

# Missouri Core Jail Standards

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## **FORWARD**

*It is with professionalism and dedication that representatives and administrators of jails in the State of Missouri formed the Missouri Jail Standards and Training Committee. The Committee represents a cross section of all classes of counties and municipalities. One sheriff, who sits on the Jail Sub-Committee of the Missouri Sheriffs' Association, and one jail administrator co-chair this Committee. The collaboration of its membership is in an effort to guide executives and administrators in best practices as outlined in law and ethics.*

*As the Jail Standards and Training Committee complete a standard by majority vote, it is brought to the Jail Sub-Committee by the sheriff, who sits on both committees. Once the Jail Sub-Committee passes the standard, the Chair of the Jail Sub-Committee brings it to the general membership of the Missouri Sheriffs' Association for approval, setting the standard.*

*These Standards will be disseminated through the Missouri Sheriffs' Association at the Annual Jail Administrators' Conference and through semi-annual regional meetings for jail administrators and executives.*

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***The Mission of the Jail Standards and Training Committee is:***

*To provide guidance in the care, custody and control of persons in custody while maintaining their welfare.*

***The Guiding Principles of the Jail Standards and Training Committee are:***

*To provide core standards which are legal, ethical and attainable;*

*To provide a safe environment and minimum training for staff to operate in an efficient and effective manner.*

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**SECTION 1: SAFETY**

**SECTION 2: SECURITY**

**SECTION 3: DETAINEE DISCIPLINE**

**SECTION 4: DETAINEE CARE**

**SECTION 5: PROGRAMS AND ACTIVITIES**

**SECTION 6: CONSTITUTIONAL PROTECTIONS**

**SECTION 7: ADMINISTRATION AND TRAINING**

**SECTION 8: GLOSSARY OF TERMS**

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## **SECTION 1: SAFETY**

*GOAL: Provide a safe environment for the community, staff, volunteers, contractors and detainees.*

### **SUB SECTION 1.1: Protection from Injury and Illness**

The community, staff, volunteers, contractors and detainees are protected from injury and illness in the workplace.

#### **EXPECTED PRACTICES**

##### MCJS 1.1.1: Safety/Sanitation Inspections

The facility complies with all applicable laws and regulations. The following inspections are implemented:

- weekly sanitation inspections of all facility areas by a designated departmental staff member
- comprehensive and thorough monthly inspections by a designated departmental staff member
- at least annual inspections by qualified persons

##### MCJS 1.1.2: Disposal of Material

Disposal of liquid, solid, and hazardous material complies with applicable government regulations and Safety Data Sheets.

##### MCJS 1.1.3: Vermin and Pests

Vermin and pests are controlled.

##### MCJS 1.1.4: Housekeeping

The facility is clean, sanitary, and in good repair.

##### MCJS 1.1.5: Water Supply

The facility's potable water source and supply, whether owned and operated by a 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. Testing of water temperature in sinks and showers to document proper







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## **SECTION 2: SECURITY**

*GOAL: To provide a secure facility to protect the public, staff, employees, contractors, volunteers, and detainees from: physical harm; mental harm; threats; and, harassment.*

### **SUB SECTION 2.1: Protection from Physical and Mental Harm, Threats and Harassment**

The public, staff, employees, contractors, volunteers and detainees are protected from harm. Events are sought to be prevented that pose risk of danger and loss, and the number and severity of incidents are limited and minimized in order to have a secure and safe facility.

#### **EXPECTED PRACTICES**

##### MCJS 2.1.1: Facility Systems

The facility security, safety, and communications systems are monitored from a secure location. The monitoring of the facility and detainees shall be done by staff through physical observation. When available, the use of remote monitoring may be used through cameras, alarms, and the facility's system.

##### MCJS 2.1.2: Employee Posts

Employee posts should be located in, or in close proximity to, the detainee living areas to assist employees in seeing and/or hearing, to facilitate reporting and responding promptly to incidents and emergency situations. Video/audio surveillance may be utilized in order to assist staff in keeping a secure and safe facility, if available. Post Orders shall be accessible to employees.

##### MCJS 2.1.3: Interaction between Staff and Detainees

Interaction between staff and detainees is required. The shift supervisor or designee shall visit the living and activity areas of detainees once or more during the shift. Staff shall communicate any health, safety or security concerns to an immediate supervisor.

##### MCJS 2.1.4: Secure Perimeter

The facility perimeter ensures detainees are secured and that access by the general public is denied without proper authorization.

##### MCJS 2.1.5: Male and Female Staffing



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When male and female detainees are housed in the facility, at least one male staff member and one female staff are on duty on each shift, when possible.

## MCJS 2.1.6: No Detainee Control over Others

No detainee or group of detainees is given control or allowed to exert authority over other detainees.

## MCJS 2.1.7: Detainee Movement under Staff Control

All detainee movement from one area to another inside the facility or outside the facility is controlled by staff.

## MCJS 2.1.8: Logs and Records

Facility logs and reports that record information, emergency situations, and incidents involving detainees in the facility are maintained.

## MCJS 2.1.9: Staffing

Staff are present at all times to perform following functions: ensure staff safety; maintain custody and supervision of detainees; and, ensure the safe and secure operation of the facility. The level of staff shall be based on the physical plant design, the level of security, total detainee population, and other safety factors for the facility.

## MCJS 2.1.10: Detainee Records

The detainee management system shall include record of admissions and bookings processing, and release of detainees. The records shall include the detainee's name/identifying pedigree information, reason for confinement, admission/release dates, and any other information as may be required by law and the facility.

## MCJS 2.1.11: Detainee Counts

The facility has a system for physically counting detainees. A formal count is conducted at least three times daily.

## MCJS 2.1.12: Facility Design

Physical facility design facilitates continuous interaction between staff and detainees in housing units, medical holding cells, segregation cells, and booking holding cells, if available.

## MCJS 2.1.13: Legal Commitment and Medical Review

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Prior to accepting custody of a detainee staff shall determine that the detainee is legally committed to the facility, and the detainee is medically fit for confinement. (RSMo. 221.040)

## MCJS 2.1.14: Admissions

Admission process for a detainee should include, but is not limited to:

- Date of admission
- Recording personal data
- Search of detainee and personal property
- Inventorying and providing secure storage of personal property
- Photographing and fingerprinting as required
- Taking buccal swab as required
- Taking IRIS scan as required
- Health screening
- Suicide screening
- Alcohol and drug screening as required
- Assessment and assignment to initial housing area
- Detainee orientation

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## **SECTION 3: DETAINEE DISCIPLINE**

*GOAL: Maintain an orderly environment with clear expectations of behavior and systems of accountability.*

The jail shall establish guidelines and procedures for detainee discipline which satisfy legal requirements by establishing due process, procedures for the imposition of disciplinary actions, providing for the safety and security of detainees and staff while maintaining order in the facility.

