

CHAPTER 1

Administration, Organization, and Management**Organizational Structure**

01.01 The facility has a designated administrator responsible for all facility operations.

01.02 A written statement describes the mission, philosophy and goals of the facility. There is a statute authorizing the establishment of the facility.

01.03 An organizational chart depicts functional areas and lines of responsibility. The chart is updated, as needed.

Policies and Procedures

01.04 Written policies and procedures describe all facets of facility operation, maintenance, and administration, and are reviewed annually and updated as needed. These are available to all employees unless security concerns justify limited access.

01.05 Written policies and procedures form the basis for new facility employee orientation and training. New or revised policies are disseminated to facility employees (and where appropriate, to contractors, volunteers, and inmates) prior to implementation.

01.06 The facility administrator or designee inspects and reviews operations and programs at least annually to evaluate compliance with policies and procedures. A report describing findings and corrective plans is submitted to the appropriate authority responsible for the facility.

Media Relations

01.07 The facility has a plan to address emergency and non-emergency requests for information.

Volunteer Services

01.08 Where volunteers are used, the selection process allows for recruitment from all cultural and socioeconomic parts of the community. Each volunteer completes an appropriate, documented orientation and/or training program prior to assignment. The lines of authority, responsibility, and accountability for volunteers are specified. There is an official registration and identification system for volunteers. If volunteers are used in the delivery of health care, there is a documented system for selection, training, staff supervision, facility orientation, and a definition of tasks, responsibilities, and authority that is approved by the health authority. Volunteers may only perform duties consistent with their credentials and training. Volunteers agree in writing to abide by all facility policies, including those relating to the security and confidentiality of all information.

CHAPTER 2

Fiscal Management

02.01 The facility administrator prepares and submits an annual budget that identifies and requests necessary resources for facility operations and programs.

02.02 The fiscal process of the Sheriff's Office includes a financial audit of the facility as stipulated by state statute or local regulation.

02.03 Procedures govern the operation of any fund established for inmates. Any interest earned on monies in the inmate fund, other than operating funds, accrues to the benefit of the inmate fund.

02.04 All monies collected by the facility are secured daily in an officially designated and secure place.

CHAPTER 3

Personnel**Staffing**

03.01 The facility is staffed by facility employees awake and on duty on a twenty-four (24)hour basis when housing inmates.

03.02 The facility has sufficient staff to perform all functions relating to the security, custody, and supervision of inmates and as needed to operate the facility in conformance with the Montana Jail Standards. The facility administrator prepares and/or updates a staffing plan annually, prior to the preparation of the facility's annual budget request. The plan details staff assignment in the facility and the number of full and part-time positions.

Qualifications

03.03 All applicants for positions involving regular direct contact with inmates meet the same standards for employment as those established for Detention Officers by the Montana Peace Officer Standards and Training Council (P.O.S.T.). The facility administrator shall maintain documentation of compliance with these standards.

03.03.01 A criminal record check is conducted on all new employees, contractors, and volunteers prior to their assuming duties to identify whether there are criminal convictions that have a specific relationship to job performance. This record check includes comprehensive identifier information to be collected and run against law enforcement indices. If suspect information on matters with potential terrorism connections is returned on an applicant, it is forwarded to the FBI or similar agency.

03.03.02 A pre-assignment physical examination is conducted for all employees. Information obtained as part of a required medical examination and/or inquiry regarding the medical condition or history of applicants and employees is collected and maintained on separate forms and in separate medical files and treated as a confidential medical record. Provisions exist for re-examination, when indicated.

Personnel Rules

03.04 The facility has a written code of ethics that it provides to all employees. At a minimum, the code:

- Prohibits staff, contractors, and volunteers from using their official positions to secure privileges for themselves or others

- Prohibits staff, contractors, and volunteers from engaging in activities that constitute a conflict of interest.
- Prohibits staff, contractors, and volunteers from accepting any gift or gratuity from, or engaging in personal business transactions with an inmate or an inmate's immediate family.
- Defines acceptable behavior in the areas of campaigning, lobbying, or political activities.

All staff, contractors, and volunteers are held accountable for compliance with the code of ethics.

03.05 New staff acknowledges in writing that they have reviewed facility work rules, ethics, regulations, conditions of employment and related documents. A copy of the signed acknowledgement is kept on file.

Equal Employment Opportunities

03.06 Written policy specifies that equal employment opportunities exist for all positions. When deficiencies exist regarding the employment of minority groups and women, the facility can document the implementation of an affirmative action program that is approved by the appropriate government agency and can document annual reviews and the changes needed to keep the program current.

Sexual Harassment

03.07 Written policy, procedure, and practice prohibit sexual harassment. Statements to this effect are in policy, and posted in employee areas.

Americans with Disability Act

03.08 Written policy, procedure and practice provide a mechanism to process requests for reasonable accommodation to the known physical and/or mental impairments of a qualified individual with a disability, either an applicant or an employee. The accommodation need not be granted if it would impose an undue hardship or direct threat. Terms, conditions, and privileges of employment include, but are not limited to:

- a. Recruitment, selection and hiring
- b. Salary and compensation
- c. Benefits, holidays, leave, and work hours
- d. Promotion and advancement
- e. Staff development, including in-service training
- f. Retirement, resignation, and termination

CHAPTER 4

Training and Staff Development

04.01 The facility will have a written training, staff development, and evaluation plan. The training program is coordinated by a designated qualified employee. Training is based on, and consistent with the facility's written policies and procedures.

04.01.01 Prior to assuming duties, all employees shall receive training in the facility under the supervision of a qualified officer. Training may include the following:

- Facility policies and procedures
- Suicide prevention
- Use of force
- Report writing
- Inmate rules and regulations
- Key control
- Emergency plans and procedures
- Cultural diversity
- Communication drills
- CPR/First Aid
- Sexual misconduct

04.02 All new employees are provided an orientation program, prior to assuming their duties. This training may include the following:

- Working conditions
- Code of ethics
- Personnel policy manual
- Employees' rights and responsibilities
- Overview of criminal justice
- Tour of the facility
- Facility goals and objectives
- Facility organization
- Staff rules and regulations
- Program overview

04.03 All positions which involve the supervision of inmates will receive continuing training each year. The facility administrator maintains documentation of compliance with these standards for employment. Topics may include:

- Security procedures and regulations
- Supervision of inmates
- Signs of suicide risk
- Suicide precautions
- Use-of-force regulations and tactics
- Report writing
- Inmate rules and regulations
- Key control
- Rights and responsibilities of inmates
- Safety procedures
- All emergency plans and procedures
- Interpersonal relations
- Social/cultural lifestyles of the inmate population
- Cultural diversity for inmates and staff
- Communication skills
- Cardiopulmonary resuscitation (CPR)/first aid (candidates will be required to maintain training before enrollment at MLEA)
- Counseling techniques
- Sexual abuse/assault awareness
- Purpose, goals, policies and procedures for facility – security and contraband regulations
- Appropriate conduct with inmates
- Responsibilities and rights of employees
- Universal precautions
- Occupational exposure
- Personal protective equipment
- Bio-hazard waste disposal
- Overview of the correctional field

04.03.01 In each subsequent year of employment, employees shall receive documented in-service training in critical areas of the operation. All professional, support, clerical, health care employees, including contractors who supervisor or have contact with inmates will receive continuing annual training.

04.04 The basic training specified in Chapter 04.03 above is provided by the Montana Law Enforcement Academy Bureau or provided in schools certified by P.O.S.T.

04.05 New facility employees with prior training received from other sources are considered to have met the requirements of Chapter 04.03 above upon the approval of a

waiver by the P.O.S.T. council for equivalent training. Documentation of the waiver is maintained.

04.06 All new support staff and part-time employees receive orientation appropriate to their job assignments and additional training, as needed.

04.07 All facility employees receive training in the execution of the facility's written emergency plans and in the use of emergency equipment.

04.08 All facility employees are familiar with the inmate rules and regulations and receive training in the enforcement of these rules.

04.09 All facility employees authorized to use firearms receive training and are qualified in their use on at least an annual basis.

04.10 All personnel authorized to use chemical agents or electrical control devices receive thorough training in their use and in the treatment of individuals exposed to a chemical agent and/ or electrical control devices. Facility employees are qualified in their use on an annual basis.

04.11 All staff, contractors, and inmate workers are trained in the use of equipment and safety procedures to be followed in the food service department.

04.12 All facility employees with potential of occupational exposure are provided with a course of instruction on Tuberculosis, Hepatitis, HIV, and prevention of blood borne diseases, within the first year of employment, that includes: information concerning the communicable diseases, symptomology, routes of transmission, appropriate precautions, the facility's compliance efforts, annual refresher training, and additional training whenever job tasks or procedures are modified in a manner that may alter their risk of exposure.

04.13 The facility maintains a complete and current record of all training and certificates received for each facility employee.

CHAPTER 5

Facility Information Systems**Records and Data Management**

05.01 The facility has written policy and procedure to govern the collection, management, and retention of information pertaining to inmates and the operation of the facility. Written policy and procedure address, at a minimum, the following:

- a. Accuracy of information
- b. Security of information, including access and protection from unauthorized disclosure
- c. Content of records
- d. Maintenance of records
- e. Length of retention (Based on State, Federal and Local Retention standards)
- f. Method of archival or disposal of inactive records

Release of Information

05.02 Unless release of information is required by statute, inmates sign a release of information consent form that complies with applicable federal and state regulations prior to the release of information. A copy of the form is maintained in the inmate's case record.

05.03 Inmates are permitted reasonable access to information in their own files and records. The facility administrator may restrict the inmate's access to certain information, or provide a summary of the information, when disclosure to the inmate presents a threat to the safety and security of the facility. Staff, contractors, and volunteers who work with inmates are informed of the facility's policies on confidentiality of information and acknowledge in writing that they will comply with these policies.

Facility Records

05.04 The facility maintains an accurate record of all persons committed to the facility, including the detainee's name, date and time of commitment, cause and authority for commitment, time and date of discharge, and authority for discharge.

05.05 The facility and correctional staff maintain a permanent log and prepare shift reports that record routine information, emergency situations, and unusual incidents. At a minimum the following specific details are recorded daily:

- a. Personnel on duty**
- b. Time and results of cell checks and inmate counts**
- c. Names of inmates received or discharged with times recorded**

- d. Times of meals served**
- e. Shift activities, including any action taken on the handling of any unusual or routine incidents**
- f. Entry and exit of all visitors, including physicians, attorneys, volunteers and others**
- g. Notations of problems, disturbances, and**
- h. Notations of any use of emergency or restraint equipment.**

05.06 The facility maintains a record of disciplinary detention and administrative segregation areas. The record may be combined with the record required in section 05.05 above. The following information, at a minimum, is recorded:

- a. All admissions and releases to segregation, including time and date.**
- b. All visits to inmates housed in segregation**
- c. Any services or programs provided to inmates housed in segregation**
- d. Any disciplinary action taken on inmates housed in segregation, and**
- e. Any deprivation or removal of an authorization, with the reason noted.**

05.07 There is an inmate population management system that includes records on the admission, processing, and release of inmates. Electronic record-keeping systems and data are protected from unauthorized access.

05.08 Facility employees promptly prepare written reports of all incidents resulting in physical harm to any individual or the facility, for review by the facility administrator.

05.09 Accurate records are maintained of all meals served.

05.10 The facility shall maintain a visitor's register in which the following will be recorded:

- a. Name of each visitor**
- b. Time and date of visit**
- c. Inmate to be visited, and,**
- d. Relationship of visitor to inmate.**
- e. Documentation of searches of visitors if searches occur.**

Inmate Records

05.11 The facility maintains custody records on all inmates committed or assigned to the facility, which includes but is not limited to the following:

- **Intake/booking information**
- **Court-generated background information**
- **Cash and property receipts**
- **Reports of disciplinary actions, grievances, incidents, or crimes committed while in custody**
- **Disposition of court hearings**
- **Records of program participation**
- **Work assignments**
- **Classification records**

The contents of inmate records are identified and separated according to a format approved by the facility administrator.

