Why is a change proposed to this structure?*

The recommended revisions to the BJJ as laid out in this report will expand the requirements that apply to jails, ensure the requirements apply to all jails, and address issues that affect everyone who is incarcerated. These changes will expand the scope of the compliance evaluation and enforcement work DPSC performs, increasing the number of jails that are audited, the frequency of inspections, and the number of people who may have complaints or concerns to be considered. This increased workload alone necessitates a more robust system for assessing compliance with jail standards.

In addition to the increased workload, advocates and families with incarcerated loved ones have raised concerns that the audits as currently conducted do not sufficiently address the kinds of complaints they routinely hear from people held in local jails. A change in inspection methodology is necessary to ensure that a wider range of concerns get addressed during and between visits to the local facilities.

### *C. How do other states ensure compliance with jail standards?*

There are 28 states with some form of state-level jail oversight involving a set of standards and varying degrees of enforcement authority (we refer to this as “regulatory oversight” since the jails are being regulated to at least some degree). There are four regulatory oversight models that exist among these states: (1) state DOCs charged with overseeing local jails not under their operational authority (15 states); (2) independent commissions at the state level established to regulate the local jails (7 states); (3) professional associations/sheriffs associations with a voluntary peer-to-peer system of oversight (4 states); and (4) state departments of health with a jail inspection unit (2 states).

In addition to these four regulatory oversight models (which may rely on either mandatory or voluntary standards), there are three other oversight examples worth highlighting. One state, Minnesota, has both a regulatory model in the DOC using standards and a separate Ombudsman’s office responsible for handling complaints arising in the jails across the state.

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<sup>87</sup> Local jails are also inspected by other government entities, such as the Office of the State Fire Marshal and the Louisiana Department of Health’s Office of Public Health. These inspection reports are attached to the DPSC’s audit reports.

Hawaii does not have jail standards, but it has a newly created Correctional System Oversight Commission, with staff responsible for conducting routine inspections of all detention facilities, handling complaints, and making recommendations for improvement. And Pennsylvania has a non-governmental organization, the Pennsylvania Prison Society, with longstanding statutory authority (since 1829) to conduct inspections of all prisons and jails in the state and to handle complaints; these inspections are carried out by both professional staff and an extensive network of volunteers around the state. Figure 4 below shows which states employ which type of jail oversight model.<sup>88</sup>

**Figure 4. Models of Jail Regulation by State<sup>89</sup>**

Department of Corrections	Independent Commission	Sheriffs' Association	Department of Health	Non-Standards-Based
Iowa	Arkansas	Idaho	Oklahoma	Hawaii
Illinois	California	Florida	North Carolina	Minnesota*
Indiana	Maryland	Oregon		Pennsylvania
Kentucky	Nebraska	Utah		
Massachusetts	New York			
Maine	Tennessee			
Michigan	Texas			
Minnesota*				
North Dakota				
New Jersey				
Ohio				
Pennsylvania				
South Carolina				
Virginia				
Wisconsin				

\*Minnesota has two different jail oversight bodies.

It is worth noting that not all of these oversight bodies have strong sets of standards, robust auditing processes, or meaningful enforcement tools. Moreover, some of them do not promote public transparency about jail conditions, which should be one of the key objectives of a jail oversight entity.<sup>90</sup> Thus, inclusion on this chart does not necessarily reflect that the state has a model worth emulating; it simply shows the organizational placement of the oversight body.

<sup>88</sup> Note that Louisiana does not appear on this chart for three reasons: (1) the jail standards in Louisiana do not apply to all facilities and to all people incarcerated in local jails; (2) the DOC does have some level of operational authority over these facilities insofar as it contracts for services with the jails; and (3) the DPSC does not inspect any jail facility that does not hold people serving time on state sentences.

<sup>89</sup> Adapted from Deitch, 2020, p. 256, supra note 84.

<sup>90</sup> The American Bar Association's Resolution on Correctional Oversight and Key Requirements for the Effective Monitoring of Correctional and Detention Facilities (available:

#### *D. What are the advantages and disadvantages of the various models?*

Each model identified above offers a variety of advantages and disadvantages (none of these points are specific to Louisiana—these are general observations):

- **The Department of Corrections (DOC) model** employs existing correctional resources, has recognized expertise, and offers some level of familiarity among jail staff. However, that same familiarity could create conflicts of interest if the DOC has a vested interest in the functioning of the jail facilities. Moreover, people who are incarcerated and their families could be intimidated by or distrust the DOC, which could be a barrier to the sharing of critical information about what is happening inside the jails.
- **The independent commission model** offers greater objectivity and independence, and can make determinations without influence from outside interests. It also typically offers technical assistance to the jails it reviews. But these commissions can also be easy targets for state budget cuts, which would affect the quality of the oversight and assistance they provide.
- **The Sheriffs Association model** offers the advantage of familiarity and acceptance among jail staff, but this model usually relies on voluntary participation by the various jails and a set of standards that are unenforceable since there is no statutory mandate granting sheriffs enforcement authority. And the process relies on volunteer peer inspectors, due to extremely limited resources to spend on the inspection process.
- **The Department of Health model** offers infrastructure and resources, since it is part of an existing government body. It also can allow for greater access to medical records of incarcerated individuals. However, inspectors are less likely to have criminal justice expertise, which may mean they garner less respect from jail officials and have fewer insights into non-health-related aspects of corrections.
- **The Ombudsman and inspectorate models** offer the advantages of holistic reviews of conditions untethered to specific standards, as well as greater opportunity to hear and respond to the complaints of incarcerated people. They are clearly independent of the jail agencies they review. And they tend to be highly trusted by incarcerated people and their families. But they do not have enforcement authority when it comes to their recommended changes and there are no standards against which jails can be held accountable.

