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# Utah Jail Standards Release

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## Utah Sheriff's Association Jail Standards

The Utah Sheriffs' Association has negotiated an agreement with Gary W. DeLand, DeLand and Associates, Inc., to make the Utah Jail Standards available publicly on the Utah Sheriffs' Association's website. Any standards deemed confidential in nature to protect safety and security of the facilities will be removed. Additionally, to minimize the exposure of trade secrets and intellectual property critical to DeLand's national standards, consulting, and training business. DeLand will remove the legal and other research information which annotates and supports each standard.

The process of separating the text of the standards from the supporting documentation will require both time and cost.

The Sheriffs of Utah by state law are responsible to "take charge of and keep the county jail and the jail prisoners; receive and safely keep all person committed to his custody." This is just a small statement of the Sheriff's responsibilities yet has major implications and liability to each individual Sheriff and County.

Since 1995 the Utah Sheriff's Association has realized the importance of having jail standards. In 1995 a set of standards based on constitutional law and case law was developed. Since then the standards have been annotated and evolved to stay with current case law. This process was taken on by Gary DeLand and Associates. The Utah Sheriff's Association has voluntarily used these standards since that time. Over the years not every Sheriff has implemented them, but today, every Sheriff realizes the importance of having the standards.

Today, there are over 600 standards in use by the Utah Sheriff's. While not every standard applies to every jail, they do have a significant impact on our daily operations. The process of keeping up to standard involves a self-evaluation by every jail to include policies, daily functions, and then proof of actual compliance. Then inspectors come and inspect the jail and go over the standards to make sure what the jail says it is doing is really taking place. This is a continual process in each jail. Just because a jail finished an internal audit and external

inspection, doesn't mean it can sit back and cruise. It just means that it is now time to start over and begin the process over. There can be significant updates to the standards each year as there is new case law and new requirements by the courts. This is why the inspection must be a continual and ongoing process.

Currently Utah jails, not all however, contract with the State of Utah Department of Corrections to house state inmates. The Utah DOC has a set of standards they require of each jail holding their inmates to comply with. The majority of them are similar to the standards already in place in order to not create duplication or conflicting standards. The Utah DOC also sends out inspectors of their own to do annual checks for compliance.

While the Utah Sheriff's Association uses the Deland Standards, the Utah DOC is receiving pressure to go a different way with standards. The debate is this: do we do just the base minimum requirements as required by the Constitution and the laws? Or do we go above and beyond and do more than required by the standard? In the court of the public opinion we must go beyond what is required. However, some of the standards set by other groups have no legal basis and legal backing as to their requirements. Several of the standards set by these other groups have an extremely high price tag and are hard to justify the cost for what it accomplishes. It is hard on an elected official to justify to their constituents they are going to have to pay more money for something they are not required by law to do. There is a segment of society that is more than willing to pay for it. They feel as though the inmates should have more rights and privileges. Many do not agree with this. It all comes down to who is louder and can push their agenda the furthest and keep the fight going. There are many questions about the standards and what they are, and some question as to why they aren't made public. If someone wanted to spend the time, which Gary DeLand has, they could find all the case law regarding what care must be provided to inmates. Over the last several months we have worked to find a way to release the basic standards in a way that will not give away the intellectual property of Gary DeLand. We have a plan in place to start a release of approximately 600 standards. Some will not be released due to the security and operational risk they would give away if we did. They will be posted publicly on the Utah Sheriff's Association website for anyone to see.

Inmates are usually incarcerated because they violated someone's rights and privileges, therefore we as a society restrict the rights and privileges of inmates. Jails and prisons are not meant to be a vacation. However, they are someone's son, daughter, brother, sister, father, mother, etc. and are human beings who deserve to be treated as a human being and not as an animal. We have a duty to make sure their basic needs are met, but we also have responsibility to use tax dollars wisely as well. We are in a new era of finding ways to rehabilitate the offender and to encourage good citizenship. There are many who will not take advantage of the rehabilitation, or habilitation, opportunities provided and must be removed from society. We must all work together to find ways to keep costs down, while providing for the basic needs and providing top notch care and professionalism to those who are in jails and prisons. The Utah Jail Standards are good, defensible, starting point of what we need to do.

## Utah Jail Standards

### Utah Jail Standards – Section B: Administration

**Authority to Operate Jail.** The Sheriff of the county is the statutory keeper of the jail, unless the county executive designates by contract another entity to manage, maintain, operate, or construct the facility.

**Sheriff's Duties in Contract Facility.** The county executive is authorized by statute to contract with a private provider. "If the county executive contracts with a private contractor to manage, maintain, operate, or construct [the] county jail facility, the sheriff shall perform whatever obligations are imposed upon him by that contract."

**Jail Commander** As keeper of the jail, the Sheriff should designate a jail commander who shall be responsible for the day-to-day management and operation of the facility.

**Mission and Goals.** The Sheriff should formulate and maintain a written statement defining the facility's mission, operational philosophy, and goals for the jail commander and staff to follow.

**Organization Table.** The jail commander should maintain a current organizational table which provides the jail's organizational table and chain of command.

**Policies and Procedures Governing Operation of the Jail.** With the approval of the Sheriff, the jail commander should implement written policies and procedures that cover the jail's management and operation.

**Periodic Review and Revision of Policies and Procedures.** The Sheriff and jail commander should review written policies and procedures and, when appropriate, make necessary revisions. No directive should remain in place for more than 18 months without review to determine whether there is a need for revision.

**Archive All Superseded Directives.** A process should be established to archive superseded policies and procedures. Such a process should ensure that policies and procedures remain accessible to staff.

**Directives Accessible to Staff.** Adopted policies and procedures should be easily accessible to staff.

**Enforcement of Policies and Procedures.** The Sheriff and jail commander should ensure that there is ongoing enforcement of policy and procedure directives.

**Provide Staff with a Code of Conduct.** The Sheriff and jail commander should adopt, implement, and enforce a code of conduct to govern the conduct of staff members. The code of conduct should define prohibited and mandated conduct and behavior both on and off the job and provide basic performance requirements.

**Policies and Procedures Required Governing Records Access and Management.** The jail should have written policies and procedures which govern management of, and access to, records maintained as a result of jail operations.

**GRAMA Requirements.** Jail officials should provide policies and procedures governing access to, and security of, records. The policies and procedures should be compliant with the Government Records Access and Management Act (GRAMA), Chapter 2, Title 63G, Utah Code Annotated.

**Duty to Classify Records.** Jail records should be evaluated and classified to determine which records should and which should not be released to the public.

**Public Access.** Jail officials should implement a process to facilitate public access to jail consistent with the provisions of State GRAMA statutes and County GRAMA policies.

**Inmate Access.** Inmates shall be provided access to jail records subject to the limitations set forth in GRAMA.

**Government Access.** Jail officials shall share information with other government entities consistent with GRAMA provisions.

**Duplication of Records.** Members of the public shall be permitted during normal business hours to take a duplicate copy of any record to which they have a right of access under GRAMA.

**Fee for Duplication.** The jail officials may charge a reasonable fee to cover the jail's actual cost of duplicating a record or compiling a record in a form other than that maintained by the jail.

**Records Access Restricted by Statute.** Jail officials shall restrict access to records and other information for which confidentiality is protected by GRAMA, or other legal requirements.

**Records Restricted for Operational Necessity.** Jail officials may restrict access to records and other information for reasons of operational necessity.

**Classifying Records as Private.** Jail officials should have criteria for classifying a record, record series, or other information as private.

**Classifying Records as Controlled.** Jail officials should have criteria for classifying a record, record series, or other information as controlled.

**Classifying Records as Protected.** Jail officials should have criteria for classifying a record, record series, or other information as protected.

**Denying Requests and Appeals.** Jail officials should have procedures for denying requests and notifying the requestor of the denied record or the process for appealing the decision to withhold the record.

**Policies and Procedures Governing Personnel Qualification and Certification Required.** The jail should have written policies and procedures which address personnel qualifications and certification requirements.

**Background Investigations.** The Sheriff's Office should complete background investigations on all applicants for employment in the jail

**Qualifications.** To be qualified to work in the jail, an applicant shall, at a minimum, meet the requirements for such positions set forth in state law.

**Policies and Procedures Governing Staff Training Required.** The jail should have written policies and procedures which address staff training.

**Annual Training Plan.** An annual training plan should be adopted identifying the training needs for the coming year. The plan should recognize that different posts or positions may require specialized training which is not required by every jail staff member.

**Pre-Service Training.** Before performing correctional officer duties officers shall successfully complete the basic course at a POST certified corrections academy. The only exceptions are:

Jail officers who have been "grandfathered" into the system; and Persons who are granted a waiver by the Director of Peace Officer Standards and Training

**Certification.** All persons who function as jail officers shall receive and maintain corrections officer certification.

**Required Training Hours.** Jail officers shall satisfactorily complete a minimum of 40 hours of approved training each year to maintain certification.

**Orientation for New Officers.** Prior to permitting new jail staff to assume full jail duties, the new staff should be provided orientation training to ensure that the newly certified jail officers become familiar with the jail facility, policies and procedures, chain of command, personnel rules, and other essential information.

**Non-Certified Staff.** An annual training plan should be adopted for non-certified personnel. The number of training hours and the nature of the training should be determined by the jail commander.

**Management Training.** All supervisors and administrators should receive annual management training.

## **Utah Jail Standards**

### **Utah Jail Standards – Section C: Admission and Release**

**Policies and Procedures Required Governing the Pre-admission Process.** The jail shall have written policies and procedures which address the requirements of the pre-admission process.

**Notice of Pre-admission Procedures to Allied Agencies.** Law enforcement agencies which routinely use the jail for housing their inmates should be provided copies of relevant portions of policies and procedures that govern:

Pre-admission requirements for officers transporting inmates to jail for admission;

Requirements for admitting inmates received for admission; and

Any circumstances that may prohibit booking officers from processing an inmate for admission.

**Restraints of Inmates.** Inmates brought to the jail should not be admitted unless handcuffed or restrained by other devices which achieve the same function. Inmates should be handcuffed with their hands behind them.

**Securing Firearms Before Entry.** Transporting officers shall be required to remove and secure their firearms before entering the jail.

**Admission Searches of Inmates.** Incoming inmates shall be given a frisk or rub search immediately upon entry into the jail facility. If the jail has a pre-admission vestibule, the search should be conducted there.

**Authority to Admit Inmate.** Before accepting custody of an inmate brought to the jail for booking, the jail shall at a minimum make a reasonable attempt to determine that:

The person bringing the inmate to the jail is a peace officer or other person authorized to book the inmate; and

The inmate is being lawfully admitted to the jail.

**Receiving Female Inmates.** When a female inmate is brought to the jail, a female employee or other suitable female should, whenever possible, be present to assist with the admission process.

**Receiving Juvenile Inmates.** Persons under 18 years of age shall not be admitted to the jail, unless specifically authorized by the Utah Code.

**Inmates Requiring Immediate Medical Attention.** Inmates in need of immediate attention for a serious medical problem should not be admitted to the jail until examined and approved for admission to the jail by a physician.

**Policies and Procedures Required Governing the Admission Process.** The jail shall have written policies and procedures which address the requirements of the admission process.

**Assistance from Peace Officer.** In smaller jail facilities where only one corrections officer is on duty or immediately available in the admissions area, the jail officer may request the transporting officer to stay until the inmate has been searched and is secured in a holding cell.

**Information from Transporting Officer.** Before accepting custody of an inmate, the jail officer should request from the transporting officer any information relevant and necessary to safely and securely process and house the inmate. Booking staff should also obtain information such as the disposition of the arrestee's vehicle, seized property, and other information that may be needed by the inmate.

**Warrant-Less Arrests.** Booking officers should ensure that officers who bring inmates to the jail on warrant-less arrests complete a written probable cause statement prior to departing the jail.

**Probable Cause Determination Hearings.** The jail shall ensure that inmates who remain in custody are scheduled for a probable cause determination as soon as reasonably possible. Absent a bona fide exigency, the determination shall occur within 24 hours of the arrest.

**Intake Information.** During the booking process, the jail officer should obtain personal identifying information and official information.

**Inmate File.** An inmate file should be maintained for each inmate booked into the jail. The purpose of the file in maintaining the booking intake form, all documents authorizing the inmate's incarceration, and other official forms and documents.

**Medical Screening.** Inmates booked into the jail facility should receive medical screening as a part of the booking process.

**Suicide-Risk Screening.** Inmates being booked into the jail facility should be screened to determine their risk of attempting suicide.

**Mental Health Screening.** Inmates booked into jail should receive at least minimal mental health screening as a part of the booking process.

**Segregation during Admission.** The jail should have policies and procedures that cover the period between intake and classification regarding:

Temporary segregation of inmates who present an obvious and substantial threat:

To assault other inmates or staff;

Of being assaulted;

Of infecting others by transmitting an infectious disease; and

Closely observe inmates who:

Are suicide risks;

Are obviously dangerous, if housed with other inmates;

Are seriously vulnerable, if housed with other inmates.

**Policies and Procedures Required Governing the Ancillary Admission Functions.** The jail should have written policies and procedures which address the various ancillary functions of the admissions process.

**Taking Inmates' Money and Property.** Upon arriving at the jail, inmates shall be required to surrender their money and personal property to jail personnel.

**Inventory of and Receipt for Property.** Inmates' property should be inventoried and inmates provided a receipt for the items taken.

**Storing Inmate Money and Property.** If an inmate cannot make bail or otherwise secure a prompt release:

Property taken from the inmate should be secured in a locked property storage area;

Money taken from the inmate should be placed in an inmate funds account; and

The inmate should be given a receipt for the money and property taken.

**Scope of Arrestee Searches.** Arrestees brought to the jail should be rub searched before accepting custody from arresting or transporting officers. Then at some point during the admissions process incoming inmates may be strip searched.

**Reasonable Suspicion Not Required.** Reasonable suspicion is not required to conduct inmate strip searches during admissions.

**Initial Search of Inmate.** Incoming inmates shall be given a frisk or rub search immediately upon entry into the jail facility. If the jail has a pre-admission vestibule, the search should be conducted there.

**Follow-up Search.** During the admissions process, jail officials may conduct a strip search of the inmate before moving the inmate to the general population or housing the inmate with other inmates.

**Property/Clothing Search.** Inmates' clothing and other property should be searched and inventoried when received at the jail.

**General.** If an inmate cannot make bail or otherwise secure release and must be moved to general housing the inmate should be required:

To shower and exchange his personal clothing for jail-issue clothing; and

If there is an indication of vermin, to undergo delousing procedures.

**Securing Clothing.** After inmates' clothing is taken, it should be:

Inventoried;

Secured in a manner that reduces the likelihood of clothing being separated, misplaced, or damaged;

Stored in a well-ventilated room.;

If infested, clothing should be deloused and laundered.

**Laundering Inmate Clothing.** Before storing inmates' personal clothing, it:

May be laundered if it is soiled;

be laundered, if it is vermin infested, foul smelling, or heavily soiled.