05.12 The facility maintains an accurate and current health record for each inmate.

05.13 The facility administrator, in conjunction with the health care provider, establishes procedures to determine access to medical files.

05.14 Records maintained for juveniles detained in the facility are kept separate and secure from records maintained for adult inmates. Upon order of expungement from a court of competent jurisdiction, the facility administrator seals the juvenile records.

05.15 Records shall be kept for the time period according with county and state requirements.

CHAPTER 6

Fire Safety and Emergency Procedures

06.01 The facility's fire prevention regulation and practices ensure the safety of staff, inmates, contractors and visitors. These include, but are not limited to:

- **An adequate fire protection service.**
- **Availability of fire suppression equipment at appropriate locations throughout the facility.**
- **Monthly inspection and testing of fire and safety equipment by a trained safety officer.**

06.01.01 There is an annual inspection by local or state fire official or other qualified Persons.

06.02 Facility furnishings meet fire safety performance requirements.

06.03 Disposal of liquid, solid, and hazardous material complies with applicable government regulations.

06.03.01 Smoking is not allowed in the facility.

06.04 Flammable, toxic, and caustic materials are controlled and used safely.

06.05 The facility maintains documentation by a certified fire prevention code inspector, that the facility complies with federal, state and/or local fire safety codes.

06.06 A plan specifies the procedures to be followed in situations that threaten facility security. Such situations include but are not limited to: riots, hunger strikes, disturbances, escapes, and the taking of hostages. The plan is made available to all applicable personnel, reviewed at least annually, and updated, as needed.

06.06.01 The emergency plan is trained on annually.

06.06.02 An evacuation plan is approved by someone trained in the application of fire safety codes and is reviewed annually, updated if necessary, and re-issued to the local fire jurisdiction.

06.07 There is a means for the immediate release of inmates from locked areas in case of emergency and provisions for a back-up system.

06.07.01 The facility has exits that are properly positioned, are clear from obstruction, and are distinctly marked to ensure the timely evacuation of inmates and staff in the event of fire or other emergency.

06.07.02 All housing areas and places of assembly for fifty (50) or more persons have two exits.

06.08 Essential lighting and life-sustaining functions are maintained inside the facility. Community resources are available in an emergency.

06.09 A plan guides the facility response to emergencies. All facility personnel are trained annually in the implementation of the emergency plan.

06.10 A plan provides for continuing operation in the event of a work stoppage or other job action. Copies of this plan are available to appropriate supervisor personnel.

06.11 Preventive maintenance is guided by a plan that provides emergency repairs or replacement in life-threatening situations.

06.12 Emergency equipment and systems are tested at least quarterly.

06.13 Safety and security equipment is repaired or replaced immediately. Use of padlocks for security locks on cells or inmate housing doors is prohibited.

CHAPTER 7

Security and Control**Inmate Supervision and Management**

07.01 Facility employees observe all inmates at least every thirty (30) minutes on an irregular schedule and the time of all such checks is logged. More frequent checks are made of persons who are violent, suicidal, mentally ill, intoxicated, or who have other special problems or needs warranting closer observation.

07.02 All inmate movement from one area to another is controlled by staff.

07.03 Inmates participating in work programs, except those on temporary release status, have supervision provided in keeping with their custody classification while outside the security perimeter of the facility. Minimum security custody inmates are periodically checked to assure appropriate accountability and security.

07.04 Policy governing supervision of female inmates by male employees and male inmates by female employees is based on equal employment opportunity, working toward a professional cross-gender work force. When a female inmate is housed in a facility, at least one female staff member should be available at all times.

07.05 The facility has a system for physically counting inmates. The system includes strict accountability for inmates assigned to work and educational release, furloughs, and other approved temporary absences. At least one formal count is conducted each shift, with no less than three (3) counts daily.

07.06 The facility has staff posts located in or adjacent to inmate housing areas to permit facility employees to hear and respond promptly to problems or emergency situations.

07.07 Where staff posts are not located in or adjacent to inmate housing areas, an audio electronic surveillance and communication system is available.

07.08 Visual electronic surveillance equipment, where available, is used primarily to monitor hallways, stairwells, points of access through the security perimeter, and common areas. If inmate living areas are visually monitored with electronic equipment, provisions are made to shield shower and toilet areas to protect inmate privacy.

07.08.01 When it is not possible or practical to shield inmates for privacy, any surveillance by an employee of the opposite sex is conducted only for a legitimate reason and only on an infrequent and casual basis or at a distance so as to protect inmate privacy to the maximum extent possible.

07.09 The use of physical force is restricted to instances of justifiable self-defense, protection of others, protection of property, and prevention of escapes, and then only as a last resort and in accordance with appropriate statutory authority. In no event is physical force used as punishment. (45-3-102 M.C.A.)

07.09.01 Restraint devices are never applied as punishment. There are defined circumstances under which supervisory approval is needed prior to application.

07.10 Four/five point restraints (both arms and legs, or both arms, legs, and head secured) are used only in extreme instances and only when other types of restraints have proven ineffective. Advance approval is secured from the facility administrator/designee before an inmate is placed in a four/five point restraint. Subsequently, the health authority or designee must be notified to assess the inmate's medical and mental health condition, and to advise whether, on the basis of serious danger to self or others, the inmate should be in a medical/mental health unit for emergency involuntary treatment with sedation and/or other medical management, as appropriate. If the inmate is not transferred to a medical/mental health unit and is restrained in a four/five point position, the following minimum procedures are followed;

- **Direct visual observation by staff is continuous prior to obtaining approval from the health authority or designee**
- **Subsequent visual observation is made at least every 15 minutes**
- **Restraint procedures are in accordance with guidelines approved by the designated health authority.**

All decisions and actions are documented.

07.10.01 Restraint equipment is used only as a precaution against escape during transfer, for medical reasons under the direction of the facility physician, or as prevention against inmate self-injury, injury to others, or damage to property.

07.10.02 Restraint equipment is applied only for the amount of time absolutely necessary.

07.10.03 The use of restraint equipment, other than for routine use during transfer, is approved by the facility administrator or designee and documented in a report

prepared for review by the facility administrator or designee. Restraint devices are never applied as punishment. There are defined circumstances under which supervisory approval is needed prior to application.

Security

07.11 The facility has a security perimeter to prevent access to the facility by unauthorized personnel.

07.12 All security perimeter entrances, cell block doors, and doors opening into a corridor within the security perimeter are kept secured except when in use. Doors to vacant and unoccupied cells in housing units, and in storage units are secured at all times.

07.13 The facility's security, life safety, and communications systems are monitored continuously from a secure location.

07.14 The facility administrator or designee conducts at least weekly inspections of all living and activity areas as well as other security equipment. The date, time, and results of these inspections are recorded on a checklist or log. The facility administrator promptly corrects any identified problems.

Searches and Contraband Control

07.15 Procedures guide searches of facilities and inmates to control contraband and provide for its disposition.

07.16 Procedures govern the circumstances in which canine units may be used in the facility for security and control.

07.17 An unclothed body search of an arrestee at intake is only to be conducted when there is reasonable belief or suspicion that he/she may be in possession of an item of contraband. The least invasive form of search is conducted.

Reasonable belief may be based on:

- **Current charges or previous convictions for escape, possession of drugs or weapons, or crimes of violence**
- **Current or historical institutional behaviors of contraband possession or refusals to be searched, or**
- **Contact with the public or exposure to public areas**

07.17.01 An unclothed body search of general population inmates is conducted when there is reasonable belief that the inmate may be in possession of an item of contraband or when the inmate leaves the confines of the facility.

07.18 Manual or instrument inspection of body cavities is conducted only when there is reasonable belief that the inmate is concealing contraband and when authorized by the facility administrator or designee. Health care personnel conduct the inspection in private.

07.19 All contraband items found during facility or inmate searches are seized. The seizure and disposition of the contraband is documented,

Preservation of Physical Evidence

07.20 Procedures govern the preservation, control, and disposition of all physical evidence obtained in connection with a violation of law and/or institutional regulation. At a minimum, the procedures address the following:

- Chain of custody
- Evidence handling
- Location and storage requirements
- Manner of disposition

Key Control

07.21 All facility employees are familiar with the locking system of the jail and shall be able to release inmates immediately in the event of a fire or other emergency.

07.22 The use of keys is controlled.

Tool Control

07.23 The use of tools and culinary equipment is controlled. Medical and dental instruments, equipment, and supplies (syringes, needles, and other sharps) are controlled and inventoried.

Control of Firearms, Chemical Agents, Stun Guns and Other Weapons

07.24 Procedures govern the availability, control, and use of firearms, less lethal devices, and related security devices, and specify the level of authority required for their access and use. Chemical agents and electrical disablers are used only with the authorization of the facility administrator or designee.

07.24.01 Weapons storage is restricted to authorized persons and inaccessible to unauthorized persons.

07.22.02 The facility maintains a written record of routine and emergency distribution of security equipment.

07.24.03 Firearms, chemical agents, and related security equipment are inventoried at least monthly to determine their condition and expiration dates.

07.24.04 Facility employees use only those firearms or other security equipment issued through or approved by the facility administrator and only when authorized by the facility administrator. Facility employees use only those weapons for which they have received training and are qualified to use.

07.24.05 The facility provides a weapons locker or similar arrangement at security perimeter entrances for the temporary storage of weapons belonging to law enforcement officers who must enter the facility.

07.25 Written reports are submitted to the facility administrator or designee no later than the conclusion of the tour of duty (unless delay is authorized by the supervisor) when any of the following occur:

- Discharge of a firearm or other weapon
- Use of less lethal devices to control inmates
- Use of force to control inmates
- Inmate remaining in restraints at the end of shift
- Routine and emergency distribution of security equipment

07.26 The use of firearms complies with the following requirements:

- **Weapons are subjected to stringent safety regulations and inspections**
- **A secure weapons locker is located outside the secure perimeter of the facility**
- **Except in emergency situations, firearms and authorized weapons are permitted only in designated areas to which inmates have no access**
- **Employees supervising inmates outside the facility perimeter follow procedures for the security of weapons**
- **Employees are instructed to use deadly force only after other actions have been tried and found ineffective, unless the employee believes that a person's life is immediately threatened**
- **Employees on duty use only firearms or other security equipment that have been approved by the facility administrator**
- **Appropriate equipment is provided to facilitate safe unloading and loading of firearms**

CHAPTER 8

Special Management Inmates

08.01 The facility has written policy and procedure to govern the management of inmates housed in administrative segregation, protective custody, and disciplinary detention.

08.02 The facility administrator or designee can order immediate segregation when it is necessary to protect the inmate or others. The action is reviewed within seventy two hours (72) (excluding holidays) by the appropriate authority. (Segregation means administrative segregation, protective custody, and disciplinary detention.)

08.03 Disciplinary Detention – An inmate is placed in disciplinary detention for a rule violation only after a hearing. There is a sanctioning schedule for rule violations. The maximum sanction for rule violations is no more than sixty (60) days for all violations arising out of one incident. Continuous confinement for more than 30 days requires the review and approval of the facility administrator.

08.04 Observation Frequency – All special management inmates are personally observed by a correctional officer at least every thirty (30) minutes on an irregular schedule. Inmates who are violent or mentally disordered or who demonstrate unusual or bizarre behavior receive more frequent observation; suicidal inmates are under observation until seen by a mental health professional. Subsequent supervision routines are in accordance with that ordered by the mental health professional.

08.05 An inmate is admitted to protective custody status when there is documentation that protective custody is warranted and no reasonable alternatives are available.

08.06 The status of inmates in administrative segregation and protective custody is reviewed every seven days for the first two months and at least every 30 days thereafter.

08.07 There is a review process used to release an inmate from administrative segregation or protective custody.

08.08 Segregation housing units provide living conditions that approximate those of the general inmate population. All exceptions are clearly documented.

Segregation cells/rooms permit the inmates assigned to them to converse with and be observed by staff members.