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<http://www.ongov.net/jcoc/documents/ABAResolutionandOversight104b.Final.2008.pdf>) details the critical elements of effective oversight, including the need for public transparency about conditions of confinement through public reporting of findings by oversight bodies.

In short, there is no one ideal way to design an oversight body, and there is no magic to ensuring the placement of the oversight structure in a particular unit of government or outside government.

What *does* matter is the independence of the oversight body from the agencies it oversees, the functions it serves, the trust it engenders among the various stakeholders, the transparency it brings to conditions in jails, and the sufficiency of the resources it is given to do its work.

### *E. Where should Louisiana place its jail oversight body?*

The project team considered three options: (1) keeping the Jail Standards Compliance Unit within DPSC; (2) establishing a new independent body; and (3) placing the compliance unit within another entity, such as the Louisiana Commission on Law Enforcement or the Legislative Auditor's Office. Early feedback received during the project suggests a strong preference among jail administrators for keeping the compliance unit within DPSC, since it has an auditing structure and process with which jail staff are already familiar. Moreover, keeping the oversight function within the DPSC may make the most sense in a system where sheriffs are constitutional actors.

We believe it is possible to maintain the placement of the jail standards compliance body within DPSC, subject to various measures put in place to help ensure that the audits and recommendations remain as objective and independent as possible and to enhance the confidence and trust of outside stakeholders, and subject to any adjustments necessary to respect the constitutional status of Sheriffs in Louisiana.

We can also incorporate some of the best features of some of the non-standards-based models, in order to make this oversight structure one of the most effective in the country.

All the recommendations outlined in the following sections can build upon the existing DPSC structure for monitoring jails' compliance with the BJG. The proposed Jail Standards Compliance Unit is an enhancement rather than a replacement of the existing system.

We recommend that LSA and DPSC work together to address how this recommended model would apply within the context of Louisiana law, specifically LA Rev Stat § 15:704 (2017).

### *F. How can Louisiana ensure that its jail oversight body is perceived as independent if it remains in the DPSC?*

To maximize both perceived and actual independence of the Jail Standards Compliance Unit, we recommend the following:

1. The DPSC should establish the Jail Standards Compliance Unit as a dedicated unit and ensure that it has sufficient full-time staffing and resources to enable a robust program of inspections (including unannounced inspections), reporting, response to complaints,

and technical assistance.

2. The Governor should appoint an Advisory Committee to the Jail Standards Compliance Unit composed of members representing different areas of experience and expertise, including, for example, a medical professional, a mental health professional, a family member of an incarcerated person, a person who was formerly incarcerated, a nutrition expert, a person knowledgeable about programs and services, a person knowledgeable about occupational safety and health, and an expert in research and data analysis. The key corrections leaders in the Senate and House should also get to appoint some of the committee members. The Advisory Committee should provide ongoing guidance to the staff of the Jail Standards Compliance Unit and should meet regularly with the staff to ensure that they are looking at issues of importance to the Advisory Committee and that the methodology they use during inspections is effective at identifying problems in the facilities. There should be rotating terms of service on the Advisory Committee.
3. The Advisory Committee should develop a list of candidates for the head of the Jail Standards Compliance Unit and submit that list to the DPSC Secretary, who would make the appointment. The Unit head should report to the Advisory Committee and should not be subject to firing or disciplinary actions by the administration of the DPSC.
4. The Jail Standards Compliance Unit should have a confidential hotline that accepts free calls from people in local jails, their loved ones, and advocates alerting the auditors to problems in facilities. People should also have the ability to contact Jail Standards Compliance Unit staff confidentially through the mail or by email, and there should be email addresses that do not use the DPSC domain.
5. The Jail Standards Compliance Unit should be able to issue public reports of its findings without the prior approval of DPSC administrators.
6. The Jail Standards Compliance Unit should commit to transparency regarding conditions in the local jails, by publishing a data dashboard with key metrics about safety, health, and programmatic issues in the facilities, as well as by making all inspection reports publicly available on the DPSC website.
7. The Jail Standards Compliance Unit should consider appointing an Independent Monitoring Board of volunteer local citizens in each community where a local jail is located to make occasional visits to that facility to provide information for the Inspection team's consideration.<sup>91</sup>

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<sup>91</sup> Independent Monitoring Boards exist throughout the United Kingdom, as well as in other countries, and although the quality of each Board varies from place to place, the Boards provide a valuable service by being a more familiar presence in each facility and by providing regular reports on conditions in the facility. For more information, see <https://imb.org.uk/>.

## *G. What functions should the Jail Standards Compliance Unit serve?*

The Jail Standards Compliance Unit should handle the following core responsibilities:

- Conduct routine, annual inspections of every jail in the state;
- Issue reports about each inspection, highlighting areas of noncompliance with standards and recommended changes;
- Collect, track, analyze, and report data on key metrics about each jail;
- Address individual complaints of individuals housed in the jails and identify patterns of complaints; and
- Provide technical assistance to jails as necessary.