**Showers.** During the clothing exchange process, arrestees shall be required to shower.

**Delousing.** Inmates who are infested with body lice or other vermin shall be required to undergo delousing procedures.

**Jail-Issue Items.** After completing the admission process, inmates should be issued:

Jail clothing;

Bedding; and

Hygiene items.

**Adult Inmates.** All adult inmates shall be photographed and fingerprinted upon admission.

**Agreements with Other Agencies.** Copies of fingerprints and photographs shall be forwarded to the Division of Criminal Investigation and Technical Services, the FBI, and other agencies with which the jail agrees to share such materials.

**Certified Juveniles.** If a juvenile who has been certified to the adult system is received at the facility, he should be processed under adult identification procedures.

**Juveniles.** The Juvenile Court may approve fingerprinting, photographing, and HIV testing of uncertified juveniles.

**Responsible Agency to Obtain DNA Specimen.** The Sheriff's Office is the designated agency to obtain DNA specimens from jail inmates.

**Requirement to Obtain DNA Specimen.** Jail Officials are required to obtain DNA Specimens from registered sex offenders and other designated inmates.

**Use of Force to Collect DNA.** Jail officials should have procedures for using force when necessary to obtain DNA specimens.

**Tracking of DNA Handling.** Jail officials shall have a system for tracking the handling of DNA collections process.

**Access to Telephones.** During or immediately following the admission process, inmates should be permitted to telephone:

An attorney;

A bondsman, if eligible for bail; and/or

A family member or friend.

**Official Visits.** During or in a timely manner following the admission process, inmates should be permitted to receive visits from:

An attorney; and/or

bondsman, if eligible for bail.

**Policies and Procedures Required Governing the Inmate Release Process.** The jail should have written policies and procedures for the release of inmates from jail.

**Opportunity for Bail.** After the booking process has been completed, arrestees eligible for a bail bond release shall be provided the opportunity to call a bondsman or other person to attempt to secure a release on bond.

**Unreasonable Delays Prohibited.** Inmates shall not be subjected to unreasonable delays in the bail process.

**Bail Commissioners.** Bail commissioners should be appointed to facilitate the bail and bond process.

**List of Bail Bond Companies.** The jail booking office shall provide the names authorized bail bond businesses and their telephone numbers to assist inmates attempting to secure bail. Jail staff shall not recommend a bail bond business or bondsman.

**Release Authorization.** Prior to releasing inmates, jail staff should review the inmate's paperwork to determine whether there are any outstanding warrants, holds, detainers, or commitments that must be satisfied before the inmate can be released.

**Identification.** Before releasing an inmate to other corrections or law enforcement officials, jail officers should verify:

The identity of the inmate being released; and

The identity and authority of the officer to whom the inmate's custody is transferred.

**Inmate Property and Money Return.** Prior to immediately prior to release, the balance of money in the inmate's account should be returned. Also, all of the inmate's property should be returned except that seized as evidence or otherwise lawfully confiscated, retained, or destroyed.

**Release Documentation.** The following should be documented for each inmate released:

The date and time of release;

Authorization for the release;

The agency and person to whom the inmate was released, if any; and

The money and property returned, including a receipt signed by the inmate.

**Transfer of Inmates to the Prison.** Inmates sentenced to the confinement in the Utah State Prison shall be moved from the jail within five days after the jail receives commitment papers from the court and conveyed to:

The warden at the South Point Prison Facility (Draper); or

The warden of the Special Management Unit at the Central Utah Correctional Facility (Gunnison).

**Policies and Procedures Required Governing the Inmate Orientation.** The jail should have written policies and procedures to facilitate the providing information to inmates concerning jail rules and regulations that govern inmates' conduct.

**General Requirement.** Inmates admitted to the jail should be provided information concerning inmate rules and regulations.

**Inmate Rules and Regulations.** Inmates should have access to written rules and regulations.

**Access to Jail Policies and Procedures.** Selected facility policies and procedures may be provided to inmates to assist them in complying with those operational functions of a highly procedural nature.

**Inmates Who Do Not Speak English.** Rules and regulations should be explained to those inmates who do not understand English.

**Incompetent Inmates.** Rules and regulations should be individually explained to inmates who are illiterate or who lack the intellectual capacity to understand the rules and regulations without individual explanation.

## **Utah Jail Standards**

### **Utah Jail Standards – Section D: Inmate Management**

**Written Inmate Rules and Regulations Required.** The jail should have written rules and regulations governing inmate conduct.

**Written Inmate Rules and Regulations.** Inmate rules and regulations should at, a minimum:

1. Explain the conduct and actions which are required of inmates;
2. Warn inmates of prohibited conduct or actions;
3. Notify inmates of the disciplinary, grievance, and classification processes;
4. Provide information to inmates regarding communication with persons outside the jail, access to jail services for inmates;
5. Notify inmates of the availability of jail education, treatment, and other programs; and

6. Provide jail schedules and other information that would be helpful to inmates.

**Means of Access to Inmate Rules and Regulations.** Access to rules and regulations shall be provided to inmates in a readily available written format.

**Inmates Who Need Assistance Understanding Rules.** The jail should have a procedure for explaining the rules of conduct to persons who do not read or understand the English language or who for other reason require staff assistance.

**Maintaining Rules and Regulations.** The jail should have a written policy of updating inmate rules and regulations.

### **Written Classification Policies and Procedures Required.**

There should be written policies and procedures which provide the requirements for and elements of the jail classification plan to:

1. Govern the separation of inmates by sex, potential for violence, vulnerability, communicable disease, and to accommodate other factors as may necessary to protect security, order, and the safety and well-being of inmates, staff, and others; and
1. Be used in determining housing assignments, access to programs and activities, and general management of inmates.

**Written Alternative Incarceration Policies and Procedures.** If the Sheriff chooses to adopt an alternative incarceration program, the jail should adopt and implement written policies and procedures governing the process. If the Sheriff does not adopt an alternative incarceration program for the jail, no written policies and procedures will be required.

### **Designated Classification Officer.**

The jail should designate a jail officer to review, coordinate, and supervise the classification function. The staff person designated:

1. Should review classification actions, classification reassessments, and any special housing assignments;
1. Has the authority to overrule classification actions; and

1. Should be responsible for handling inmate grievances challenging classification decisions.

**Classification Training.** Comprehensive classification training should be provided for those staff persons who are involved in the classification process.

**Classification Function.** The jail should implement a classification system which, at a minimum, guides designated staff to assess and house inmates in a manner that reduces the potential for inmate-on-inmate or inmate-on-staff violence, self-inflicted harm, escape, inmate trafficking in contraband, and other security, safety, and order threats.

**Classification is Non-Punitive.** Inmate classification shall be operated as a non-punitive inmate management system separate and distinct from the punitive function of inmate discipline.

**Scope of Classification Plan.** Jail officials should include in the classification plan, at a minimum, the following components.

1. Pre-classification screening procedures;
2. Classification procedures;
3. Classification re-assessment procedures;
4. Identifying and special handling of inmates known or suspected to be members of security threat groups;
5. Identifying inmates requiring protection or other special management;
6. Administrative (non-punitive) isolation; and
7. Transfers of inmates between corrections facilities.

**Pre-Classification Management.** Arrestees arriving at the jail for admission should be:

1. confined in admission holding cells; and/or
1. supervised in a manner that reduces the risk to arrestees of violence, intimidation, suicide, of exposure to contagious inmates, or other harm prior to assessment and classification.

**Classification Reassessment.** The jail should provide in the classification plan procedures for the review and reassessment of the classification of inmates to determine whether modification of the classification is required.

**Inmate Requests for Reconsideration of Classification.** The jail should provide a process for inmates to request reconsideration of their classification assignments.

**General Classification Criteria Requirements.** The jail should adopt specific criteria to be used in classifying inmates. The classification criteria should be factors should be those which would facilitate a classification system which furthers safety, security, order, and control.

**Classification Criteria: Race.** The jail shall not use race as the sole criteria to classify and segregate inmates and inmates have no right to be housed only with inmates of their same race.

**D02.04.03 Classification Criteria: Gender.** Inmates shall be segregated by gender. Female inmates shall be housed in a manner which:

1. Does not permit male inmates to view the living areas (cells and dayrooms) of female inmates from the male housing areas;
1. Does not permit female inmates to view the living areas of male inmates from the female housing areas;
1. Prevents routine verbal interaction between male and female inmates;
1. Prevents passing of contraband or written messages between female and male inmates.

**Classification Criteria: Violent Inmates.** The jail should segregate inmates who are known or believed to be predatory, violent, or otherwise dangerous to staff and other inmates and take other reasonable measures to ensure safety, security, control, order, and discipline in the jail.

**Classification Criteria: Communicable Disease.** Inmates who present a serious threat of infecting other inmates with a communicable disease should be segregated, if deemed necessary by medical authority.

**Classification Criteria: Security Threat Groups.** The jail should segregate inmates who are known or believed to be members of gangs or other security threat groups (STG). In addition, classification of members of STGs set forth strict and comprehensive controls designed to prevent such inmates from engaging in violence, intimidation, coordinated actions, and other conduct which would threaten safety, security, order, and control.

**Documenting Classification.** There should be a system for documenting the classification process and decisions.

**Classification of Records.** Classification files should be classified by the jail administration as "controlled" or "protected" under the Governmental Records Access and Management Act (GRAMA).

**Written Policy and Procedure Required for Non-Punitive Restriction.** There should be written policies and procedures which govern the use of non-punitive restrictions of inmates.

**Inmate Management Restrictions.** The jail should use non-punitive isolation and other non-punitive restrictions to further the legitimate inmate management interests of the jail including, but not limited to, safety, security, order, control, discipline, and/or treatment.

**Non-Punitive Intent of Restrictions.** The use of administrative segregation and other non-punitive restrictions to manage inmates shall not be administered with the intent to punish.

**Authorization for Temporary Restriction.** Any jail officer can order temporary segregation of an inmate or the temporary non-punitive suspension of an inmate's services or privileges if necessary to further the legitimate interests and operation needs of the jail. The temporary restrictions should be reviewed in a timely manner by a supervisor to determine whether the restrictions should be continued.

**Review of Restrictions.** The need to continue restrictions should be reviewed by administrative or supervisory staff on a scheduled basis.

**Justification for Administrative Segregation.** Administrative segregation may be used when:

1. Inmates request to be segregated for their own safety or an inmate is deemed by staff to be in need of protective segregation;
1. Necessary to protect the safety of others;
1. Necessary to meet the needs of the safety, security, or order of the jail facility/operation;
1. For inmate awaiting a disciplinary hearing needs to be segregated prior to the hearing;1
1. isolation of an inmate is necessary pending investigation for a criminal violation committed while in the facility;2
1. necessary to isolate an in-transit inmate or an inmate who is awaiting transfer;
1. ordered by a physician for medical reason

1. an inmate is suspected of having a contagious disease; or

1. isolation of an inmate is necessary pending reassessment of classification.

**Conditions of Confinement.** Unlike disciplinary segregation, administrative segregation is non-punitive. Thus, the conditions of confinement for persons held in administrative segregation should not be substantially dissimilar to the conditions in the general population, except the difference required to further safety, security, order, discipline, and control.

**Justification for Restriction.** Temporary restriction of privileges and/or services may be imposed when such restrictions are necessary to:

1. gain immediate control over an inmate's dangerous, threatening, or otherwise unacceptable behavior; or

1. control any situation which threatens the safety, security, or order of the jail.

**Prohibited Restrictions.** Non-punitive restrictions shall not include:

1. Loss of good time;

1. Denial of food, medical care, personal hygiene, or other essential necessities of life;1 or

1. Denying or obstructing access to courts or counsel;2 or

1. Other restrictions which would violate the clearly established rights of inmates.

**Written Inter-Facility Transfer Policies and Procedures Required.** There should be written policies and procedures governing transfers of inmates to other correctional facilities.

**Inter-Facility Transfer Content.** The inmate transfer policies and procedures should include, but not be limited to jail-to-jail transfers and transfer of inmates to the Utah State Prison.

**Out-of-State Transfers.** Pre-trial detainees shall not be transferred to an out-of-state facility, unless the transfer is court ordered.

**Transfers to Other Jails.** Pre-trial detainees shall not be transferred from one jail to another, if the location of the receiving jail is so distant that it would result in denying the inmate access to counsel.

**Transfer to Other Facilities.** Convicted inmates may be transferred to facilities in or out of state.

**Transfers of Inmates Sentenced to Prison.** Convicted inmate should be transferred to the Utah State Prison within five days of sentencing. The sheriff of the county in which a criminal is sentenced to confinement in the state prison, or is sentenced to death, shall cause such convict to be removed from the county jail within five days after the sentence and conveyed to the state prison and delivered to the warden thereof.

**Written Inmate Grievance Policies and Procedures Required.** There should be written policies and procedures which provide the requirements for and elements of an inmate grievance process.

**Content of Grievance Policies and Procedures.** The inmate grievance policies and procedures directive should include, but not be limited to:

1. The purpose of the grievance system;
  
1. Procedures for filing grievances and progressing through the levels of the system;
2. Matters which cannot be grieved because there are other available administrative remedies (e.g., disciplinary appeals, classification challenges);
  
1. Other matters which cannot be grieved (e.g., Board of Pardon's decisions; Utah State Prison policies, procedures, and actions; matters over which the jail has no authority or control).
  
1. Emergency Grievances;
  
1. Retaliation against inmates for filing grievances strictly prohibited; and
  
1. The requirement that inmates exhaust their administrative remedies before alleging inmate rights violations.

**Grievance System Function.** The jail should implement a grievance system, the function of which is to:

1. Afford inmates a formal and constructive process to address complaints and other concerns;

1. Assist the jail in identifying operational dysfunction, inmate frustration, and other management problems.;  
and
  
1. Provide the jail with a mechanism to screen inmate complaints with the intent of avoiding inmate litigation.

**Resolution at Lowest Level.** The grievance system should encourage grievances to be resolved at the lowest staff level.

**Scope of Grievance Process.** The grievance system should be used as a means of receiving, processing, and resolving inmate complaints including, but not limited to, those involving policies, procedures, practices, regulations, conditions, and staff conduct. In general, all inmate complaints should be grievable except complaints against:

1. Decisions and procedures of the Board of Pardons and Parole, Utah Department of Corrections, or other outside agencies over which the jail has no control.
  
1. Disciplinary actions (if there is a separate disciplinary appeal process); and
  
1. Classification assignments (if there is a separate classification review or challenge system).

**Emergency Grievances.** The grievance process should provide an expedited process for those grievances of an exigent nature requiring more timely handling than would ordinarily occur with routine processing of grievances.

**Retaliation Prohibited.** Retaliation against inmates for using the grievance system is strictly prohibited.

**Requirement to Exhaust Administrative Remedies.** Inmates are required to exhaust their administrative remedies before they can file suit against jail staff or the county for alleged violations of federally protected inmate rights. Jail staff should maximize the benefits of the grievance system as a litigation screening device.