08.09 Inmates in special management units receive laundry, barbering, and hair care services, and are issued and exchange clothing, bedding, and linen on the same basis as inmates in the general population. They are also provided opportunity to shower and maintain personal hygiene. Exceptions are permitted only when determined to be necessary. Any exception is recorded in the unit log and justified in writing.

08.10 If an inmate uses food or food service equipment in a manner that is hazardous to self, staff, or other inmates, alternative meal service may be provided. Alternative meal services is on an individual basis, is based on health or safety considerations only, meets basic nutritional requirements, and occurs with the written approval of facility administrator or designee and responsible health authority. The substitution does not exceed seven (7) days.

08.11 Segregated inmates have similar access to health care services as is available to other inmates in the facility.

08.11.01 When an inmate is transferred to segregation, with related health conditions, health care personnel are informed immediately and provide assessment and review, as indicated by the protocols established by the health authority.

08.12 Inmates in special management units are offered a minimum of one hour of exercise per day outside their cells, five days per week, unless security or safety considerations dictate otherwise.

08.13 Segregated inmates have access to mail services, legal materials, and reading materials on the same basis as is available to inmates in the general population.

08.14 Inmates in special management units have opportunities for visitation unless there are substantial reasons for withholding such privileges. All denials for visitation are documented. Access to their legal counsel shall not be withheld.

08.15 Inmates in disciplinary detention are allowed limited telephone privileges consisting of telephone calls related specifically to access the judicial process and family emergencies as determined by the facility administrator or designee.

08.16 Inmates in administrative segregation or protective custody have access to programs and services to the same extent as the general population, except where such participation threatens the safety and security of the facility or community.

08.17 Inmates in administrative segregation or protective custody are not deprived of an authorized item or activity, except when necessary to ensure the inmate's safety or the well being of staff and other inmates. When an item or activity is withheld, a written report is made of the action to the facility administrator.

08.18 Staff operating a special management unit maintains a permanent log that contains at a minimum the following information for each inmate admitted to segregation: name, number, housing location, date admitted, type of infraction or reason for admission, tentative release date, and special medical or psychiatric problems or needs.

CHAPTER 9

Food Services

09.01 The facility has written policy and procedure to govern the facility's food services operation in accordance with the following provisions as outlined in 3-ALDF-4C-11, 4C-13 & 4D-01.

09.01.01 Adequate health protection exists for all inmates and staff in the facility, and for inmates and other persons working in food service, in accordance with Administrative Rules of Montana Title 37, Chapter 110, including the following:

- **When an outside agency or individual provides the facility's food services, the facility has written verification that the outside provider complies with the state and local regulations regarding food service**
- **Inmates and other persons working in food service are monitored each day by the food service supervisor or designee for health and cleanliness.**

09.01.02 Written policy, procedure, and practice require weekly inspections of all food service areas, including dining and food preparation areas and equipment, by administrative, medical, or dietary personnel; these may include the person supervising food service operations or the designee. Refrigerator and water temperatures are checked daily.

Menu Planning and Dietary Requirements

09.02 A person who is experienced in food service management supervises food service operations.

09.03 The facility's dietary allowances are reviewed at least annually by a qualified nutritionist or dietician to ensure that they meet the nationally recommended dietary allowances for basic nutrition for appropriate age groups. Menu evaluations are conducted at least quarterly by food service supervisory staff to verify adherence to the established basic daily servings.

09.04 Food service staff plans menus and substantially follows the plan. The planning and preparation of all meals takes into consideration food flavor, texture, temperature, appearance, and palatability. Menu substitutions are recorded.

09.05 Therapeutic diets prescribed by a medical provider shall be followed according to the provider's written instructions or the written instructions of a local dietician.

09.06 Special diets are provided for inmates whose religious beliefs require the adherence to religious dietary laws when approved by the facility administrator.

09.07 Accurate records are maintained of all meals served.

Menu Preparation and Serving

09.08 Three (3) meals, including at least two (2) hot meals, are provided at regular times during each twenty four (24) hour period, with no more than fourteen (14) hours between the evening meal and breakfast. Variations may be allowed based on weekend and holiday food service demands provided basic nutritional goals are met.

09.09 Food is not withheld from inmates as a disciplinary sanction.

09.10 Meals are prepared, delivered, and served under staff supervision

09.11 The use of culinary equipment, food preparation and eating utensils are controlled.

09.12 The facility has a system to account for all food and supplies in order to prevent pilferage. Yeast, vanilla extract, and similar substances that are often pilfered shall be accessible only to facility employees.

09.13 Food service and related sanitation practices comply with the requirements set forth in the Administrative Rules of Montana Title 37, Chapter 10, Subchapter 2-Rule for: Retail Food Establishments.

09.13.01 The facility administrator solicits at least annual sanitation inspections by the local health officer, registered sanitarian or sanitarian-in-training employed or contracted with the local board of health. The results of the inspections are documented and the facility administrator takes prompt action to correct any identified problems.

09.13.02 A daily inspection of all food service areas and equipment is conducted by the facility administrator, food service personnel, or other facility employee who is familiar with food service sanitation requirements and practices.

Food Service Storage

09.14 Stored shelf goods are maintained at 45 degrees to 80 degrees Fahrenheit, refrigerated foods and frozen foods in accordance with Montana ARM 37.110.206. Temperatures are checked and recorded daily.

Food Service Facilities

09.15 The food preparation area includes space and equipment for food preparation based on population size, type of food preparation, and methods of meal service. There are sanitary, temperature-controlled areas for food storage.

CHAPTER 10

Sanitation and Hygiene

Facility Sanitation and Maintenance

10.01 Vermin and pests are controlled.

10.02 The facility is clean and in good repair.

10.03 The facility's potable water source and supply, whether owned and operated by the public water department or the facility, is certified at least annually by an independent, outside source to be in compliance with jurisdictional laws and regulations.

Inmate Personal Hygiene

10.04 Sufficient shower facilities with adequate supplies of hot and cold water shall be available in inmate living areas to permit inmates to shower or bathe daily.

10.05 Hair care services are available to inmates.

10.06 Articles necessary for maintaining proper personal hygiene are available to all inmates.

10.07 Toilet paper shall be available at all times in inmate toilet areas.

10.08 Inmates are issued suitable, clean bedding and linens. There is provision for linen exchange, including towels, at least weekly.

10.09 Inmate clothing shall be properly fitted, climatically suitable, durable, and presentable, laundered or exchanged at least weekly.

10.10 Blankets in use are laundered or exchanged at least monthly, or before reissue to another inmate.

10.11 The facility inventory of clothing, bedding, linen, and towels exceeds the maximum inmate population to ensure that a reserve is always available.

10.12 Inmates are accountable for clothing and bedding assigned to them.

CHAPTER 11
Health Care Services

Health Care Authority

11.01 The facility has access to a physician or other health authority such as a hospital or clinic to provide health care services. If the health authority is other than a physician, final clinical judgments rest with a single designated responsible physician licensed in the state of Montana. The health authority is authorized and responsible for making decisions about the deployment of health resources and the day-to-day operations of the health services program.

11.02 Except for regulations necessary to ensure the safety and order of the facility, clinical decisions are the sole province of the responsible clinician and are not countermanded by non-clinicians

11.03 The facility administrator meets at least quarterly with the facility health authority to evaluate and review health care services.

11.04 The facility has written policies and procedures, approved by the medical authority, to govern the delivery of medical, dental, and mental health services. An indigent inmate's access to health care, programs, services, and activities is not precluded by inability to pay. The written policies and procedures shall address, at a minimum, the following:

- a. Receiving screening
- b. Collection of health appraisal data
- c. Non-emergency medical services
- d. Emergency medical and dental services
- e. First-aid
- f. Screening, referral, and care of mentally ill, suicide-prone, and disabled inmates
- g. Arrangements for providing chronic and convalescent care
- h. Arrangements for providing close medical supervision of inmates with special medical or psychiatric problems
- i. Delousing procedures
- j. Arrangements for providing detoxification
- k. Handling of pharmaceutical, and

I. Infectious Diseases

Health Care Staffing

11.05 All health care professional staff comply with applicable state and federal licensure certification, or registration requirements. Verification of current credentials is on file at the facility. Health care staff works in accordance with profession-specific job descriptions approved by the health authority. If inmates are, assessed or treated by non-licensed health care personnel, the care is provided pursuant to written standing or direct orders by personnel authorized to give such orders.

11.06 The facility has written job descriptions for all medical personnel which define their respective roles in the facility's health care system.

11.07 All new direct care staff receive a test for tuberculosis prior to job assignment and periodic testing thereafter. All direct care staff are offered the hepatitis B vaccine series.

Health Care Facilities and Equipment

11.08 For health care provided in the facility, the facility medical authority requests the space, equipment, supplies, and materials necessary to provide those services. The facility administrator makes reasonable efforts to comply with such requests.

11.09 The facility administrator with the input from the medical authority determines strategic locations for first-aid kits and specifies their contents. The facility administrator establishes a procedure for the monthly inspection and maintenance of the kits.

Medical Screening and Health Appraisal

11.10 Medical, dental and mental health screening is performed by the receiving officer on all inmates upon admission to the facility. The receiving officer is trained in the use of the screening instrument. The findings are recorded on a printed form approved by the facility medical authority. The medical screening includes, at a minimum, the following:

Inquiry into:

- a. Current or past medical conditions, including dental problems, mental health problems and communicable diseases**

- b. Medication prescribed, in possession of, or currently taking and special health requirements, including psychotropic**
- c. Use of alcohol or drugs, which includes types, methods, date or time of last use, and a history of problems that may have occurred after ceasing use**
- d. Past or present treatment or hospitalization for mental disturbance or suicidal behavior**
- e. Mental illness: - suicidal risk assessment, including suicidal ideation or history of suicidal behavior**
- f. Pregnancy, recent birth or miscarriage**
- g. Dental pain, swelling, or functional impairment**
- h. Cognitive or physical impairment designated by a physician.**

Observation of:

- i. Behavior, including state of consciousness, mental status, appearance, conduct, tremor, or sweating**
- j. Body deformities and other physical abnormalities, ease of movement**
- k. Condition of the skin, including trauma markings, bruises, lesions, jaundice, rashes, infestations, recent tattoos, and needle marks or other indications of injection drug use**
- l. Symptoms of psychosis, depression, anxiety and/or aggression**

Medical disposition of the inmate:

- refusal of admission until inmate is medically cleared**
- cleared for general population**
- cleared for general population with prompt referral to appropriate medical or mental health care services**
- referral to appropriate medical or mental health care service for emergency treatment**
- process for observation for high risk events, such as seizures, detoxification, head wounds, and so forth**

11.11 All intra-system transfer inmates receive a health screening by health-trained or qualified health care personnel, which commences on their arrival at the facility. All findings are recorded on a screening form approved by the health authority. At a minimum, the screening includes the following:

- A review of the inmate's medical, dental, and mental health problems**
- current medications**
- current treatment plan**

11.12 A health appraisal for each inmate is provided within fourteen (14) days of admission, unless a health appraisal has been completed within the previous ninety (90) days. The health appraisal includes the review of the previous receiving screening, a medical history, and physical examination by a qualified health care provider, and an individual treatment plan, which includes, at a minimum, the following:

- a. Review of earlier medical screening information**
- b. Collection of additional data to complete medical, dental, psychiatric, and immunization histories**
- c. Recording of height, weight, pulse, blood pressure and temperature**
- d. Administration of other tests and examinations, as appropriate, and**
- e. Initiation of therapy, as appropriate.**

11.12.01 An individual health record is maintained for all inmates in accordance with policies and procedures established by the health authority and in accordance with applicable state and federal regulations. The method of recording entries in the records, the form and format of the records, and the procedures for their maintenance and safekeeping are approved by the health authority. The health record is made available for, and is used for documentation by all practitioners.