More detail about each responsibility is addressed below.

### **Inspections of Jails:**

Within the Jail Standards Compliance Unit, there should be a dedicated team that continues the practice of conducting at least annual inspections of every jail in the state to assess the jail's compliance with the BJG. It may make sense to have multiple teams, as opposed to a single Team Leader, responsible for inspections in different regions, or parts of the state. This structure would allow the Jail Standards Compliance Unit to ensure that there are multiple inspectors on each visit, each with particular expertise on a wider set of topics. For example, there could be someone responsible for conducting reviews of medical and mental health services while someone else is examining food services, recreation, and programming. Inspections should build upon the existing methodology to include observations, confidential interviews with both staff and incarcerated people, review of logs and files, reviews of grievances, reviews of camera footage, etc. It may make sense to invite members of the Advisory Committee to participate in some of these inspections, particularly when they have expertise that may be helpful for the inspectors. Inspectors should produce a report of each inspection, highlighting both areas of noncompliance with the standards and areas of particular strength or improvement, and making recommendations for changes.

### **Data Collection, Tracking, Analysis, and Reporting:**

Additionally, there should be a data collection, analysis, and reporting team within the Jail Standards Compliance Unit. This team would have access to jail records and be responsible for collecting data on key metrics related to safety, health, programs, demographics, etc. from each local jail, including the data described in Table 51, Requirement 3; tracking trends in the data; and aggregating the information and posting it on a data dashboard for public use. The data analysis team would also provide relevant trend data to each inspection team prior to its visit to a particular facility.

### **Individual Complaints:**

Another dedicated team within the Jail Standards Compliance Unit would serve as an Ombudsman's office for jails around the state, handling individual complaints that need immediate review or response (for example, a complaint that someone cannot get his medicine or is being threatened by a cellmate). It is important to separate the handling of individual

complaints from the monitoring function that is looking at systemic issues because individual complaints tend to overwhelm those working on these responses. It would leave little time for inspections if the same staff were handling both functions. That said, the Ombudsman staff could flag recurring complaints to the audit team so that monitors can look into that issue the next time they are at a particular facility that is generating the complaints.

#### Technical Assistance:

Another function to be served by the Jail Standards Compliance Unit is a technical assistance function. Jails that need help to come into compliance on certain issues or that wish to receive training on certain topics can seek help from experts from the Compliance Unit. Compliance Unit staff can then identify employees of the DPSC who can provide the necessary training or guidance to the jails on an as-needed basis. There can even be a regular training program set up to ensure that all local jails around the state have access to quality training about best correctional practices.

#### *H. How should the jail standards be enforced?*

For states that establish minimum jail standards, it is important to have mechanisms in place for enforcing compliance with those standards. Yet, few states have developed thoughtful or imaginative enforcement strategies. While enforcement is often thought of as “punishment” for a jail that does not meet the minimum standards, it is important to think more broadly and creatively about what gives an oversight body “teeth” so that it can conduct robust inspections and ensure that its recommendations will not be ignored, and about what is most likely to ensure corrective action. For that reason, we recommend that the Jail Standards Compliance Unit use all of the strategies described in this section as a way to improve conditions in jails across the state.

These strategies include:

- Ensuring the ability to conduct meaningful inspections and making findings publicly available;
- Mandating timely response to findings by jail administrators, including an action plan;
- Providing technical assistance and support to jails; and
- Implementing a progressive set of sanctions for jails in noncompliance.

#### Meaningful Inspections and Transparent Findings:

To ensure that an oversight body such as the Jail Standards Compliance Unit has the power to conduct meaningful inspections and have impact through its work, it must have “golden key access” to the facilities it reviews, so that it can visit at any time without prior notice, go anywhere in the facility, review any jail records, and talk confidentially to anyone living or working in the facility. It must also make its findings transparent, so that there can be public awareness of conditions and public pressure to change conditions that are out of compliance. There should also be thorough and uniform inspection protocols that include observations, interviews, record reviews, and procedural and policy review in each facility.



### Mandatory and Timely Facility Response:

Jails should be required to respond in writing to any finding of noncompliance with standards within a designated period of time (30 days is reasonable). The response should indicate the agency's plan for corrective action. The oversight body should continue to follow-up with targeted inspections on a more frequent basis until the issue is corrected.

### Technical Assistance and Support:

One of the most effective ways to encourage and achieve compliance with standards across all facilities is for the oversight body to provide technical assistance to agencies that are unable to meet certain standards. There could also be a pool of technical assistance grants that enable jails with insufficient resources to apply for funding to help them come into compliance. Ensuring that jail officials have the necessary training, expertise, and resources to improve conditions will be much more effective at accomplishing that ultimate goal than employing often empty threats about jail closures.

### Sanctions:

Regardless of the model of oversight employed, there is a fairly standard list of sanctions or responses that can be applied to jails in noncompliance (not all states use all of these sanctions):

1. Variances or waivers that allow jails to be noncompliant with a standard or set of standards for a certain period of time;<sup>92</sup>
2. Censures, fines, or written sanctions;
3. Collateral consequences stemming from a finding of noncompliance that put pressure on the jail to make needed changes. For example, the Idaho Sheriffs' Association ties the jail's insurance rates to the jail's compliance with standards;
4. Reduced access to grants (note that this sanction can be counter-productive if a jail needs additional funding in order to come into compliance);
5. Decertification or Involuntary closure of a jail.