**Policy and Procedure for Major Violations.** There should be written policies and procedures which provide the due process requirements for resolving major inmate violations of administrative rules and regulations.

**Policy and Procedure for Minor Violations.** There should be written policies and procedures for informally resolving minor inmate rule violations.

**Function of Discipline.** Policy and procedure directives should establish the purpose of inmate discipline as a process which utilizes the punitive actions as a means of enforcing administrative rules and regulations governing inmate behavior.

**Documenting Disciplinary Violations.** There should be a system for documenting incidents involving violation of administrative rules and regulations by inmates.

**Storing Discipline Incident Files.** The jail should maintain files for:

1. Incident reports; and

1. Disciplinary reports.

**File Storage Time.** Files should be maintained consistent with state and county retention schedules, but should at the very least be maintained beyond the statute of limitations for filing law suits.

**Classification of Records.** Incident and disciplinary files should be classified by the jail officials as "controlled" or "protected" under the Governmental Records Access and Management Act (GRAMA).

**Levels of Disciplinary Action.** The procedures used to resolve disciplinary violations should differ depending on whether they are minor violations, major violations, or criminal violations.

**Minor Violations: Criteria.** Disciplinary actions which involve only minor punishments, punishments which do not impose an "atypical, significant deprivation" shall be classified as minor.

**Minor Violations: Process.** Procedures for handling minor disciplinary violations should be informal.

**Major Violations: Criteria.** Disciplinary actions should be classified as major if the potential penalty for the violation exceeds the maximum allowed for minor violations and amounts to an "atypical, significant deprivation."

**Major Violations: Process.** Inmates accused of major violations shall be provided due process.

**Criminal Violations: Criteria.** The jail should develop criteria for determining when criminal violations will be prosecuted both administratively and criminally and when they will be handled only through the administrative discipline process.

**Criminal Violations: Process.** Inmates accused of violating criminal law while incarcerated should be prosecuted both administratively (disciplinary action) and criminally (screening with prosecutors for criminal charges).

**Double Jeopardy.** Administrative and criminal prosecutions of inmate violations should be processed independently, with neither process being dependant on nor limiting the other.

**Required for Major Violations.** The due process standards provided under this subsection should be provided for inmates accused of major disciplinary violations. Due process is optional for minor violations.

**Notice to Inmate.** Inmates shall be provided written notice of the pending disciplinary hearing at least 24 hours prior to the disciplinary hearing. The written notice should provide sufficient information to ensure that the inmate will know what rule(s) were allegedly violated, a brief description of the alleged misconduct, and information as to time and place.

**Timely Hearings.** Disciplinary hearings should be held without unnecessary delay following expiration of the mandatory 24-hour period allotted for the inmate to prepare to refute misconduct charges.

**Impartial Hearing Entity.** Inmate discipline cases shall be heard by an impartial hearing officer or panel.

**Record of Hearing.** The discipline hearing officer should make and maintain a record of the disciplinary hearing.

**Presenting Evidence/Calling Witnesses.** Inmates should be permitted to present documentary evidence and request witnesses to testify in defense of the alleged violation of rules; however, the hearing entity may refuse to hear a requested witness if:

1. Permitting the witness to be called would jeopardize institutional security or the safety of staff, other inmates, or the community;

1. The testimony would not be relevant;

1. The testimony would be cumulative;
2. There is a lack of necessity;

1. The request for a witness was not made in a timely fashion; or

1. Permitting the witness to be called would jeopardize the legitimate interests of the jail operation.

**Confronting Accusers/Cross Examining Adverse Witnesses.** As a general rule, inmates should not be permitted to confront accusers or cross-examine adverse witnesses. The jail should only permit confrontation and cross-examination when it is believed there is a very low probability that retaliation, disruption, or hearing delays.

**Use of Confidential Information.** Policy directives should be written to:

1. permit the use of confidential information and testimony in inmate discipline cases;1

1. provide the guidelines for evaluating the reliability of the information and information source;2 and

1. protect the identity of the confidential source.

**Assistance for Inmates at Hearing.** Inmates are not entitled to representation by counsel at hearings. The accused inmate may request the assistance of a staff member to assist in preparing for the disciplinary hearing if necessary to be able to fully participate in his disciplinary hearing.

**Self-Incrimination.** Inmates during disciplinary hearings should not be provided protection against testifying at their disciplinary hearings. An inmate's silence may result in an adverse inference. Inmates should be instructed that if they choose to testify any statements they utter may be used against them in a subsequent criminal prosecution. Hearing officers should fully explain to accused inmates the ramifications of testifying and of remaining silent.

**Standard of Proof.** To find an inmate guilty of an administrative rule violation, the hearing entity must find some evidence on the record to support a finding of guilt.

**Written Findings.** The hearing officer shall provide written findings regarding each individual alleged disciplinary violation, including but not limited to:

1. The verdict on each alleged violation;

1. The evidence relied upon to arrive at each verdict;

1. If the verdict was guilty, what disciplinary punishments were imposed.

**Appeals.** Inmates should be provided an opportunity to appeal adverse rulings to an authority above the hearing officer.

**Temporary Restrictions.** Inmates charged with criminal or major violations may be temporarily restricted pending a due process hearing if such restriction is necessary to further safety, security, order, control, and/or discipline.

**Policy and Procedure for Major Violations.** There should be written policies and procedures which provide guidance regarding the punishments which can be imposed for minor and major disciplinary actions.

**Informal Discipline.** The jail should have written policies and procedures for informally resolving minor disciplinary actions. The two key elements of informal discipline are:

1. No formal due process; and

1. Minimal penalties.

**Minor Penalties.** When informal discipline is used, the punishments may include, but are not limited to, the following:

1. Counseling;

1. Written or verbal warnings;

1. Denying access to television;

1. Temporary restriction of:

2. Commissary privileges;

3. Telephone access for personal calls; and

4. Personal visits;

1. Punitive isolation; and

2. Other punishments that do not amount to an atypical, significant hardship.

**Documenting Informal Discipline.** Informal disciplinary actions should be documented.

**Due Process Required.** Jail officials shall provide due process for inmates charged with major disciplinary actions.

**Major Penalties.** Following guilty plea or finding of guilt in a major disciplinary action, the jail may impose punitive actions that amount to an atypical and significant hardship. Penalties can include those:

1. Extending time of incarceration (loss of good time or jobs which can earn good time);
1. Significant reductions in the inmate's quality of life;
1. Restrictions on personal communication with family and associates (visits, mail, telephone access);
1. Extended periods of punitive isolation;
1. Other penalties which amount to an atypical and significant hardship; and
1. Referral of the inmate to classification officials for a reassessment of the inmate's classification.

Punishments should not, however, deny inmates the minimal civilized measure of life's necessities.<sup>1</sup> Disciplinary punishments should not prevent inmates from receiving medical care, food, clothing, sanitation/hygiene, exercise, toilet facilities, lighting, and temperature control. That does not mean that some regulation of those basic items is prohibited; however, they cannot be denied.

**Written Suicide Prevention Policies and Procedures Required.** There should be written policies and procedures covering prevention of inmate suicides.

**Proactive Policies and Procedures.** The jail has a duty to take reasonable measures to prevent inmates from committing suicide. Suicide prevention policies and procedures should be proactive.

**Suicide-Risk Screening.** Inmates being booked into the jail facility should be screened to determine their risk of attempting suicide.

**Suicide-Risk Evaluation.** The jail should implement procedures for discovering information that would indicate possible suicide ideation, including but not limited to:

1. Answers provided by the inmate during the screening process;
  2. Comments made by the inmate;
- 
1. Observations by staff and others;
- 
1. Warning received from inmates' family members or friends; and/or
- 
1. Inmates' known past suicide ideation.

**Classification of Suicidal Prisoners.** The jail should classify to special management status inmates who are known to be – or are reasonably believed to be – experiencing suicide ideation.

**Assigning Risk Levels.** Classification of known inmates experiencing or reasonably believed to be experiencing suicide ideation should include referral of the inmates to health-care providers for evaluation.

**Housing of Suicidal Inmates.** Housing assignments should be made in a manner that permits close monitoring of inmates believed to be at risk of experiencing suicide ideation.

**Observation Cells.** The jail should identify cells which are appropriate for housing inmates who require close observation.

**Proactive Management of Suicide Risks.** The jail should be proactive in preventing inmate suicides. Proactive management of known suicide risks requires:

1. Crisis intervention by health-care providers;
- 
1. Removal of possible implements for committing suicide; and
- 
1. Monitoring of suicidal inmates.

**Crisis Intervention.** The jail shall implement a crisis intervention process utilizing health care professionals to assist in evaluating and handling inmates with known suicide ideation.

**Crisis Intervention: Mental Health Provider.** The jail should identify a health-care provider that staff can contact when crisis intervention is required.

**Crisis Intervention: Assessment of Risk.** When an inmate is believed to be experiencing suicide ideation, the jail should notify a health-care provider to evaluate the inmate and assess the risk level.

**Crisis Intervention: Documentation of Notification** Notification of crisis intervention providers should be documented in writing.

**Removing Implements of Suicide.** Implements which can obviously be used by inmates to commit suicide should be removed from the cells in which inmates experiencing suicide ideation are housed.

**Identifying Implements of Suicide.** The jail should provide staff with a list of the types of things which offer suicidal inmates the greatest potential for committing suicide or causing other self harm.

**Cell Furnishings as Implements of Suicide.** Observation cells should be inspected to find features which may require attention before the cells are used to house inmates experiencing suicide ideation and, if reasonably feasible, to make modifications to reduce the risk.

**Supervision and Monitoring of Suicide Risks.** Increased levels of supervision and monitoring shall be required for inmates who are known or suspected to be experiencing suicide ideation.

**Surveillance Rounds for Suicidal Inmates.** Surveillance and monitoring of suicidal inmates is essential. The frequency and nature of such supervision should be determined based on the level of the risk for individual inmates.

**Surveillance Rounds for Suicidal Inmates: Frequency.** The frequency of surveillance rounds made to supervise and monitor suicidal inmates should be determined based on the level of the risk presented by individual inmates rather than an arbitrary surveillance frequency intended to fit all inmates believed to be experiencing some degree of suicide ideation.

**Suicide Prevention Monitoring and Enhanced Welfare Monitoring.** Jails should adopt a two-tiered monitoring system for suicidal and other special management inmates.

**Suicide Prevention Monitoring.** Suicide prevention monitoring is the highest level of protective supervision and should be provided for inmates known to be experiencing current suicide ideation.

**Enhanced Welfare Monitoring.** Enhanced welfare monitoring is a precautionary monitoring level used when deemed appropriate for special management inmates not known to be experiencing current suicide ideation.

## Utah Jail Standards

### Utah Jail Standards – Section E: Inmate Communication

**Written Inmate Personal Mail Policies and Procedures Required.** There should be written policies and procedures which govern personal mail sent from and received by inmates.

**Function of Mail Regulations.** The jail should implement a personal mail system for inmates which:

Permits inmates to send and receive personal mail;

Allows inmates to receive approved publications;

Does not permit content-based censorship;

Permits inspection and reading of inmates' personal mail; and

Furthers the legitimate safety, security, order, discipline, control, and other legitimate penological interests.

**Delivery Schedule.** Inmate mail should be handled in a timely manner without unreasonable delay. Incoming personal mail should be delivered to inmates within 24 hours of the mail being received in the jail, except:

On weekends and holidays;

For inmates in disciplinary isolation;

When the mail would present a threat to personal safety or jail security, order, discipline, control, or other legitimate jail interests;

When the mail must be held for investigation; or

When the mail is delivered to the wrong facility (e.g., an inmate who has been transferred to a different jail, prison, or other corrections facility).

Outgoing mail should ordinarily be posted the day it is received from the inmate. Exceptions are provided to that policy. Outgoing mail:

Received from inmates after the close of normal business hours or after last mail pick up should be posted on the next business day;

Received from inmate on weekends or holidays should be posted the following business day (Monday through Friday); or

May be held for investigation of a violation of law or jail regulations.

**Volume of Letters.** Inmates shall not be limited as to the number of letters they may send or receive, unless the volume is so great that it results in an unreasonable hardship on mail handling staff. Limits may, however, be imposed on the volume of letters and other materials which may be stored in housing units.

**Length or Size of Letters.** Jail officials may adopt a standard letter-and-envelope mail system or a postcard system for inmates' personal mail. If jail officials opt for letters, they may require:

The letter to fit in a standard 4" x 9" business envelope;

The letter must have adequate postage; and

If the letter is being sent by an indigent inmate using stamps provided free of charge by the jail, the weight of letters should not exceed one ounce, unless approved by the Jail Commander or mail room supervisor.

If jail officials opt to require inmates' personal mail to be limited to postcards:

Postcards should be 4" by 6" in size; and

Postcards for outgoing mail must be available for purchase in the jail commissary/canteen.

**Providing Writing Supplies and Postage.** The jail shall make paper, envelopes, and postage available for purchase by inmates for writing personal letters; however, officials:

may prohibit possession of postage stamps by inmates, providing instead stamp embossed envelopes or stamping envelopes with a postage meter;

may require all envelopes used by inmates for outgoing mail to be imprinted with the name and return address of the jail facility.

**Outside Correspondents.** Inmates shall be permitted to correspond with whomever they wish outside the jail, except that the jail may prohibit:

Written correspondence with other inmates; and

Correspondence that would jeopardize the safety, security, order, discipline, or treatment interests of the jail.

**Screening and Reading Mail.** The jail may screen, read, and, if necessary, refuse to deliver personal letters, publications, and other non-privileged mail.

**Sexually Oriented Publications or Material.** The jail shall have a policy which regulates screening of sexually oriented publications or other materials. Such sexually oriented publications or other materials may be rejected if the content would or could:

Violate state obscenity laws;

Pose a threat to the security, good order, or discipline of the jail;

Encourage or facilitate criminal activity;

Exacerbate tensions and lead indirectly to disorder;

Encourage or support a tendency to objectify other persons or otherwise undermine treatment goals; or

Create a hostile work environment for staff or inmates.

**Inflammatory and Gang-Related Publications or Material.** The jail shall have a policy which regulates screening of inflammatory publications or other materials. Such publications or other materials may be rejected if:

they would violate state law;

by their nature or content they would pose a threat to the security, good order, or discipline of the jail, or would facilitate criminal activity; or

they would exacerbate tensions and lead indirectly to disorder, even if they did not lead directly to violence.

**Rejecting Incoming Publications: Content Neutral.** Publications and other materials must be evaluated using content-neutral criteria. Rejecting such materials cannot be arbitrary or irrational or based on biases, personal beliefs or preferences.

**Rejecting Publications: All or Nothing Rule.** If any part of a publication or other material is determined to violate content-neutral jail regulations, the offending material may be rejected entirely.