11.13 A suicide-prevention program is approved by the health authority and reviewed by the facility or program administrator. The program must include specific procedures for handling intake, screening, identifying, and continually supervising the suicide-prone inmate. All staff responsible for supervising suicide-prone inmates are trained annually on program expectations.

Non-Emergency Services

11.14 Inmate requests for medical treatment are collected daily. Non-medical facility personnel do not diagnose or treat an illness. Inmate requests for treatment are reviewed by medical personnel to determine appropriate disposition or referred directly to the facility medical authority.

11.15 The medical/mental health authority or other qualified medical personnel conduct sick call at which time inmates may report non-emergency injuries and illnesses, and may receive appropriate treatment or referral. Sick call is should be available to each inmate as needed.

11-16 Inmates with chronic medical conditions, such as diabetes, hypertension, and mental illness receive periodic care by a qualified health care provider in accordance with individual treatment plans that include monitoring of medications and laboratory testing.

11.17 All treatment provided by medical personnel other than physicians and dentists is performed pursuant to standing or direct orders. In lieu of standing orders, physician's assistants and nurse practitioners may practice within the limits of state law, provided such practice is approved by the facility medical authority.

11.18 Inmates suspected of having contagious or infectious diseases are isolated immediately from other inmates and examined by a physician or other qualified medical personnel. In such cases where removal to a hospital is not ordered, the physician's instructions regarding care of the patient and sanitizing of eating utensils, clothing, and bedding are carefully followed.

11.19 Routine and emergency dental care is provided to inmates under the direction and supervision of a licensed dentist. Oral health services include access to diagnostic x-rays, treatment of dental pain, development of individual treatment plans, extraction of non-restorable teeth, and referral to a dental specialist, including an oral surgeon.

11.20 Detoxification from alcohol, opiates, hypnotics, and other stimulants is conducted under medical supervision in accordance with local, state, and federal laws. When performed at the facility, detoxification is prescribed in accordance with clinical protocols approved by the health authority. Specific criteria are established for referring symptomatic inmates suffering from withdrawal or intoxication for more specialized care at a hospital or detoxification center.

11. 21 Informed Consent standards of the jurisdiction are observed and documented for inmate care in a language understood by the inmate. In the case of minors, the informed consent of a parent, guardian, or legal custodian applies when required by law. When health care is rendered against the patient's will, it is in accordance with state and federal laws and regulations. Otherwise, any inmate may refuse, in writing, medical, dental, and mental health care. If the inmate declines to sign the refusal form, it must be signed by at least two witnesses. The form must be sent to medical and reviewed by a qualified health care professional. If there is a concern about decision-making capacity, an evaluation is done, especially if the refusal is for critical or acute care. Continuity of care is required from admission to transfer or discharge from the facility, including referral to community-based providers, when indicated.

Pregnancy, Pre Prenatal and Postpartum Health Care Program

11. 22 If female inmates are housed, access to obstetrical services by a qualified provider, Provisions of pregnancy management include the following:

- **Pregnancy testing**
- **Routine and high risk prenatal care**
- **Management of chemically addicted pregnant inmates**
- **Appropriate nutrition**
- **Postpartum follow up**

Emergency Services

11.23 Written policy, procedure, and practice govern the use of restraints for medical and psychiatric purposes. At a minimum, the policy will address the following:

- a. Conditions under which restraints may be used**
- b. Types of restraints to be applied for specific purposes**
- c. Identification of person(s) who may authorize the use of restraints**
- d. Monitoring procedures for inmates in restraints**
- e. Documentation of use of restraints**
- f. Length of time restraints are to be applied**
- g. Documentation of efforts for less restrictive treatment alternatives**
- h. An after incident review.**

11.24 Emergency medical and dental care is available at all times. Written plans for emergency services include arrangements for the following:

- a. Emergency transportation of inmates from the facility**
- b. Use of an emergency vehicle**
- c. Use of one or more hospital emergency rooms or other appropriate health care facility**
- d. Emergency on-call physician and dental services when the emergency health care facility is not located nearby, and**
- e. Security procedures that provide the immediate transfer of inmates when appropriate.**

11.25 Emergency medical care, including first aid and basic life support, is provided by all health care professionals and those health-trained correctional staff specifically designated by the facility administrator. All staff responding to medical emergencies are certified in cardiopulmonary resuscitation (CPR) in accordance with the recommendations of the certifying health organization. The health authority approves policies and procedures that ensure that emergency supplies and equipment, including automatic external defibrillators (AEDs), are readily available and in working order.

11.26 Inmates have access to twenty four hour (24) emergency medical, dental, and mental health services, including on-site first aid, basic life support, and transfer to community-based services.

Management of Pharmaceutical

11.27 Pharmaceuticals are managed in accordance with policies and procedures approved by the health authority and in compliance with state and federal laws and regulations. The policies require dispensing and administering prescribed medications by qualified personnel, adequate management of controlled medications, and provision of medications to inmates in special management units.

11.28 Management of pharmaceuticals includes:

- A formalized method for obtaining non-formulary medications**
- Prescription practices, including requirements that medications are prescribed only when clinically indicated as one facet of a program of therapy, and a prescribing provider reevaluates a prescription prior to its renewal**

- **Medication procurement, receipt, distribution, storage, dispensing, administration, and disposal**
- **Secure storage and perpetual inventory of all controlled substances, syringes, and needles**
- **Administration and management in accordance with state and federal law and supervision by properly licensed personnel**
- **Administration of medication by persons properly trained and under the supervision of the health authority and facility or program administrator or designee**
- **Accountability for administering or distributing medications in a timely manner and according to physician orders**

11. 28.01 When inmates have nonprescription medications available outside of health services, the items, and access, are approved jointly by the facility administrator and the health authority. The items and access are reviewed annually by the health authority and administrator.

11.28.02 Involuntary administration of psychotropic medication(s) to inmates complies with applicable laws and regulations of the jurisdiction. When administered, the following conditions must be met.

- Administration is authorized by a physician who specifies the duration of the therapy.
- Less restrictive intervention options have been exercised without success as determined by the responsible physician or psychiatrist.
- Details are specified about why, when, where, and how the medication is to be administered
- The inmate is monitored for adverse reactions and side effects.
- Treatment plans are prepared for least restrictive treatment alternatives as soon as possible.

11.29 Involuntary administration of psychotropic medication(s) to inmates is authorized by a physician and provided in accordance with policies and procedures approved by the health authority, and in accordance with applicable laws and regulations of the jurisdiction.

11.30 The use of inmates in medical, pharmaceutical, or cosmetic experiments is prohibited. This expected practice does not preclude inmate access to investigational medications on a case-by-case basis for therapeutic purposes in accordance with state and federal regulations.

11.31 The facility has a procedure and practice that addresses the management of serious illness and infectious diseases. These are updated as new information becomes available. (Cross reference 11.04 g,h,m)

11.32 When health care is transferred to providers in the community, appropriate information is shared with the new providers in accordance with consent requirements. Prior to release, inmates with serious health conditions are referred to available community services.

11.33 Communicable diseases, such as tuberculosis, human immunodeficiency virus (HIV) infection, viral hepatitis, methicillin-resistant *Staphylococcus aureus* (MRSA) infection, and influenza are managed in accordance with a written plan approved by the health authority in consultation with local public health officials. The plan includes provisions for the screening, surveillance, treatment, containment, and reporting of infectious diseases. Infection control measures include the availability of personal protective equipment for staff and hand hygiene promotion throughout the facility. Procedures for handling bio hazardous waste and decontaminating medical and dental equipment must comply with applicable local, state, and federal regulations.

This policy is reviewed annually and shall include, at a minimum:

- a) when and where inmates are to be tested
- b) appropriate safeguards and universal precautions for staff and inmates
- c) who shall conduct the tests
- d) when and under what conditions inmates are to be separated from the general population
- e) medical referrals required
- f) staff and inmate training procedures
- g) the issues of confidentiality

11.34 Information about an inmate's health status is confidential. Non-medical staff only have access to specific medical information on a "need to know" basis in order to preserve the health and safety of the specific inmate, other inmates, volunteers, visitors, or correctional staff. The active health record is maintained separately from the confinement case record and access is controlled in accordance with state and federal laws. Information provided to staff, volunteers, and visitors addresses only the medical needs of the inmate as it relates to housing, program placement, security, and transport.

11.35 Health care encounters, including medical and mental health interviews, examinations, and procedures, are conducted in a setting that respects the inmates' privacy.

Notification in the Event of Serious Illness, Injury or Death

11.36 Individuals designated by the inmate are notified in case of serious illness, serious injury, or death, unless security reasons dictated otherwise. If possible, permission for notification is obtained from the inmate

11.37 The health authority approves policies and procedures for identifying and evaluating major risk-management events related to inmate health care- including inmate deaths preventable adverse outcomes, and serious medication errors.

RECOMMENDATION: The medical examiner or coroner should be notified of an inmate's death immediately. A postmortem examination should be performed, according to the laws of the jurisdiction.

Infirmary Care

11.38 If infirmary care is provided on-site, it complies with applicable state statues and local licensing requirements. New construction or remodeling for on-site infirmaries meets building standards for jail infirmaries.

Biohazardous Waste

11.39 Management of biohazardous waste and decontamination of medical and dental equipment complies with applicable local, state, and federal regulations.

Mental Health Programs

11.40 Upon intake, and as behavior or circumstances dictate, inmates have access to mental health services as clinically warranted in accordance with protocols established by the health authority that include:

- **Screening for mental health problems on intake as approved by the mental health professional**
- **Crisis intervention and the management of acute psychiatric episodes**
- **Stabilization of the mentally ill and the prevention of psychiatric deterioration in the correctional setting**
- **Obtaining and documenting informed consent.**
- **Referral and admission to inpatient facilities**

11.41 Mental health services are approved by the appropriate mental health authority

11.42 All inmates receive an initial mental health screening at the time of the admission to the facility by mental health trained staff. The mental health screening includes, but is not limited to:

- Inquiry into whether the inmate
 - Has a present suicide ideation
 - Has a history of suicidal behavior
 - Is presently prescribed psychotropic medication
 - Has a current mental health complaint
 - Is being treated for mental health problems
 - Has a history of inpatient and outpatient psychiatric treatment
 - Has a history of treatment for substance abuse
- Observation of
 - General appearance and behavior
 - Evidence of abuse and/or trauma
- Disposition of inmate
 - Cleared for population
 - Cleared for population with appropriate referral to mental health care service
 - Referral to appropriate mental health care service for emergency treatment

11.42.01 Inmates who are known to have experienced a critical incident, a crisis intervention action or who's behavior suggest a negative change in their behavior or activities, should have a mental health screening repeated and/or referred to appropriate mental health care service for emergency treatment.

11.43 Health education and wellness information is available to inmates.

11.44 Guidelines govern elective procedures or surgery for inmates. They must include decision-making processes for elective surgery needed to correct a substantial functional deficit or if an existing pathological process threatens the well-being of the inmate over a period of time.

CHAPTER 12

Inmate Rights

12.01 The facility safeguards the basic rights of inmates through the employment of written policies and procedures that are consistent with fundamental legal principles, sound correctional practice, and humane treatment. The practice prohibits discrimination based on an inmate's race, religion, national origin, gender, disability, or political views in making administrative decisions and in providing access to programs. The facility's written policies and procedures shall provide for the following:

- a. Inmate access to counsel is ensured. Inmates are assisted in making confidential contact with attorneys and their authorized representatives. Such contact includes, but is not limited to, telephone communications, uncensored correspondence, and visits.**
- b. Inmate access to courts is ensured.**
- c. New inmates are allowed the opportunity to complete at least one telephone call after the admissions process and are assisted, as needed, to notify persons of their admission to custody.**
- d. Foreign nationals have access to the diplomatic representative of their country of citizenship.**
- e. Inmates have access to basic medical and dental care. Access to health care, programs, services, and activities is not precluded by inability to pay.**
- f. When both males and females are housed in the same facility, all available services and programs are comparable.**
- g. Discrimination on the basis of disability is prohibited in the provision of services, programs, and activities.**
- h. Appropriately trained individuals are assigned to assist disabled inmates who cannot otherwise perform basic life functions.**
- i. Inmates with disabilities are provided with the education, equipment, and facilities, and the support necessary to perform self-care and personal hygiene in a reasonably private environment.**
- j. Inmates may practice their religion, subject to the limitations necessary to maintain facility security and order.**
- k. Inmates may receive visits and communicate and correspond with persons, representatives of the media or organizations, subject to the limitations necessary to maintain facility security and order.**
- l. Inmates are free from personal abuse, corporal punishment, personal injury, property damage, and harassment.**
- m. Inmates are free from unreasonable search and seizure.**

n. There is no discrimination regarding administrative decisions or program access based on an inmate's race, religion, national origin, gender, sexual orientation, or disability.

o. Inmates with disabilities, including temporary disabilities, are housed in a manner that provides for their safety and security. Housing used by inmates with disabilities, including temporary disabilities, is designed for their use and provides for integration with other inmates. Program and service areas are accessible to inmates with disabilities who reside in the facility.

