

ARTICLE 3. COUNTY JAIL STANDARDS

Rule 1. Maintenance of County Jails

210 IAC 3-1-1 Definitions

Authority: IC 11-8-2-5; IC 11-12-4-1

Affected: IC 11-12-4-1

Sec. 1. Definitions. "Administrative Segregation" shall mean the physical separation of inmates who are determined to be mentally ill, escape prone, assaultive or violent, or likely to need protection from other inmates where such administrative segregation is determined to be necessary in order to achieve the objective of protecting the welfare of prisoners and staff.

"Chronic Care" shall mean medical service rendered to an inmate over a long period of time, i.e., treatment of diabetes, asthma or epilepsy.

"Contraband" shall mean property the possession [*sic.*] of which is in violation of an Indiana or federal statute.

"Convalescent Care" shall mean medical service rendered to an inmate to assist in the recovery from illness or injury.

"Disciplinary Segregation" shall mean that status assigned an inmate, as a consequence or means of control resulting from a violation of jail rules, which consists of confinement in a cell, room, or other housing unit separate from inmates who are not on disciplinary segregation status.

"Emergency Care" shall mean care for an acute illness or unexpected health care need that cannot be deferred until the next scheduled sick call or physician's visit.

"Inmate" shall mean any person detained or confined in any jail governed by these rules [210 IAC 3].

"Jail" shall mean a secure county detention facility used to confine prisoners prior to appearance in court and sentenced prisoners.

"Jail Administrator", unless expressly stated otherwise, shall mean sheriff or other individual who has been assigned, designated or delegated full-time responsibility and authority for the administration and operation of the jail by the sheriff.

"Jail Officer" shall mean a sheriff's employee whose primary duties are the daily or ongoing supervision of jail inmates.

"Medical Preventive Maintenance" shall mean those health services including health education, medical services, and instruction in self-care for chronic conditions.

"Policy" shall mean a statement declaring mission, purpose and ideological position.

"Procedure" shall mean a statement establishing the action plan to accomplish policy.

"Prohibited Property" shall mean property other than contraband that the Jail Administrator does not permit an inmate to possess.

"Physician" shall mean an individual holding a license to practice medicine in Indiana, issued by the Medical Licensing Board of Indiana.

"Qualified Medical Personnel" shall mean individuals engaged in the delivery of a medical or health care service who have been licensed, certified, or otherwise properly qualified under the laws of Indiana applicable to that particular service.

"Unusual Occurrence" shall mean any significant incident or disruption of normal jail procedures, policies, routines or activities such as fire, riot, natural disaster, suicide, escape, assault, medical emergency, hostage taking, or other violation of jail rules or state laws. (*Department of Correction; 210 IAC 3-1-1; filed Jul 27, 1981, 10:30 am: 4 IR 1808; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269*)

210 IAC 3-1-2 Administration and organization

Authority: IC 11-8-2-5; IC 11-12-4-1

Affected: IC 11-12-4-1

Sec. 2. Administration and Organization. (a) Each jail shall be managed by a single Jail Administrator to whom all employees or units of management are responsible.

(b) Each Jail Administrator shall prepare annually a written report setting forth the extent and availability of services and programs to inmates. Said report shall be directed to the Circuit Court Judge and copies shall be provided to the State Jail Inspector, President of the County Council or City-County Council, and President of the County Commissioners.

(c) Each Sheriff shall develop a manual of policies and procedures which shall guide the operation of his county's jail. All policies and procedures must be in writing. The Sheriff shall encourage the participation of other community agencies in the

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development of policy for the jail through coordinated planning and inter-agency consultation. The advice and consultation of the Sheriff's staff should also be sought in the development of policies and procedures for each jail. The manual shall be reviewed and updated annually and distributed to all employees. It shall include, but not be limited to:

- (1) A statement of the philosophy, goals, and purposes of the jail;
- (2) Operations and maintenance of the jail;
- (3) Organizational structure of the jail, its staff and program, with grouping of similar functions, services and activities into administrative sub-units;
- (4) Delineation of channels of communication;
- (5) A procedure for the monitoring of operations and programs through required inspections and reviews;
- (6) A system of written reports to be directed to the sheriff or jail administrator including as a minimum: Information on major development, serious incidents, population data, staff and inmate morale, major problems and proposed plans to resolve them;
- (7) Staff training;
- (8) Employee-management relations; and
- (9) Staff-inmate communication.

(Department of Correction; 210 IAC 3-1-2; filed Jul 27, 1981, 10:30 am: 4 IR 1809; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269)

210 IAC 3-1-3 Fiscal management

Authority: IC 11-8-2-5; IC 11-12-4-1

Affected: IC 11-12-4-1

Sec. 3. Fiscal Management. (a) Each sheriff shall establish written procedures to govern the internal handling of monies. All such procedures shall be consistent with all requirements of the State Board of Accounts.

(b) Each sheriff shall maintain fiscal records which will clearly indicate the annual costs for his county's jail. Any such records shall reflect all monies collected and disbursed during any budget period and shall be established in compliance with all requirements of the State Board of Accounts.

(c) Each sheriff shall prepare and present annually a budget request to the appropriate government funding body. The jail budget request should accurately reflect the needs and objectives of the subject facility.