**Corresponding with Media.** Inmates should be permitted to correspond in writing with members of the news media.

**Opening and Inspecting Mail.** Inmates personal mail should be opened and inspected for contraband.

**Reading Mail.** The jail shall have policies and procedures governing the reading of inmate's personal mail, including, but not limited to:

Permitting reading of mail on a random and routine basis;

Setting up a mail watch to screen all personal mail of a particular inmate or inmates when the jail has reason to suspect that the targeted inmates may be using the mail for illicit or illegitimate purposes; and

Setting forth the process for sorting, inspecting, reading, and sealing or resealing inmates mail prior to delivery to the inmate or posting for mailing.

**Process for Rejecting Mail.** If any publication or other mail is rejected, the sender, if known, and the inmate to whom the mail was addressed shall both be notified in writing of the:

Rejection of the correspondence;

Reasons the correspondence was rejected; and

Process for both the inmate and the outside person wishing to correspond with the inmate to appeal the rejection to the jail commander.

**Publisher-Only Rule.** The jail should have policies and procedures which govern inmate procurement of books from outside the jail. The jail may require hard-bound books and periodicals to be obtained directly from the publisher.

**Packages.** The jail should have written policies and procedures governing packages received in the mail for inmates. Inmates are not entitled to receive packages while incarcerated. The jail has the discretion to permit or prohibit receipt of packages for inmates.

**Cash, Money Orders, Checks, and Other Negotiable Instruments.** Cash, money orders, checks, and other negotiable instruments should be removed from inmate mail. Cash, money orders, and cashiers checks should be credited to inmates' accounts. All other negotiable instruments should be returned to the sender.

**Written Personal Visiting Policies and Procedures Required.** There should be written policies and procedures which govern inmates' personal visits.

**Function of Visiting.** The jail should implement a personal visiting system that:

Recognizes inmates do not have an unfettered

right to visitation;

Permits inmates to have visits with family members and others who have been approved by jail officials;

Permits jail officials to deny visits if officials reasonably believe that allowing the visit would threaten safety, security, order, discipline, control, or – for convicted inmates – treatment goals; and

Functions in a manner which permits visits while protecting the legitimate penological interests of the jail.

**Visiting Schedule.** The jail should provide a visiting schedule that sets forth the days and hours of personal visitation. To the extent possible, the visiting schedule should provide an opportunity for inmates to have at least one visit per week.

**Number of Visitors.** Jail policies and procedures should set forth the maximum number of persons who may visit an inmate at a given time. The number of visitors should be determined by evaluating the effective operational capacity of the visiting area and the limits imposed by safety and security considerations.

**Visiting Area.** Jails shall have an area identified for inmates' personal visits. The visiting area should provide a means for the inmate and visitors to:

Clearly see each other; and

Hear each other speak.

**Regulating Visits of Minor Children.** Jails should have written policies and procedures governing visits by children to the jail including, but not limited to:

The ages

and relationships of children who are ordinarily permitted to visit inmates;

A requirement that a child be accompanied by a parent or guardian; and

Requirements for supervision and control of children in the visiting area.

**Restricting Visits from Other Offenders.** Jails should have written policies and procedures prohibiting visits with other inmates, former inmates, felons, persons convicted of or awaiting trial for felony offenses or misdemeanor offenses involving drugs, and persons with criminal histories that present a potential threat to safety, security, order, discipline, or other legitimate penological interests.

**Restricting Visits from Former Staff Members.** Jail officials should have written policies and procedures prohibiting visits with former jail staff members.

**Privacy and Monitoring or Personal Visits.** The jail should provide general notice to inmates that they have no expectation of privacy in their personal visits.

**Barrier Visits.** The jail should adopt and implement a visiting plan that states inmates do not have the right to barrier-free (contact) visits. This standard does not preclude the Sheriff or Jail Commander in individual county jails from permitting barrier-free visits.

**Disqualifying Visitors.** Justifications for disqualifying someone from visiting an inmate is justified if jail staff has reason to believe that permitting the visit would threaten safety, security, order, discipline, control, or other legitimate penological interests. Depending on the reasons for disqualification of a visitor, it may be necessary to deny future visits indefinitely.

**Identification and Registration.** Visitors should be required to present a driver's license or other official picture identification and register prior to visits.

**Visitor Searches.** Visitors may not be required to submit to a strip search as a condition of visiting unless the jail staff has individualized or reasonable suspicion to believe that the visitor is concealing contraband or evidence of other intended violation of jail rules. If the visitor refused to be strip searched the only recourse is denying the visit.

**Visiting Rules.** Rules and regulations governing jail visits should be posted or otherwise provided to visitors and inmates.

**Violations of Visiting Rules.** Violations of visiting rules:

By inmates shall be processed through the inmate discipline procedures and may result in:

Warnings or other informal disciplinary actions;

Major disciplinary actions; and/or

Criminal actions; and

By visitors may result in:

Warnings;

Suspension of visiting privileges;

Permanent revocation of visiting privileges; and/or

Criminal prosecution.

**Special Visits.** The jail should provide policies and procedures for handling requests for special visits:

For persons who drive long distances to visit and will not be available on the scheduled visiting days of the inmate with whom they wish to visit; or

To accommodate exigent circumstances.\

**Visitors' Attire and Sexually Provocative Behavior.** Visiting rules and regulations should prohibit sexually provocative behavior and attire.

**Media Requests to Visit Inmates.** Members of the news media are not entitled to visit inmates. The jail should adopt policies and procedures for responding to media requests for face-to-face interviews with inmates.

**Written Personal Telephone Call Policies and Procedures Required.** There should be written policies and procedures which govern inmates' use of telephones.

**Function and Management.** The jail should implement a process for providing inmates carefully regulated access to telephones to make personal calls.

The jail may implement security procedures and promulgate other regulations for inmate visits that further the safety, security, control, discipline, order, and other legitimate penological interests of the jail.

The jail will determine the days, times, and means of providing telephone access. The jail will also set the limits on the number of visitors who may visit at any time and set the behavior, conduct, and attire rules governing visits.

The jail is permitted to use collect-call telephone systems which require the persons who receive inmates' calls to agree to accept the charges for the call. Collect telephone rates should be set at reasonable levels.

**Hours of Telephone Access.** The jail should set specific hours during which inmates may have access to telephones.

**Privacy and Monitoring Telephones.** Inmate telephone calls may be monitored by jail staff. Inmates have no expectation of privacy in their personal telephone calls.

**Notice of Monitoring.** The jail should provide inmates written notice that inmates have no expectation of privacy and that their telephone calls may be monitored.

**Recording Telephone Calls.** Inmates' personal telephone calls may be recorded by the jail.

**Telephone Rules.** Rules and regulations governing inmates' use of jail telephones should be included in the inmate rules and regulations and/or posted in inmate living areas.

**Violations of Telephone Rules.** Violations of telephone rules shall be processed through the inmate discipline system and may result in:

warnings or other informal disciplinary actions;

major disciplinary actions; and/or

criminal actions.

**Long Distance Telephone Calls.** The jail should provide policies and procedures governing inmate requests to make long-distance telephone calls.

**Collect Telephone Systems.** Collect telephone systems may be used to provide inmate telephone access.

**Written Access to Courts and Counsel Policies and Procedures Required.** There should be written policies and procedures governing inmates' communication with courts and counsel.

**Privileged Mail.** Mail sent by inmates to their attorneys and mail received by inmates from their attorneys is privileged or confidential. Privileged mail should not be read by jail staff and should only be opened for inspection in the presence of the inmate-addressee.

**Identifying Privileged Mail.** The jail should provide policies and procedure that identify the requirements for mail to be granted privileged status, including:

The mail is received in an envelope clearly identifying it as being received from an inmate's attorney and including the name and address of the law firm; and

The word "privileged" stamped or written on the envelope .

**Inspecting Incoming Privileged Mail.** Incoming privileged mail may be opened and inspected by jail officials, but only in the presence of the inmate. Privileged mail shall not be read by jail officials.

**Indigent Inmates.** The jail should assist indigent inmates access to courts and counsel by providing the inmate a reasonable amount of postage mail correspondence to the court or the inmate's attorney.

**Providing and Regulating Attorney Visits.** Inmates are entitled to attorney visits but the jail may regulate the process.

The jail may require visits to be conducted at reasonable hours.

The jail may restrict visits when inmates are being served meals or at other times when visits would substantially interfere with jail operations at times of peak activity.

Visits may be regulated and restricted to further the legitimate penological interests of the jail.

**Privacy of Attorney Visits.** There shall be no monitoring or recording of visits between inmates and their attorneys.

**Providing and Regulating Telephone Calls to Attorneys.** Inmates shall be permitted to make a reasonable number of telephone calls to their attorneys.

## **Utah Jail Standards**

### **Utah Jail Standards – Section F: Security & Control**

**Written Security and Control Policies and Procedures Required.** There should be written policies and procedures covering facility security and control requirements and systems.

**Content: Security and Control.** The content of policy and procedures should include, but not be limited to:

Perimeter security;

Internal security and control;

Weapons control;

Key control; and

Tool and material control.

**Perimeter Security Checks.** Jail personnel should make routine and random perimeter security checks.

**Perimeter Lighting.** Jails should have perimeter lighting which illuminates the exterior and surrounding approaches to the jail.

**External Barriers.** Whenever feasible, jails should have perimeter barriers which protect the area surrounding the jail. Barriers can include fencing, walls, landscaping, other structures, and signs which:

prevent or reduce access to restricted areas; and

route vehicle and pedestrian traffic away from restricted areas.

**Facility Access.** Access into the non-public areas of the jail shall be restricted and controlled to prevent unauthorized persons from entering into the secure areas of the jail.

**Doors.** The jail shall ensure that all security doors remain closed and locked when not opened to permit authorized movement of staff, inmates, and others. This requirement should be strictly enforced.

**Peace Officer's Weapons.** Peace officers shall be required to remove and secure their firearms before entering the jail.

**Storing and Issuing Jail Weapons.** Jail facility firearms, shields, chemical agents, stun devices, and other weapons should be stored in the jail armory or other designated secure location, except when signed out to an officer for transportation duty, perimeter check, emergency response, training, or other authorized use.

**Firearms and Less-than-Lethal Weapons Not Permitted Unless Authorized.** Jail officials should prohibit the introduction of firearms, chemical agents, and electronic restraint devices into the jail by law enforcement officers unless authorized in response to exigent circumstances or other purposes authorized by the jail commander or officer-in-charge.

**Key Control Plan.** The jail should have a written key control plan.

**Emergency Keys.** A set of emergency keys should be stored in a secure location which can be quickly retrieved and made available in the event of an emergency.

**Inmates Prohibited from Handling Keys.** Inmates should never be permitted to use, control, possess, or have access to jail or vehicle keys.

**Tool and Material Control Plan.** The jail should have a written tool and material control plan.

**Use of Tools by Inmates** Tools, equipment, and materials should only be used by prisoners under the direction and supervision of staff.

**Written Surveillance and Supervision Policies and Procedures Required.** There should be written policies and procedures governing the surveillance and supervision of prisoners.

**Full-Time Staffing.** The jail shall be staffed 24-hours per day.

**Living Area Checks.** Inmates should be individually observed in their living areas at least once each hour, more whenever possible. Rounds should be made on an irregular basis.

**Cross-Gender Surveillance.** Policies and procedures concerning surveillance of inmates should be constructed in a manner which balances the equal employment rights of women against the sexual privacy interests of male inmates.

**Frequency of Counts.** Inmates should be counted at least once each shift.

**Reconciling Counts.** Jail officials should reconcile the count against the total number of inmates who are currently on the jail roster.

**General Use of CCTV.** Jails which use closed-circuit television (CCTV) as a component of jail security should use it primarily as a means of monitoring and controlling doors, hallways, points of ingress and egress from one security zone to another, and restricted access areas.

**Written Search Policies and Procedures Required.** There should be written policies and procedures governing searches.

**Contraband Control.** The jail should have a plan for the control, discovery, and removal of contraband from the jail.

**Unreasonable Searches Prohibited.** The jail should prohibit unreasonable jail searches.

**Inmates' Personal Property.** The jail should require jail staff conducting searches to respect inmates' interests in protecting authorized personal property.

**Basis for Conducting Searches.** Searches of inmates should be conducted on a routine and random basis. Special attention should be given to inmates:

At the admission process to:

Discover contagious disease, lice, and injuries;

Identify gang members; and

Interdict the introduction of contraband

Returning to the facility from court, medical/dental transports, and other venues outside the jail;

Moving between security zones in the jail;

Whose cell or living area is being searched;

Working as trustees; and

Being transported from the jail to other venues.

**Scope of Intrusion and Justification.** The greater the scope of intrusion of a search, the greater must be the justification for conducting the search.

**Manner of Search.** Searches – especially intrusive searches – should be conducted in a professional manner.

**Frisk and Rub Searches.** All inmates should be subject to frisk and rub searches at any time during their incarceration.

**Strip Searches.** Officials should require strip searches of inmates at admission and as needed during the inmate's incarceration to effectively further safety of staff and prisoners and the security, order, discipline, and control in the jail.

At admission, all prisoners who will share a cell or other holding area with one or more prisoners should be strip searched to detect contagious disease, lice, or injuries, identify gang members, and interdict and prevent the introduction of contraband.

**Physical Body-Cavity Searches.** Digital body-cavity searches may be used when jail officers have reasonable suspicion that an inmate has drugs, weapons, or other contraband hidden in the rectum or vagina

**Exigent Circumstances** Exigent circumstances may justify officers to use more intrusive searches.

**Voluntary Exposures** Officials should have provide written direction to staff for dealing with situations where during searches or other activities an inmate on his or her own initiative disrobes exposing their private parts to visual observation of staff. Such inmate actions should be considered to be an voluntary exposure and a voluntary waiver of privacy.

**Cell and Other Living Areas.** The jail should search inmates' cells, day rooms, and other living areas on a frequent, routine, and random basis.

**Other Areas Accessible to Inmates.** The jail should have a plan for routinely searching other areas of the facility to which inmates have even occasional access.

**Transportation Vehicles.** The jail should have a plan for searching vehicles used for transporting inmates. Vehicles should be searched prior to each transportation run.

**Deliveries.** The jail should have policies and procedures for searching all deliveries and other items entering the jail.

**Visitors.** Visitors should not be required to submit to a strip search as a precondition for visiting, unless jail staff has individualized or reasonable suspicion to believe that the visitor is concealing contraband or evidence of other intended violation of jail rules.

**Written Policies and Procedures to Respond to Criminal Acts by Inmates Required.** There should be written policies and procedures which govern the jail's actions in response to criminal acts committed by inmates. Whenever possible, jail officials should screen criminal conduct with county prosecutors for possible criminal action.

**Investigation Jurisdiction.** The jail should identify which agency will handle criminal investigations in the jail.

**Protection of Evidence and Crime Scenes.** Jail staff should be provided direction and training regarding the protection of crime scenes, preservation of evidence, and separation of witnesses.

**Written Use of Force and Restraints Policies and Procedures Required.** There should be written policies and procedures which govern the use of force and restraint devices.