These kinds of sanctions are necessary, especially for agencies unwilling to make changes, but, alone, they are insufficient to move jails towards improved compliance with standards. Sanctions work only if they are employed in conjunction with the other strategies described above.

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<sup>92</sup> Note that the oversight entity can impose certain requirements as a condition of granting a variance.

#### *H. How can Louisiana encourage continuous improvement among jails that are already in compliance with minimum standards?*

It is important to remember that minimum jail standards set a floor, not a ceiling, for conditions in the jails. Yet when the focus of inspections and enforcement strategies is solely on ensuring that jails meet the minimum standards, it is easy to see how jail officials do not see any particular benefit to going beyond that low bar. For that reason, we recommend that the Jail Standards Compliance Unit also develop a set of discretionary standards that go beyond the requirements of the BJG. Larger jails, or those with more resources, could seek to meet all or a subset of these higher-level standards with the understanding that failure to do so would not subject them to any sanctions. In fact, there could be benefits to meeting (or seeking to meet) the higher-level standards, including special recognition for the jail's efforts (e.g., designation as a "gold star facility"), access to additional grants, perhaps less frequent inspections, and technical assistance as the jail seeks to exceed state requirements.

## V. Recommendations for Jail Programming

In addition to recommending modifications to the BJJ and changes to the existing methods of enforcement and compliance with the BJJ, HCR89 directed us to recommend ways to expand programming in local jails.

As in many states across the country, the number and types of programs and services available to people in custody in jails in Louisiana vary greatly by jail size and location. While it was beyond our scope on this project to analyze the specific programming needs of each local jail, we reviewed a small sample of reports issued by DPSC's BJJ Monitoring Team to better understand what programs are currently available at some of the jails in the state (see Appendix A).<sup>93</sup> Additionally, members of the focus groups we held (see Figure 1, "Meetings between PJIL, DPSC, and LSA, and Local Advocates") in Baton Rouge and New Orleans provided valuable insights on the challenges people in custody face when trying to access programs and services at jails. We also compared programs and services in jails across the country to better understand how other states manage similar challenges.

We drew on this research as well as an extensive body of literature on best practices in correctional programming in order to develop recommendations for expanding programming in jails across the state. Given the differences in the size of these facilities and the amount of resources available in the surrounding community to support the delivery of programs and services, a one-size-fits-all approach does not make sense for the diverse set of local jails in Louisiana. Therefore, we developed recommendations that can be customized and adapted for all jails regardless of their size and location. Our recommendations build on LSA and DPSC's current efforts to provide programming to individuals preparing for release and account for the challenges jail administrators will need to overcome as they begin planning for program expansion at their facility.

### *A. Background: Efforts to Reform Correctional Programming at Louisiana Jails*

In 2017, as part of the state's Justice Reinvestment Initiative (JRI), Louisiana began reinvesting a portion of the funding it saved from reducing the state prison population into correctional programs that could help people in custody prepare for their release and re-entry to reduce the likelihood that they would be rearrested, reconvicted, and return to prison.

As part of these reinvestment efforts, DPSC, in collaboration with local sheriffs, opened 10 Regional Re-entry Programs through its Prisoner Re-entry Initiative to serve the nearly 18,000

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<sup>93</sup> We note that DPSC's monitoring reports, while helpful, paint an incomplete picture of the program and services offered in local jails. The BJJ were written for people serving state time in local jails. Therefore, BJJ monitoring reports do not contain information about the programs and services available to pretrial individuals. Presumably, even fewer programming options are available to people awaiting trial since the BJJ do not currently set any requirements regarding their care or the conditions in which they are held.

people released from state prisons and jails each year to communities across the state.<sup>94</sup> These programs help people in custody find a safe place to live, find stable employment, and access resources that will assist them in successfully reintegrating into their communities. The initiative is showing early signs of success. For example, one year after launching the Jefferson Parish Re-entry program, 100% of evaluation participants did not recidivate, 42% secured permanent employment and 65% of legal cases were resolved.<sup>95</sup> However, while the initiative was designed to serve people who are preparing for release from prison or jail, in practice, it has primarily served incarcerated people serving a state prison sentence in a local jail, leaving people serving a county-level sentence and people held pretrial at local jails without access to critical programs and services.

To address this gap, in 2019, the Legislature passed Act 245, which included a provision requiring DPSC to amend its contractual guidelines with Sheriff's offices to specifically provide treatment and educational programming for individuals confined in a local jail.<sup>96</sup> Until the passage of Act 245, DPSC's contractual guidelines allowed people serving state time to be held in local jails with no programs or services under the condition that local jail administrators coordinate with DPSC to transfer any individual who wishes to access education or treatment to a DPSC facility. This arrangement placed an enormous burden on incarcerated people to request a transfer, which involves weighing the advantages of accessing programs against the potential disruptions that come with a transfer to a different facility. To incentivize jail administrators to expand programming in jails, Act 245 included a provision that increased the per diem that Sheriff's Offices receive for housing individuals serving state sentences in parish jails, an amount that jail administrators reported was too low to provide programming to everyone in custody at local jails. The passage of Act 245 provided the opportunity for Sheriff's Offices to expand programming—not just for people serving state sentences in local jails but also for the entire jail population.