(d) Each sheriff shall maintain a written inventory of county jail property. The inventory shall be reviewed and updated annually. *(Department of Correction; 210 IAC 3-1-3; filed Jul 27, 1981, 10:30 am: 4 IR 1809; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269)*

210 IAC 3-1-4 Personnel

Authority: IC 11-8-2-5; IC 11-12-4-1

Affected: IC 11-12-4-1

Sec. 4. Personnel. (a) Each sheriff shall establish written jail personnel policies and procedures. *(Department of Correction; 210 IAC 3-1-4; filed Jul 27, 1981, 10:30 am: 4 IR 1810; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269)*

210 IAC 3-1-5 Training and staff development

Authority: IC 11-8-2-5; IC 11-12-4-1

Affected: IC 11-12-4-1

Sec. 5. Training and Staff Development. (a) Each sheriff shall establish a written training and staff development plan for all jail employees. This plan shall be based on the jail's manual of policies and procedures. It shall be evaluated and revised as needed annually.

(b) Each new jail officer shall receive forty (40) hours of orientation and training at the jail prior to job assignment and shall receive an additional forty (40) hours certified training during the first year of employment. Each jail officer shall receive documented training each year thereafter. The forty (40) hours of certified training during the first year of employment shall be received through the Indiana Law Enforcement Training Board.

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(c) All personnel authorized to use firearms shall be trained in weaponry on a continuing in-service and documented firearms training course. Failure to qualify for continued firearm use shall be deemed just cause for administrative re-evaluation or dismissal.

(1) No employee shall be authorized by the sheriff to use firearms unless that employee has been given training in the legal requirements of firearm use and the legal aspects of the use of deadly force.

(2) Detailed training records are required and shall be maintained on all firearms training.

(d) Each sheriff shall include training as a budget item in his jail's annual budget request to pay for this required training.

(Department of Correction; 210 IAC 3-1-5; filed Jul 27, 1981, 10:30 am: 4 IR 1810; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269)

210 IAC 3-1-6 Management information systems; inmate records

Authority: IC 11-8-2-5; IC 11-12-4-1

Affected: IC 11-12-4-1

Sec. 6. Management Information Systems and Inmate Records. (a) An intake form shall be completed for every inmate admitted to any county jail. Such form shall contain, but not limited to, the following information, unless otherwise prohibited by statute:

- (1) Booking number;
- (2) Date and time of intake;
- (3) Name and aliases;
- (4) Last known address;
- (5) Date and time of commitment and authority therefor;
- (6) Name, title and signature of delivering officer;
- (7) Specific charge(s);
- (8) Physical description;
- (9) Mug shot and fingerprints;
- (10) Sex;
- (11) Age and date of birth;
- (12) Place of birth;
- (13) Race;
- (14) Occupation;
- (15) Last place of employment;
- (16) Health status;
- (17) Name and relationship of next of kin;
- (18) Address of next of kin;
- (19) Court and sentence;
- (20) Notation of cash and personal property; and
- (21) Space for remarks (to include notation of any open wounds, of sores requiring treatment, evidence of disease or body vermin, or tatoos).

(b) Records shall be maintained on all inmates committed or assigned to any county jail. Such records shall contain, but are not limited to;

- (1) Intake information;
- (2) Commitment papers and court order(s);
- (3) Cash and personal property receipts;
- (4) Reports of disciplinary actions or unusual occurrences;
- (5) Work record;
- (6) Program involvement; and
- (7) Medical orders issued by the jail physician or his designee.

(c) Each sheriff shall maintain on a daily basis written data concerning population movement, including but not limited to:

- (1) Admission;
- (2) Processing; and

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(3) Release of pre-trial detainees and sentenced inmates.

(d) Each sheriff shall establish a written procedure requiring the prompt reporting of all incidents that result in physical harm, threaten the safety of any person in the jail, or threaten the security of the jail.

(e) Each sheriff shall establish written policies and procedures regarding access to and release of inmate records. Such policies and procedures shall insure that inmate records are current, accurate and safeguarded from unauthorized and improper disclosure.

(f) An inmate's medical record file shall not be in any way part of the confinement record. (*Department of Correction; 210 IAC 3-1-6; filed Jul 27, 1981, 10:30 am: 4 IR 1810; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269*)

210 IAC 3-1-7 Physical plant

Authority: IC 11-8-2-5; IC 11-12-4-1

Affected: IC 11-12-4-1

Sec. 7. Physical Plant. (a) All inmate living and activity areas in each jail shall provide for the following minimum requirements:

(1) Illumination shall be sufficient for reading and writing throughout the living area; readings of at least 20 foot candles are required at desk level.

(2) Circulation of fresh air sufficient to remove stale air and odors from the living area. This requirement shall be satisfied if the County Board of Health certifies that the air in the living area is not harmful to the inmates.

(3) A heating system sufficient to insure healthful and comfortable living and working conditions for all inmates and staff. Temperatures shall be maintained at a comfortable level consistent with exterior conditions, clothing and bedding issued.

(4) Each cell shall have direct access to a toilet, a washbasin with running water and a bunk.