**Purpose of Use of Force.** Policies and procedures should limit the use of force to:

Self-defense;

Protection of staff, inmates, and others;

Preventing escapes;

Restoring and maintaining order and discipline;

Enforcing lawful orders; and

Protection of property.

**Prohibited Use of Force and Restraints.** Jail officers shall not use force:

a punishment;

In a purposeless, malicious, or sadistic manner;

For the very purpose of causing harm.

For any purpose which does not further a legitimate government interest or which is an excessive or exaggerated response to that legitimate interest.

**Criteria Justifying Use of Force: General.** Officials should ensure that jail staff are provided direction and guidance regarding use of force by providing specific and consistent use of force criteria.

**Use of Force Training.** The jail should provide each staff member with annual training covering use of force to control prisoners and restore or maintain order.

**Criteria Justifying Use of Force: Convicted Inmates.** When force is used on convicted prisoners, the criteria which should be used to justify the use of force should include:

A threat to safety, security, order, discipline, or control "reasonably perceived by the responsible officials";

If officers perceive a serious threat, it is necessary to determine if there is a need for application of force to resolve the threat;

If force is required what efforts were "made to temper the severity of a forceful response";

The "relationship between that need and the amount of force used"; and

Whether the use of force resulting in injuries to the prisoner "could plausibly have been thought necessary . . . [rather than] such wantonness with respect to the unjustified infliction of harm as is tantamount to a knowing willingness that it occur."

**Criteria Justifying Use of Force: Pretrial Detainees.** When force is used on pretrial detainees, the criteria which should be considered should include:

The force used must be non-punitive – not used to punish;

The force must be rationally related to a legitimate governmental objective;

The facts known to the officer at the time;

Based on the facts, determine if there is a need for application of force;

The relationship between the need for the use of force and the amount of force used;

Any effort made by the officer to temper or to limit the amount of force;

Whether the inmate was actively resisting;

The severity of the security problem at issue; and

The extent of the inmate's injuries.

**Function of Restraints.** Restraint devices may be used:

To secure inmates:

During transport to and from the jail;

While in custody outside the confines of the jail facility; and

During the pre-admission phase of the booking process; and

When necessary to:

Protect inmates from self-inflicted injury; or

Prevent violent inmates from harming others or destroying property.

**Restraint Devices.** Restraint devices include any device used to physically secure the hands, arms, feet, legs, head, or torso of an inmate. When used to secure violent inmates to prevent harm to the inmate or others, soft restraints should be used whenever available and feasible.

**Restraint Chairs.** Restraint chairs may be used as an option for restraining violent inmates or inmates who intend to self harm.

**Restraints: Crisis Intervention.** When it is necessary to use restraint devices to control a violent inmate, crisis intervention should be initiated after the inmate has been restrained and brought under control.

**Restraints: Supervision and Care.** While in restraints prisoners should be observed frequently by security staff and medical providers and reasonable efforts made to protect the safety of restrained prisoners.

**Restraints: Supervision and Care During Extended Periods in Restraints.** Inmates being held in restraints for extended periods of time should be observed frequently by security staff and medical providers. Officers should also ensure inmates basic needs are met while in the restraint chair.

**Restraints: Pregnant Women.** Officials should not shackle pregnant inmates during labor or the postpartum recovery period.

**Criteria Justifying: Restraint Devices.** When it is necessary to restore or maintain control of an inmate in a restraint chair, four-point restraints, or other such restraint device, certain criteria must be met.

The use of restraints must be non-punitive – not used to punish;

The use of restraints must be rationally related to a legitimate governmental objective;

The facts known to the responsible officer at the time;

The circumstances or conditions that require or justify the application of restraints;

The severity of the security problem at issue;

Whether the inmate was actively resisting or engaging in conduct likely to cause injury or property damage; and

What if any injuries or harm to inmate resulted from restraints.

**Medical Examination and Treatment Following Use of Force/Restraint.** Following the use of force, any inmates against whom physical force was employed should be given a medical examination and, if needed, medical treatment in a timely manner.

**Documentation Requirements.** Use of physical force or restraint devices should be documented.

**Content: Emergency Response** There should be written policies and procedures covering the various emergency situations which might be encountered in the operation of the jail facility.

**Emergency Plans.** Tactical plans should be adopted and implemented to provide staff members with understandable, readily available strategies for responding to exigencies.

**Evacuation Plans.** While new generation jails are designed to allow fire suppression with minimal, if any, evacuation. There are, however, some situations may require evacuation of all or some areas of the jail. An essential part of the jail's emergency response plans should be an evacuation plan.

**Distribution of Plans.** Emergency plans should have controlled and restricted access to prevent them from being discovered by inmates or others who could use the information to compromise security; however, staff should be provided sufficient information and training to ensure that they can function effectively in the event of an emergency.

**Drills and Training.** Staff members should be given training in emergency response requirements, including drills in evacuation and other selected procedures.

**Types of Contingency Plans Required.** Jail officials should have contingency plans that deal with the various types of emergencies that it is reasonable to anticipate could occur effecting jail operations.

## **Utah Jail Standards**

### **Utah Jail Standards – Section G: Inmate Services**

**Written Access to Courts and Counsel Policies and Procedures Required.** There should be written policies and procedures which govern the process for providing legal assistance to prisoners.

**Content.** The policies and procedures governing to access to courts and counsel should include, but not be limited to:

Prisoners have a right of access to courts and counsel – a right with which there should be no active interference by jail officials;

Procedures for facilitating prisoners' communication with courts and counsel;

Ensuring that prisoners' communication with counsel is privileged;

Access to writing supplies; and

Access to courts and counsel while in segregation.

**Interference with Prisoners' Access to Courts.** Jail policies, procedures, and actions should not obstruct or actively interfere with prisoners' lawful access to courts.

**Assisting Inmates.** Access to the courts requires jail authorities to assist inmates in the preparation and filing of meaningful legal papers; however, access to courts does not require law libraries.

**Communication with Courts.** Prisoners shall be permitted to communicate with the courts by mail. Depending on local court rules, they may also be permitted to telephone the court.

**Access by Prisoners in Segregation.** Prisoners in disciplinary or administrative segregation should be permitted to communicate with the courts in a manner consistent with that available to other prisoners.

**Communication with Counsel.** Prisoners shall be permitted to communicate with counsel by mail, during visits, and by telephone.

**Access to Counsel by Prisoners in Segregation.** Prisoners in disciplinary or administrative segregation shall be permitted to communicate with their attorneys.

**Writing Materials.** Indigent prisoners should be provided, upon request, sufficient paper, envelopes, postage, and pencils to ensure adequate access to courts and counsel.

**Law Libraries.** Law libraries are not constitutional required; however, if a law library is provided as the means of assisting prisoners in the preparation and filing of meaningful legal papers, access to the law library should be carefully regulated to protect the jail's safety, security, order, discipline, and other legitimate interests.

**Written Food Services Policies and Procedures Required.** There should be written policies and procedures governing the food services for prisoners.

**Content.** The policies and procedures governing the food services operation should include, but not be limited to:

planning of menus and dietary guidelines;

preparation and serving of meals;

special diets;

sanitation issues;

Proper storage of food items; and

Providing adequate health protection for prisoners, staff, and other persons who work in the jail's food service operation.

**Providing Food Services for Prisoners.** The jail should provide food services for prisoners:

by preparing and serving meals in a suitable jail food services area;

contracting with a private institutional food services provider; or

purchasing meals from a local restaurant, hospital, or other food service provider.

**Supervision of Food Service.** The jail should designate a qualified staff member to supervise the facility's food service operation.

**Documentation of Food Services.** Jail officials should maintain documentation of the meals served to prisoners.

**Nutritional Meals Required.** Jail menus should be developed by a professional dietitian.

**Special Diets.** Jail officials should have policies and procedures for providing special diets for prisoners when justified. Special diets should be provided when ordered by a physician for medical reasons, or when necessary to accommodate prisoners' religious requirements. Special diets may also be used as a disciplinary sanction or to further safety, security, order, discipline, or control (e.g., Nutraloaf, food loaf, or cold sacked meals).

**Preparation of Meals.** In preparing meals for prisoners, food service staff:

shall prepare wholesome, nutritious meals;

should serve at least one hot meal per day; and

shall take care to ensure that meals are prepared in a sanitary manner.

**Serving Meals.** Meal service for prisoners:

Should be provided a minimum of two – preferably three – meals each day;

Shall allow at least 15 minutes of eating time per meal; and

If the jail design permits, should be served in a dayroom or other dining area located away from the immediate proximity of prisoners' toilets.

**Outside Food Preparation.** Jail officials who prefer not to handle food services directly may choose to:

contract with an institutional food service provider; or

purchase meals from any private provider approved by the local Board of Health.

**Staff Supervision.** Meals prepared inside the jail should be prepared and served under the supervision of a member of the jail staff designated the responsibility for managing the food services operation.

**Accounting for Supplies and Utensils.**

There should be policies and procedures for accounting for food supplies and utensils.

**Sanitation.**

Food supplies shall be stored, thawed, and prepared in a sanitary manner.

**Written Commissary Policies and Procedures Required.**

There should be written policies and procedures governing the operation of a commissary (jail store) for prisoners.

**Content.**

The policies and procedures governing the commissary operation should include, but not be limited to:

the general operational requirements for the system;

bookkeeping and inventory procedures;

legal requirements concerning products which should be included in the inventory; and

providing products to indigent prisoners.

**General Requirements.**

Jail officials should provide a commissary system for prisoners to make purchase of:

Writing paper, envelopes, pencils, and postage;

Approved snack items (candy, potato chips, etc.), toiletries, drink mixes, and related items; and

Approved entertainment items such as approved reading material (e.g., magazines, books ordered from the publisher or book club), craft items, and correspondence study materials.

**Commissary Schedule.**

Commissary should be offered to prisoners, at least, once each week.

**Product List.**

Prisoners should be provided a product list from which to order items from the commissary.

**Purchase Process.**

All commissary transactions by prisoners should be documented including, at a minimum:

Order forms;

Receipts for commissary items received; and

The new balance after subtracting the amount of the purchase from the prisoner's account.

**Record Keeping/Inventory.** Accounting and inventory procedures should follow sound accounting procedures.

**Commissary Profits.** The commissary should not be operated for the purpose of generating substantial profits. Profits which are generated should be returned to the general fund or used as directed by, or with the approval of, the county commission.

**Indigent Prisoners.** Indigent prisoners shall be provided sufficient writing materials and postage to ensure reasonable access to courts and counsel. Officials may, if they choose, run a negative balance to permit cost recovery if the prisoner later receives money on his account.

**Written Laundry Policies and Procedures Required.** There should be written policies and procedures governing laundry services for prisoners.

**Content.** The policies and procedures governing laundry services should include requirements for laundering both prisoners' personal clothing and jail-issue clothing.

**General Requirements.** The jail should provide laundry service for prisoners. Laundry services may be provided as a function of the jail operation, or may be provided by contacting with a private vender or entering into an agreement with a hospital or other provider of laundry services.

**Laundering Newly Admitted Prisoners' Clothing.** Before storing prisoners' personal clothing, the clothing:

should be laundered; but

at a minimum, must be laundered, if it is vermin infested, foul smelling, or heavily soiled.

**Laundering Jail-Issued Items.** Jail issued items should be laundered on a regular basis. The laundry schedule should provide that:

clothing and towels be exchanged and laundered twice per week, but no less than once each week;

sheets be exchanged and laundered once each week;

blankets be laundered at least every 60 days or before reissue; and

mattresses be cleaned before reissue.

## Utah Jail Standards

### Utah Jail Standards – Section H: Inmate Health Care

**Written Policies and Procedures Governing Administration of Health Care Required.** There should be written policies and procedures which cover the administration of health care for inmates.

**General Access to Requirements.** Adequate health care shall be provided to inmates.

**Responsibility and Authority for Health Care Delivery.** The responsibility and authority for health care delivery should be :

Set forth in written policies and procedures; and

Assigned to:

An on-staff physician or health care administrator;

A contract physician or health care administrator;

A county health-care agency; or

A private health care provider.

**Cost of Health Care Services.** The cost of providing health care should not be used to deny health care to inmates for serious health care needs; however, a jail may:

Require inmates to pay for any health care provided at the inmates' request by his personal physician or other preferred provider;

Assess inmates who are not indigent a reasonable fee for health care services; and

Seek reimbursement for health care from the inmate's insurance carrier.

**Informed Consent.** Except in emergency situations, examinations, treatment, and other protocols may be provided only with the informed consent of the inmate. It will be the responsibility of the health care provider to obtain informed consent or to meet due process requirements for involuntary treatment.

**In-Custody Death Notification.** In the event of an in-custody death, designated jail staff should notify the next of kin and/or other person designated by the inmate.

**Contents: Health Care Records.** Jail officials should require documentation of the health care delivery process by requiring the creation and maintenance of individual health care files on each prisoner. Health care files should include:

Intake health screening forms (completed during the admissions process);

Medical and mental health evaluation reports, if prepared;

Medical request forms;

A chronological health record including:

All contacts with jail health care providers;

Findings, diagnoses, prescriptions, treatments, and progress reports;

The names of health care providers responsible for each health care transaction; and

Dates, times, and other information necessary to document the actions taken;

Medication records, including:

Prescription information (frequency, dosage, etc.);

Dispensing (when and by whom);

Records relating to outside referrals for health care; and

Other information related to the inmate's health and health care.

**Confidentiality.** Health-care providers should maintain inmates' health care records in a confidential manner. Health care records should be kept separate from other inmate records, but should be available to jail staff on a need-to-know basis.

**Discharge List From Off-Site Providers.** Prisoners being returned to jail from off-site health-care providers should be accompanied by written health care instructions.

**Written Policies and Procedures Governing Qualifications of Health Care Providers.** There should be written policies and procedures which set forth the licensing, educational, and other qualifications of persons involved in health care delivery for inmates.

**Administration/Coordination of Medical Services Delivery.** The delivery of health care to inmates should be:

Supervised by the highest ranking member of the medical staff; or

Managed by a designated health-trained staff member.

**Health Care Services Personnel Qualifications.** Health care personnel working in the jail are required to meet the same certification and licensing requirements as do health care professionals who provide services to persons not incarcerated.

**Use of Interns and Students.** Interns, students, and other non-certified personnel involved in the delivery of health services to inmates should be:

Permitted to work only under the direct supervision of a certified health care professional, such as a physician, nurse, physician's assistant, or nurse practitioner; and

Limited to those functions that are well within the limits of their training and expertise.

**Written Medical Screening Policies and Procedures Required.** There should be written policies and procedures governing health screening and examination requirements.

**Scope of Screening.** Inmates being admitted to the jail should be given health screens including:

Medical screening;

Mental health screening;

Mental disabled (mentally retarded); and

Suicide risk screening.

**Screening Follow Up.** The jail should have procedures for ensuring timely notification of health care providers of potential health-care problems found during the screening process. Once that information is provided to the health-care providers, they assume the responsibility for follow-up.

**Written Health Care Policies and Procedures Required.** There should be written policies and procedures governing health care delivery.