12.02 An inmate grievance procedure is made available to all inmates and includes at least one level of appeal.

Sexual Assault

12.03 An investigation is conducted and documented whenever a sexual assault or threat is reported.

12.04 Sexual conduct between staff and detainees, volunteers, or contract personnel and detainees, regardless of consensual status, is prohibited and subject to administrative and criminal disciplinary sanctions.

12.05 Victims of sexual assault are referred under appropriate security provisions to a community facility for treatment and gathering of evidence. If these procedures are performed in-house, the following guidelines are used.

- A history is taken by health care professionals who conduct an examination to document the extent of physical injury and to determine if referral to another medical facility is indicated. With the victim's consent, the examination includes collection of evidence from the victim, using a kit approved by the appropriate authority.
- Provision is made for testing for sexually transmitted diseases (HIV, gonorrhea, hepatitis, and other diseases) and counseling, as appropriate.
- Prophylactic treatment and follow-up for sexually transmitted disease are offered to all victims as appropriate.
- Following the physical examination, there is availability of an evaluation by a mental health to assess the need for crisis intervention counseling and long term follow-up.
- A report is made to the facility administrator or designee to assure separation of victim from his or her assailant.

12.06 Inmates who are victims of sexual abuse have the option to report the incident to a designated staff member other than an immediate point-of-contact line officer.

12.07 All case records associated with claims of sexual abuse, including incident reports, investigative reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling are retained in accordance with a regular schedule.

CHAPTER 13

Inmate Rules and Discipline

13.01 The facility has written policy and procedure for maintaining discipline and regulating inmate conduct. The following general principle shall apply:

- a. Disciplinary action is of a nature to regulate the inmate's behavior within acceptable limits and is taken at such times and in such degrees as necessary to accomplish this objective**
- b. The behavior of inmates is controlled in an impartial and consistent manner**
- c. Disciplinary action is not be capricious, retaliatory, or revengeful**
- d. Corporal punishment is prohibited**
- e. Use of mechanical restraints as punishment is prohibited**
- f. Withholding of food or variation of diet as punishment is prohibited**
- g. Inmates are not subject to any situation in which inmates exert influence or impose discipline on each other.**

13.02 Upon admission, each inmate is provided a copy of the inmate rules.

Disciplinary procedures governing inmate rule violations address the following:

- rules of inmate conduct that specify prohibited acts and appropriate sanctions for each prohibited act.
- minor and major violations
- criminal offenses
- disciplinary reports
- pre-hearing actions/investigation
- pre-hearing detention
- placement of an inmate in disciplinary detention for a rule violation only after a hearing.
- maximum sanction for a rule violation is no more than sixty days

13.03 Infractions of the rules for which the maximum penalty is deprivation or limitation of privileges for seven (7) days or less, a warning, verbal reprimand, or counseling is considered minor rule infractions.

13.03.01 There are written guidelines for resolving minor inmate infractions. Serious infractions are handled consistent with the requirements for limited due process.

13.04 Where the possible sanction of violation of a rule is limitation or deprivation of privileges more than seven (7) days, or the placement in disciplinary detention, the violation is treated as a major infraction. Procedures for handling major infractions include:

a. Facility employees alleging a major rule violation prepare a disciplinary report and forward it to the designated disciplinary officer or committee without delay. The report includes, at a minimum:

- (i) A description of the incident**
- (ii) Specific rule violated**
- (iii) Unusual inmate behavior**
- (iv) Staff or inmate witnesses**
- (v) Disposition of any physical evidence**
- (vi) Any immediate action taken, including use of force and pre-hearing detention, and**
- (vii) Reporting staff member's signature with date and time report is made.**

b. An investigation of the reported major rule infraction is started within twenty four (24) hours of the time the alleged violation was reported, unless there are exceptional circumstances to justify a delay.

c. An inmate charged with a rule violation receives a written statement of the charge(s), including a description of the incident and specific rules violated. The inmate is given the statement at the same time the disciplinary report is filed with the disciplinary committee but no less than 24 hours prior to the disciplinary hearing. The hearing may be held in less than 24 hours only with the inmate's written consent.

d. A hearing on the reported major infraction is held as soon as practicable but no later than (7) seven days, excluding weekends and holidays, after the alleged violation. The officer or committee is not directly involved in the incident. Hearing procedures include the following provisions:

- (i) Inmates charged with rule violations are present at the hearing, unless they waive that right in writing or through their behavior. Inmates may be excluded during testimony. Any inmate's absence or exclusion is documented.**
- (ii) The inmate may request the services of a facility employee to represent him/her at the hearing.**

(iii) The inmate may make a statement and present documentary evidence at the hearing and can request witnesses on their behalf, the reasons for denying such a request are stated in writing.

(iv) The disciplinary officer or committee renders a decision based on the preponderance of evidence presented and prepare a written record of the decision and any sanctions imposed

(v) A copy of the decision and the sanctions imposed is provided to the inmate.

13.05 The inmate has the right to appeal a decision on a disciplinary action to the Sheriff or Facility Administrator who shall consider the following:

- a. If there was substantial compliance with facility policy and procedures on inmate discipline
- b. If the decision was based on a preponderance of evidence, and
- c. If the sanction imposed was proportionate to the infraction.
- d. The facility administrator or designee reviews all disciplinary hearings and dispositions to assure conformity with policy and regulations
- e. Inmates may appeal decisions of the disciplinary hearing officer to the administrator or independent authority. The administrator or independent authority affirms or reverses the decision of the disciplinary hearing officer within 15 days of the appeal.

13.06 If an inmate is found not guilty of an alleged infraction, all reference to the incident is removed from the inmate's file.

13.07 There is a provision for a pre-hearing detention of inmates who are charged with a rule violation. The facility administrator or designee reviews the inmate's pre-hearing status within 72 hours, including weekends and holidays.

13.08 When an inmate allegedly commits an act that violates federal, state, or local criminal law, the case is promptly referred to the appropriate authority for possible prosecution.

CHAPTER 14

Communication, Mail, and Visiting**Mail****14.01 The facility has written policy and procedure to govern inmate mail.**

14.02 When the inmate bears the mailing cost, there is no limit on the volume of letters he/she can send out or on the length, language, content, or source of mail or publications, except when there is reasonable belief that limitation is necessary to protect public safety or maintain facility order and security.

14.03 Inmate mail, both incoming and outgoing, may be opened to intercept cash, checks, and money orders and inspected for contraband. Mail is read, censored, or rejected based on legitimate facility interests of order and security. Inmates are notified in writing when incoming or outgoing letters are withheld in part or in full.

14.04 Inmates are permitted to send sealed letters to a specified class of persons and organizations, including but not limited to the following: courts, counsel, officials of the confining authority, state and local chief executive officers, administrators of grievance systems, and members of the paroling authority. Staff, in the presence of the inmate, may be allowed to inspect outgoing privileged mail for contraband before it is sealed. Mail to inmates from this specified class of persons and organizations may be opened only to inspect for contraband and only in the presence of the inmate, unless waived in writing, or in circumstances which may indicate contamination.

14.05 Indigent inmates receive a specified postage allowance to maintain community ties, and necessary postage for privileged correspondence.

14.06 Excluding weekends and holidays or emergency situations, incoming and outgoing letters are held for no more than 24 hours and packages are held for no more than 48 hours.

Telephone

14.07 The facility has written policy and procedure which provides for inmate access to telephone services.

14.08 All inmates, except those restricted as a result of disciplinary action, are provided the opportunity to complete telephone calls to maintain family and community ties.

14.08.01 At least ten (10) minutes are allotted for each telephone call.

14.08.02 If calls are monitored, inmates are notified.

14.08.03 The facility may require that any costs for telephone calls be borne by the inmate or the party called.

14.08.04 Inmates with hearing and/or speech disabilities, and inmates who wish to communicate with parties who have such disabilities, are afforded access to a Telecommunications Device for the Deaf (TDD) or comparable equipment. Telephones with volume control are also made available to inmates with a hearing impairment.

14.09 Inmates are allowed to make a reasonable number of telephone calls to their attorneys.

14.09.01 Calls to attorneys are of reasonable duration.

14.09.02 Calls to attorneys are not monitored.

14.09.03 Calls to attorneys are not revoked as a disciplinary measure.

Visitation

14.10 The facility shall have written policy and procedure to govern visiting.

14.11 The number of visitors an inmate may receive and the length of visits are limited only by the facility's schedule, space, and personnel constraints or when there are substantial reasons to justify such limitations. Conditions under which visits may be denied are defined in writing.

14.12 The circumstances under which visitors are searched are described in writing.

14.13 Visitors identify themselves and register on entry into the facility.

14.14 The facility administrator may make special arrangements for persons to visit an inmate when such visits cannot reasonably coincide with regular visiting hours.

14.15 A secure and suitable area is provided for inmates and visitors to converse at normal voice levels.

14.16 Facility employees may monitor visitor's conversations when proper notice is given and may observe visitation as necessary to maintain appropriate levels of security.

14.17 The facility provides inmates adequate opportunities to meet with attorneys and clergy.

14.17.01 Attorneys and clergy may visit inmates at reasonable hours other than during regularly scheduled visiting hours.

14.17.02 Visits with attorneys and clergy are not monitored, except that facility employees may visually observe the visitation as necessary to maintain appropriate levels of security.

14.17.03 Visits with attorneys or clergy may be contact visits unless otherwise indicated by the inmate or visitor, or the facility administrator determines there is a substantial security justification to restrict the visit to a non-contact type. When a contact visit is not allowed, the senior officer on duty documents the reasons for the restriction.

14.17.04 Attorneys and clergy may be subject to search prior to a contact visit.

CHAPTER 15

Admission and Release**Admission**

15.01 The facility has written policy and procedure to govern records on admission, processing and orientation of new inmates and release of inmates from the facility.

15-02 Prior to accepting custody of an inmate, staff determine that the inmate is legally committed to the facility, and that the inmate is not in need of immediate medical attention.

15.03 The admitting officer conducts a complete and thorough search of the inmate being admitted. Written policies and procedures regarding searches upon admission are consistent with the following provisions:

15.03.01 All searches are the least intrusive type necessary to satisfy the safety and security needs of the facility.

15.03.02 The pat search is considered the initial method of searching inmates upon admission.

15.03.03 An unclothed body search of a new admission at intake is only to be conducted when there is reasonable belief or suspicion that he/she may be in possession of an item of contraband. The least invasive form of search is conducted. Reasonable belief may be based on:

- Current charges or previous convictions for escape, possession of drugs or weapons, or crimes of violence.
- Current or historical institutional behaviors of contraband possession or refusals to be searched or
- Contact with the public or exposure to public areas
- On the recommendation of the arresting officer

15.03.04 Manual or instrument inspection of body cavities is conducted only when there is reasonable belief that the inmate is concealing contraband and when authorized by the facility administrator or designee. Health care personnel conduct the inspection in private.