(5) There shall be at least one toilet and one shower per twelve inmates in the activity area. This requirement shall be satisfied as to toilet access if cells are accessible to the inmates at all time.

(b) The reception area shall be located inside the security perimeter but outside inmate living quarters. It shall have the following minimum components:

(1) Weapon lockers, located outside the security area;

(2) Temporary holding space which has sufficient seating capacity for all inmates assigned, audio and visual communication, and available toilets and washbasins with running water;

(3) Booking area;

(4) Medical examination area;

(5) Shower facilities;

(6) Vault or secure area for storage of inmate's personal property; and

(7) Telephone facilities.

(c) To provide security and assure compliance with fire safety regulations, supply areas shall be separate from inmate living and activity areas. There shall be adequate space for storage and security of keys, weapons, medications, tools, evidence, recovered stolen property, bedding, housekeeping equipment and supplies, clothing, prisoner's property, commissary and hygiene items, and records.

(d) Arsenals shall be located outside the security perimeter of the inmate living and activity areas. Provisions shall be made for the secure storage, care and issuance of weapons and related security equipment. The arsenal shall be equipped with an alarm system.

(e) Each jail shall have at least one area suitable for inmates who must be under special medical supervision.

(f) Each jail shall have a space available for the supervision of offenders who represent special behavioral problems including intoxication and self-destructive behavior. This area shall be equipped with audio-video communication and have access to toilet and running water.

(g) There shall be one bed for each inmate and the capacity of a jail shall be determined with the sheriff taking into consideration the following factors: (a) A bed for each inmate; (b) The size of the cell or sleeping area; (c) The size of the day room or range to which the prisoner has free access during non-sleeping hours; (d) Time spent in activities out-of-cell and/or time spent out of range.

The State Jail Inspector may adjust the rated capacity of any jail in the event that change in the structure or the use of that facility indicate that such change would be appropriate. Prior to any adjustment in rated capacity, the State Jail Inspector shall review

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the proposed adjustment with the sheriff and the County Commissioners.

(h) All major jail construction beginning January 1, 1982 shall comply with jail construction standards established by the American Correctional Association.

(i) Each sheriff shall have a written plan for preventive maintenance. The plan shall be reviewed and updated annually. *(Department of Correction; 210 IAC 3-1-7; filed Jul 27, 1981, 10:30 am: 4 IR 1811; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269)*

210 IAC 3-1-8 Commissary operations

Authority: IC 11-8-2-5; IC 11-12-4-1

Affected: IC 11-12-4-1

Sec. 8. Commissary. (a) Each jail commissary shall be managed and operated in a manner consistent with Indiana law. *(Department of Correction; 210 IAC 3-1-8; filed Jul 27, 1981, 10:30 am: 4 IR 1811; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269)*

210 IAC 3-1-9 Safety and sanitation

Authority: IC 11-8-2-5; IC 11-12-4-1

Affected: IC 11-12-4-1

Sec. 9. Safety and Sanitation. (a) Each jail shall be maintained in a safe and sanitary condition, in compliance with state and local health, sanitation, safety, and fire laws.

(b) Inmates incarcerated in each jail shall have the responsibility for maintaining their own cells and living areas in a safe and sanitary condition. Jail officials shall make cleaning equipment, including mops, brooms, scouring cleanser, soap and disinfectant, available to inmates on a daily basis to assist inmates in meeting their cleaning responsibility.

(c) Each jail shall be inspected by a designated jail official at least once per week. Each living area shall be inspected by designated jail officials daily. Written inspection reports shall be maintained, and steps shall be taken promptly to remedy unsafe or unsanitary conditions.

(d) Each jail shall be inspected weekly for evidence of insects and rodents. Licensed extermination services shall be obtained to spray or treat facilities as often as necessary to eliminate insects and rodents. Inmates shall be removed from an area if spraying or fogging is necessary and cannot properly be accomplished if inmates are present.

(e) Plumbing fixtures shall be promptly repaired or replaced as may be necessary after receipt and confirmation of a report of malfunctioning equipment.

(f) Exits shall be clearly marked, continuously illuminated, kept clear and in usable *[sic.]* condition.

(g) The sheriff shall establish a written evacuation plan for use in the event of fire or major emergency. Appropriate evacuation instructions shall be posted in all living and working areas of each jail.

(h) The Sheriff shall request that the local Board of Health inspect the jail at least semi-annually.

(i) The Sheriff shall establish written policies and procedures concerning safety, sanitation, and control of supplies. *(Department of Correction; 210 IAC 3-1-9; filed Jul 27, 1981, 10:30 am: 4 IR 1811; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269)*

210 IAC 3-1-10 Clothing and personal hygiene

Authority: IC 11-8-2-5; IC 11-12-4-1

Affected: IC 11-12-4-1

Sec. 10. Clothing and Personal Hygiene. (a) Each jail shall provide for the issue of suitable clothing, bedding and towels to each new inmate. Clean clothing, bedding and towels shall be issued at least weekly. These items shall be maintained in sufficient number to supply each jail's inmate population.

(b) Each inmate shall be provided with shaving materials, bar soap, toothbrush, and toothpaste. Industrial hand soap shall not be issued to inmates. Women inmates shall be provided with choice of tampons or sanitary napkins.