**Emergency Response.** The jail shall provide emergency medical and mental health care for inmates.

**First Aid.** Jail staff should be trained in first aid procedures and have first aid kits immediately available at:

The booking office;

The food services area;

Any area where inmates are permitted/required to work; and

Each housing area.

**Sick Call.** The jail should provide a system for inmates and staff to bring health care needs and requests to the attention of the health-care provider in a timely manner.

**Treatment Plans.** Health care providers for jails should be required to create medical or mental health plans for inmates requiring health care.

**Elective Procedures.** Designated jail staff working with the health-care provider should determine which procedures are medically necessary and which are elective. Inmates are not entitled to elective health care procedures.

**Dental Care.** The jail should facilitate dental care for inmates experiencing a serious dental need or when otherwise determined by a dentist or physician to be a medically necessary.

**Pregnancy-Related Care.** Proper health care should be ensured for female inmates who are pregnant, lactating, or in need of postpartum care.

**Restraining Pregnant Inmates.** Jail policy should ensure that, to the extent restraints must be used for pregnant inmates, the use of shackles or other restraints does not harm, cause or exacerbate pain, or interfere with or complicate the birth process. And, in cases where the medical provider requests that restraints be removed during the medical procedure, there should be a procedure for the transportation officer to obtain a timely decision from the jail administration regarding the shackles.

**Care of Inmates with Mental Disabilities.** Jail policy should provide requirements for housing inmates who appear to suffering from mental retardation.

**Informed Consent for Medical Treatment.** Informed consent should be obtained from competent inmates before they are medically treated.

**Involuntary Administration of Medication.** It may be necessary to involuntarily medicate psychotic inmates with anti-psychotic medication if the inmate refuses to be medicated. Jail staff working with medical providers should provide written direction for involuntary administration of medication.

**Involuntary Transfers to Mental Health Facilities.**

It may be necessary to involuntarily transfer psychotic inmates to a mental health facility if the inmate does not consent to the transfer. Jail staff working with medical providers should provide written direction for involuntary transfers to mental health facilities.

**Utah Jail Standards****Utah Jail Standards – Section I: Sanitation & Maintenance****Written Inmate Hygiene Policies and Procedures Required.**

There should be written policies and procedures governing hygiene requirements for inmates.

**Content: Inmate Hygiene.**

The policies and procedures governing inmates' hygiene should include, but not be limited to:

Personal hygiene requirements;

Jail-issued hygiene items; and

Hygiene facilities and equipment.

**Showers.**

Inmates in the general population should have access to showers.

**Showers for Inmates in Segregation.**

Inmates in segregation should be permitted to shower three times per week, except for inmates whose movement would result in an inordinate risk to staff or others.

**Enforcement of Hygiene Practices.**

Inmates should be encouraged to maintain sound hygiene practices.

**Hair Care.**

Hair care services should be made available for inmates. Unless prohibited by a court from shaving or cutting hair to facilitate court room identification:

Male inmates should be permitted to: Shave three or more times per week; and

Receive a hair cut, if requested, every four to six weeks; and

Female inmates should be permitted to receive hair services, if requested, every four to six weeks.

**Items Issued.** To facilitate proper hygiene, inmates who are held for 24 hours should have access to personal hygiene items.

**Toilet Paper.** Toilet paper shall be provided at each toilet location.

**Laundry and Clothing Issue.** To facilitate proper hygiene, jails should ensure that each inmate who is going to be incarcerated beyond the booking process should, at a minimum, be provided at no cost:

A uniform or jail-issue clothing set;

Two sheets or one sheet and one mattress cover;

One blanket (more if required due to the temperature of living area); and

One towel.

**Mattresses.** Inmates should be issued a sanitized mattress.

**Removing Clothing and Bedding from Cells.** Jails may remove from inmates experiencing suicide ideation clothing, sheets, blankets, and other soft goods which can be fashioned into a ligature or noose.

**Equipping Living Areas.** Inmate living areas should be equipped with easily accessible toilets, sinks, showers, and mirrors.

**Hot and Cold Running Water.** Water for showers and sinks should provide hot and cold running water. The hot water should be thermostatically controlled to prevent it from exceeding 106 degrees.

**Written Sanitation Policies and Procedures Required.** There should be written policies and procedures governing facility sanitation.

**Content: Facility Sanitation Requirements.** The policies and procedures governing facility sanitation should include:

Living-area sanitation requirements;

General facility cleaning and sanitation plan; and

Inmates' responsibilities for maintaining living-area sanitation.

**Sanitation Plan.** The jail should adopt and implement a cleaning and sanitation plan.

**Inmates' Responsibilities.** Inmates have an essential function in maintaining cleanliness and sanitation in the jail. Both pretrial detainees and convicted inmates are responsible for cleaning their own living areas, and can be required to do so. Inmates are not entitled to pay for completing work assignments.

**Policies and Procedures Governing Jail Inspections Required.** There should be written policies and procedures concerning inspections and documentation of inspection findings.

**Content: Jail Maintenance and Sanitation Inspections.** The policies and procedures governing facility sanitation should include:

Internal inspections;

Inspections by outside agencies; and

Documentation of inspections and the actions initiated to correct noncompliance.

**Internal Audits and Inspections.** Jails should engage in an ongoing process of self-audit or inspections. Self-audits are necessary to allow jails to discover and correct deficiencies, including sanitation and maintenance problems and noncompliance with the Utah Jail Standards.

**Inspections by Utah Sheriffs' Association (USA) Auditors.** Jails should conduct annual self audits to assess their compliance with Utah Jail Standards. They should cooperate with and facilitate standards-compliance audits by USA auditors.

**Inspections or Audits by Outside Agencies.** Jails should facilitate jail inspections by outside agencies lawfully authorized to inspect the jail.

**Documentation of Sanitation and Maintenance.** The jail should document the facility's sanitation and maintenance requirements and performance.

**Maintaining Inspection Reports from Outside Entities.** The jail should maintain inspection reports from outside entities.

**Written Maintenance Policies and Procedures Required.** There should be written policies and procedures governing facility sanitation.

**Content: Facility Maintenance.** The policies and procedures governing facility maintenance should include:

general maintenance requirements;

provisions for preventative maintenance; and

use of inmates.

**Maintenance Plan.** The jail should adopt and implement a maintenance plan for the facility.

**Testing of Emergency Equipment.** Emergency equipment should be routinely tested. Emergency generators should be tested at least every two weeks. Alarms, emergency lights, and other emergency systems should be tested every 30 days.

**Use of Inmates in Jail Maintenance.** Inmates may be used in jail maintenance tasks; however, inmates should not be used in a manner that would provide them the means or knowledge to defeat jail security systems.

## **Utah Jail Standards**

### **Utah Jail Standards – Section J: Inmate Programs & Activities**

**Written Exercise Policies and Procedures Required.** The jail should have written policies and procedures which provide the opportunity for inmates to participate in physical exercise.

**Exercise Required.** Inmates should be provided the opportunity for exercise while incarcerated.

**Frequency of Exercise.** Inmates should be permitted exercise at least three days per week.

**Duration of Exercise.** Inmates should be provided exercise periods of one hour in duration.

**Refusal to Participate.** Inmates should be permitted to decline to participate in exercise activities.

**Exercise Area.** Exercise should be provided in an area suited for that function.

**Minimum Exercise Requirements.** Jail officials should provide exercise sufficient to permit inmates to vigorously exercise their cardiovascular system and large muscle groups. No specific area-per-inmate ratio shall be required.

**Day Room as Exercise Area.** Day rooms may be adequate for inmate recreation needs if the day rooms are large enough for inmates to participate in aerobic exercise.

**Outdoor Exercise.** Outdoor recreation should be provided in facilities which have outside exercise yards. Access to outdoor recreation may be restricted to accommodate classification, security needs, to maintain or restore order, or to accommodate other legitimate jail interests.

**New Construction.** Jails constructed after the effective date of these standards should include both indoor and outdoor exercise facilities.

**Renovation.** Counties doing major renovations of jail facilities should provide both indoor and outdoor recreation facilities if the addition of the recreation facilities can be included without undue financial costs and within the scope of the project.

**Adequate Staff.** There should be adequate staff to ensure that inmates receive scheduled exercise opportunities.

**Civilian Employees.** Jails may use volunteers and/or contract providers to assist in providing exercise for inmates. If volunteers or contractors are used, jails should provide training or orientation specific to the responsibilities, regulations, policies, and procedures that govern their participation in the jail operation.

**Written Recreation Policies and Procedures Required.** The jail should have written policies and procedures for providing inmates opportunities for passive recreation activities.

**Content: Recreation.** Written policies and procedures governing the providing of passive recreation activities for inmates.

**Purpose.** Jails should provide leisure time activities to reduce inmates' idle time, to provide and maintain a healthy jail climate, and to help reduce boredom and frustration among inmates.

**Types of Leisure Activities.** Jails should provide leisure activities for inmates.

**Staffing.** The jail should approve, control, and supervise inmates leisure activities.

**Facilities.** Jails should provide facilities and equipment for leisure activities.

**Scheduling Activities.** Jails should provide for some form of leisure activity available on a daily basis. Library services should be provided each week.

**Utilizing Community Resources.** Jails may utilize available community resources, including volunteers, to provide library services and passive recreation for inmates.

**Written Education Policies and Procedures Required.** Jails should provide written policies and procedures for inmate education programs.

**Content: Education Programs.** Jails should provide policies and procedures governing the objectives, function, and delivery of educational programs for inmates.

**Purpose.** Jail education programs are a privilege offered to interested inmates with sufficient time on their sentences to successfully complete courses into which they are accepted. While the jail is not constitutionally mandated to educate inmates, education is a legitimate penological interest of the jail and may result in positive outcomes for involved inmates.

**Education Programs Offered.** To the extent that resources are available, the jail should offer educational programs to inmates.

**Involving Boards of Education.** Jails should contact state and/or local boards of education to seek their assistance in the providing GED and other education programming for inmates.

**Staffing.** Staffing for educational programs may involve persons not employed by the Sheriff's Office. All outside education providers shall, however, work within the security, safety, operational, and policy requirements of the jail.

**Facilities.** Jails should identify a room or rooms for conducting educational programming and determine the needs and availability of equipment and supplies.

**Utilizing Community Resources.** In addition to resources provided by boards of education, the jail should consider the feasibility of using community volunteers to serve as tutors, library assistants, and in other identified functions.

**Written Treatment Policies and Procedures Required.** There should be written policies and procedures governing treatment programs for inmates.

**Content: Treatment Programs.** The policies and procedures governing treatment programs and providing program objectives, specific program offerings, and program requirements.

**Purpose.** Jails should offer treatment programs for inmates.

**Types of Treatment Programs.** Treatment programs authorized for inmates shall be determined according to the discretion of the sheriff or his designee.

**Staffing.** Staffing treatment programs may require utilizing providers from outside the jail. All outside treatment providers shall be required to work within the jail's policies and procedures.

**Facilities.** The jail shall provide facilities for treatment programs.

**Utilizing Community Resources.** Jails should utilize available community resources, including volunteers, in providing treatment programs for inmates.

**Written Inmate Work Policies and Procedures Required.** Jails should provide written policies and procedures governing work programs for inmates.

**Content.** The policies and procedures governing inmate worker programs should be sufficient to ensure that staff have a working knowledge of or reference guides to the management of inmate workers and work programs.

**Purpose.** The purposes of inmate work assignments include but are not limited to:

Reducing idle time;

Providing inmates an opportunity to work;

Teaching the work ethic and developing work habits; and

Reducing maintenance, sanitation, food preparation, laundry, and other labor costs.

**No Right to Work.** Inmates should be provided work assignments where feasible and consistent with security and safety. The scope and nature of inmate work programs is entirely within the discretion of the jail.

**Pretrial Detainees.** Pretrial detainees may be allowed to work in the jail, but should not be assigned to involuntary work projects. Pretrial detainees shall, however, be required to perform general housekeeping duties such as cleaning their individual living areas.

**Convicted Inmates.** Convicted inmates may be assigned to uncompensated work projects in the jail or the community.

**Wages and Benefits for Inmates.** The sheriff or his designee shall determine what monetary, good-time, or other compensation shall be provided for working inmates, if any.

**Worker Safety.** Jails should make reasonable efforts to provide a safe work environment for working inmates.

**Staffing.** Trustees and other working inmates should be supervised by staff when they are involved on work projects.

**Violations of Work-Release Agreement.** If any inmate violates his work-release agreement or violates jail rules, jail officials should:

Notify the sentencing authority, in writing, of the alleged violation;

Conduct a disciplinary hearing; and

Provide notice to the sentencing authority of the disciplinary findings and penalties imposed.

**Access to Services.** Work-release inmates should have access to jail services, except that:

Recreation need not be supplied to inmates who are released from the jail to work;

Visiting is not required for an inmate who is released from the jail to work unless the inmate is prohibited from engaging in visits while outside the jail; and

Other non-essential services need not be provided to work-release inmates if they have adequate access to those services during their out-of-jail time.

**Admission Searches of Work-Release Inmates.** Jails should ensure that work-release inmates are strip searched before being re-admitted to the jail.

**Written Volunteer Policies and Procedures Required.** There should be written policies and procedures regarding the use of volunteers and other community-based resources.

**Content.** The policies and procedures governing volunteers and community-based resources should include:

The responsibilities of volunteers;

The types of community-based resources which are authorized for the jail;

Requirements relating to the qualifications and screening of volunteers and other community-based providers;

What if any compensation will be provided;

Rules and regulations governing volunteers functions and limitations;

Training and orientation required for volunteers; and

Restrictions on the access and actions of volunteers and community-based providers, including, but not limited to:

Movement;

Access to information, inmates, and facilities; and

Any other actions which have not been specifically authorized by jail officials.

**Utilizing Community Resources.** Where feasible and beneficial to the jail operation, the jail should utilize available community resources, including volunteers, in providing services and programs for inmates.

**Purpose and Role.** The jail should consider the use of volunteers, student interns, clergy, community-based programs, and other community resources to:

Provide otherwise unavailable services and programs to inmates and the jail operation; and

Reduce the cost of providing programs and services.

**Working Arrangement.** Access to and management of the jail is within the statutory authority of the sheriff. Volunteers and other community-based service or program providers if permitted to provide services in the jail shall serve at the pleasure of the County Sheriff and the jail officials to whom he has delegated the authority and responsible for the operation and management of the jail. Community volunteers should be carefully supervised.

**Qualifications and Screening.** Jails should establish qualifications for volunteers and other non-staff providers and should screen candidates before they can be permitted to work in the jail facility.

**Rules and Orientation.** The jail should provide rules and regulations and training for volunteers and other providers prior to allowing them to provide services in the jail.

**Restrictions.** The movement, access, and actions of volunteers and other community-based providers shall be restricted to that minimum level necessary to carry out authorized functions.

## **Utah Jail Standards**

### **Utah Jail Standards – Section K: Facility – Living Areas**

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**Written Inmate Surveillance Policies and Procedures Required.** Jails should adopt written policies and procedures governing surveillance of inmates.