15.03.05 A written record is made of any unclothed body search or body cavity search of an inmate conducted during admission. Such record shall include:

- a. The name of the inmate being searched

- b. Name of the facility employee or medical person conducting the search and other persons present during the search**
- c. Time, date, and place of the search**
- d. Statement of the results of the search along with any unauthorized items or health conditions discovered**
- e. Statement of the facts which led facility employees to believe there was reasonable suspicion or probable cause to conduct the search**

15.04 An intake form must be completed on every new inmate which includes, at a minimum, the following:

- a. Time and date of admission
- b. Name, alias, nicknames
- c. Official charge(s) and bond(s)
- d. Agency/authority ordering arrest or commitment
- e. Signature and title of arresting officer and admitting officer
- f. Date of birth and age
- g. Race
- h. Sex
- i. Physical description
- j. Current or last known address and telephone number
- k. Occupation and employer
- l. Emergency contact
- m. Social security number, and
- n. Driver's license number and state
- o. Medical screening and health appraisal form

15.05 Admission processes for a newly admitted inmate include, but are not limited to:

- **Recording basic personal data and information to be used for mail and visiting list**
- **Criminal history check**
- **Photographing and fingerprinting, including notations of identifying marks or other unusual physical characteristics**
- **Assignment of registered number to the inmate**
- **Medical, dental, and mental health screening**
- **Screening to detect signs of drug/alcohol abuse**
- **Suicide screening**

- **Inventory of personal property including itemized receipt and secure storage for property.**
- **Initial classification assessment screening based on any special circumstances (PREA), medical needs, past institutional and/or criminal history.**

15.06 Inmates detained are allowed reasonable opportunity to communicate with their family, bail bondsman, and attorney upon completion of admission.

15.07 Personal property released to a third party must have the inmate's signature of approval and the signature receipt of the third party.

15.08 Prior to placement in general population, the inmate is given the opportunity to shower and is issued clean, laundered clothing.

15.09 Newly admitted inmates are provided clothing and standard issue of bedding as provided in Chapter 10.08. Newly admitted inmates are provided hygiene items as specified in Chapter 10.06 upon request.

15.10 Where the physical plant permits, newly admitted inmates are assigned to initial housing according to the facility classification plan.

15.11 Information is provided to inmates clearly in written and/or verbal form about sexual abuse/assault including:

- Prevention/intervention
- Self-protection
- Reporting sexual abuse/assault
- Treatment and counseling

15.12 Each inmate is provided written information about the facility regulations governing inmate treatment and conduct, listing of health services available, methods of seeking information or assistance, procedure for making complaints or filing grievances, emergency procedures, co-pay charges, and any other information necessary to enable the inmate to adapt to the routine of the jail.

15.12.01 The written information includes a copy of inmate rules and disciplinary process as specified in Chapter 13.02.

15.12.02 Where a literacy, disability, or language barrier prevents the inmate from understanding the orientation materials, assistance is provided.

15.12.03 The inmate is requested to verify that he/she has been made aware of the facility's rules, programs, and services with his/her signature.

15.13 If an inmate's physical condition, mental condition, or behavior prevents the completion of the admissions process, the process may be temporarily delayed until the inmate is capable of being processed in a safe and orderly manner.

15.14 Persons under the age of eighteen (18) are held in an adult facility in accordance with the exceptions as provided in the Montana Youth Court Act.

Release

15.15 Prior to releasing an inmate, the releasing officer positively identifies the inmate to be released, verifies the authority for the release, and verifies that no detainers, holds, or warrants are pending which might prevent release. When the inmate is released to another authority, the identity of the receiving officer is also verified.

15.16 The releasing officer records the time, date, authority for release, and receiving authority, if any, on the facility's release form. The releasing officer signs the completed form.

15.17 Upon release, any property not legally confiscated or retained is compared against the inventory of property taken and returned to the inmate. The inmate and the releasing officer sign a receipt for all property returned.

15.18 The facility has a procedure for handling inmate complaints about property returned.

Victim Notification

15.19 Written policy, procedure, and practice provide that consistent with Montana Law, there is a system for providing notification to the registered victim(s) of a crime prior to any release from confinement of the convicted inmate and/or escape from custody. Follow-up notification to victim(s) occurs when escapees are returned to custody. (Refer to 44-2-601 M.C.A. & 46-24-203 M.C.A.)

CHAPTER 16

Classification

16.01 A formal classification process starts at admission, for managing and separating inmates, and administering the facility based upon the agency mission, classification goals, and inmate custody and program needs. The process uses verifiable and documented data about the inmates. The classification system is used to separate inmates into groups that reduce the probability of assault and disruptive behavior. At a minimum, the classification system evaluates the following:

- Mental and emotional stability
- Escape history
- History of assaultive behavior
- Medical status
- Age
- Need to keep separate
- Gender

16.02 The inmate classification process ensures periodic review of inmate status, and revision of inmate status as needed in response to changes in inmate behavior or circumstances. There is a process for appeal of classification decisions.

16.03 Inmate management and housing assignments are based on age, gender, legal status, custody needs, special problems/needs, and behavior. Male and female inmates are housed in separate rooms/cells.

16.03.01 Inmates shall not be subjected to discrimination in classification decisions on the basis of race, color, creed, national origin, sex (except required housing separation), or economic status.

16.04 If juvenile offenders are housed in the facility, they are housed in an area physically separated from adults. They have no more than incidental sight or sound contact with adult inmates from outside the unit in living, program, dining, or other common areas of the facility. Any other sight or sound contact is minimized, brief, and in conformance with applicable legal requirements.

CHAPTER 17

Inmate Services and Programs

17.01 Inmate programs and services are available and include, but are not limited to, social services, religious services, recreation, and leisure time activities.

17.02 The plan for inmate programs and services provides for identification and use of available community resources.

17.03 Inmates have the right to refuse to participate in facility programs, except work assignments, and programs required by statute or court order.

Counseling

17.04 The facility provides or makes available through arrangements with community agencies, a range of counseling services appropriate to the needs of inmates.

Education

17.05 Where an education program exists, written policy, procedure, and practice provide for an education and/or vocational program that is consistent with the needs of the inmate population.

Religion

17.06 Inmates have the opportunity to participate in practices of their religion of choice and shall have access to clergy, publications, and religious symbols, subject to community limitation and those limitations necessary to maintain facility security and order.

17.07 The facility administrator designates a staff member, contractor, or volunteer to coordinate religious activities for inmates

- Reference RLUIPA pg.93

Exercise and Recreational Activities

17.08 Inmates have access to exercise opportunities including at least one hour daily of physical exercise outside the cell, when available. Inmates have opportunities to participate in leisure-time activities outside their respective cell or room on a daily basis.

Library Services

17.09 Library services are available to all inmates. A qualified staff member coordinates and supervises library services.

17.10 Written policy, procedure, and practice provide that inmates have reasonable access to legal materials if there is not adequate free legal assistance to help them with criminal legal matters.

17.11 Inmates have reasonable access to paper and other supplies and services related to legal matters.

Work Programs

17.12 The facility has an inmate work assignment plan that provides for inmate labor, subject to the number of work opportunities available, and the maintenance of the facility security. The plan includes the provision for disabled inmates to work. There are a variety of work assignments that afford inmates the opportunity to develop good work habits and attitudes that can be applied to jobs after their release. Inmate working conditions comply with all applicable federal, state, or local work safety laws and regulations.

17.12.01 Transportation of inmates outside the facility, and security of facility vehicles are governed by policy and procedure. Staff involved with transportation of inmates are informed of all policies and procedures. Annual safety inspection are conducted on all vehicles used by the facility. Repairs are completed immediately, vehicles are not used until repairs are completed.

17.13 In addition to facility housekeeping and maintenance, the facility may require sentenced inmates to work in public works-related projects as provided in Montana Code.

17.14 Pretrial and un-sentenced inmates are not required to work except to do personal housekeeping and to clean their housing area. Inmates are allowed to volunteer for work assignments.

Commissary

17.15 Where Commissary programs exist, an inmate can purchase approved items that are not furnished by the facility. The commissary's canteen's operations are strictly controlled using standard accounting procedures.

17.16 Excess revenues derived from the operation of the commissary or canteen are used for the benefit of inmates.

17.17 Indigent inmates are provided, without charge, those items specifically authorized by facility policy and procedure.

CHAPTER 18

Physical Plant

18.01 The facility has a rated capacity established in accordance with these Standards. Except in emergencies, the total number of inmates in each cell or housing unit shall not exceed its rated capacity. The number of inmates which may be housed in a particular cell or room, housing unit, or facility shall be based upon available square footage, sanitary fixtures, and other physical plant features as specified in these Standards.

All Standards in this section shall apply to all facilities opened prior to June 1, 1994.

18.02 The facility conforms to applicable federal, state, and local building codes

(new construction or remodel only)

18.02.01 Inmates may be housed in cells which provide less than seventy (70) square feet of floor space in single occupancy cells and forty five (45) square feet of floor space per inmate in multiple occupancy cells under the following conditions: (Recommended)

- a. Single occupancy cells provide at least thirty five (35) square feet of unencumbered floor space. At least seventy (70) square feet of total floor space is provided when the occupant is confined for more than ten hours per day.
- b. Multiple occupancy cells provide at least thirty five (35) square feet of unencumbered floor space per inmate.
- c. Inmates are locked in their cells no longer than ten (10) hours per day, and
- d. Inmates have access to a dayroom at other times which provides the additional space necessary to offer inmates access to a total of one hundred (100) square feet of living space in combined cell and dayroom;

or,

Inmates have access to a dayroom at other times which provides inmates access to at least thirty-five (35) square feet per inmate and inmates are permitted to participate in out-of-housing-unit activities (exercise, library, education, work programs, visitation, etc.) at least two (2) hours per day, five (5) days per week. The facility shall maintain documentation of actual participation in out-of-housing-unit activities. (Note: If this option is selected, facilities may need to schedule more time for inmate programs and services than is minimally required by the Standards).

18.02.02 Inmates may be housed in dormitories which provide less than seventy (70) square feet of floor space per inmate under the following conditions:

- a. Dormitories provide at least fifty (50) square feet of floor space per inmate; and**
- b. Inmates are permitted to participate in out-of-housing-unit activities (exercise, library, education, work programs, visitation, etc.) at least eight (8) hours per day, five (5) days per week. (Note: It is anticipated that dormitories are used primarily to house inmates on work release, work detail, or trustee status.)**
- c. Sleeping partitions are required if more than four (4) people are sleeping in one area.**

18.03 The facility conforms to applicable federal, state, and/or local fire safety codes. The authority having jurisdiction documents compliance. A fire alarm and automatic detection system are required, as approved by the authority having jurisdiction, or there is a plan for addressing these or other deficiencies within a reasonable time period. The authority approves any variances, exceptions, or equivalencies and these must not constitute a serious life-safety threat to the occupants of the facility.

General Conditions

18.04 Inmates have access to toilets, and washbasins with temperature controlled hot and cold running water 24 hours per day and are able to use toilet facilities without staff assistance when they are confined in their cells/sleeping areas. Toilets are provided at a minimum ration of one for every 12 inmates in male facilities and one for every eight inmates in female facilities and one washbasin for every 12 inmates unless national or state building or health codes specify a different ratio. Urinals may be substituted for up to one-half of the toilets in male facilities. All housing units with three or more inmates have a minimum of two toilets.

18.05 Reasonable accommodation is made to ensure that all parts of the facility that are accessible to the public are accessible and usable by staff and visitors with disabilities.

18.06 A ventilation system supplies at least fifteen (15) cubic feet per minute of circulated air per occupant, with a minimum of five (5) cubic feet per minute of outside air. Toilet rooms and cells with toilets have no less than four air changes per hour unless state or local codes require a different number of air changes. Air quantities are documented by a qualified independent source and are checked not less than once per accreditation cycle. Temperatures are mechanically raised or lowered to acceptable comfort levels.