### **EXPECTED PRACTICES**

#### **MCJS 3.1: Written Policy/Guidelines**

There are written policy/guidelines which affirm that the constitutional rights of detainees of the jail shall only be limited as necessary to maintain the government's interest in providing for: the security of the facility; the safety of jail staff, detainees and general public; and, the orderly operation of the facility.

#### **MCJS 3.2: Promoting Positive Detainee Behavior**

Positive detainee behavior should be promoted through: professional demeanor demonstrated by staff; proper detainee classification; reasonable and necessary jail rules to promote a safe and sanitary living environment; granting of detainee privileges based on good behavior; and, detainee programs, when possible. Negative detainee behavior should be discouraged through: the firm, fair and consistent enforcement of jail rules by staff; the appropriate use of disciplinary guidelines in an expedient manner; and, the criminal prosecution of detainees for crimes committed while in custody.

#### **MCJS 3.3: Justification of Jail Rules**

Each jail rule established must be justified and based on safety, security and the orderly operation of the facility. The rules shall be approved by the chief executive over the facility.

#### **MCJS 3.4: Detainee Education and Orientation**

Detainees of the jail should be notified of the jail rules and have access to the jail rules.

#### **MCJS 3.5: Staff Education**

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Jail staff shall be provided training on the jail rules and reasonable enforcement.

## MCJS 3.6: Classification of Jail Rules

Jail rules should be categorized as minor or major; or some other similar categorization that separates the jail rules accordingly.

## MCJS 3.7: Designated and Approved Disciplinary Action

Disciplinary actions available for specific rule violations should be commensurate to the seriousness and related to the rule violated.

## MCJS 3.8: Suspension of Standard Jail Disciplinary Guidelines in Exigent Circumstances

Jail administration has the authority to suspend the standard jail disciplinary guidelines in response to exigent circumstances. In situations where jail administration has suspended standard jail disciplinary guidelines, after-the-fact written reports with supporting evidence and documentation, will be completed to justify the actions and decisions made during the suspension period.

## MCJS 3.9: Violations of Criminal Laws

A detainee who allegedly commits an act covered by statutory criminal law should be referred to the appropriate criminal justice agency for investigation and prosecution without delay.

## MCJS 3.10: Use of Force in Detainee Discipline

The use of force shall never be used as punishment.

## MCJS 3.11: Waiver of Due Process

Written guidelines should allow detainees to waive their right to due process.

## MCJS 3.12: Timely Investigation of Jail Rule Violations

When an alleged rule violation is observed or reported, an appropriate investigation should begin and be completed without unreasonable delay.

## MCJS 3.13: Pre-Hearing Detention

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There should be written guidelines on the use of pre-hearing detention. Pre-hearing detention should only be used when necessary for the safety of the public, staff, and detainees.

## MCJS 3.14: Disciplinary Reports

Disciplinary reports should include, but are not limited to, the following:

- The specific rule(s) violated
- Detainee behavior
- Witnesses
- An explanation of the events that includes who was involved, what transpired, and the time and location of the occurrence.
- Physical evidence and its disposition.
- Immediate action taken, including the use of force and pre-hearing detention.
- Reporting staff member's name, date, and time of report.

## MCJS 3.15: Notice of Violation to Detainees

A written notice describing the rule violated should be completed and a copy provided to the detainee at least 24 hours prior to a disciplinary hearing for all rule violations.

## MCJS 3.16: Conduct of the Disciplinary Hearing

When a disciplinary hearing is conducted: detainees have an opportunity to make a statement and present documentary evidence; detainees can request witnesses on their behalf, and any reasons for denying such requests are stated in writing. A hearing may be conducted without the detainee's presence when justified by the detainee's behavior, as deemed by the hearing officer. Detainees may be excluded during testimony of witnesses and do not have a right to cross examine witnesses. Any detainee's absence or exclusion from the hearing should be documented.

## MCJS 3.17: Postponement or Temporary Adjournment of a Disciplinary Hearing

Disciplinary hearings may be postponed or adjourned for a reasonable period of time for good cause. The reasons for postponement or adjournment should be documented.

## MCJS 3.18: Detainee Advocate Appointment

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Another person or staff member may be appointed by jail administration to assist the accused detainee when it is apparent that a detainee is not capable of collecting and presenting evidence on his or her own behalf. Detainees do not have the right to legal counsel or other outside representation during disciplinary hearings.

## MCJS 3.19: Disciplinary Hearing Committee Decisions

Disciplinary hearing committee decisions should be based solely on evidence obtained in the hearing process.

## MCJS 3.20: Documentation of Disciplinary Hearings

A written report should be made of disciplinary decisions and the supporting facts for those decisions. A copy of the report should be provided to the detainee.

## MCJS 3.21: Detainee Appeals

Written guidelines should detail how detainees may appeal disciplinary decisions and provide for a reasonable time frame for the detainee to receive a response to their appeal.

## MCJS 3.22: Review of Disciplinary Procedures and Actions

Jail administration should conduct a periodic review of jail rules and the disciplinary process.

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## **SECTION 4: DETAINEE CARE**

*GOAL: Provide for the basic needs and personal care of detainees.*

### **SUB SECTION 4.1: Food Service**

Food service provides a nutritionally balanced diet. Food service operations are hygienic and sanitary. Revised

#### **EXPECTED PRACTICES**

##### **MCJS 4.1.1: Food/Dietary Allowances**

The facilities 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.

- weekly sanitation inspections of all facility areas by a qualified departmental staff member
- comprehensive and thorough monthly inspections by a qualified departmental staff member
- at least annual inspections by qualified persons

##### **MCJS 4.1.2: Therapeutic or Special Diets**

Special diets are provided as prescribed by appropriate healthcare providers or when traditional, ceremonial or spiritual beliefs require special diets.

##### **MCJS 4.1.3: Food Service Facilities**

There is documentation by local, county or state Health Department that food service facilities and equipment meet established government health and safety codes. Corrective action is taken on any deficiencies.

