

JAIL STANDARDS DEVELOPMENT COMMITTEE

Recommended Changes in ORS Chapter 169, "Local and Regional Correctional Facilities; Prisoners"

169.010 County court's authority to erect jails.

The last two sentences of this statute, beginning "Materials and dimensions of the building", should be deleted. Although the final decision about a county jail's design and use should lie with the governing body of the county, the sheriff, jailer, and correctional authorities are more knowledgeable about specifics of jail design and administration and should be centrally involved in any jail planning process.

169.030 Construction, maintenance, and use of jails by county and city; renting suitable structure.

(1) The sentence beginning "The walls of the jail..." should be changed to read, "The jail should be constructed of fireproof materials and should have fire exits in sufficient number and suitably located for the removal of prisoners."

(2) This section should be repealed.

It was the consensus of the Jail Standards Development Committee that, since the field of correctional facility design is changing quickly, specific jail construction materials and design should not be spelled out in statutes. The Committee also felt that all jails should be fireproof, regardless of when they were built.

169.040 Inspection of prisons.

Should the legislature adopt the Jail Standards Development Committee's recommendations of minimum jail standards, this section would need amendment

to include inspection of jails by the county health officer and Corrections Division jail inspector.

169.140 Furnishing prisoners food and clothing; separating male and female prisoners.

The sentence beginning, "Male and female prisoners...", should be deleted. The Committee believes that separation of sexes within one jail should be a matter of jail administration, not determined by statutes. It may be desirable, for example, to allow male and female prisoners to attend education classes, counseling sessions, or religious services together in one jail.

This statute would be amplified by the adoption of minimum jail standards.

169.200 Punishment of prisoner refusing to work.

The Committee recommends repeal of this statute, which allows for punitive measures against persons serving time in jails (usually misdemeanants) which are more severe than those permitted against felons sentenced to the Corrections Division.

169.210 Contracts for private employment of prisoners.

(1) If this subsection could be construed to limit the development of work release programs for county or city jail prisoners, it should be amended or repealed.

169.220 Care of county prisoners.

The second sentence, beginning "All persons when held for trial...", should be amended to read, "All persons confined in a county or city jail shall be given three meals a day." The Jail Standards Development Committee recommends the three-meal-a-day rule as a minimum mandatory standard for all jails.

169.320 Sheriff's control over prisoners.

In the last sentence, beginning "The sheriff may retain and put to work...", the words "not exceeding 10" should be deleted. The Committee believes that this limitation on the number of persons who may be allowed to work at jail maintenance is unnecessarily specific. The deployment of sentenced inmates is a matter that should be determined by an administrator.

It should be noted that the words, "jail" and "prison", are used interchangeably throughout Chapter 169 (e.g. 169.010, 169.020, 169.030, etc.). Since in common parlance a prison is a place of confinement for convicted felons, use of the term "jail" throughout the chapter would reduce confusion about the applicability of the statutes.

MANDATORY STANDARDS

The Oregon State Corrections Division is hereby given the responsibility for providing and coordinating State service to local governments with respect to local confinement facilities. The Oregon State Corrections Division Administrator will have the following powers, duties and responsibilities:

- A. To provide consultation and technical assistance to Chiefs of Police, Sheriffs and other local government officials, confinements and other correctional facilities and programs.
- B. To visit and inspect local detention facilities to insure that the following minimum standards for the secure custody, protection, health, comfort and welfare of persons confined and safety of staff is provided:
 1. Twenty-four hour supervision shall be maintained when inmates are confined and a personal inspection of the persons confined shall be made at least every hour.
 2. When a female is confined, a female supervisor must be available to provide supervision and inspection in person at least every hour.
 3. Firearms shall be prohibited from the security area of the detention facility except in times of emergency as determined by the administrative officer.
 4. Three meals a day shall be served at reasonable intervals.

5. No corporal punishment shall be administered at any time.
6. Each person confined in a detention facility shall be insured the following:
 - a. That the detention facility is kept safe and secure;
 - b. Have accessible to him an up-to-date set of the Oregon Revised Statutes;
 - c. That his ^{written} communications with the Governor, ^{and} administrative officer, State's attorney and his own attorney are forwarded without examination or censorship; and
 - d. Have provided to him the rules and regulations of the detention facility governing correspondence, visiting privileges and disciplinary rules and regulations governing his behavior.
7. Persons being detained as witnesses in a detention facility must be segregated from other inmates.
8. The following instructions or plans shall be formulated and published by each detention facility:
 - a. Comprehensive plans to meet emergencies involving escape, riots, assaults, fires, rebellions and other types of major disaster.
 - b. A manual of policies and regulations for the operation of the detention facility.
9. All plans of new construction or major renovation of detention facilities shall be submitted to the Corrections Division for review and consultation.

by lawyer

Material witnesses

C. Provide a written report twice each year to the Sheriff, Chief of Police, County Commissioner, Mayor and other appropriate officials describing the compliance or noncompliance with minimum standards of their respective detention facilities, and to make suggestions for the improvement of the respective detention facility.

The Administrator of the Oregon State Corrections Division shall designate staff to consult with officers of city and county detention facilities. The consulting staff shall advise the detention facility staff concerning applicable provisions of law and proper rehabilitative practices. When, in the judgment of the consulting staff, the condition of the detention facility or the treatment of the inmates make the detention facility an unfit or unsafe place for confinement, the consulting staff will notify in writing the appropriate sheriff or police chief and the appropriate county commissioner or mayor and city council.

If corrective measures are not taken within a reasonable amount of time, and it appears to the consulting staff that efforts to provide for the safekeeping of inmates or detention personnel are not being made, the Corrections Division may request the Attorney General to institute proceedings in the Circuit courts to enforce obedience thereto by injunction, or by other processes, mandatory or otherwise, restraining such detention facility from further violation of such statutes or the impairment of the general welfare, health or safety of inmates or detention personnel.

The Administrator of the Oregon Corrections Division shall publish and distribute a manual of guidelines for the operation of local detention facilities and lockups as developed by the Jail Standards Committee. This

manual shall be revised when appropriate with consultation and advice of the Oregon Sheriffs Association, the Oregon Association Chiefs Of Police, Association Of Oregon Counties, the League Of Oregon Cities and other appropriate groups and agencies and will be redistributed upon the approval of the Director of the Department of Human Resources and the Governor.

The State Board of Health, pursuant to ORS 431.130, shall make such rules and regulations as in its judgment are necessary to insure adequate health and sanitation of city and county detention facilities.

The County Health Officer or his representative must conduct food, health and sanitation inspections of the city and county detention facilities and lockups at least quarterly.

The County Health Officer may suspend the operation of any detention facility if it appears upon a hearing before the County Board of Health that the operation of the detention facility is not in accordance with the rules and regulations established by the State Board of Health.