CHAPTER 19

Physical Plant For New Construction and Renovation

(Renovation, Additions, New Constructions only)

New Construction and Renovation

19.01 The facility conforms to applicable federal, state, and local building codes

19.02 The facility conforms to applicable federal, state, and/or local fire safety codes. The authority having jurisdiction documents compliance. A fire alarm and automatic detection system are required, as approved by the authority having jurisdiction, or there is a plan for addressing these or other deficiencies within a reasonable time period. The authority approves any variances, exceptions, or equivalencies and these must not constitute a serious life-safety threat to the occupants of the facility.

General Conditions

19.03 Light levels in inmate cells/rooms are at least 20 foot-candles in personal grooming areas and at the writing surface. Lighting throughout the facility is sufficient for the tasks performed.

19.04 All inmate rooms/cells provide the occupants with access to natural light (existing, renovation, addition only).

19.05 Inmates in the general population who are confined in their rooms/cells for 10 or more hours daily have access to natural light by means of an opening or window of at least three square feet. Inmates in the general population who are confined in their rooms/cells for less than 10 hours daily have access to natural light through an opening or window as described above or through an opening or window of at least three square feet between their room/cell and an adjacent space (new construction only).

19.06 Noise levels in inmate housing units do not exceed 70 dBA (A Scale) in daytime and 45 dBA (A Scale) at night. Measurements are documented by a qualified, independent source and are checked not less than once per three years.

19.07 Temperature and humidity are mechanically raised or lowered to comfortable levels.

19.08 A ventilation system supplies at least 15 cubic feet per minutes of circulated air per occupant with a minimum of five cubic feet per minute of outside air. Toilet rooms and cells with toilets have no less than four air changes per hour unless state or local codes require a different number of air changes. Air quantities are documented by a qualified independent source and are checked not less than once every three years.

19.09 The facility perimeter ensures inmates remain within the perimeter and that access by the general public is denied without proper authorization. Pedestrians and vehicles enter and leave at designated points in the perimeter. Safety vestibules and sallyports constitute the only breaches in the perimeter.

19.10 Essential lighting and life-sustaining functions are maintained inside the facility and with the community in an emergency

Inmate Housing Areas

19.11 The facility supports separation according to existing laws and regulation and/or according to the facility's classification plan (addition, new construction).

19.12 Single cells provide at least 35 square feet of unencumbered space. At least 70 square feet of total floor space is provided when the occupant is confined for more than 10 hours per day.

19.13 Each inmate confined in a cell/room is provided with the following:

- A sleeping surface and mattress that allows the inmate to be at least 12 inches off the floor
- Access to a writing surface and proximate area to sit
- A place to store personal clothes and belongings
-

19.14 Multiple-occupancy rooms/cells house between two and 64 occupants and provide 25 square feet of unencumbered space per occupant. When confinement exceeds 10 hours per day, at least 35 square feet of unencumbered space is provided for each occupant.

19.15 Each dayroom provides a minimum of 12 square feet of transparent glazing with a view to the outside, plus two additional square feet of glazing per inmate whose room/cell does not contain an opening or window with a view to the outside

19.16 Dayrooms with space for varied inmate activities are situated immediately adjacent to inmate sleeping areas. Dayrooms provide a minimum of 35 square feet of space per inmate (exclusive of lavatories, showers, and toilets) for the maximum number of inmates who use the dayroom at one time. No dayroom encompasses less than 100 square feet of space, exclusive of lavatories, showers, and toilets.

19.17 Dayrooms provide sufficient seating and writing surfaces. Dayroom furnishings are consistent with the custody level of the inmates who are assigned.

19.18 Single cells provide at least 35 square feet of unencumbered space. At least 70 square feet of total floor space is provided when the occupant is confined for more than 10 hours per day

19.19 Adequate space is provided for administrative, security, professional, and clerical staff. This space included conference rooms, storage room for records, public lobby, and toilet facilities.

19.20 Both outdoor and covered/enclosed exercise areas for general population inmates are provided in sufficient number to ensure that each inmate is offered at least one hour of access daily. Use of outdoor areas is preferred, but covered/enclosed areas must be available for use in inclement weather. Covered/enclosed areas can be designed for multiple uses as long as the design and furnishing do not interfere with scheduled exercise activities.

The minimum space requirements for exercise areas are as follow:

- Outdoor exercise areas in facilities where 100 or more inmates utilize one recreation area – 15 square feet per inmate for the maximum number of inmates expected to use the space at one time, but not less than 1500 feet of unencumbered space
- Outdoor exercise areas in facilities where less than 100 inmates have unlimited access to an individual recreation area – 15 square feet per inmate for the maximum number of inmates expected to use the space at one time, but not less than 750 square feet of unencumbered space
- Covered/enclosed exercise areas in facilities where 100 or more inmates utilize one recreation area have 15 square feet per inmate for the maximum number of inmates expected to use the space at one time, with a minimum ceiling height of 18 feet, but not less than 1000 square feet of unencumbered space.
- Covered/enclosed exercise areas in facilities where less than 100 inmates utilize one recreation area have 15 square feet per inmate for the maximum number of

inmates expected to use the space at one time, with a minimum ceiling height of 18 feet, but not less than 500 square feet of unencumbered space.

19.21 Segregation units have both outdoor and covered/enclosed exercise areas. The minimum space requirements for outdoor and covered/enclosed exercise areas for segregation units are as follow:

- Group yard modules – 15 square feet per inmate expected to use the space at one time, but not less than 500 square feet of unencumbered space
- Individual yard modules – 180 square feet of unencumbered space.

In cases where cover is not provided to mitigate the inclement weather, appropriate weather-related equipment and attire should be made available to the inmates who desire to take advantage of their authorized exercise time.

Operational Support Areas

19.22 Correctional officer posts are located in or immediately adjacent to inmate living areas to permit officers to see or hear and respond promptly to emergency situations.

19.23 Space is provided for a 24-hour secure control center for monitoring and coordinating the facility's security, life-safety, and communications systems. Staff assigned to a control center has access to a toilet and wash basin. There are multiple communication systems between the control center and inmate-occupied areas.

19.24 Physical plant designs facilitate continuous personal contact and interaction between staff and inmates in housing units. All living areas are constructed to facilitate continuous staff observations, excluding electronic surveillance, of cell or detention room fronts and areas such as day rooms and recreation spaces (Renovation, addition, new construction only.)

19.25 Space is provided in the facility to store and issue clothing, bedding, cleaning supplies, and other items required for daily operations.

19.26 Janitorial Closets – Adequate space is provided for janitorial closets accessible to the living and activity areas. The closets are equipped with a sink and cleaning implements.

19.27 Mechanical Equipment – Separate and adequate space is provided for mechanical and electrical equipment.

19.28 Space is provided for the secure storage of less lethal devices, and related security equipment. Access is restricted to authorized persons only, and the storage space is located in an area separate and apart from inmate housing or activity areas.

Detention Standards

Reserved

CHAPTER 20 To CHAPTER 24

Reserved

CHAPTER 25

**Montana Regulatory Agency Requirements
& Authorities for Adult Local Detention Facilities**

The purpose of this section is to provide Sheriffs and Jail Administrators with resource information related to other agencies that have inspection jurisdiction over county jails.

25.01 Building Codes Requirements and Authorities

New construction and remodeling or alteration of existing adult local detention facilities require building code permit applications, review, and approval prior to commencing construction. Compliance with state building codes includes code compliance with standards for building, dangerous building, electrical, elevator, energy, housing, mechanical, and plumbing. There is approximately 51 state certified local government programs which are certified to perform locally one or more building code standard programs. The state Building Codes Bureau provides building code authority coverage for all state areas that have either partial or no local certified government program services.

To find out who is certified and performs building code authority services for your area, please contact: Department of Commerce, Division of Building Codes, 1218 East Sixth Avenue, P0 Box 200517, Helena, Mt. 59620-0517, 444-3933, FAX 444-4240.

25.02 Fire Prevention Code Requirements and Authorities

All adult local detention facilities must comply with state fire prevention codes. There are several larger municipal areas which have been certified by the state to perform fire prevention code inspection services. The majority of state fire prevention code inspection services are performed by State Fire Marshals

To find out who is certified and performs fire prevention code inspection services for your area, please contact: Department of Justice, Fire Prevention and Investigation Bureau, 1310 East Locky, P0 Box 20415, Helena, Mt. 59620-1415, 444-2050, FAX 444-9155.

25.03 Occupational Health and Safety Requirements and Authorities

All adult local detention facilities meet the definition of a public employer and must provide a safe and healthful place to work for detention facility staff and for inmates involved in any on or off-site activities which can be construed as work programs, such as providing labor for food service, laundry, housekeeping, or other similar type operations. Requirements are contained within the provisions of the Montana Safety Act, 50-51, MCA, Administrative Rules of Montana

Title 24, Chapter 30, Subchapter 1, and OSHA regulations CFR. 19.10 and 19.26 that are adopted by reference.

Facility inspections and assistance with complying with occupation health and safety standards are provided through the Department of Labor and Industry, Safety Bureau, P0 Box 1728, Helena, Mt. 59624-1728, 444-6401, FAX 444-4140.

25.04 Public Drinking Water Requirements and Authorities

If an adult local detention facility's drinking water supply system is not provided by a municipal water supply system, is on a private water system, and serves drinking water to 25 or more people 60 or more days in a calendar year, it is regulated as a public drinking water supply system by the Department of Environmental Quality. For more information, please contact:

Department of Environmental Quality, Community Services Bureau, 1520 East Sixth Avenue, P0 Box 200901, Helena, Mt. 59620-0901, 444-4400, FAX 444-4386

25.05 Public Health Requirements and Authorities

All adult local detention facilities must comply with local and state public health requirements. All on-site adult local detention facility food service operations meet the definition of a "food service establishment" as defined by 50-50-102(8)(a), MCA and must meet the requirement of ARM Title 16, Chapter 10, Subchapter 2 - Rule for Food Service Establishments. Contractors that provide food service to adult local detention facilities must meet food purveyor licensure requirements under 50-50, MCA, and should provide proof of current licensure to the detention facility administrator.

Both local and state public health authorities have powers and duties to enforce minimum public health standards including, but not limited to communicable disease control and prevention measures, housing conditions, housekeeping, laundry and linen services, indoor air, drinking water supply and sewage treatment systems, solid waste disposal, and pest and vermin control measures.

There are approximately 40 different local health departments providing environmental public health services and inspection in Montana's 56 counties. To find out who performs public health inspections in your area, please contact: Department of Public Health & Human Services, Food and Consumer Safety Section, Cogswell Building 1400 Broadway, P0 Box 202951, Helena, Mt. 59620-2951, 444-2408, FAX 444-4135

DEFINITIONS

ADMINISTRATION OF MEDICINE

The act of giving a single dose of an identified drug to a patient.

ADMINISTRATIVE SEGREGATION

A form of separation from the general population when the continued presence of the inmate in the general population would pose a serious threat to life, property, self, staff or other inmates, or to the security or orderly running of the institution. (See PROTECTIVE CUSTODY and SEGREGATION)

ADMINISTRATOR

The Sheriff, Facility Administrator, or other duly authorized person who is responsible for the operation of the jail facility.

AFFIRMATIVE ACTION

A concept designed to ensure equal opportunity for all persons regardless of race, religion, age, sex, or ethnic origin. These equal opportunities extend to all personnel programming such as selection, retention, rate of pay, demotion, transfer, layoff, termination, and promotion.

BODY CAVITY SEARCH

Searches which involve the examination and possible intrusion into the rectal or vaginal cavities. Body cavity searches are conducted only by the facility physician or other qualified medical personnel.

BOOKING

Both a law enforcement process and a jail facility procedure. As a police administrative action, it is an official recording of an arrest and the identification of the person, place, time, arresting authority, and reason for the arrest. In the jail facility, it is the procedure for admitting of a person charged with or convicted of an offense, which includes searching, fingerprinting, photographing, medical screening, and collecting personal history data. Booking also includes the inventory and storage of the individual's personal property.