##### **MCJS 4.1.4: Health Protection for Food Service**

There is adequate health protection for all detainees and staff in the facility and for detainees and other persons working in food service. All persons involved in the preparation of the food are free from contagious illnesses.

##### **MCJS 4.1.5: Food Service Inspection**

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If food services are provided by the facility, there are weekly inspections of all food service areas, including dining and food preparation areas and equipment. Water temperature is checked and recorded daily.

## **SUB-SECTION 4.2: Hygiene**

*GOAL: Provide for the basic needs and personal care of detainees.*

### **EXPECTED PRACTICES**

#### MCJS 4.2.1: Bedding Issue

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

#### MCJS 4.2.2: Clothing

Detainees are issued clothing that is properly fitted and suitable for the climate. There are provisions for detainees to exchange clothing at least weekly.

#### MCJS 4.2.3: Personal Hygiene

Articles and services necessary for maintaining proper personal hygiene are available to all detainees including items specifically needed for females.

#### MCJS 4.2.4: Plumbing Fixtures

Detainees, including those in medical housing units or infirmaries, have access to showers, toilets, and washbasins.

## **SUB-SECTION 4.3: Continuum of Healthcare Services**

*GOAL: Detainees maintain good health. Detainees have unimpeded access to a continuum of healthcare services so that their healthcare needs, including prevention and health education, are met in a timely and efficient manner.*

At the time of admission, all detainees are informed about procedures to access health services. There is a process for all detainees to access healthcare services by means of sick call, detainee request or staff referral.

#### MCJS 4.3.1: Continuity of Care/Referrals



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The designated healthcare provider will provide for continuity of care from admission to transfer or discharge from facility.

## MCJS 4.3.2: Emergency Plan

Detainees have access to twenty-four hour emergency healthcare services, including on-site first aid, basic life support, and transfer to healthcare facilities as necessary.

## MCJS 4.3.3: Pregnancy Management

Pregnant detainees have access to obstetrical services by a qualified provider, including prenatal, peri-partum, and post-partum care.

## MCJS 4.3.4: Communicable Disease and Infection Control Program

Communicable diseases are managed in accordance with a written plan developed in consultation with, and approved by, the designated health authority. The plan includes provisions for the screening, surveillance, treatment, containment, and reporting of infectious diseases. Infection control measures include the availability or personal protective equipment for staff and hand hygiene promotion throughout the facility. The plan also provides for handling bio-hazardous waste in accordance local regulations.

## MCJS 4.3.5: Chronic Care

Detainees with chronic medical conditions, such as diabetes, hypertension, and mental illness receive periodic care by a qualified healthcare provider in accordance with individual treatment plans that include monitoring of medicines and laboratory testing.

## MCJS 4.3.6: Dental Care

Access to emergency dental care is provided to detainees.

## MCJS 4.3.7: Health Screens

Medical and mental health screenings are conducted as part of the admission process. Screening is conducted by health-trained staff or by qualified healthcare personnel in accordance with protocols established by the health authority. The screening includes at least the following:

- Current or past medical and/or mental conditions.
- Current medications.

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- History of hospitalization.
- Suicidal risk assessment.

Observation of the following:

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

Medical disposition of the detainee:

- Refusal of admission until detainee is cleared as fit for confinement.
- Referral to appropriate medical or mental healthcare services for emergency treatment.
- Process for observation for high risk events, such as seizures, detoxification or head wounds.

## MCJS 4.3.8: Intra-System Transfer of Chronic Care Detainees

When detainees are transferred to another facility, information of known chronic care needs is provided to the receiving agency.

The receiving agency is responsible to ensure chronic care is maintained.

## MCJS 4.3.9: Health Appraisal

A health appraisal is completed for each detainee within 14 days after arrival at the facility in accordance with protocols established by the health authority.

## MCJS 4.3.10: Access to Chronic Mental Health & Substance Abuse Services

Detainees have access to chronic mental health and chemical substance abuse services as warranted in accordance with protocols established by the health authority.

## MCJS 4.3.11: Suicide Prevention

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The facility has specific procedures, developed in consultation with the health authority, for handling intake, screening, identifying, and supervising the suicide-prone detainee. All staff responsible for supervising suicide-prone detainees are trained annually on program expectations.

## MCJS 4.3.12: Pharmaceuticals

Pharmaceuticals are managed in accordance with policies and procedures approved by the health authority.

### **SUB-SECTION 4.4: Health Services Staff**

*GOAL: Health services are provided in a professionally acceptable manner. Staff are qualified, adequately trained and demonstrate competency in their assigned duties.*

### **EXPECTED PRACTICES**

#### MCJS 4.4.1: Health Authority

The facility has a designated health authority.

The health authority may be a physician, health services administrator, or health agency.

#### MCJS 4.4.2: Provision of Treatment

Medical treatment decisions shall be made by licensed medical professionals and shall not be changed, modified or overturned by non-licensed medical professionals.

#### MCJS 4.4.3: Personnel Qualifications/Credentials

All healthcare professional staff are in compliance with applicable licensure, certification, or registration requirements. Verification of current credentials for on-site providers is on file at the facility.

#### MCJS 4.4.4: Emergency Response

Emergency medical care, including first aid and basic life support, is provided by all healthcare professionals and those health-trained correctional staff.

#### MCJS 4.4.5: Confidentiality

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Information about a detainee's health status is confidential. Non-medical staff may access specific medical information on a "need to know" basis in order to preserve the health and safety of the specific detainee, other detainees, volunteers, visitors, or correctional staff. The active health record is maintained separately from the confinement case record and access is controlled in accordance with applicable laws.

## MCJS 4.4.6: Informed Consent

Informed consent standards of the jurisdiction are observed and documented for detainee care in a language understood by the detainee. In the case of minors or those assigned a legal guardian, the informed consent of a parent, guardian, or a legal custodian applies, when required by law. Detainees have the right to refuse healthcare services.

## MCJS 4.4.7: Research

The use of detainees in medical, pharmaceutical, or cosmetic experiments is prohibited.

## MCJS 4.4.8: Privacy

Healthcare encounters, including medical and mental health interviews, examinations, and procedures are conducted in a setting that respects the detainees' privacy.

## MCJS 4.4.9: Sexual Assault

Information is provided to detainees about sexual abuse/assault including:

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

This information is communicated orally and in writing, in a language clearly understood by the detainee.