In the wake of the COVID-19 pandemic, efforts to expand programming in local jails were stalled, but the issue was given renewed attention with the passage of HCR89. That said, the challenges that had impeded the ability of jail administrators to provide programming to everyone in custody at their jail when Act 245 was passed were exacerbated during the COVID-19 pandemic, including staffing shortages, limited capacity of resources in the communities that surround local jails, and crowding in some facilities, especially at the jails located in Louisiana's large urban centers. In order to expand programming to everyone in custody at local jails, jail administrators will need to develop ways to overcome these seemingly intractable challenges.

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<sup>94</sup> Louisiana Department of Public Safety and Corrections, Reentry Initiatives & Transitional Work Programs, <https://doc.louisiana.gov/imprisoned-person-programs-resources/transition-reentry/> (last visited Oct. 4, 2023).

<sup>95</sup> United Way of S.E. La., Louisiana Prisoner Reentry Initiative, <https://www.unitedwaysela.org/la-pri>

<sup>96</sup> 2019 La. Act 245 (amended and reenacted as La. Rev. Stat. § 15:824(B)(1)(a)).

## B. The Benefits of Providing Programs and Services in Jails

Decades of research on the benefits of providing programming, education, and treatment to people in custody supports the Legislature’s mandate to expand these services to all people in custody at local jails.<sup>97</sup>

First, programs can address the unmet needs of individuals in custody, some of which may have contributed to their arrest and confinement, such as a limited work history, low education levels, and lack of stable housing. For example, a 2018 meta-analysis found that individuals who enroll in postsecondary education programs—one of many types of programs that can be offered to people in custody—are 48% less likely to be reincarcerated than their peers who do not participate in educational programs.<sup>98</sup> People in custody are also more likely than the general public to be living with mental health and substance use challenges, physical health issues, strained family relationships, and financial instability. Programs and services for people in custody should be designed to address those needs in order to promote positive reintegration into the community after release.

Additionally, programs give people in custody something to do during the day, reducing idleness and as a result, promoting greater safety within correctional facilities—for both incarcerated people and staff. Boredom, which many people in custody experience in the absence of meaningful activities, can be linked to depression and aggressive behavior; in contrast, participating in programs can enhance participants’ sense of purpose, self-efficacy, and dignity and can positively impact the facility’s culture overall.<sup>99</sup> A survey of a correctional facility in Indiana, for example, showed that incarcerated people who were enrolled in an education program—one of many types of programs that can be offered—committed 75% fewer infractions than incarcerated people who were not enrolled.<sup>100</sup> For this reason, where possible, programs that allow people in custody to build new skills in things like visual arts, theater, or creative writing are also important.

Of course, the vast majority of people who are serving a county-level sentence or who are held in local jails while awaiting their trial may not stay at the jail long enough to complete programming. However, given the potential benefits of participating in programs, exposing

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<sup>97</sup> James Bonta and Don Andrews, Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation (2007); Washington State Institute for Public Policy, Adult Criminal Justice “Benefit-Cost Results” available at <http://www.wsipp.wa.gov/BenefitCost?topicId=2>.

<sup>98</sup> Bozick, R., Steele, J., Davis, L. et al. Does providing inmates with education improve postrelease outcomes? A meta-analysis of correctional education programs in the United States. *J Exp Criminol* 14, 389–428 (2018). <https://doi.org/10.1007/s11292-018-9334-6>

<sup>99</sup> Egemon, T. and Clay-warner, J. (2018). Inmate Mental Health and the Pains of Imprisonment. *Society and Mental Health*, 9(1), 33-50, available at: <https://journals.sagepub.com/doi/full/10.1177/2156869318785424>; See also: Pelletier, E. and Evans, D. (August 2019). Beyond Recidivism: Positive Outcomes from Higher Education Programs in Prisons. *The Journal of Correctional Education*, 70(2), 49-68, available at: <https://www.jstor.org/stable/26864182>.

<sup>100</sup> Nally, J., Lockwood, S., Knutson, K., & Ho, T. (2012). An evaluation of the effect of correctional education programs on post-release recidivism and employment: An empirical study in Indiana. *The Journal of Correctional Education*, 63(1), 69-89, available at: <https://clear.doi.gov/study/evaluation-effect-correctional-education-programs-post-release-recidivism-and-employment>.

people in custody in local jails to programs for even a short time is more advantageous than leaving them idle and more prone to engaging in unsafe activities.

### *C. Recommendations*

Based on our research, we developed a set of recommendations for expanding programming in local jails to allow all people in custody to participate. Many of our recommendations draw heavily on the need for jail administrators to develop partnerships with service providers in their community that could provide programming to people in custody and continue to support them after release. Jail administrators should tailor each recommendation based on their programming needs and the availability of community-based providers and other local resources. This coordinated service delivery model can provide support to people while they are in custody and can increase the likelihood they remain engaged in services after release, which is critical for successfully reintegrating into their community.