(c) Inmates shall shower upon admission to the jail's general population and shall be afforded the opportunity to shower at

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least three times per week thereafter unless an emergency or a threat to jail security exists.

(d) Each inmate shall be allowed, upon request, to have his/her hair cut at least once every six weeks.

(e) All inmates shall be provided the opportunity to wear their personal clothing when they appear in court for trial.

(f) The Sheriff may supervise and control the hygiene, grooming, and attire of jail inmates to the extent reasonably necessary to maintain a sanitary, safe and secure environment. (*Department of Correction; 210 IAC 3-1-10; filed Jul 27, 1981, 10:30 am: 4 IR 1812; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269*)

210 IAC 3-1-11 Medical care and health services

Authority: IC 11-8-2-5; IC 11-12-4-1

Affected: IC 11-12-4-1

Sec. 11. Medical Care and Health Services. (a) A duly licensed physician shall be responsible for medical services in each jail.

(b) Procedures necessary to deliver medical services to inmates shall be in writing and shall be approved by the responsible physician.

(c) State licensing and/or certification requirements and restrictions shall apply to all health care personnel working with jail inmates. Copies of all licensing and/or certification credentials shall be on file with the sheriff. Jail security regulations shall apply to all medical personnel.

(d) Whenever medical services are to be delivered routinely in any jail, adequate space, equipment, supplies and materials as determined by the responsible physician shall be provided.

(e) First-aid kits shall be available in each jail. The responsible physician shall approve the contents, number and location of such kits and the procedure for periodic inspection of all first-aid kits.

(f) Each inmate shall be medically screened upon admission to jail and before placement in the general population or living area. Screening data must be recorded on a form approved by the responsible physician and shall include, but not be limited to:

- (1) Current illnesses and health problems, including those specific to women;
- (2) History of drug and/or alcohol use;
- (3) Medications taken;
- (4) Special health requirements;
- (5) Screening of other health problems designated by the responsible physician;
- (6) Behavioral observations, including state of consciousness and mental status.
- (7) Notation of body deformities, trauma markings, bruises, lesions, jaundice and ease of movement;
- (8) Condition of skin and body orifices, including rashes and infestation; and
- (9) Disposition/referral of inmate to qualified medical personnel on an emergency basis.

(g) Within fourteen (14) days following arrival at the jail, an inmate shall be given the opportunity to receive a medical examination conducted by the responsible physician or his designees.

(h) Inmate medical complaints shall be collected daily and responded to by medically trained personnel. Qualified medical personnel shall follow up all complaints and allocate treatment according to priority of need. A physician shall be available at least once a week to evaluate and respond to inmate medical complaints.

(i) Each jail shall provide 24-hour emergency medical and dental care availability pursuant to a written plan which includes as a minimum arrangements for:

- (1) Emergency evacuation of the inmate from within the facility;
- (2) Use of an emergency medical vehicle;
- (3) Use of one or more designated hospital emergency rooms or other appropriate health facilities;
- (4) Emergency on-call physicians and dentist services when the emergency health facility is not located in a nearby community; and
- (5) Security procedures that provide for the immediate transfer of inmates when appropriate.

(j) Jail personnel shall be trained in the use of emergency care procedures and shall have current training in basic first-aid equipment. At least one person per shift shall have training in receiving screening, cardio pulmonary resuscitation (CPR) and recognition of symptoms [*sic.*] of the illnesses most common to the facility. All jail officers shall be trained regarding recognition of symptoms of mental illness and retardation.

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(1) No jail shall accept delivery of an unconscious or critically injured person.

(2) All injured inmates shall be examined immediately, by a competent medical person. A description of the injury should be recorded and photographs taken when appropriate.

(k) Jail officials shall use their best efforts to obtain any medication prescribed by a physician. All medications shall be administered in the dosage and with the frequency prescribed. No substitutions of medications shall be made without the prescribing physician's approval.

(1) Any jail officer who administers medication shall have received training from the responsible physician and the jail administrator, is accountable for administering medications according to orders, and must record the administration of medication in a manner and on a form approved by the responsible physician.

(2) A structured system for pharmacy storage and distribution shall be established in accordance with recognized medical standards as determined by the responsible physician.

(l) Each jail shall be listed with the Drug Enforcement Administration as a place of practice by the responsible physician.

(m) Each sheriff shall establish policies and procedures for the development and disposition of each inmate's medical records and shall provide secure and confidential storage of such records consistent with physician-patient privileges. (*Department of Correction; 210 IAC 3-1-11; filed Jul 27, 1981, 10:30 am: 4 IR 1812; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269*)

210 IAC 3-1-12 Diet and food preparation; written procedures

Authority: IC 11-8-2-5; IC 11-12-4-1

Affected: IC 11-12-4-1

Sec. 12. Diet and Food Preparation. (a) Each sheriff shall establish written policies and procedures concerning the quantity and quality of food served to inmates.

(b) Food shall not be used as a reward or withheld as a disciplinary measure. All meals shall be served under the supervision of the jail administrator or his designee. There shall be no more than fourteen (14) hours between the evening meal and breakfast. Inmates shall be served three (3) meals each day. One meal each day shall be served hot.