## MCJS 4.4.10: Sexual Conduct of Staff

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

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## MCJS 4.4.11: Investigation of Sexual Assault

All staff are mandatory reporters of all allegations of sexual assault to a supervisor or higher authority. An investigation shall be conducted and documented, to include the findings and actions taken.

## MCJS 4.4.12: Victims of Sexual Assault

Victims of sexual assault are referred under appropriate security provisions to a healthcare facility for treatment and gathering of evidence.

## MCJS 4.4.13: Detainee Death

Appropriate authorities are notified of an in-custody death.

## MCJS 4.4.14: Detainee Death/Healthcare Internal Review and Quality Assurance

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

## MCJS 4.4.15: Health Records

An individual health record is maintained for all detainees in accordance with policies and procedures established in consultation by the health authority and retained as required by applicable law.

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## **SECTION 5: PROGRAMS AND ACTIVITIES**

*GOAL: Help detainees to successfully return to the community and reduce recidivism of criminal activity and incarceration.*

### **EXPECTED PRACTICES**

Detainees have opportunities to improve themselves while confined.

#### MCJS 5.1: Programs and Services

Detainee programs, services and counseling are available. Community resources are utilized to supplement these programs and services. When available, voluntary participation in programs such as, but not limited to:

- Library services
- Religious services
- Health and well-being programs

#### MCJS 5.2: Visitation

The number of visitors a detainee 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. Visitors are required to identify themselves and register upon entry into the facility. Conditions under which visits may be denied and visitors may be searched are defined in writing. Provisions may be made for special visits. Contact visits should be avoided, when possible, due to the introduction of contraband. A visitors log shall be maintained. A visit is a privilege that can be revoked or suspended by the jail administrator, or his/her designee, when he/she believes it is in the best interest of the safety and security of the facility.

#### MCJS 5.3: Mail

Mail received at the facility will be delivered within 24 hours.

Detainees may send and receive mail. Detainees determined to be indigent will have access to correspondence materials for outgoing mail service. Both incoming and outgoing mail may be inspected for contraband. Non-privileged mail may be read. Mail may be censored or rejected only when based on legitimate facility interests of safety and security. Detainees are notified in writing when incoming or outgoing letters are withheld in part or in full. The sending party must be notified in writing when mail is not delivered to the detainee. The sender shall be allowed to appeal

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the decision. Any resulting appeals and final decisions shall be maintained by the facility. Incoming and outgoing privileged mail may be inspected for contraband by staff in the presence of the detainee.

In order to maintain the safety and security of the facility, the refusal of suspicious mail, including packages and letters, is acceptable.

## MCJS 5.4: Telephone

Detainees are provided with access to telephones.

## MCJS 5.5: Release

Procedures for releasing detainees from the facility include, but are not limited to, the following:

- Identification of outstanding warrants, wants, or detainers
- Verification of identity
- Completion and verification of release papers/arrangements
- Notification or notification attempts of any victims, as required by law, shall be documented.
- If being released to another facility; a provision of medication, as directed by the health authority, should be released to the receiving agent for that facility.
- Physical and mental health status shall be forwarded to the receiving facility.

### MCJS 5.5.1: Release from Incarceration back into the Community

A list of medical, mental health, substance abuse counseling services and other essential resources should be kept by the jail. At the time of release back into the community, these program and resource contacts may be given to detainees for their betterment once released.

## MCJS 5.6: Exercise and Recreation Access

Detainees have access to exercise and recreation opportunities.

## MCJS 5.7: Library Services

Detainees should have access to library materials.

## MCJS 5.8: Religious Services

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Detainees have the opportunity to participate in practices of their religious faith consistent with existing law while considering the safety and security of the facility.

## MCJS 5.9: Commissary/Canteen

A detainee commissary or canteen may be available from which detainees can purchase approved items. The commissary/canteen operation is strictly controlled using standard accounting procedures. Commissary/ Canteen is a privilege. Funds gained in excess of those needed to successfully operate the commissary/canteen shall be deposited into the "Inmate Prisoner Detainee Security Fund".

MCJS



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## **SECTION 6: CONSTITUTIONAL PROTECTIONS**

*GOAL: Meet the statutory requirement to hold detainees for the court; maintain the security of the facility; maintain the safety of the public, staff and detainees; and, hold detainees accountable for their actions while in custody, balanced with upholding the detainees' constitutional rights while in the custody of the jail.*

### **EXPECTED PRACTICES**

The following constitutional protections should be taken into consideration when developing all jail facility administrative and operational policies, procedures, and practices.

#### **MCJS 6.1: General**

The rights of detainees derive from the United States Constitution and federal laws, from state constitutions and laws, and from court cases that interpret each of these sources. A detainee does not automatically lose all of their constitutional rights upon incarceration. When incarcerated for a valid conviction or because the detainee cannot make bond or no bond is given by the court, a detainee defendant is constitutionally deprived of liberty to the extent that the state may confine and subject the detainee to the rules of its jail so long as the conditions of confinement do not otherwise violate the Constitution. Detainees must be furnished with adequate food, clothing, shelter, sanitation, medical care and personal safety.

#### **MCJS 6.2: Background on Constitutional Protections**

The First, Fourth, Eighth, and Fourteenth Amendments to the U. S. Constitution (and similar provisions of state constitutions) have been applied by courts in determining the proper limits of confinement and restrictions on detainees' rights.

Generally, the Eighth and Fourteenth Amendment's prohibition against cruel and unusual punishment limits the conditions under which detainees may be confined.

In addition, the First Amendment protects the freedoms of religion, speech, press, and association.

The Fourth Amendment provides protection from unreasonable searches and seizures.

The Fourteenth Amendment guarantees that no state may abridge the privileges or immunities of citizens of the United States or deprive any person of life, liberty or property without due process of law nor deny to any person within its jurisdiction the equal protection of the laws.

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## MCJS 6.3: Enforcement of Rights under Civil Rights Laws

A detainee whose constitutional or other federal legal rights are violated by a person acting on behalf of the state may seek redress under Section 1983 of the federal Civil Rights Act, 42 U.S.C. 1983.

A detainee may also be able to sue in state court under state tort laws and seek other common-law remedies in state court.

## MCJS 6.4: Liability

Any person who has responsibility for the confinement of detainees may face potential liability if the person is found to have violated the detainees' constitutional rights.

The Eleventh Amendment to the U.S. Constitution bars suits for money against the state. However, this provides only limited immunity for state officials because state officials can be sued for damages in their individual capacities.