#### **1. Sheriffs should provide an array of meaningful programming opportunities in local jails, including education, job-training, and life-skills programs, consistent with Act 245.**

Local sheriffs should provide an array of programs that span all areas of individuals' lives (e.g. housing, education, workforce development, mental health, substance use, etc.) in their jails. Because a one-size-fits-all approach does not make sense for the diverse population confined in local jails across the state, there may be significant variation in the type and level of programs and services across jails. Jail administrators should ensure programs provided at the facility are designed to address the common needs among people in their custody (see Recommendation #2, below, for more information about how to identify incarcerated people's needs and match them to programs). However, every jail should adhere to the provisions in Act 245 and provide, at a minimum, education, job-training, and life skills programs.<sup>101</sup>

All programs and services should be as individualized and personalized as possible for each person in custody, with programs and services addressing their identified needs. Because individuals involved with the justice system have multiple unmet needs (e.g. housing, education, job training, employment, family counseling, child care, parenting education, drug and alcohol treatment, health and mental health care, peer support, etc.), jail administrators will need to provide a range of programs and services that focus on addressing their assessed needs and the intersections between them. In addition to offering substance abuse treatment, cognitive behavioral therapy, and education, there should be services that teach people in custody about healthy relationships, prepare them to parent effectively, and teach communication and problem-solving skills.

Notably, programs differ from recreational or leisure activities such as physical exercise, or activities that take place in a dayroom, such as playing card and board games with other people

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<sup>101</sup> 2019 La. Act 245 (amended and reenacted as La. Rev. Stat. § 15:824(B)(1)(a)).

in custody and watching television. These types of activities also reduce idleness and boredom, but they are not structured like programs, which are usually guided by a planned curriculum, and are not designed to address unmet needs. For these reasons, activities should never take the place of programming. Instead, people in custody should be able to engage in them throughout the day, between programming, education, or work assignments.

## 2. Jail staff should conduct a validated needs assessment immediately upon admission to identify a person's needs and to create an individual care plan to guide program and service delivery.

For programs and services to be effective, there should be a process for early identification and assessment of a person's needs, preferably at classification, when screenings are already conducted to determine appropriate custody level. Needs assessments are different than risk assessments and need to be administered accordingly. Whereas risk assessments identify an individual's risk to safety and security in the facility and are used to inform housing placements and security levels, needs assessments gather information about factors that may have contributed to their arrest that may continue to present challenges after their release, such as the person's family relationships, children, housing status, education level, work history, religion, use of public benefits (e.g., food stamps, cash assistance, Medicaid, etc.), and more.<sup>102</sup>

Results from needs assessments should be used to match people to the programs that are most likely to respond to their identified needs. Matching people to programs based on their identified needs help staff provide an individualized approach to programming, rather than a one-size-fits all approach that assigns people to programs based primarily on the available capacity of a given program. Linking people in custody to programs that meet their individual needs also increases their receptiveness to programming.<sup>103</sup> Because needs change, staff should periodically administer the needs assessment over the course of an individual's length of stay at the jail and make any adjustments to recommended programs and services.

Ideally, these assessments should be conducted by case managers who work collaboratively with people in custody to develop a case plan and continuously track their progress and recommend adjustments (See Recommendation #5, below, for more information about the qualifications of case managers). However, agencies that lack the resources necessary to hire a case manager may designate a staff member and provide them the training necessary to carry out these tasks.

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<sup>102</sup> This issue is also addressed in our recommendations for revised BJJ, in the subsection on Programs and Services.

<sup>103</sup> HM Inspectorate of Prisons. (October 2020). *Minority ethnic prisoners' experiences of rehabilitation and release planning*. (London, England: HM Inspectorate of Prisons), p. 15, available at: <https://www.justiceinspectors.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2020/10/Minority-ethnic-prisoners-and-rehabilitation-2020-web-1.pdf>

Notably, programs and services should be available to people in custody who need them regardless of their classification status. Indeed, higher-risk individuals may need more services than those who are lower-risk. That said, jail administrators should develop policies and procedures for delivering programs and services to this population that account for the potential safety risks to other incarcerated people and staff.

### 3. To provide a wide range of programs and services in local jails, jail administrators should leverage ties with community organizations to deliver programs and services at the jail and to support people after release to promote their successful reintegration.

Jail administrators and other key officials in Sheriff's Offices should develop formalized partnerships with community providers (e.g., mental health centers, substance use treatment programs, family support organizations, vocational and employment services, health care professionals, etc.) to expand programs and services available at the jail that respond to the diverse needs of people in custody, and to mirror, as closely as possible, the supports and services available in the community after their release.

While the types of community-based organizations will vary by location, they may include mental health service providers, alcohol and other substance use recovery programs; family service organizations; counseling services; housing services; food banks; organizations that connect individuals with public benefits; child care and child service organizations; health care providers; advocacy organizations; faith-based organizations; and community service clubs.

Additionally, local colleges and universities can provide regular wellness courses, skills-based training programs, and interns that can support the administration's case management. Wellness courses could focus on smoking cessation, nutrition, managing chronic diseases, and preventative care. Meanwhile, skills-based training sessions could concentrate on coding, computer skills, resume-building, and job search assistance. Local colleges and universities could also provide people in custody with courses to prepare them to take the GED and with secondary education courses.

Jail administrators could also partner with local businesses to provide apprenticeships or vocational training in fields where jobs may be available upon release, such as data entry, welding, barbering, and culinary services. Jail administrators could encourage potential employers to offer training programs on-site, where feasible. Agencies might also formalize a partnership with non-profit workforce development organizations that connect low-resourced individuals to jobs and provide training in areas like resume building, computer-based job searching, etc.

Local businesses could also help jail administrators expand their work release program. Work release programs could provide people in custody with opportunities to work off-site, with on-the-job training from their employers, and with income that they can save to support



themselves as they prepare for release. After release, their employers could either choose to hire them or help connect them to a similar job in the same field.