(c) Menus shall be prepared in advance and records of all menus and all meals served shall be retained. Menus shall meet the approval of a qualified dietician, and food preparation and the storage shall be in compliance with local and state health standards. Each menu shall include the recommended dietary allowance for food nutrients specified by the National Academy of Science, Food and Nutrition Board. All food service areas and equipment shall be inspected daily by administrative jail personnel. All food must be placed on racks off the floor. Food must be covered while being transported to the inmate area.

(d) To insure that the jail kitchen is maintained in a safe and sanitary condition, the following requirements shall be met:

(1) All kitchen equipment and floors shall be cleaned daily. Walls and vents shall be cleaned regularly.

(2) The sheriff or jail administrator shall request that the local health officer, or an otherwise qualified agency, conduct periodic inspections of the kitchen facilities to insure compliance with established health and sanitary standards.

(3) Eating utensils shall be sanitized. Alternatively, plastic disposal utensils may be used for each meal.

(4) Kitchen equipment must be operational and safe for use.

(5) Inmates working in the kitchen shall be given a pre-service examination and periodic examinations thereafter to insure that they do not have any contagious diseases or other ailments which could facilitate food contamination. Inmates shall wear clothing approved for food handling when they are assigned to the kitchen.

(e) Medical diets approved by the responsible physician shall be honored. Religious diets shall be honored to the extent that the required food is readily accessible in the community where the jail is located. Any refusal to grant a medical or religious diet shall be reported in writing to the sheriff or jail administrator.

(f) Each sheriff shall establish in writing a control system to monitor and control food pilferage, misuse or spoilage. (*Department of Correction; 210 IAC 3-1-12; filed Jul 27, 1981, 10:30 am: 4 IR 1813; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269*)

210 IAC 3-1-13 Security and control; written procedures

Authority: IC 11-8-2-5; IC 11-12-4-1

Affected: IC 11-12-4-1

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Sec. 13. Security and Control. (a) Each sheriff shall establish a manual setting forth the jail's policies and procedures for security and control. This manual shall be distributed to all jail personnel and shall be reviewed annually and updated as needed. The manual shall include, but not be limited to:

- (1) Supervision;
- (2) Searches and seizures;
- (3) Facility security;
- (4) Shakedowns;
- (5) Firearms and other weapons;
- (6) Maintenance of security equipment;
- (7) Key control;
- (8) Tool control;
- (9) Records control;
- (10) Population count;
- (11) Chemical agents;
- (12) Post orders;
- (13) Escapes;
- (14) Emergency situations, including fire, disturbance, assault, taking hostages, natural disasters;
- (15) Transportation of inmates; and
- (16) Use of physical force.

Jail officers shall be trained consistent with provisions of the security and control manual. Pre and post training examinations shall be administered to each jail officer, and the results made part of the employee's record.

(b) Inmates shall not be permitted to handle, use, or have jail keys of any type in their possession. There shall be at least one full set of keys, separate from those in use, stored in a safe place accessible only to jail personnel, for use in event of an emergency. Keys are to be color coded and classified pursuant to a key numbering and lettering system.

(c) The use of physical force by jail personnel shall be restricted to instances of justifiable self-protection, protection of others, protection of property, and prevention of escapes. Force shall be used only to the degree necessary and consistent with any statutory *[sic.]* limitations. Written reports following any use of force shall be promptly submitted to the sheriff or his designee.

(1) Only weapons approved by the sheriff shall be used by jail personnel in emergency situations. Any jail employee who discharges a firearm in the course of his duty shall promptly submit a written report to the sheriff.

(2) Weapons shall not be permitted beyond a designated area to which inmates have no access, except in emergency situations.

(3) Persons designated to authorize the use of tear gas, mace, or other chemical agents shall be named in writing and shall be trained in the proper employment of the chemical agents.

(4) Each sheriff shall establish procedures for the treatment of persons injured as a result of a weapon or chemical agent.

(d) Each jail shall maintain a secure communication control center separate from other jail detention and administrative functions. Jail officers and other personnel assigned to jail duty shall be trained in security measures and handling of special incidents such as assaults, disturbances, fires and natural disasters. Each jail shall have an audio communication system between the communication control center and the inmate living area.

(e) Each jail shall have equipment necessary to maintain central lights, power and communication in an emergency. Emergency equipment shall be tested at least weekly for effectiveness and shall be repaired or replaced as necessary.

(f) Security equipment shall be sufficient to meet facility needs and shall be stored in a secure, readily accessible area.

(g) All security perimeter entrances, control center doors, cell block doors, and cell doors opening into a corridor shall be kept locked except when used for admission or exit of employees, inmates or visitors, and emergencies. No jail officer shall enter a high security cell area without back-up assistance.

(h) Jail officials may perform searches and seize contraband or prohibited property. Jail officials may inform an inmate of the items of property he is permitted to possess, in which event all other property not contraband is prohibited property. Property that an inmate is otherwise permitted to possess may become prohibited property due to the means by which it is possessed or used. The sheriff or jail administrator shall establish written procedure providing for a written record concerning the seizure of contraband or prohibited property, receipts for property seized, and appropriate disposition of seized property.

(1) Notice in writing shall be given inmates and visitors as to the items not considered contraband or prohibited property.