Sheriffs and jailers may be sued for damages or injunctive relief. Local government officials are entitled to a qualified immunity to the extent that they are not liable for damages unless their conduct violated clearly established statutory or constitutional rights of which a reasonable person would have known. This means that these individuals are presumed to know the existing law on a particular issue and must conform to that law or face liability.

## **SUB-SECTION 6.5:** Specific Rights and Conditions of Confinement

### MCJS 6.5.1: Discrimination

Detainees have a constitutional protection under the Equal Protection Clause of the Fourteenth Amendment against discrimination on the basis of race, sex, and creed. Not all disparities will be found to violate the Constitution. Segregation by race violates the Fourteenth Amendment, but officials can, acting in good faith and in certain circumstances, take into account racial tensions in maintaining security, discipline and good order in jails. Generally, as to sexual disparity, there must be basic equality in living conditions, decision making processes affecting the status and activities of confined persons. In addition to the Fourteenth Amendment protections, the U.S. Supreme Court has ruled that detainees are protected by the federal Americans with Disabilities Act against discrimination based on disability.

### MCJS 6.5.2: Religion and Religious Practices

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Detainees have certain rights and privileges with regards to religious practices. Detainees must be provided reasonable opportunities to exercise their religious freedom guaranteed under the First Amendment. Detainees cannot be punished for religious beliefs. Jail officials may restrict some practices if, in their informed discretion, they conclude that the religious practice may disrupt jail order or stability or otherwise interfere with the safety and security of the facility.

## MCJS 6.5.3: Mail or Correspondence of Detainees

Jail officials can control mail to and from detainees. Generally, rules that regulate mailing privileges of detainees and that are uniformly applied and are necessary to the orderly conduct of the facility do not violate any constitutional rights of detainees. Inspection of non-legal mail is not unconstitutional; however, censorship of non-legal mail may violate the First Amendment rights to freedom of speech and association. Due process requires that if mail is held or censored, a detainee must be notified of the rejection of a letter written by or to the detainee. The author of the letter must be given notice and reasonable opportunity to appeal the decision. Complaints must be referred to a jail official other than the person who originally disapproved the correspondence. In addition, jail officials must be able to justify any censorship rule on the grounds of furthering a particular governmental interest involved. If a rule is so broad as to allow censorship of detainees' criticisms without furthering a governmental interest, the rule is too broad and could be found to violate the Constitution.

"Legal mail" is entitled to more protection. Jail officials must not interfere with a detainees' reasonable correspondence with an attorney. Generally, mail to or from a detainee's attorney, and identified as such, should not be opened for inspection for contraband except in the presence of the detainee. Legal mail must not be delayed any longer than is necessary for handling and sorting. Censorship of legal mail may violate a detainee's right to freedom of petition.

## MCJS 6.5.4: Access to Books, Newspapers, Periodicals and Mass Media

The same constitutional principles generally applicable to regulation of detainees' mail apply to the regulation of detainees' access to published materials, newsletters, or newspapers and to the censorship of these materials. Detainees have a constitutional right to receive most publications, and a publication can be rejected only if it poses a threat to the order and security of the facility. Regulations have been found constitutional that prohibit receipt of soft back books unless they are sent directly from publishers, book clubs or bookstores because of the threat of security problems related to the smuggling contraband. Such regulations must be reasonable as to time, place and manner of implementation and be necessary to

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further significant governmental interests. Officials cannot arbitrarily forbid detainees from corresponding with the news media.

## MCJS 6.5.5: Access to Courts, Legal Assistance and Legal Materials

Access to the courts is a corollary to the constitutional guarantee of due process. Under the Due Process Clause of the Fourteenth Amendment, detainees have the right of access to the courts in order to challenge their convictions and to seek redress for violations of their constitutional rights. Access means the opportunity to prepare, serve and file necessary legal documents and to send and receive communications concerning these matters to and from judges, courts and lawyers. Cases have held that indigent detainees must be provided with paper and pen to draft legal documents and must be provided with notary services and postage. Legal assistance may be provided by paraprofessionals, legal students, licensed attorneys, and, in the absence of reasonable alternatives, a “jail house lawyer”. If direct legal assistance is not provided, detainees must be offered access to a constitutionally adequate library. Mail to or from a detainee and a court must not be delayed any longer than is necessary for handling and sorting.

## MCJS 6.5.6: Visitation

The courts give jail administrators great latitude in restricting detainees' rights to have visitors for reasons of security and related administrative problems, as well as accepted and legitimate policy objectives. It has been held that neither the First Amendment right to freedom of association or the Fourteenth Amendment's guarantee of due process give detainees unregulated visitation rights. Visitation is subject to jail authorities' discretion as long as visitation policies meet legitimate safety and security concerns. It is constitutional to limit visitors. Limitations, such as time, frequency, duration of visits and number of visitors, can be placed on visitation rights. Other reasonable and effective means of communications, such as mail correspondence, must remain open to detainees and jail officials may not show discrimination in visitation rules. Detainees have a right to privileged visits for legal matters and with clergy.

## MCJS 6.5.7: Cell Occupancy and Conditions

Jail overcrowding does not necessarily violate the Eighth Amendment's protection against cruel and unusual punishment. It is the effect on jail conditions that overcrowding has that may result in a constitutional violation. If overcrowding causes increased violence or unsanitary and unhealthy conditions or if it affects health and mental health services, educational programs and recreation; the combined impacts may result in a constitutional violation.

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## MCJS 6.5.8: Medical Care

Detainees are entitled to adequate medical care under the Constitution, but are not entitled to unqualified access to health care. Health care includes both physical and mental health care. In order to violate constitutional rights, the officials' actions must exhibit deliberate indifference to serious medical needs. Detainees must be able to make their health care needs known to the staff, and the facility must provide access to an adequate system to respond to the detainees' health care needs. The medical staff must be competent to examine detainees and diagnose illnesses, and the facility must provide an adequate system for responding to emergencies. Budgetary constraints and lack of funding will not protect officials against liability for constitutional violations relating to inadequate medical care. Denial of adequate medical care due to overcrowding may violate the Constitution, and detainees' rights to adequate care cannot be made dependent on the detainees' ability to pay.

## MCJS 6.5.9: Privacy and Searches

Detainees have few privacy rights under the Constitution since a loss of privacy is inherent during incarceration. Detainees and cells can be searched randomly without warrant or notice. However, detainees cannot be searched solely for harassment and are protected from such harassment by the Eight Amendment's protection against cruel and unusual punishment. A strip search or body cavity search may be constitutional, especially in response to emergency situations, and should only be conducted in accordance with the constitution and prevailing state statute.