Jails should adopt written policies and

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Content: Surveillance. Policies and procedures should include:

Inmate surveillance procedures;

Identifying the classification levels which can be housed in various areas of housing; and

Any other special requirements as a result of the nature of the jail's design.

**Types of Housing Designs: Training.** There are three basic types of jail housing designs: linear intermittent, podular-direct, and podular-remote designs. Jail staff should be trained regarding the unique supervision requirements and difficulties presented by the design or design of the inmate living areas in the county's jail facility.

**Operational and Surveillance Requirements.** Jails should develop inmate surveillance and classification procedures to offset the facility's design disadvantages or flaws.

**Podular Designs.** The majority of cells or bunks in new construction should be podular.

**Written Capacity Policies and Procedures.** Jails should provide written policies and procedures which provide guidance to staff concerning issues of density of housing and the capacity limits of cells, dormitories, and housing units.

**Content: Capacity.** Jails should provide policies and procedures regarding the capacity of jail living areas.

**Determining Desired Capacity** Jails should have a housing plan which identifies the assigned capacity of each cell in the jail.

**Exceeding Capacity.** Jails should be operated within the desired capacities set for cells and housing units. In the event the desired capacities are exceeded, jail staff should have plans in place to effectively manage the jail during the period of increased inmate population with the higher density of housing.

**General.** Jail cells may be designed in a variety of sizes and configurations. There is no intent or justification to set arbitrary requirements for cell dimensions or type.

**Privacy.** Inmates are not entitled to privacy in their cells or in their personal communication.

**Single-Occupancy Cells: Existing Facilities.** In existing facilities, single occupancy cells should have sufficient space for a bunk, toilet, and sink and approximately 20 square feet of clear floor space. That would require approximately 45 square feet.

**Single-Occupancy Cells: New Construction.** Single-occupancy cells in jails constructed after the adoption of this standard should have at least 70 square feet of floor area.

**Double-Occupancy Cells.** Jails may house two inmates in a single cell.

**Multiple-Occupancy Housing.** Dormitories and other multiple-occupancy cells should have sufficient floor space to accommodate the number of inmates assigned. Occupancy limits should generally be determined by requiring 40 square feet of clear floor space for the first inmate and 18 feet of clear floor space for each additional inmate.

**Day Rooms.** All single-, double-, and multiple-occupancy cells, with the exception of special management cells, should have a day room or other common area. Day rooms should provide:

At least 35 square feet of space for each inmate at maximum occupancy;

Tables, benches, and other furnishings to permit inmates to eat meals, interact socially, engage in passive recreation, write, and read; and

Shower stalls, toilets, and sinks, unless provided in inmates' cells or other living-area locations.

**Written Living Environment Policies and Procedures Required.** There should be written policies and procedures which govern the manner in which the facility controls the living environment of inmates.

**Content: Living Environment.** Jails should provide the requirements for conditions in the housing areas, including but not limited to:

Lighting;

Electrical;

Heating, air conditioning, and ventilation;

Air quality; and

Plumbing.

**Light levels.** Light levels in inmate housing areas should:

Provide adequate illumination at table tops, desk areas, bunks, and other locations where inmates read, write, or study to allow such activities to occur without eyestrain;

Provide adequate illumination at other locations to permit ordinary inmate activities and allow effective observation of inmate activities by staff members; and

Provide during the hours inmates are intended to be in bed sufficient light for staff to conduct surveillance rounds and count inmates, while minimizing the discomfort to inmates trying to sleep.

**Wiring, Outlets, and Fixtures.** Jails should make a reasonable effort to ensure that electrical systems create no unreasonable hazards for inmates, nor that they can be easily tampered with by inmates to create hazards. Electrical wiring should be enclosed in walls or conduit.

**Temperature Control.** The temperature range in inmate living areas should generally fall in the range of 85 to 65 degrees.

**Smoke Evacuation and Control.** In new construction, the ventilation system should

Be dampered to control migration of smoke and fumes by compartmentalizing the ventilation duct system;

In the event of a fire, discharge smoke and fumes directly to the outside; and

Control air pressure at various locations within the housing area to push smoke away from control rooms and cells.

**Toilets and Sinks.** Inmates shall have access to toilets and sinks. Single- and double-occupancy cells should be equipped with a toilet and sink inside each cell. If there is no toilet/sink inside the cell, procedures shall provide that inmates have prompt access to a toilet and sink in their housing unit. Dormitory and other multiple-occupancy cells should be equipped with enough toilets and sinks to ensure that the needs of all inmates assigned to the cell can be met.

**Design and Grouping of Spaces.** Planning should ensure that the operational components in the admission and release area should be designed and grouped in an efficient, functional manner.

**Security and Control.** The admission and release area design should:

Facilitate general safety and security for staff, inmates, and others in the admissions and release area;

Control inmates' movement;

Control ingress and egress; and

Provide clear sight lines for the surveillance, supervision, and control of inmates.

**Remodeling Not Required.** Counties with existing facilities which do not include all of the design components listed for new construction are not required to remodel. However within the limits imposed by the facility design, jail staff should organize and utilize the existing space and resources in a manner that reasonably meets the intent of the standard for new facilities.

**Policies and Procedures Not Required.** The county is not required to maintain written policies and procedures covering the design and construction of the areas for inmate visiting.

**Written Design and Construction Specifications.** In lieu of written policies and procedures, a county initiating a jail construction project or major remodeling of visiting areas should develop written design and construction specifications.

**Design Components.** Prior to the construction of a new jail or a major remodeling of visiting areas space and furnishings should be allocated sufficient to fully accommodate inmate visiting.

**Security and Control.** The design and location of visiting areas should:

Facilitate general safety and security for staff, inmates, and others during the visiting process;

Control movement of inmates and their visitors;

Control and route ingress and egress;

Provide good sight lines for the surveillance, supervision, and control of inmates;

Provide areas for personal visits separate from those used by attorneys, bondsmen, and other official visitors;  
and

Be constructed in a manner intended to prevent escape, hostage taking, and the introduction of contraband.

**Personal Visiting Area.** Jail officials should provide facilities, scheduling, and regulations for inmates to have personal visits.

**Attorney/Bondsman Visiting Area.** One or more areas should be provided for inmates to visit with attorneys or bondsmen.

**ADA Requirements.** Visiting rooms should be designed and constructed in compliance with ADA access requirements to permit visiting by both inmates and visitors with disabilities.

**Remodeling Not Required.** Counties with existing facilities which do not include all of the design components listed for new construction are not required to remodel. However, counties should evaluate existing space and resources to ensure that they reasonably meet the legal and operational requirements for personal, attorney, bondsman, and other official visiting.

**ADA Requirements.** There should be access to visiting by both inmates and visitors with disabilities.

If visiting facilities in existing facilities do not adequately accommodate and provide access for persons with disabilities the county should either:

Remodel visiting areas to ensure adequate access and accommodation; or

Offer alternate arrangements for visiting which do provide access to a similar visiting opportunity.

**Design and Construction Policies and Procedures Not Required.** The county is not required to maintain written policies and procedures covering the design and construction of service and program areas.

**Written Design and Construction Specifications.** In lieu of written policies and procedures, a county initiating a jail construction project or major remodeling should determine what service and program areas are needed and the functions, space, and design components required for each.

**Unlawful Discrimination.** County elected officials and employees shall not, on the basis of gender, unlawfully:

Fail or refuse to hire an applicant for employment;

Discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment;  
or

Limit, segregate, or classify employees or applicants for employment in any manner that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the individual's status as an employee.

**Bona Fide Occupational Qualification.** County elected officials and employees may lawfully discriminate on the basis of gender in hiring and employing staff in those certain instances where gender is a bona fide occupational qualification [BFOQ] reasonably necessary to the lawful operation of the jail.

**General.** Jail staff should make a reasonable effort to minimize the degree of sexual privacy intrusions which occur as a result of cross-gender searches and supervision; however, inmates' sexual privacy interests do not exceed the legitimate penological interests of safety, security, order, and discipline.

**Female Inmates.** Jail staff should make a reasonable and diligent effort to protect female inmates from unwarranted sexual privacy intrusions.

**Written Cross-Gender Searches and Supervision Policies and Procedures Required.** Jails should adopt written policies and procedures governing cross-gender supervision and searches.

**Content: Cross-Gender Searches and Supervision.** Policies and procedures should include, but not be limited to:

Searches of male inmates by female staff;

Searches of female inmates by male staff; and

Cross-gender supervision of inmates.

**Frisk and Searches of Male Inmates.** Jails should permit female staff members to conduct frisk/rub searches of male inmates.

**Strip Searches of Male Inmates.** Female staff members should be permitted to participate in strip and visual body-cavity searches of male inmates:

If the inmate's actions amount to a voluntary exposure, there is a waiver of sexual privacy interests by exposing his private areas; and

If exigent circumstances exist which require participation of female staff to assist in conducting strip searches to further the jail's legitimate security and safety interests.

**Male Searches of Female Inmates.** Jail officials should prohibit male officers from conducting random or routine searches of female inmates. Male officers may assist in searches of female inmates only in exigent circumstances or if the actions of the inmate amounts to a voluntary exposure.

**Documentation of Searches.** Jail staff should be required to document cross-gender searches.

**General.** Cross-gender supervision may be used in jails; however

Officers should not be assigned to posts or assignments which will result in routine or close observation of inmates of the opposite gender while using the toilet, taking a shower, or otherwise undressed;

Viewing of unclothed inmates of the opposite gender should be inadvertent, occasional, infrequent, or at a distance; and

Reasonable accommodations should be made to reduce the scope of the intrusion.

**Written Sexual Harassment Policies and Procedures Required.** There should be written policies and procedures which prohibit sexual harassment and provide the means for enforcing the prohibition.

**Content: Sexual Harassment.** Policies and procedures should include, but not be limited to:

Prohibiting sexual harassment in its many forms;

Supervisors' responsibilities in preventing sexual harassment and responding to claims;

The process for receiving, investigating, and resolving complaints.

**Sexual Harassment Prohibited.** Jails should adopt policies and procedures prohibiting sexual harassment of staff and/or inmates.

## **Utah Jail Standards**

### **Utah Jail Standards – Section O: Americans with Disabilities Act**

**Written ADA Policies and Procedures.** Jails should provide written policies and procedures which address implementation of the Americans with Disabilities Act (ADA).

**Content.** The policy and procedure directives relating to ADA should include, but not be limited to:

The intent of jail staff to provide reasonable accommodation and access to disabled persons;

The types of disabilities and persons covered; and

Other information which would assist staff in understanding ADA coverage requirements.

**County Attorney Review.** Policies and procedures relating to ADA should be reviewed and approved by the County Attorney's Office.

**Intent of Standards.** Jails should provide written direction and training to assist staff in developing a working understanding of the intent of the ADA.

**Disabilities Covered.** Jails are subject to the provisions of the Americans with Disabilities Act; thus, jails policies and procedures should with ADA and provide reasonable accommodation and access for persons who have a physical or mental impairment that substantially limits one or more of the major life activities.

**Scope of Persons Covered.** Persons for whom reasonable accommodation and access should be provided include disabled staff, inmates, and the public who visit or have other legitimate business at the jail. The manner in which each classification of persons will be provided accommodation and access should be balanced with the jail's safety, security, operational, and other legitimate interests.

**Exemptions to Coverage.** Jail policies and procedures shall ensure that qualified persons with a disability receive reasonable accommodation and access to services, programs, and/or activities, but shall adopt criteria to be used in deciding which persons qualify and who are exempt from coverage.

**Written Access Policies and Procedures Required.** Jail officials should adopt written policies and procedures which govern accommodation and access for disabled persons.

**Content: ADA Access.** Jail officials should provide ADA compliance and access policies and procedures including, but not limited to:

- General requirements;
- Providing auxiliary aids;
- Removal of barriers; and
- Equivalent facilitation.

**General Requirements.** Jail officials should provide reasonable accommodation and access by making facilities accessible to and usable by persons with disabilities.

**Providing Auxiliary Aids and Services.** Jails should provide auxiliary aids and/or services when appropriate or necessary to reasonably ensure adequate communication for persons with hearing, vision, and/or speech disabilities.

**Undue Hardship: Exception to Providing Auxiliary Aids.** Auxiliary aids are required, except where providing such auxiliary aids would constitute an undue hardship.

**Removal of Barriers.** Barriers to communication and services should be removed.

**Exceptions to the Requirement to Remove Barriers.** Jails should remove barriers to effective communication and access to programs, services, and activities, unless removal would result in:

A fundamental alteration in the nature of a service, program, or activity; or

An undue financial or administrative burden.

**Written Equal Opportunity Policies and Procedures Required.** There should be written policies and procedures which govern employment practices relating to disabled persons.

**Content.** Policies and procedures for this section should include, but not limited to

General requirements;

Anti-discrimination policy; and

Qualifications, criteria, and tests.

**County Attorney Review.** Policies and procedures relating to equal employment opportunity for disabled persons should be reviewed and approved by the County Attorney's Office.

**General Employment Requirements.** Jails shall require equal employment opportunities for qualified disabled persons consistent with the requirements of ADA.

**Employment: Qualified Individual with a Disability.** Discrimination on the basis of disability against qualified individuals with disabilities is prohibited.

**Qualification Standards, Tests and Other Selection Criteria.** Qualification standards, employment tests, or other selection criteria should not be used to screen out persons with disabilities, on the basis of disability unless the standard, test, or other selection criteria is shown to be job-related for the position in question and is consistent with business necessity.

**Medical Testing and Inquiry Restrictions.** Jail staff is prohibited in testing, selection and screening process from discriminating against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment. Use of employment procedures to screen out otherwise qualified persons with disabilities may discriminate against qualified individuals.

**Medical Testing and Inquiry Permitted.** Jails may make pre-employment inquires into the ability of an applicant to perform job-related functions.

**Written Compliance Management Policies and Procedures Required.** Jail officials should provide policies and procedures that govern management of the ADA compliance process.

**Content.** Jail officials should ensure that policies and procedures for this section should include, but not be limited to:

Self evaluation;

Designation of responsible person;

Complaint procedures;

Good-faith compliance efforts;

New construction; and

Responsibility for compliance costs.

**County Attorney Review.** Jails should develop a process for involving the county attorney's office in assisting with the management of ADA compliance.

**Self Evaluation.** Jails should evaluate current services, policies, and practices and make necessary modifications to achieve compliance with the requirements of ADA and § 01, § 02, § 03, and § 04 of these standards.

**Designation of Responsible Employee.** One jail staff member should be assigned to coordinate the jail's efforts to comply with and carry out its responsibilities under the ADA. In smaller counties, it may be more effective to have the county government assign a county-level coordinator.

**Complaint Procedure.** Jail officials should adopt grievance procedures providing for prompt and equitable resolution of complaints alleging non-compliance with the ADA.