(2) Visitors and inmates may be searched at jails where contact visiting is permitted.

(3) Body cavity searches may be conducted only by medical personnel of the same sex as the person being searched. Visitors must be given clear notice of the possibility of body cavity searches and may decline their request to visit upon receiving this notice. The grounds on which body cavity searches may be conducted shall be clearly stated.

(4) Inmates permitted to leave the jail temporarily, for any reason, shall be thoroughly searched prior to leaving and before re-entering the jail. Searches and seizures shall be conducted so as to avoid unnecessary force, embarrassment, or indignity to inmates.

(5) The sheriff shall establish written policies and procedures concerning contraband, prohibited property, searches and seizures of property.

(Department of Correction; 210 IAC 3-1-13; filed Jul 27, 1981, 10:30 am: 4 IR 1814; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269)

210 IAC 3-1-14 Inmate supervision

Authority: IC 11-8-2-5; IC 11-12-4-1

Affected: IC 11-12-4-1

Sec. 14. Supervision of Inmates. (a) There shall be sufficient jail personnel present in the jail to provide adequate twenty-four hour supervision of inmates.

(1) A jail officer shall provide personal observation not including observation by a monitoring device, of each inmate at least once every sixty (60) minutes between the hours of 8:00 p.m. and 7:00 a.m. Such observation may be conducted on an irregular schedule but shall be documented.

(2) High risk, suicidal inmates shall be provided appropriate supervision consistent with that behavior.

(b) The sheriff shall establish written procedure for the supervision of female inmates by male staff and the supervision of male inmates by female staff. These procedures shall take into consideration the privacy rights and needs of inmates.

(c) The sheriff shall establish written procedures for the segregation of inmates with serious behavioral problems, inmates requiring protective custody, or inmates charged with disciplinary misconduct.

(1) An inmate charged with disciplinary misconduct may be confined or separated from the general population of the jail for a reasonable period of time if his continued presence in the general population poses a serious threat to himself, others, property or the security of the jail. Jail officials shall review the status of that inmate at least once every seven (7) days to determine if the reason for segregation still exists. Time spent confined or separated from the general population before a determination of guilt must be credited toward any period of disciplinary segregation imposed.

(2) No inmate shall be kept in disciplinary segregation for a period in excess of thirty (30) days for any single instance of disciplined conduct without administrative review.

(3) Jail officials shall maintain a permanent written record of activity in disciplinary and administrative segregation areas.

(d) Each area of the jail shall be visited by the Sheriff or his designee at least once weekly and daily by supervisory staff. All inspections shall be documented.

(e) Inmates shall not be authorized to supervise or exert control or assume any authority over other inmates. *(Department of Correction; 210 IAC 3-1-14; filed Jul 27, 1981, 10:30 am: 4 IR 1815; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269)*

210 IAC 3-1-15 Inmate rights

Authority: IC 11-8-2-5; IC 11-12-4-1

Affected: IC 11-12-4-1

Sec. 15. Inmate Rights. (a) The right of jail inmates to have access to the courts shall be insured. Inmates shall have confidential access to their attorneys and the authorized representatives of their attorneys. Jail inmates not represented by counsel shall have reasonable access to an adequate law library.

(b) Inmates shall not be subject to discrimination based on race, national origin, color, creed, sex, economic status, or political belief. There shall be equal access to programs or services for male and female inmates.

(c) Inmates shall have the right of access to reading material except pornography as defined by Indiana law or reading matter which jail officials have reasonable grounds to believe poses an immediate danger to the safety of an individual or a serious threat to the security of the jail.

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(d) An inmate is entitled to believe in the religion of his choice, and attendance at religious services is not required. To the greatest extent possible consistent with jail security, programs and resources, an inmate is entitled to:

- (1) Observe the religious days of worship or holidays of his religion;
- (2) Possess and wear religious artifacts;
- (3) Receive and possess religious literature; and
- (4) Communicate, correspond with and be visited by a clergyman or religious counselor of his choice.

(e) An inmate shall be given a reasonable opportunity for physical exercise and recreation outside of his immediate living quarters and out of doors where feasible, consistent with the security and resources of the jail.

(f) Each sheriff shall make arrangements with election officials to facilitate an inmate's right to vote by absentee ballot provided that the inmate is otherwise qualified to vote.

(g) Each jail shall maintain a written inmate work assignment plan providing for inmate employment, subject to the number of available work opportunities and the maintenance of facility security. Unsentenced inmates shall not be required to work except as may be necessary to maintain their living quarters in a safe and sanitary condition.

(h) All inmates shall have the right to file written grievances regarding treatment of conditions in the jail with the sheriff or his designee. Grievances shall be promptly investigated, and a written report stating the disposition of the grievance shall be provided the inmate. The sheriff shall establish in writing a grievance procedure which shall be made known and distributed to all inmates upon arrival and initial screening.

(i) Inmates may receive visitors at reasonable times. Jail officials may, however, for the purposes of maintaining jail security, individual safety, and administrative manageability, place reasonable restrictions on visitation.

- (1) Each sheriff shall establish written procedures providing for inmate telephone access; general visitation; special visitation; visitation for high security risk inmates; and visitor registration, including search procedures.