This collaborative approach to programming draws on a community's strengths to keep the costs of program delivery low while providing a significant impact for people in custody and jail staff. As mentioned in Section III-A(2) of this report, "Transfer, Release, and Re-Entry Planning," re-entry describes an incarcerated person's transition from a correctional facility to the community; it is a process, not a single program. The re-entry process consists of planning, programs, and services designed to address people's unmet needs, with an eye towards facilitating their successful reintegration into the community. Ideally, the re-entry process begins at intake, continues throughout a person's incarceration, and extends well beyond the time of their release.<sup>104</sup> Facilitating these connections, and doing so early on, increases the likelihood that an individual's needs will be met throughout the re-entry process and decreases the likelihood of recidivism.<sup>105</sup> By that same token, the state should provide Sheriff's Offices in small, rural parishes with additional resources to fill any gaps in local services.

#### 4. Jail administrators should make programs and services accessible to all people held in local jails, including the pretrial population, and incentivize participation and continued engagement in programs.

Historically, jail administrators were required to provide programs and services only to people in custody who were serving a state sentence at a local jail. However, given the legislative developments in the state described earlier, administrators will need to establish policies and procedures that make programs and services accessible to all people in custody at the jail, including the pretrial population, many of whom have similar needs to those individuals serving a county- or state-level sentence.

Programs should be provided to people in custody on a voluntary basis. Incarcerated people, especially individuals who are awaiting trial, should not be coerced into participating in programs. However, there are steps that jail administration can take to increase retention and encourage engagement in programs. Program schedules should be well-advertised and flexible to encourage as many people as possible to participate. Any deliverables or other products that come out of the programs and services can be shared with the entire population at the facility. For example, art created during art classes can be displayed prominently in common areas, which can increase the artist's self-confidence and incentivizes others to engage in programs and services.

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<sup>104</sup> LaVigne, N., Davies, E., Palmer, T., & Halberstadt, R. (September 2008). *Release Planning for Successful Reentry: A Guide for Corrections, Service Providers, and Community Groups*. (Washington, DC: Urban Institute), pp. 5-6, available at:

<https://www.urban.org/sites/default/files/publication/32056/411767-Release-Planning-for-Successful-Reentry.PDF>

<sup>105</sup> Ibid.

## 5. Jail administrators should designate qualified staff to oversee the delivery of programs and services, drawing on unconventional roles such as peer support specialists to facilitate programs and serve as case managers.

Staff are a critical component of the successful administration of programs and services in a jail. Ideally, a case manager should administer a needs assessment for each person in custody immediately upon their entry into the facility, develop an individualized case plan of programs and services, and provide ongoing oversight of their progress. Case managers should help prepare for a person's transition well before their release, to make reintegration a fluid process with as little disturbance to programs and services as possible.

Case managers should be professionals with expertise and specialized training in social work or behavioral health who are adept at modeling positive, healthy, and professional interactions with people in custody or other vulnerable populations.

Peer support specialists ("peers") could assist with this process. Peers are healthy, supportive members of the community who have been directly impacted by the criminal legal system and/or who have a history of substance abuse. Jails should hire trained peer support specialists to carry out key program-related activities, like program facilitation, program evaluation, and, where training is available, case management.<sup>106</sup> Because peer support specialists can both relate to people in custody *and* offer up an example of how to successfully navigate shared challenges, their involvement in programming opportunities can help foster a sense of camaraderie and motivation among program participants.<sup>107</sup>

In addition to hiring peer support providers, jail administrators should develop a network of peer mentors. Mentors are people in custody at the jail that have achieved a certain number of goals in their individual treatment plans and who display the stability needed to coach a newer resident through their own treatment plan. Mentors can model pro-social interactions with people in custody. Mentors should also be allowed to develop and facilitate programs at the jail that address a common area of need and that isn't otherwise provided by community-based organizations. This model of program delivery exists in Louisiana's state prisons and can be adapted to the local jail population.

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<sup>106</sup> Some community organizations may be authorized to certify peer specialists; wherever possible, local jails should partner with such organizations to train peer specialists to serve as case managers.

<sup>107</sup> Gagne, C. A., Finch, W. L., Myrick, K. J., & Davis, L. M. (2018). Peer Workers in the Behavioral and Integrated Health Workforce: Opportunities and Future Directions. *American journal of preventive medicine*, 54(6 Suppl 3), S258–S266. <https://doi.org/10.1016/j.amepre.2018.03.010>; Peer Recovery Support Services Across the Continuum: In Community, Hospital, Corrections, and Treatment and Recovery Agency Settings – A Narrative Review. *Journal of Addiction Medicine*, 16 (1), 93-100. doi: 10.1097/ADM.0000000000000810

## 6. Jail staff should support incarcerated people who are planning for their upcoming release.

In addition to providing programs to people in custody that can support positive re-entry outcomes, jail administrators should adopt policies and procedures for helping people in custody plan for their upcoming release.

Release planning is a sub-component of re-entry planning. Release planning focuses on the moment an individual is discharged from a jail or prison and identifies an individual's immediate transitional needs. Release plans ensure that, at a minimum, people exiting a jail or prison have a safe place to live, transportation, civilian clothing to wear on their day of release, food to sustain them throughout the first couple of hours outside of the facility, personal identification, contact information of relevant healthcare providers, appointments with counselors, medicine to last until the person can see a new healthcare provider, and some cash to help them navigate and address basic needs.