CELL BLOCK

A group or cluster of single and/or multiple occupancy cells immediately adjacent and directly accessible to a dayroom.

CHEMICAL AGENT

An active substance, such as tear gas, used to deter activities which might cause personal injury or property damage.

CLASSIFICATION

A process for determining the needs and requirements of those for whom confinement has been ordered and for assigning them to housing units and programs according to their needs and existing resources.

COMMUNITY RESOURCES

Any individual, public or private organizations or agencies who offer services, facilities, or other functions which can meet the needs of the facility.

CONTRABAND

Any item possessed by inmates or found within the confinement facility which is declared illegal by law or not specifically approved for inmate possession by those charged with the responsibility for administration and operation of the facility.

CONTROL CENTER

Secured space outside the inmate-occupied area to consolidate facility communications, monitor intercoms installed in inmate living areas, monitor internal alarms, or control locks, or doors. Program needs dictate whether the control center is established for jail functions only or is combined with other functions.

CORPORAL PUNISHMENT

Any act of inflicting punishment directly on the body, causing pain or injury.

DAYROOM SPACE

A secure area directly adjacent to an inmate living area to which inmates may be admitted for activities such as showering, exercise, recreation, and dining. Spaces originally designed for circulation, such as corridors, are not dayroom spaces.

DETAINEE

Any person confined in a jail facility, not serving a sentence for a criminal offense.

DETENTION

The confinement of an inmate in a secure area.

DETENTION FACILITY

A confinement facility operated by the county which holds persons who:

- a) who are committed in order to secure their attendance as witnesses in criminal cases
- b) who are charged with crime and are committed for trial
- c) who are committed for contempt, or upon civil process, or by other authority of law, and
- d) who are sentenced to confinement up to one year upon conviction for crime.

DETOXIFICATION CELL

A cell which is used to temporarily hold one or more chemically impaired persons during the detoxification process until they can care for themselves and be moved to general population housing areas, or which is used to detain a person whose behavior requires close supervision.

DISPENSING MEDICATION

The issuing of one or more doses of medication from a stock or bulk container.

DISCIPLINARY DETENTION

A form of separation from the general population in which inmates committing serious violations of conduct regulations are confined by the disciplinary committee or other authorized group for short periods of time to individual cells separated from the general population. Placement in detention may occur only after a finding of a rule violation at an impartial hearing and when there is no adequate alternative disposition to regulate the inmate's behavior.

DISCIPLINARY HEARING

A non-judicial administrative procedure to determine if substantial evidence exists to find an inmate guilty of a rule violation.

DUE PROCESS

Compliance with the fundamental rules which guarantee that an inmate has notice and an opportunity to present evidence in a dispute.

EDUCATIONAL RELEASE

A custody status under which inmates leave a jail facility to attend school in the community, returning to custody after school hours.

EMERGENCY

Any significant disruption of normal facility procedure, policy, or activity caused by riot, strike, escape, fire, natural disaster or other serious incident.

EMERGENCY CARE

Care for an acute illness or unexpected health care need that cannot be deferred until the next scheduled sick call.

FACILITY

A jail, either a detention facility or holding facility, including the buildings and site.

FACILITY EMPLOYEES

Employees, full-time and part-time, retained by the county to operate the jail facility. For the purposes of these Standards, all volunteers and employees of other agencies and organizations are considered employees when they are in the facility or on its grounds. (Also FACILITY PERSONNEL)

FACILITY PHYSICIAN

A person or organization licensed to practice medicine with who the facility enters into an agreement to plan for and provide health services to the inmate population of the facility.

FIRE RESISTIVE

A building which has walls, ceilings, floors, partitions, and a roof made of non-combustible materials and which has a structural steel frame protected by a non-combustible material that has a fire resistance rating.

FOOT-CANDLE

A unit for measuring the intensity of illumination; the amount of light thrown on a surface one foot away from the light source.

GRIEVANCE

A written complaint filed by an inmate with the facility administrator concerning personal health and welfare or the operations and services of the facility.

HEALTH CARE

The sum of all action taken, preventive and therapeutic, to provide for the physical and mental well-being of a population. Health care includes medical and dental services, mental health/behavioral services, nursing, personal hygiene, dietary services, and environmental conditions.

HIGH-SECURETY AREA

A part of the facility in which high security inmates are housed or held. These areas have the highest level of physical and operational security.

HOLDING CELL

A cell within a facility that is used to hold one or more persons temporarily while they await processing, booking, court appearance, or discharge.

HOLDING FACILITY

A facility used for the temporary detention of pretrial detainees for up to seventy-two (72) hours prior to arraignment, release, or transfer. Sentenced inmates may be held only pending transfer to another facility or authority; sentences shall not be served in Holding Facilities.

INDIGENT

An individual with no funds or source of income.

INFORMATION SYSTEM

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

- a) Standard information, consisting of data required for operational control, such as the daily count, positive and negative release rates, absconding or runaway rates, referral sources, and payroll data in a personnel office, and
- b) Demand information, which can be generated when a report is required, such as the number of inmates participating in education programs and duration of confinement.

INFORMED CONSENT

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

INMATE

Any person, whether pretrial, un-sentenced, or sentenced, who is confined in a detention or holding facility.

INMATE LIVING AREA

Space provided for sleeping, storage of approved personal affects, personal hygiene accommodations, and activity.

INMATE-OCCUPIED AREA

That portion of the facility to which inmates normally may have access.

INMATE RECORDS

Information concerning the individual's personal, criminal and medical history, behavior, and activities while in custody, including but not limited to: commitment papers, court orders, detainers, personal property receipts, visitors lists, photographs and fingerprints, classification information, grievance reports, disciplinary infractions and action taken, work assignments, program participation, and miscellaneous correspondence.

LIFE SAFETY CODE

A manual published by the National Fire Protection Association specifying minimum standards for fire safety necessary in the public interest. Two chapters are specifically devoted to corrections facilities.

MAJOR RULE VIOLATION

A violation of inmate rules that requires imposition of due process procedures and may result in a deprivation of privileges for more than seven (7) days and/or placement in disciplinary detention.

MEDICAL AUTHORITY

Is the medical professional in charge of medical services for the facility. This person may be a physician, physician's assistant, nurse practitioner, or other qualified medical personnel who provides services within the scope of their respective levels of certification, qualifications, training and experience.

MEDICAL PERSONNEL

Physicians, dentists, and other professional and technical workers who provide health care services to inmates in keeping with their respective levels of certification, qualifications, training and experience.

MEDICALLY TRAINED PERSONNEL

Correctional officers or other correctional personnel who may be trained and appropriately supervised to carry out specific duties with regard to the administration of health care.

MEDICAL RECORDS

Separate records of medical examinations and treatments maintained by facility medical personnel.

MEDICAL SCREENING

A system of structured observation and initial health assessment to identify newly arrived inmates who pose a health threat to themselves or others.

MINOR RULE INFRACTION

A violation of inmate rules which may result in loss of privileges for seven (7) days or less, a warning, reprimand, or counseling.

OBSERVATION CELL

A cell used to temporarily house an inmate in need of close supervision and observation.

PAT SEARCH

Searches which involve the touching and feeling of the inmate's clothed body to detect contraband. Pat searches may generally be conducted at any time needed to maintain security and control.

POLICY

A statement of what is to be done in relation to an issue. It reflects the philosophy of the organization and defines the purpose for which the action is taken.

POST ORDERS

A written set of procedures describing activities associated with a specific post of work station.

PROCEDURE

A detailed description of how a policy is to be accomplished. It describes the steps to be taken, the order in which they will be carried out, and by whom.

PROTECTIVE CUSTODY

A form of separation from the general population for inmates requesting or requiring protection from other inmates for reasons of health or safety.

RATED CAPACITY

The number of persons a facility may house in a particular cell or room, housing unit, or facility based upon available square footage, sanitary fixtures, and other physical plant features as specified in these Standards.

RESTRAINT EQUIPMENT

Any mechanical contrivance, appliance, or object designed or fashioned to physically control or incapacitate a person, such as handcuffs, irons, or straightjackets.

SAFETY EQUIPMENT

This includes fire fighting equipment (chemical extinguisher, hoses, nozzles, water supplies, alarm systems, sprinkler systems, portable breathing devices), gas masks, fans, first-aid kits, stretchers, emergency alarms, and other items necessary to ensure the safety of facility personnel, inmates and visitors.

SAFETY VESTIBULE

An enclosure that divides inmate areas from the remainder of the facility. Vestibules have two doors or gates, only one of which is to be open at a time, to permit entry and exit from inmate areas in a safe and controlled manner.

SALLYPORT

An enclosure located in the perimeter wall or fence of the facility, containing gates or doors at both ends, only one of which opens at one time. This method of entry ensures there will be no breach in the perimeter security of the facility. The sallyport may handle either pedestrian or vehicular traffic.

SECURITY AREA

A defined space whose physical boundaries have controlled access and egress.

SECURITY DEVICES

Locks, gates, doors, bars, fences, screens, ceilings, walls and barriers used to confine and control inmates. Also electronic monitoring equipment, security alarm systems, security light units, auxiliary power supply, and other equipment used to maintain facility security.

SECURITY PERIMETER

The outer portions of a facility which actually provide for secure confinement of inmates. This perimeter may vary for individual inmates, depending upon their security classification.

SEGREGATION

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

SPECIAL MANAGEMENT INMATES

Persons whose behavior presents a serious threat to the safety and security of the facility, the inmate, the staff, or the general inmate population. Special handling and/or housing is required to regulate their behavior.

SPECIAL NEEDS INMATE

An inmate whose mental and/or physical condition requires special handling and treatment by staff. Special needs inmates include, but are not limited to, drug or alcohol addicts or abusers, the emotionally disturbed, mentally retarded, suspected mentally ill, physically handicapped, chronically ill, and the disabled or infirm.

SUPERVISORY STAFF

Facility employees charged with the responsibility of supervising other personnel during a given time period.

TRAINING

An organized, planned, and evaluated activity designed to achieve specific learning objectives. It includes a formal agenda and instructor by a teacher, manager, or official;

physical training; or other instructional programs that include a trainer/trainee relationship. Training programs usually include requirements for completion, record of attendance, and a system for recognition of completion.

UNCLOTHED BODY SEARCH An examination that can include the visual inspection of an inmate's nude body including a visual inspection of the outer genital area and inside the mouth, nostrils, and ears for the detection of weapons, contraband, or physical abnormalities. This also includes a thorough search of all the inmate's clothing while not being worn by the inmate.

WORK RELEASE

A formal arrangement, sanctioned by law, whereby an inmate is permitted to leave confinement to maintain improved and regular employment in the community, returning to custody during non-working hours.

The Religious Land Use and Institutionalized Persons Act (RLUIPA)

RLUIPA is a federal statute that was passed in 2000 to provide stronger protection for religious freedom in the land-use and prison contexts.

The U.S. Senate summary of the bill states the following:

Religious Land Use and Institutionalized Persons Act of 2000 - Prohibits any government from imposing or implementing a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution:

(1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest.

Prohibits any government from imposing a substantial burden on the religious exercise of a person residing in or confined to an institution, as defined in the Civil Rights of Institutionalized Persons Act, even if the burden results from a rule of general applicability, unless the government demonstrates that imposition of the burden on that person:

(1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest. States that nothing in this Act shall be construed to amend or repeal the Prison Litigation Reform Act of 1995 (including provisions of law amended by that Act).

Koger v Bryan

Koger v. Bryan: Koger brought suit against prison officials claiming that failure to accommodate his religious-based dietary request was a violation of his rights under the Religious Land Use and Institutionalized Persons Act (RLUIPA), and the First and Fourteenth Amendments. Summary judgment for defendants and other rulings are reversed and remanded for further proceedings where: 1) the record established that prison officials violated plaintiff's rights as secured under RLUIPA, and judgment for plaintiff on his claim brought under that statute was warranted; and 2) the district court abused its discretion in failing to exercise the discretion available to it under Fed. R. Civ. P. 4.