(Department of Correction; 210 IAC 3-1-15; filed Jul 27, 1981, 10:30 am: 4 IR 1816; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269)

210 IAC 3-1-16 Mail; written procedures

Authority: IC 11-8-2-5; IC 11-12-4-1

Affected: IC 11-12-4-1

Sec. 16. Mail. (a) Each sheriff shall establish a written procedure consistent with Indiana law governing inmate mail correspondence.

(b) An inmate may send and receive an unlimited amount of correspondence to or from any person outside the jail in any language. The sheriff may restrict correspondence between inmates within the jail or with inmates of any other jail or penal institution.

(c) Correspondence to or from government officials, courts, attorneys, or representatives of the public news media may not be opened, read, censored, copied or otherwise interfered with in regard to its prompt delivery or transmission. However, if jail officials have reasonable grounds to believe that a piece of correspondence may contain contraband or prohibited property, said correspondence may be opened by jail officials in the presence of the addressee for the purpose of examining the contents for contraband or prohibited property. Upon completion of the inspection, the item of correspondence must be promptly delivered or transmitted without reading, censoring, copying or further interfering with its delivery or transmission.

(d) Correspondence from a person not enumerated in paragraph (c) of this section may be opened to inspect for and remove contraband or prohibited property and to permit removal of funds for crediting the addressee's account. Such correspondence may not be read, censored, copied or otherwise interfered with unless jail officials have reasonable grounds to believe that it poses an immediate danger to the safety of an individual or a serious threat to the security of the jail. The addressee must be informed in writing of the amount of any funds removed.

(e) Correspondence to a person not enumerated in paragraph (c) of this section may be sealed by the inmate. However, if jail officials have reasonable grounds to believe that such correspondence may contain contraband or prohibited property or poses an immediate danger to the safety of an individual or serious threat to the security of the jail, it may be opened for inspection and removal of the contraband or the prohibited property, when appropriate, or reading and appropriate action.

(f) Whenever jail officials delay, censor, copy or withhold correspondence, the addressee shall be given prompt notice in writing. Jail officials shall maintain a record of each decision to withhold, copy, censor, delay or otherwise interfere with the prompt

transmission of correspondence.

(g) Jail officials may open all incoming and outgoing packages to inspect for and remove funds, contraband or prohibited property. If contraband or prohibited property is removed from a package, the inmate must be notified in writing of such removal.

(h) Jail officials may inspect all printed matter and exclude any material that is contraband or prohibited property. Printed matter may not be excluded on the grounds it is obscene or pornographic unless it is obscene under Indiana law. A periodical may be excluded only on an issue by issue basis. Jail officials who withhold printed matter must promptly notify the addressee in writing.

(i) Indigent inmates shall be furnished with free writing supplies and postage sufficient for at least two letters per week. (*Department of Correction; 210 IAC 3-1-16; filed Jul 27, 1981, 10:30 am: 4 IR 1816; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269*)

210 IAC 3-1-17 Discipline; written rules

Authority: IC 11-8-2-5; IC 11-12-4-1

Affected: IC 35-50-6-4; IC 35-50-6-5

Sec. 17. Discipline. (a) Each sheriff shall establish written rules of inmate conduct for the maintenance of order and discipline among inmates. Such rules shall describe the conduct for which disciplinary action may be imposed, the type of disciplinary action that may be taken, and the disciplinary procedure to be followed. Copies of these rules shall be distributed to all inmates. The disciplinary action imposed shall be proportionate to the seriousness of the rule violation. The use of physical force as a means of discipline is prohibited.

(b) All jail personnel who have regular inmate contact shall be provided training sufficient to make them thoroughly familiar with the rules of inmate conduct and the sanctions available.

(c) Any of the following may be imposed as disciplinary action on jail inmates:

- (1) A report, which may be made part of the inmate's record;
- (2) Extra work;
- (3) Loss or limitation of privileges;
- (4) Change in work assignment;
- (5) Restitution;
- (6) Transfer to the Department of Correction for safe-keeping;
- (7) Segregation from the general population for a fixed period of time;
- (8) Reassignment to a lower credit time class under IC 35-50-6-4;
- (9) Deprivation of earned credit time under IC 35-50-6-5.

(d) The following shall not be imposed as disciplinary action on jail inmates:

- (1) Corporal punishment;
- (2) Confinement without an opportunity for at least one-half hour of daily exercise outside of immediate living quarters, unless jail officials find and document that this opportunity will jeopardize the physical safety of the inmate, others, or the security of the jail;
- (3) A substantial change in heating, lighting or ventilation;
- (4) Restrictions on clothing, bedding, mail, visitation, reading, and writing materials or the use of hygienic facilities, except for abuse of these;
- (5) Restrictions on medical and dental care, access to courts, legal counsel, government officials or grievance proceedings, and access to personal legal papers and legal research materials;
- (6) A deviation from the diet provided to other inmates, unless approved by the responsible physician;
- (7) Extra work exceeding a total of twenty (20) hours for one (1) rule violation, or exceeding four (4) hours in any twenty-four (24) hour period.