Given that even the shortest time in jail can cause reverberating consequences for people who are arrested, release planning should be offered to people in custody at local jails regardless of the amount of time they spent in the facility.

## 7. Programs and services should be data-informed, relying on program evaluation, data-driven adjustments, and research on best practices.

Jail administrators should establish policies for conducting regular evaluations of programs operated by or under a contract with the Sheriff's Office. Evaluations could be administered by a research team from a local college or university that specializes in assessing program outcomes. An assessment should use an evidence-based, preferably validated, evaluation tool that measures how closely the programs meet the known principles of effective intervention.

While conducting regular evaluations of program outcomes will help Sheriff's Offices ensure they are delivering the most effective programs for people in custody, programming should not be strictly limited to evidence-based curriculums. Arts programming, for example, may not lend itself to a rigorous evaluation, but still offers a valuable service to people in custody. For that reason, jail administrators should couple regular evaluations of programs with their own research on best practices in delivering programs at local jails and feedback from people in custody who participated in the programs.

## VI. Conclusion and Next Steps

As highlighted in this report, there is a need to establish statewide jail standards in Louisiana, with the necessary oversight to ensure compliance with those standards. Our recommendations lay out a roadmap for a robust and workable set of statewide jail standards, oversight mechanisms, and programming to help the state uphold the rights of incarcerated people and ensure that jail conditions are safe.

Implementing these recommendations is an important and substantial undertaking. Among other things, it will require that the state commit substantial resources to enable local jails to come into compliance with these standards.

As the next steps in this effort, we urge lawmakers, correctional officials, policy experts, and advocates to:

- Identify and secure the funding needed by local jails to come into compliance with the proposed standards and to provide needed programming for all people incarcerated in the jail;
- Assess the need for any potential adjustments to the standards for smaller or more rural jails, while ensuring that those adjustments would not put the incarcerated population at risk;
- Identify opportunities and incentives for jails to reach beyond these minimum standards and receive recognition for their efforts;
- Identify specific programming needs for each jail; and
- Work together to address how this recommended model of oversight would apply within the context of Louisiana law regarding the constitutional authority of sheriffs.

## Appendix A

**Table A.1. Sample of Jails Audited and Population on Date of Inspection**

#	Jail	Inspection Date	Total Jail Population	Number of People Serving State Convictions
1	Vernon Parish Jail	April 22, 2022	126	8
2	Ascension Parish Jail	April 29, 2022	443	80
3	Plaquemines Parish Jail	April 19, 2022	599	351
4	Union Parish Jail	April 28, 2022	305	108

Source: DPSC's Basic Jail Guidelines Monitoring Reports

**Table A.2. Programs Listed in BJG Monitoring Reports<sup>108</sup>**

Jail	Programs <sup>109</sup>
Ascension Parish	<ul style="list-style-type: none"> <li>Alcoholics Anonymous</li> <li>Faith-Based Programs</li> <li>FDIC Money Smart for Young Adults</li> <li>GED</li> <li>Partners in Parenting</li> <li>School of Faith Bible Institute</li> <li>Thinking for a Change</li> <li>Understanding and Reducing Angry Feelings</li> </ul>

<sup>108</sup> DPSC's audit reports list the programs and services available to people serving state time in local jails. However, the reports only include snapshot participation data—the number of available slots, participants, and program completions—for the GED program.

<sup>109</sup> We note that DPSC's monitoring reports paint an incomplete picture of the program and services offered in local jails. The BJG were written for people serving state time in local jails. Therefore, BJG monitoring reports do not contain information about the programs and services available to pretrial individuals.

Jail	Programs <sup>109</sup>
Plaquemines Parish	<ul style="list-style-type: none"> <li>GED</li> <li>Hazeldon's A New Direction</li> <li>Inside/Out Dad Program</li> <li>Living in Balance</li> <li>Plaquemines Parish Alcohol and Substance Abuse Program</li> <li>Religious Services</li> <li>South Regional Re-entry Program (Carpentry, C-Tech, Heavy Equipment Operators, Plumbing)</li> <li>Standardized Pre-Release Curriculum - 2010</li> <li>Thinking for a Change</li> </ul>
Union Parish	<ul style="list-style-type: none"> <li>FDIC Money Smart for Young Adults</li> <li>Hi-Set GED</li> <li>Louisiana Risk Management Model: Phase I &amp; II</li> <li>Partners in Parenting</li> <li>Religious Programs</li> <li>Thinking for a Change</li> <li>Understanding and Reducing Angry Feelings</li> </ul>
Vernon Parish	<ul style="list-style-type: none"> <li>Church Services</li> </ul>

Source: DPSC's Basic Jail Guidelines Monitoring Report

**Table A.3. GED Participation Data as of Date of Inspection**

#	Jail	Inspection Date	People Serving State Convictions	GED Slots	Participants	YTD Completions
1	Vernon Parish Jail	April 22, 2022	8	0	0	0
2	Ascension Parish Jail	April 29, 2022	80	15	0	0
3	Plaquemines Parish Jail	April 19, 2022	351	40	25	4
4	Union Parish Jail	April 28, 2022	108	25	0	0

*Source: DPSC's Basic Jail Guidelines Monitoring Report*