## MCJS 6.5.10: Rehabilitation, Exercise and Recreation

Detainees must be granted at least some meaningful opportunity for physical exercise. Total or near-total deprivation of out-of-cell exercise may constitute cruel and unusual treatment.

## MCJS 6.5.11: Other Rights and Conditions

Detainees have a fundamental constitutional right to marry, but officials may regulate the time and circumstances under which a detainee's marriage ceremony takes place.

Detainees have a First Amendment right to communicate with family and friends and to have reasonable, but not unlimited, access to and use of telephones.

Detainees can be regulated in the matter of their personal appearance.

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Detainees' personal property can be confiscated as long as the detainee is granted due process.

As to diet, detainees must be provided with nutritionally adequate food that is prepared and served under healthful conditions.

Detainees have a constitutional right to be protected from constant threats of violence and sexual assaults.

Mere negligence in protecting a detainee is not sufficient to establish a constitutional violation. In order to recover damages, a detainee must show that there was a pervasive risk of harm from other detainees and that the officials failed to exercise reasonable care to protect the detainee from unreasonable harm.

## MCJS 6.6: Pertinent Case Law

- A. **Bell v Wolfish, 441 U.S. 530 (1979)** – Conditions of Confinement
- B. **Block v Rutherford, 468 U.S. 576 (1984)** – Contact Visits
- C. **Brock v Warren County, 713 F. Supp. 238 (E.D. Tenn., 1989)** – Conditions of Confinement
- D. **Bounds v Smith, 430 U.S. 817 (1977)** – Access to Courts, Preparation and Filing Paperwork
- E. **Butler v Dowd, 979 F.2d 661 (8<sup>th</sup> Cir., 1992)** – Sexual Assault
- F. **City of Canton v Harris, 489 U.S. 378 (1989)** – Medical Attention in Custody
- G. **Farmer v Brennan, 511 U.S. 825 (1994)** – Inmate Safety – Preop Transsexual
- H. **Gates v Collier, 501 F.2d 1291 (5<sup>th</sup> Cir., 1975)** – Inmate Treatment/Trustees
- I. **Helling v McKinney, 509 U.S. 25 (1993)** – Inmate Health – Exposure to Cigarette Smoke
- J. **Hudson v McMillian, 503 U.S. 1 (1992)** – Excessive Use of Force
- K. **Jordan v Fitzharris, 257 F. Supp. 674 (1966)** – Cruel and Unusual Punishment
- L. **Jordan v Gardner, 986 F.2<sup>nd</sup> 1521, (9<sup>th</sup> Cir., 1993, en banc)** – Same Sex Searches
- M. **Lewis v Casey, 518 U.S. 343 (1996)** – Law Libraries and Access to Courts
- N. **Monell v Department of Social Service, 436 U.S. 658 (1978)** – Employee Rights
- O. **Newman v Alabama, 503 F.2d 1320 (5<sup>th</sup> Cir., 1974)** – Inmate Medical Care
- P. **Pembroke v Wood County, 981 F.2d 225 (5<sup>th</sup> Cir. 1993)** – Overall Jail Conditions
- Q. **Redman v County of San Diego, 942 F.2d 1435 (9<sup>th</sup> Cir., 1991)** – Sexual Assault
- R. **Rhodes v Chapman, 452 U.S. 337 (1981)** – Inmate Housing
- S. **Sandin v Conner, 515 U.S. 472 (1995)** – Inmate Grievance Procedures

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- T. **Sinclair v Henderson, 331 F. Sup. 1123 (E.D. La., 1971)** – Jail Conditions
- U. **Stone v San Francisco, 968 F.2d 850 (9<sup>th</sup> Cir., 1992)** – Jail Population
- V. **Turner v Safley, U.S. 482 U.S.78 (1987)** – Inmate Rights
- W. **Washington v Harper, 494 U.S. 210 (1990)** – Involuntary Medical Treatment
- X. **Wolff v McDonnell, 418 U.S. 539 (1974)** – Legal Mail
- Y. **Yeskey v Commonwealth of Pennsylvania, 524 U.S. 20b (1998)** - ADA

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## **SECTION 7: ADMINISTRATION AND TRAINING**

*GOAL: To administer and manage the facility in a professional and responsible manner, also to be consistent with legal requirements.*

### **EXPECTED PRACTICES**

#### **MCJS 7.1: Selection, Retention and Promotion**

A thorough background investigation is conducted on all new employees prior to assuming duties. At a minimum, a criminal records check is conducted on all contractors and volunteers prior to the contractor or volunteer assuming their duties.

This background check includes comprehensive identifier information to be collected and run against law enforcement indices. If any suspicious information is returned on a desirable applicant, it is to be deciphered and documented if it leads to the applicant not being eligible for employment.

#### **MCJS 7.2: Training and Staff Development**

Prior to assuming duties, each new employee is provided with an orientation, and job training manual. The training manual shall include:

- working conditions
- code of ethics and conduct
- personnel policy manual
- employees' rights and responsibilities
- overview of the criminal justice system
- tour of the facility
- facility goals and objectives
- facility organization
- staff rules and regulations
- personnel policies
- the training program overview

#### **MCJS 7.3: Basic Jail Training**

All custody staff shall complete 40 hours of basic correctional officer training. In conjunction with 40 hours of practical application training to be determined and documented by the employing agency with training certificates and course work.

These classes may include:



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- Livescan and/or ABIS system usage
- arrest and control techniques
- restraint device usage
- medical procedure trainings

Certifications shall be required for officers to carry less lethal options such as OC Spray, Baton or Taser. These hours may be considered in the agency 40 hours of practical training.

Continuing Education of correctional staff shall include 12 hours of training annually.