(e) Before imposing any disciplinary action, jail officials shall afford the inmate charged with misconduct a hearing to determine his guilt or innocence and the disposition of the charge. The charged inmate may waive his right to a hearing in writing. Also, before a charge is made, the inmate and a jail official may agree to a disciplinary action in the forms of extra work or loss or limitation of privileges if no record of the conduct or disciplinary action is placed in the inmate's file. In connection with the required hearing, the inmate is entitled to:

- (1) Have not less than twenty-four (24) hours advance written notice of the date, time and place of the hearing, and of the

alleged misconduct, and the rule the misconduct is alleged to have violated;

- (2) Have reasonable time to prepare for the hearing;
- (3) Have an impartial decisionmaker;
- (4) Appear and speak in his own behalf;
- (5) Call witnesses and present evidence;
- (6) Confront and cross-examine witnesses, unless the decisionmaker finds that to do so would subject a witness to a substantial risk of harm;
- (7) Have advice and representation by a lay advocate in those hearings based upon a charge of institutional misconduct when the decisionmaker determines he lacks the competency to understand the issues involved or to participate in the hearing.
- (8) Have a written statement of the findings of fact, the evidence relied upon, and the reasons for the action taken;
- (9) Have immunity if his testimony or any evidence derived from his testimony is used in any criminal proceedings;
- (10) Have his record expunged of any reference to the charge if he is found not guilty or if a finding of guilt is later overturned.

Any finding of guilt must be supported by a preponderance of the evidence presented at the hearing. An inmate shall receive written notice of any charge against him within twenty-four (24) hours of knowledge or discovery of the alleged offense by jail officials, excepting weekends and holidays. The notice shall specify the date, time and place of the hearing; the alleged misconduct; the rule the misconduct is alleged to have violated; the right to a hearing and explanation of the hearing process. The hearing shall be held within seventy-two (72) hours of the alleged violation unless the inmate requests additional time to prepare for the hearing.

(g) The sheriff may delegate authority in writing to one or more designees to conduct hearings for alleged violations of facility rules.

(h) An inmate may appeal the disciplinary decision of a hearing authority to the sheriff. The appeal may challenge the finding of guilt or the type and degree of disciplinary action taken. Any appeal shall be initiated within ten (10) days of the disciplinary decision. The sheriff may reduce but not increase any disciplinary action imposed by the hearing authority. (*Department of Correction; 210 IAC 3-1-17; filed Jul 27, 1981, 10:30 am: 4 IR 1817; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269*)

210 IAC 3-1-18 Inmate classification

Authority: IC 11-8-2-5; IC 11-12-4-1

Affected: IC 11-12-4-1

Sec. 18. (a) Each sheriff shall establish a written plan for the following:

- (1) Classifying and assigning inmates according to sex.
- (2) The seriousness of their alleged crimes.
- (3) The degree of risk of violence to other inmates.
- (4) Their status as either youth or adults and pretrial detainees or convicted persons.

When the jail is at or near capacity, the sheriff shall use the best effort to maintain proper classification and segregation.

(b) Juveniles alleged to be delinquent or adjudicated delinquent shall be held only in accordance with IC 31-6-1-21.3 [*IC 31-6 was repealed by P.L.1-1997, SECTION 157, eff July 1, 1997.*] and IC 31-6-4-6.5(b)(1) [*IC 31-6 was repealed by P.L.1-1997, SECTION 157, eff July 1, 1997.*].

(c) Inmates with contagious or communicable diseases shall be segregated from other inmates. Intoxicated inmates and those inmates experiencing delirium tremens or drug withdrawal shall also be segregated and given close observation. Allegedly insane or incompetent inmates who are held in custody during examination of their mental condition or while awaiting commitment to a mental institution shall be segregated and given close observation.

(d) Inmates shall not be segregated by race, color, creed, or national origin in living area assignments. (*Department of Correction; 210 IAC 3-1-18; filed Jul 27, 1981, 10:30 a.m.: 4 IR 1818; filed Jan 31, 1996, 4:00 p.m.: 19 IR 1312; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269*)

210 IAC 3-1-19 Written procedures governing new inmate admissions

Authority: IC 11-8-2-5; IC 11-12-4-1

Affected: IC 11-12-4-1

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Sec. 19. Reception, Orientation, Property Control and Release. (a) Each sheriff shall establish written procedures governing the reception and orientation of newly admitted inmates. Such procedures shall include, but not be limited to:

- (1) Verification of commitment papers;
- (2) Complete search of the individual;
- (3) Disposition of clothing and personal property;
- (4) Medical screening, including tests for infectious diseases;
- (5) Telephone calls;
- (6) Showers and hair care if necessary;
- (7) Issue of jail clothing and supplies;
- (8) Photographing and fingerprinting, including notation of identifying marks or unusual characteristics;
- (9) Interview for obtaining identifying data;
- (10) Classification for assignment to the living area;
- (11) Assignment to the living area.

(b) Each sheriff shall establish written procedures providing for a written, itemized inventory of all personal property of newly admitted inmates; the secure storage of such property, including money and other valuables; and the return of each inmate's personal property upon release, as well as the procedures governing release of inmates. (*Department of Correction; 210 IAC 3-1-19; filed Jul 27, 1981, 10:30 am: 4 IR 1818; readopted filed Nov 15, 2001, 10:42 a.m.: 25 IR 1269*)

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