## **Utah Jail Standards**

**Utah Jail Standards – Section P: Inmate Marriage and Access to Religion**

**Written Inmate Marriage Policies and Procedures Required.** There should be written policies and procedures governing inmate marriages.

**General Right of Inmates to Marry while Incarcerated.** Officials should recognize that inmates have a fundamental right to marry that is not extinguished as a result of incarceration.

**Denying Marriage Applications.** Officials should provide any criteria that justifies denying an inmate's marriage applications and specific facts that support the decision.

**Same Sex Marriages.** Officials should permit same-sex marriages on the same basis as opposite-sex marriages permitted.

**Marriages Between Inmates.** Officials should establish a clear policy regarding inmate-to-inmate marriage. There are legitimate penological interests justifying denying inmates to marry each other.

**Process for Approving and Processing Marriage Applications.** Officials should adopt a formal process for inmate marriage applications and conducting marriages.

**No Conjugal Visits.** If the marriage is approved, the written approval should include notice that conjugal visits will not be approved to consummate the marriage or as a part of any future visits at the facility.

**Written Religious Access Policies and Procedures Required.** Officials should provide written policies and procedures for providing access to religion by inmates.

**Content: Access to Religion Policies and Procedures.** The policies and procedures governing access to religious services and programs should provide clear direction to staff and inmates regarding the requirements, permitted activities, and regulations controlling access to religion.

**Prisoners' Constitutional Rights to Religion.** Officials' policies, procedures, practices, and actions shall comply with the First Amendment of the U.S. Constitution in providing religious access to inmates. Officials may only restrict prisoners' religious practices and activities if the practices pose a substantial threat to legitimate penological interests.

**Restricting Inmates First Amendment Religious Rights.** Regarding First Amendment issues, officials should evaluate policies, procedures, practices, and actions utilizing the factors set forth in Turner v. Safley and O'Lone v. Estate of Shabazz.

**Prisoners' Rights to Religion under the Religious Land Use and Institutionalized Persons Act.** In addition to the First Amendment religious rights of prisoners, officials should consider the Religious Land Use and Institutionalized Persons Act.

**Written Religious Worship Policies and Procedures Required.** Officials should adopt written policies and procedures regulating religious worship by inmates.

**Access to Clergy.** Officials should provide access for inmates to clergy.

**Eligibility of Clergy to Enter Facilities.** Officials should provide written criteria for screening members of the clergy and persons professing to be clergy for eligibility to enter the jail to conduct services and related activities.

**Religious Services.** Officials should provide meeting rooms or other space for conducting religious services.

**Religious Diets: Nutritional Requirements.** Officials should provide special diets for inmates when needed for religious or medical needs or to further other legitimate penological interests.

**Religious Diets: Meeting Religious Requirements.** Officials should accommodate requests for special diets for inmates when necessary to meet sincerely held religious beliefs.

**Religious Diets: Inadvertent Mixing.** Officials should have a process for avoiding the inadvertent tainting, adulterating, or mixing of kosher or halal meals with pork byproducts or meat-free religious meals with any animal byproducts.

**General Considerations.** Officials should provide well-defined grooming standards for inmates; however, the grooming standards should not violate inmate's constitutional or statutory religious rights.

**Facial Hair.** Officials must permit inmates to grow facial hair to comply with religious beliefs.

**Written Religious Possessions Policies and Procedures Required.** Officials should provide written policies and procedures for providing access to religious objects by inmates.

**Policy and Procedure Restrictions Justification.** Officials should ensure that any restrictions on religious possessions by inmates are consistent with their clearly established rights.

**Inmate Access to Religious Texts or Other Written Religious Materials.** Officials should not block inmate access to religious reading materials unless the materials would create a serious threat to facility interests.

**Requests to Supply Religious Materials.** Officials are not required to purchase religious books for inmates.

**Rejection of Religious Materials Ordered by Inmates.** Officials should reject books and publications if there is a compelling necessity due to an imminent threat to safety, security, order, discipline, or control.

**Inmate Possession of Religious Articles.** Officials should establish criteria and procedures for evaluating and ruling on requests by inmates to possess religious articles in their cells.

*Posted in Recent News (<https://utahsheriffs.org/category/recent-news/>)*

## Leave a Comment

Comment

Name (required)

Email (will not be published) (required)

**Website**

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A list of registered Charities can be accessed using the link for the Utah Division of Consumer Protection, [www.consumerprotection.utah.gov/consumerinfo/charities](http://www.consumerprotection.utah.gov/consumerinfo/charities) (<http://www.consumerprotection.utah.gov/consumerinfo/charities>). The Utah Sheriffs Association, Inc. Charitable Number is 6536480. You may also view updated nonprofit information, including copies for the last three years of the IRS Form 990 returns filed on [www.guidestar.org](http://www.guidestar.org) (<http://www.guidestar.org>).

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UTAH SHERIFFS' ASSOCIATION

**EXHIBIT F**

UTAH SHERIFFS' ASSOCIATION  
JAIL ACCREDITATION AGREEMENT

This Agreement is entered into between the Davis County Sheriff's Office, with principal offices at 800 W State Street, PO Box 618, Farmington, Utah 84025, telephone number (801) 451-4120, hereafter referred to as the "Agency," and the Utah Sheriffs' Association, a Utah Non-Profit Organization, hereafter referred to as the "Association."

WITNESSETH

The Agency and the Association, for and in consideration of the mutual covenants set forth in this Agreement and the compensation to be paid to the Association as hereafter specified, covenant and agree to be bound by the provisions, terms, and covenants contained herein, WHEREFORE, each party covenants and agrees as follows:

**1. PURPOSE OF THIS AGREEMENT:**

1.1 The purpose of this Agreement is to establish the relationships between, and set the responsibilities of, the parties of the Agreement (a) by the Association's assessing the Agency's compliance with applicable standards established by the Association in order for the Association to determine if the Agency is eligible for designation as accredited, and (b) by the Agency's maintaining compliance with those standards by which they were accredited.

**2. AGENCY'S RESPONSIBILITIES:** The Agency agrees to:

2.1 Provide all information, documents, files, records, and other data as required by the Association so far as the same may be provided in accordance with laws, regulations, and ordinances of the state, county, locality, or municipality in which the agency is located.

2.2 Fully and accurately respond to all communications from the Association within ten (10) business days from the receipt thereof.

**3. ASSOCIATION'S RESPONSIBILITIES:** The Association agrees to:

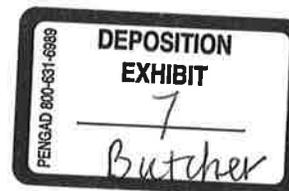
3.1 Provide necessary documentation, forms, and instructions regarding the accreditation process.

3.2 Provide trained Assessors for the purpose of conducting an on-site assessment of the Agency's compliance with applicable standards.

3.3 Promptly analyze compliance data and advise the Agency of the results of the on-site assessment and the need for additional information, if any.

3.4 Conduct a hearing and certify the Agency as accredited if the relevant standards are complied with.

3.5 If the Agency is accredited (a) provide a certificate, and (b) make available indicia of accreditation.



3.6 If the Agency is not accredited following an examination of compliance with applicable standards, provide the Agency with reasons for the Association's decision.

**4. TIME PERIOD COVERED BY THIS AGREEMENT:**

4.1 This Agreement shall take effect when the Agency's Chief Executive Officer, or authorized representative, and the Executive Director of the Association, acting on its behalf, signs the Agreement. This Agreement shall be effective upon signing by the second party, the "Effective Date."

4.2 The terms and covenants of this Agreement shall terminate in the following circumstances:

- (a) Upon expiration of the 36<sup>th</sup> month for accreditation following the effective date of this Agreement unless a successful on-site assessment is completed within that period of time or the non-payment of an annual contract extension fee for additional time; or
- (b) Upon written notice by the Agency that it withdraws from the accreditation process; or
- (c) Upon termination pursuant to Section 5.2 or 6.1 hereof; or
- (d) Upon expiration or revocation of the Agency's accredited status; or
- (e) Notwithstanding any other provisions herein, at the option of either the Agency or the Association, upon at least sixty (60) days prior notice by such party to the other specifying the date of termination.

**5. MODIFICATION:**

5.1 There shall be no modifications of this Agreement except in writing, signed by both parties, and executed with the same formalities as this document.

5.2 The Agency recognizes and acknowledges that it will be necessary for the Association to make reasonable modifications and amendments to this Agreement, fees and other related documents, including but not limited to the accreditation standards and procedures thereto and hereby agrees to endorse all modifications and amendments which the Agency deems reasonable. In the event the Agency deems such modifications or amendments unreasonable, the Association reserves the right to terminate this Agreement after due consideration thereof by giving notice by registered or certified mail, return receipt requested, that in the event the Agency refuses to accept and execute such modifications or amendments, then and in such event, this Agreement will be terminated.

**6. TIME AND MANNER OF PAYMENT:**

	<b>Start Up Fee</b> (due the first year of accreditation or re-accreditation)	<b>Annual Accreditation Fee</b> (due each year within 15 days from the date the agreement is signed)
<b>ACCREDITATION / REACCREDITATION</b>	\$ 2,775.00	\$ 1,575.00
<b>YEAR - 2</b>	Not Applicable	\$ 1,575.00
<b>YEAR - 3</b>	Not Applicable	\$ 1,575.00

**7. THE ASSOCIATION AS AN INDEPENDENT CONTRACTOR:**

7.1 In all matters pertaining to this Agreement, the Association shall be acting as an independent contractor and neither the Association nor any officer, employee, or agent of the Association will be deemed an employee of the Agency. The selection and designation of the personnel of the Association in performance of its responsibilities under this Agreement shall be made by the Association.

7.2 In all matters pertaining to this Agreement and the relationship between the parties thereto, the Executive Director of the Association will act in the name of the Association.

**8. AUTHORITY:**

8.1 The person signing on behalf of the Agency hereby represents and warrants that he or she has the power and authority to execute this Agreement and to bind said Agency to all terms and covenants contained herein including, but not limited to, the provisions of this Section 8.

**9. INTEGRATION:**

9.1 This instrument embodies the whole Agreement of the parties. The parties warrant that there are no promises, terms, conditions, or obligations other than those contained herein. This Agreement shall supersede all previous communications, representations, or agreements, either verbal or written, between the parties hereto.

**10. SEVERABILITY:**

10.1 If any provision of this Agreement or the application of such provision to any person or circumstance shall be held invalid, the remainder of this Agreement and the application of such provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

**11. WARRANTY NOT INTENDED OR IMPLIED:**

11.1 It is understood that the Association's award of accreditation does not constitute a warranty, express or implied, of total or continued compliance by the Agency with all applicable standards of accreditation and, further, that it is not a substitute for the Agency's ongoing and in-depth monitoring and evaluation of its activities and the quality of its services.

**12. WAIVER:**

12.1 Any waiver by the Association or any breach of this Agreement by the Agency shall relate only to that particular breach and shall not amount to a general waiver.

**13. NOTICE:**

13.1 Any notice between the parties shall be in writing and sent postage prepaid, to the addresses as specified in the preamble of this Agreement or to such other address as either party may specify in writing in accordance with this section.

**14. HEADINGS:**

14.1 The headings of this Agreement shall not be deemed part of it and shall not in any way affect its construction.

**15. CONSENT TO BE BOUND:**

15.1 The Agency has read the following documents and agrees to be bound by the terms and conditions of them, as amended from time to time, during the term of this Agreement:

- (a) Utah Jail Standards
- (b) Utah Accreditation Standards

15.2 The Agency accepts the Association's decisions as the final authority on all matters relating to the Association's standards and accreditation and recognition programs.

IN WITNESS WHEREOF, The Agency has caused this Agreement to be executed on

December 4, 2012.

Witness:

By P. Bret Millburn By P. Bret Millburn

(signature)

P. Bret Millburn

(typed name)

Chair, Davis County Commissioners

(title)\*

ATTEST:

Steve S. Rawlings  
Steve S. Rawlings  
Davis County Clerk/Auditor

IN WITNESS WHEREOF, the Association has caused this Agreement to be executed by the Executive Director of the Association, acting on its behalf, on December 27, 2012.

Witness  
By [Signature] By \_\_\_\_\_

Executive Director

**EXHIBIT G**

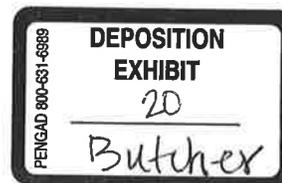
## END USER LICENSE AGREEMENT

**IMPORTANT-READ CAREFULLY:** This End-User License Agreement ("EULA") is a legal agreement between you (either an individual or a single entity) and the National Institute for Jail Operations (NIJO) and its subsidiaries and affiliates, including Accreditation Audit & Risk Management Security, Inc. ("NIJO") for the NIJO software that accompanies this EULA, which includes computer software services and may include associated media, printed materials, "online" or electronic documentation, and Internet-based services ("Software"). An amendment or addendum to this EULA may accompany the software. **YOU AGREE TO BE BOUND BY THE TERMS OF THIS EULA BY INSTALLING, COPYING, OR OTHERWISE USING THE SOFTWARE. IF YOU DO NOT AGREE, DO NOT INSTALL, COPY, OR USE THE SOFTWARE.**

**1. GRANT OF LICENSE.** NIJO grants you the following rights provided that you comply with all terms and conditions of this EULA:

1.1 Installation and use. You may use, access, display and run the Software on computers, such as a workstations, terminals or other devices ("Workstation Computers"). Access to the software requires a username and password. Usernames and passwords are individually assigned and not to be shared within any organization and under no circumstances. The system records all attempted logins and those that access the system to prevent dual logins and the sharing of usernames and passwords. If caught violating this agreement, NIJO reserves the right to prosecute to the fullest extent of the law and immediately remove access to those individuals violating this license agreement.

1.2 Mandatory Activation. The license rights granted under this EULA are in accordance with and support the NIJO Terms of Service Agreement with each client. There are technological measures in this Software that are designed to prevent unlicensed use of the Software. NIJO will use those measures to confirm you have a legally licensed access to the Software. Except as otherwise permitted by NIJO, a license, username and/or password for the Software may not be shared or used concurrently on different Workstation Computers. Without exception, if you are not using a licensed copy of the Software, you are not allowed to use, access or display and run the Software. NIJO will not collect any personally identifiable information from your Workstation Computer during this process.



## **2. DESCRIPTION OF OTHER RIGHTS AND LIMITATIONS**

2.1 Digital Rights Management. Content providers are using the digital rights management technology contained in this Software ("DRM") to protect the integrity of their content ("Secure Content") so that their intellectual property, including copyright, in such content is not misappropriated. Portions of this Software and third party applications such as internet browsers, PDF software, spreadsheet applications and dashboard solutions use DRM to run and access the data for enhanced viewing and reporting ("DRM Software"). NIJO is not responsible for any complications due to 3<sup>rd</sup> party applications.

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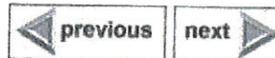
**EXHIBIT H**

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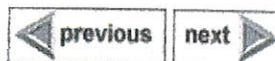
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