## MCJS 7.4: Pre-Service and Annual Training

All professional, support, clerical, and health care employees, including contractors, shall receive pre-service and continuing annual training in the areas defined by their job description, which may include:

- security procedures
- rights and responsibilities of detainees
- supervision of detainees
- suicide precautions/procedures
- use of force regulations
- interpersonal relations tactics
- report writing
- social/cultural lifestyles of the detainee population
- detainee rules and regulations
- key control
- CPR/first aid
- counseling techniques
- sexual harassment/misconduct awareness
- purpose
- goals
- policies and procedures for the facility
- security and contraband
- regulations
- appropriate conduct with detainees
- responsibilities and rights of employees
- universal precautions/bio-hazard waste disposal
- occupational exposure
- personal protective equipment

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- overview of the correctional field

## MCJS 7.5: Requirements during Initial Training Process

Prior to assuming independent duties, all correctional officers receive training in the facility under the supervision of a qualified officer. Training may include:

- mission statement
- facility policies, procedures and post orders
- suicide prevention
- use of force
- report writing
- detainee rules and regulations
- key control
- emergency plans and procedures
- cultural diversity
- interpersonal communication skills
- CPR/first aid
- sexual misconduct
- detainee management style (indirect/direct supervision)
- detainee behavior management
- code of ethics and conduct

## MCJS 7.6: Weapons Training

All personnel authorized to use firearms must demonstrate competency in their use at least annually. Other weapons require demonstrated competency as outlined in the certification. Training includes decontamination procedures for individuals exposed to chemical agents.

## MCJS 7.7: Organization

Written policies and procedures are in place describing all facets of facility operation, maintenance, and administration. Post orders are in place for all established posts. Policies, procedures and post orders are reviewed annually and updated as needed. New or revised policies and procedures and post orders are disseminated to staff, and, where appropriate, to contractors, volunteers, and detainees; training is provided prior to implementation.

## MCJS 7.8: Financial Practices

The chief executive of the facility prepares and submits an annual budget that requests necessary resources for facility operations and programs.

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## MCJS 7.9: Inmate Funds RSMo. 221.102

The sheriff of any county may establish and operate a canteen or commissary in the county jail for the use and benefit of the inmates, prisoners and detainees.

Each county jail shall keep revenues received from its canteen or commissary in a separate account. The acquisition cost of goods sold and other expenses shall be paid from this account. A minimum amount of money necessary to meet cash flow needs and current operating expenses may be kept in this account. The remaining funds from sales of each canteen or commissary shall be deposited into the "Inmate Prisoner Detainee Security Fund" and shall be expended for the purposes provided in subsection 3 of RSMo [488.5026](#). The provisions of RSMo [33.080](#) to the contrary notwithstanding, the money in the Inmate Prisoner Detainee Security Fund shall be retained for the purposes specified in RSMo [488.5026](#) and shall not revert or be transferred to general revenue.

## MCJS 7.10: Detainee Records

The facility retains custody records, consistent with law, on all detainees committed or assigned to the facility which include, but are not limited to, the following:

- intake/booking information
- initial health and suicide screening
- court-generated background information
- cash and property receipts
- reports of disciplinary actions, grievances, incidents or crime(s) committed while in custody
- detainee requests and resolution
- all court documents
- records of program participation
- work assignments
- classification records
- visitation
- release information
- general log of jail activities
- medical care provided
- telephone calls
- mail sent/received
- prisoners delivered to Department of Corrections.

Detainees have reasonable access to information in their records. Access is only limited due to safety or security concerns for the detainee, other detainees, or the

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

## MCJS 7.11: Staff Treatment

Staff are treated fairly.

## MCJS 7.12: Facility and Equipment

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

Reasonable accessibility includes alternate points of entry and exit, routes through an area, or access with the assistance of others designated by the facility.

## MCJS 7.13: Personnel Policies

There is a personnel policy manual that is available to each employee and is explained at employee orientation. The manual is reviewed annually and revised as needed. The manual may include:

- an affirmative action program
- an equal employment opportunity program
- a policy for selection, retention and promotion of all personnel on the basis of qualifications
- a code of ethics
- rules for probationary employment
- a compensation and benefit plan
- provisions of the Americans with Disability Act (ADA)
- sexual harassment/sexual misconduct policy
- grievance and appeal procedures
- infection control plan
- employee disciplinary procedures
- uniform and grooming policy
- leave policy
- Employee Assistant Programs (EAP)

## MCJS 7.14: Sheriff Records Retention Schedule

Records created and maintained by the facility shall be retained as required by the records retention schedules set forth by the Missouri Secretary of State.

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[Missouri Revised Statutes Chapter 109](#) (Public and Business Records) Section 255 authorizes the [Local Records Board](#) to establish minimum retention periods for the administrative, fiscal and legal records created by local governments.

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## **SECTION 8: GLOSSARY OF TERMS**

*GOAL:* The following terms related to the Missouri Core Jail Standards have the listed meanings:

***Administrative Segregation:*** a non-punitive status based on classification in which restricted conditions of confinement are required only to guarantee the safety and security of the facility. The result of the restricted condition is a separation from the general population, used when the continued presence of the detainee in the general population would pose a serious threat to the facility's security. Examples include: detainees who pose a continued and significant threat to others or the facility; detainees who need protection from other detainees or self; detainees traveling between facilities (holdovers); detainees determined to be mentally challenged or in need of special care; and, detainees who have medical issues that prevent them from being placed into the general population.

***Admission:*** the processing of a detainee upon entry into a jail.

***Alternative Sentence:*** court ordered sanctions that allow one or more of the following: work release; intermittent sentences; community service; sentencing to service requirements; educational release; or electronic monitoring.

***Average Daily Population:*** the average number of detainees residing daily during the last calendar year. A detainee on furlough or hospitalized is excluded. Average daily population is calculated by dividing the total number of detainee days served in the jail by the number of days in the calendar year. The total number of detainee days includes computation of any time a detainee spends in the community on alternative sentence when the detainee's primary residence for that day is the jail. An offender on electronic monitoring or other sentencing sanction who reports to a sanction such as community or sentencing to service programs from a residence is not to be considered in average daily population computation.

***Booking:*** the procedure for the processing of a person charged with or convicted of an offense, and includes procedures such as searching, fingerprinting, photographing, collecting personal data, medical screening, and classification questions.

***Cell:*** a location for the confinement of detainees which generally includes sleeping space and access to toilet and sink facilities.

***Cellblock:*** a group of cells immediately adjacent and directly accessible to a dayroom.

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**Classification:** the process for determining the needs and security 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.

**Classification Override:** the assignment of a custody level other than the one designated by scored custody and needs assessment and is based upon professional judgment, and factors that are not captured by the classification forms.

**Contraband:** an item possessed by a detainee or found within the jail that is prohibited by statute or jail policy. This may include items that are authorized but are in excess of allowable limits or issued items being used inconsistent with the intended purpose.

**Control Center:** a secure post within a jail where security activities are monitored and controlled.

**Controlled Substance:** a medication, substance, or immediate precursor as identified in the Revised Statutes for the State of Missouri.

**Crowded Jail:** the condition of a jail when its capacity is exceeded.

**Custody Staff:** those staff whose primary duty is supervision of detainees.

**Dayroom:** an adjacent room to a cell or detention room used as a dining, exercise or other activity room for detainees.

**Department of Corrections (D.O.C.):** the Missouri Department of Corrections.

**Designated Staff Member:** assigned staff member properly trained in the expectations and performance of a specific task

**Detainee:** adult (17 years of age or older) males and females, including juveniles who are court certified as adults, detained or confined in a jail.

**Discretionary Override:** a change in classification based upon the professional judgment of the classification staff, and the detainee's crime, prior record, or institutional adjustment.

**Disciplinary Segregation:** the status assigned a detainee following a hearing in which the detainee was found in violation of a jail rule or the status assigned a detainee before a hearing when segregating the detainee is determined to be necessary in order to reasonably assure the security of the jail.

**Dormitory:** a housing unit designed to house no fewer than three and no more than 48 Detainees. Dormitory includes sleeping and dayroom areas.

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**Emergency:** any significant incident which results in the suspension or disruption of normal jail procedures, policies, routines, or activities.

**Emergency Care:** medical or dental or mental health care of an acute illness or unexpected health care need that cannot be deferred until the next scheduled sick call.

**First Aid:** emergency treatment administered to injured or sick persons before professional medical care is available.

**General Population:** detainees who are not classified to an administrative segregation or disciplinary segregation; the main population of the facility.

**Healthcare Provider:** an individual or vendor licensed to practice medicine and provide health services to the detainee population of the jail or the physician at an institution with final responsibility for decisions related to medical judgments.

**Healthcare Personnel:** an individual whose primary duty is to provide health services, in accordance with their respective license. The individual is likely to be a RN, LPN, nurse practitioner, physician, or physician assistant.

**Health-Trained Staff:** a person who provides assistance to the responsible physician or health care personnel in keeping with the person's levels of education, training, and experience.

**Holding Area:** a cell or room used to hold one or more persons temporarily.

**Housing Unit:** *see Cellblock*

**Indigent:** a detainee with no funds or source of income as defined by the facility.

**Informed Consent:** the agreement by a detainee to medical treatment, examination, or procedure after the detainee receives the material facts regarding the nature, consequences, risks, and alternatives concerning the proposed treatment, examination, or procedure.

**Inspection:** an assessment of existing conditions made to determine the jail's compliance with Missouri Core Jail Standards.

**Intake:** *see Admission*

**Intermittent Sentence:** a court-ordered sanction that requires a person to report to a jail on more than one occasion under the same sentence and judgment.



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**Jail:** a county, regional, or municipal lock-up to hold detainees committed by a court of competent jurisdiction in excess of 4 hours.

**Jail Administrator:** the individual who has been delegated the responsibility and authority for the administration and operation of a jail.

**Jail Rules:** a set of published rules which detainees are expected to follow or comply.

**Life Safety Code:** the minimum standards for fire safety published and updated by the National Fire Protection and other authorities having jurisdiction.

**Medication:** any remedial agent that has the property of curing, preventing, treating, or mitigating diseases, or that is used for that purpose. Medication includes prescription and non-prescription drugs.

**Minimum Security Area:** an area that provides functional living accommodations with a nominal reliance on physical security for the control and management of detainees.

**Non-discretionary Classification Override:** a formal policy to prohibit the placement of certain detainees from the general population housing or minimum-security housing.

**Overcrowded Jail:** a condition when the jail's approved bed capacity is exceeded.

**Perimeter Security:** a system that controls ingress and egress to the interior of a jail. The term may also include electronic devices, walls, fences, sally ports, and patrols.

**Policy:** a written statement declaring mission and purpose.

**Prescription Medication:** a medication which is required by federal law to bear the following statement: "Caution: Federal law prohibits dispensing without prescription."

**Procedure:** a written statement establishing the action plan to implement policy.

**Qualified Person:** a professional possessing the education, experience, training and credentials to provide a specific service in the facility

**Records:** any document, book, paper, photograph, map, sound recording or other material regardless of physical form or characteristics, made or received pursuant to law or in connection with the transaction of official business (109.210 RSMo.) including records created, used and maintained in electronic form.

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**Responsible Physician:** an individual licensed to practice medicine and provide health services to the detainee population of the jail or the physician at an institution with final responsibility for the decisions related to medical judgments.

**Sally Port:** an enclosure situated in the perimeter wall or fence of the jail containing gates or doors at both ends, only one of which opens at a time, ensuring there will be no breach in the perimeter security of the jail.

**Secure Jail:** a jail that is designed and operated to ensure that all entrances and exits are under the exclusive control of the jail's staff.

**Security Devices:** locks, gates, doors, bars, fences, screens, ceilings, floors, walls, and barriers used to confine and control detainees. The term also includes electronic monitoring equipment, security alarm systems, security light units, auxiliary power supplies, and other equipment used to maintain jail security.

**Security Equipment:** an approved security device used by staff as a response to or prevention of resistance.

**Security Perimeter:** the outer portions of a jail that provide for secure confinement of jail detainees.

**Segregation Area:** an area of the jail that houses detainees requiring either prehearing detention, administrative segregation status, or lockdown time for disciplinary violations. This area is separate from the general population, and shall house detainees individually.

**Sexual Misconduct:** any sexual contact or sexual acts between detainees or between detainees and staff that is either illegal or considered maltreatment under Missouri Revised Statutes of the State of Missouri. Sexual misconduct also includes consensual sexual contact or acts between staff members and detainees.

**Special Management Area:** an area that provides the greatest degree of physical security for the control and separation of detainees.

**Special Management Detainee:** a detainee who presents a serious threat to safety or security of the jail, staff, general detainee population, or self.

**Special Needs Detainee:** a person who has a physical or mental impairment that substantially limits one or more major life activities, a record of an impairment, or is regarded as having an impairment. A Special Needs Detainee requires special handling and treatment by staff.

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***Substantially Conform:*** a compliance rating of 100 percent on Missouri Core Jail Standards Section 6; a compliance rating of 90 percent on Missouri Core Jail Standards Sections 1 and 2; and, a compliance rating of 80 percent on Missouri Core Jail Standards Sections 3, 4, 5 and 7.

***Variance:*** an exception to a specific rule for a specified period of time.

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